



**Environmental  
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

April 13, 2012

RE: CUYAHOGA COUNTY  
CITY OF CLEVELAND  
BRADLEY ROAD LANDFILL 1-AC  
BORROW AREA  
CONSTRUCTION STORM WATER

Tom Simich  
Ty Inc.  
7603 Old Rockside Rd.  
Independence, OH 44131

**NOTICE OF VIOLATION**

Dear Mr. Simich:

On April 3, 2012, I performed a compliance inspection of storm water best management practices (BMPs) at the above referenced site. I was accompanied on my inspection by Joe Loucek of the Ohio EPA, Division of Surface Water (DSW) and Judy Bowman of Ohio EPA, Division of Materials and Waste Management (DMWM). Our records indicate that storm water runoff from this construction activity is authorized under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit #3GC04708\*AG.

My inspection revealed the following violation of the NPDES permit:

- **Failure to maintain and repair all temporary control practices as needed to ensure continued performance of their intended function.** This is a violation of Part III.G.2.h of the NPDES permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. This violation was noted for two control practices:
  - **Sediment Trap** – Solid waste (a boat) has been placed in the sediment trap and must be removed and properly disposed. In addition, storm flows have washed rip-rap at the trap inlet along the Haul Road, exposing geotextile. The rip-rap must be replaced. In addition, it appears that the 1-foot thick layer of #57 stone on the inside face of the sediment trap spillway has washed away and requires maintenance. Please replace rip-rap and stone as needed.
  - **Temporary Stabilization** – Vegetation over the disturbed area has not established to a growth density of 70% or greater. As such, stabilization has not been achieved on disturbed areas. Disturbed areas must be reseeded and mulched and measures must be taken as necessary to establish vegetation to a 70% or greater growth density.

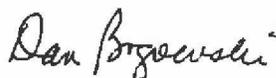
- **Failure to initiate permanent stabilization of disturbed areas that will lie dormant for one year or more.** This is a violation of Table 1 in Part III.G.2.b.i of the NPDES permit and ORC 6111.04 and 6111.07. The area disturbed for the 1-acre borrow area has remained dormant for longer than one year. As such, the NPDES permit required that permanent stabilization measures be initiated within seven days of the most recent disturbance. Thus, permanent stabilization measures were to be initiated some time ago. Although you indicated that you intend to rework this area sometime this summer, Ohio EPA expects you to implement permanent stabilization measures to comply with the NPDES permit.

Please provide me with a letter of response indicating the actions you will take to address these violations. Your response should be received **no later than April 27, 2012**. Include a copy of your inspection reports for the weekly and 0.5-inch or greater rainfall BMP inspections for the months of February, March and April 2012 with your response.

For clarity, this inspection was conducted to verify compliance with the NPDES permit issued for the 1-acre borrow area, stream restoration and dross investigation. Although Ohio EPA has issued you a storm water permit to expand the borrow area to an 8.2-acre area, that construction activity has not yet commenced. You have indicated that construction activities may expand onto areas of waste placement on the Bradley Road side of the landfill to construct/repair the landfill cap. Ohio EPA has not issued you a storm water permit for these proposed construction activities. Please be aware that an additional storm water permit will be required to discharge runoff from these construction activities.

If you have any questions, please contact me at (330) 963-1145.

Sincerely,



Dan Bogoevski  
District Engineer  
Division of Surface Water

DB/cs

Cc: William Baumann, Bradley Road Inc.  
Chris Hartman, Chagrin Valley Engineering  
Michael Joseph, Storm Water Section, Ohio EPA, DSW, CO  
Joe Loucek, Section 401 Program, Ohio EPA, DSW, NEDO  
Bill Zawiski, Water Quality Section, Ohio EPA, DSW, NEDO  
Bill Fischbein, Ohio EPA, Legal, CO  
Marty Cooper, Ohio EPA, Legal, CO

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Jennifer Kurko, Ohio EPA, Assistant District Chief, NEDO

Judy Bowman, Ohio EPA, DSIWM, NEDO

Jennifer Carlin, Ohio EPA, DSIWM, NEDO

Annie Snyder, City of Cleveland Dept. of Public Health

Tom Hill, Division of Mineral Resource Management, Ohio Dept. of Natural Resources

Dan Dougherty, Real Estate Division, Ohio Department of Transportation, District 12

Tina Stonemetz, United States Army Corps of Engineers, Orwell Field Office

Todd Houser, Cuyahoga SWCD

David Cooper, Department of Building and Housing, City of Cleveland

Shirley Tomicello, Department of Law, City of Cleveland

**BRADLEY ROAD 1 AC BORROW AREA**  
City of Cleveland Cuyahoga County

**Photos Taken:** April 3, 2012  
**By:** Dan Bogoevski, DSW-NEDO



**Fig 1 (LEFT).** Solid waste has collected within the sediment trap and must be removed and disposed of properly.



**Fig 2 (RIGHT).** Rip-rap has washed, exposing geotextile, at the sediment trap inlet along the Haul Road.



**Fig 3 (LEFT).** Very little #57 stone is left on the inside face of the sediment trap spillway.



**Fig 4 (RIGHT).** Vegetation over the area disturbed by construction activities has not established to a 70% or greater growth density. As such, the area has not been appropriately stabilized.