



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

May 10, 2012

RE: CUYAHOGA COUNTY
CUYAHOGA COUNTY
MUNICIPAL STORM WATER PROGRAM
GREENBROOKE RETENTION BASIN

Kevin McCabe
Cuyahoga County Dept of Public Works
2100 W. Superior Viaduct
Cleveland, OH 44113

Dear Mr. McCabe:

On May 9, 2012, I was notified that the Cuyahoga County Department of Public Works performed construction activities associated with the Greenbrooke Drive Retention Basin located in Olmsted Township. Information submitted to the Ohio EPA Section 401 Program indicates that the project area is 2.47 acres. Our records do not indicate that the Cuyahoga County Department of Public Works obtained coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #OHC000003.

This letter will serve as notice that coverage under this NPDES permit is required whenever the larger common plan of development or sale disturbs one or more acre. There is an exemption from NPDES permitting for small construction that is termed "routine maintenance". The restoration of the original line, grade or capacity of a storm water conveyance structure or storm water management structure is considered routine maintenance. Small construction is defined as construction activities where the larger common plan of development or sale disturbs at least one acre, but less than five acres. Please clarify if construction activity associated with the Greenbrooke Retention Basin project was routine maintenance exempt from NPDES permitting. If there was any improvement to the basin, beyond the original line, grade or capacity, the project is not eligible for the routine maintenance exemption.

Further, please note that storm water discharges from the municipal separate storm sewer system (MS4) of Cuyahoga County are subject to the terms and conditions of the Ohio EPA General Storm Water NPDES Permit for Small MS4s #3GQ10003*BG. It is our understanding that the Greenbrooke Retention Basin is part of the Cuyahoga County MS4. Please note that Part III.B.6.d.iii.4 of the NPDES permit for small MS4s requires the County to ensure existing flood management projects are assessed for incorporation of additional water quality protection devices or practices. MS4s are expected to make this assessment, and if feasible, incorporate

these water quality features at the time these structures are being maintained or undergoing an improvement. Please provide me with the assessment conducted on the Greenbrooke Retention Basin and indicate the water quality practices that were incorporated into the project. If no such assessment occurred and no water quality practices have been included on-site, please provide me with a plan of corrective action. This may include off-site mitigation of the water quality volume (WQv) if on-site mitigation is not feasible.

Please provide me with a response to this letter no later than May 31, 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: Todd Houser, Cuyahoga SWCD
Jay Ross, Director, Cuyahoga County Central Services

ec: Lauren McEleney, Ohio EPA, DSW, CO