



**Environmental  
Protection Agency**

**John R. Kasich, Governor**

**Mary Taylor, Lt. Governor**

**Scott J. Nally, Director**

April 23, 2012

RE: LORAIN COUNTY  
SHEFFIELD VILLAGE  
MUNICIPAL STORM WATER  
POST-CONSTRUCTION PROGRAM

Kenneth Kaczay  
Village Administrator  
City of Sheffield Village  
4480 Colorado Avenue  
Sheffield Village, OH 44054

Dear Mr. Kaczay:

Ohio EPA recently obtained a copy of the storm water pollution prevention plan (SWP3) for the French Creek Bioenergy Anaerobic Digestion Facility located at the French Creek Wastewater Treatment Plant at 2350 Abbe Rd in Sheffield Village. A review of the SWP3 indicated that the plan did not provide any post-construction storm water best management practices (post-construction BMPs) beyond permanent seeding. On April 5, 2012, Ohio EPA notified French Creek Bioenergy, LLC, via e-mail that this does not meet the requirements for post-construction BMPs contained within the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #OHC000003 and instructed them to revise the SWP3 to provide the required practices.

In response to this incident, Ohio EPA has reviewed Ordinance #2165 of the Sheffield Village municipal code. This ordinance was enacted to establish local regulations for post-construction BMPs as required by Part III.B.5.c of the Ohio EPA General Storm Water NPDES Permit for Small Municipal Separate Storm Sewer Systems #3GQ10006\*BG (MS4 Permit). Although not fully reflective of the minimum requirements contained in Ohio EPA NPDES permit #OHC000003, the local ordinance does require the implementation of post-construction BMPs for all new development and redevelopment projects where the larger common plan of development or sale disturbs one or more acre. The plan of development for the French Creek Bioenergy Anaerobic Digestion Facility disturbs 1.8 acres, and as such, the SWP3 was required to include post-construction BMPs in accordance with Ordinance #2165.

**It appears that Sheffield Village was deficient in review of the SWP3 for this project and/or did not meet the performance standards contained in Part III.B.5.f of the MS4 Permit.** Sheffield Village is required to review and approve the post-construction water quality plan for all new development and redevelopment projects that disturb one or more acre prior to

the start of construction. Sheffield Village is required to verify that post-construction BMPs have been installed per the approved plan and develop a program to ensure their long-term maintenance. This does not appear to have occurred for the French Creek Bioenergy Anaerobic Digestion Facility project. In addition, Ohio EPA is concerned that this same deficiency exists on other projects within the community. A review of our records indicates that the following construction activities in your community were permitted after the passage of Ordinance #2165 and have since filed Notices of Termination with Ohio EPA:

- Sheetz Gas Station located at 5327 Detroit Rd (NPDES Permit #3GC04527\*AG)
- Sevits Field located at 1919 Harris Rd (NPDES Permit #3GC05115\*AG)

The review and approval of the SWP3s, including the post-construction water quality plans, for these projects are also subject to the performance standards in Part III.B.5.f of the MS4 Permit.

To verify compliance with the NPDES permit for small MS4s, Ohio EPA is conducting a limited inspection of your municipal storm water program. Please submit the following for each of the three projects discussed above: (a) a description of the post-construction BMPs included in the SWP3, (b) the long-term maintenance plans for the approved post-construction BMPs on each site, (c) documentation demonstrating that Sheffield Village reviewed and approved the post-construction BMPs contained in the SWP3, e.g., a plan comment letter and letter of plan approval which discusses post-construction BMPs, and (d) documentation demonstrating that Sheffield Village verified the installation of the approved post-construction BMPs, e.g., an inspection report. Please submit this documentation **no later than May 9, 2012**.

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

Sincerely,



Dan Bogoevski  
District Engineer  
Division of Surface Water

DB/cs

cc: Mark Skellenger, Engineer, Sheffield Village  
John Hunter, Mayor, Sheffield Village