



**Environmental  
Protection Agency**

**John R. Kasich, Governor**

**Mary Taylor, Lt. Governor**

**Scott J. Nally, Director**

July 5, 2012

RE: LAKE COUNTY  
CITY OF WILLOUGHBY  
ARBOR RIDGE SUBDIVISION  
CONSTRUCTION STORM WATER  
PERMIT NO: 3GC05550

**NOTICE OF VIOLATION**

Mr. Mario Dipadova  
Tamarac Apartments II LLC  
27800 Cedar Road  
Beachwood, OH 44122

Dear Mr. Dipadova:

On June 13, 2012, I performed a compliance inspection for storm water best management practices (BMPs) at the above referenced site. I was accompanied by Tim McParland of our Division of Surface Water, and Ken Wetzel, Engineering Technician for the City of Willoughby. Our records indicate that the Tamarac Apartments II, LLC., has obtained coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC05550\*AG.

After review of the site and Storm Water Pollution Prevention Plan (SWP3), I noted the following violations of the NPDES permit:

1. The SWP3 does not provide a detail for the detention basin outlet structure (Control Structure 26). Further, there is no indication if the detention basin is intended to act as a sediment control during construction, something Ohio EPA would expect since most of the storm water on this development is directed to the detention basin. If so, temporary modifications to the outlet structure may be required to allow it to be used as a sediment basin during construction. Please clarify your intent regarding the use of the detention basin during construction and provide detail drawings for its outlet structure both during the construction process and after development is complete.
2. Sections of the silt fence are loose and sagging. They need to stay taught to be able to pond the water. In addition, the two stakes at the end of two silt fence pieces need to be twisted together prior to staking to ensure a tight seal has been made.
3. Storm drain inlet protection was not constructed per the detail drawings provided in the SWP3. The construction methods used are not acceptable. Please follow the specifications contained in the SWP3, implement a proprietary storm drain inlet protection device suitable for the types of inlets on your site, or implement one of the enclosed specifications contained in *Rainwater and Land Development, Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection* (Ohio Department of Natural Resources, 2006). Amend the SWP3, if needed, to show the method of storm drain inlet protection you choose to implement.

4. There are many areas of the site that have been disturbed by construction activity and have been idle for over 21 days. These areas must be stabilized. The NPDES permit and notes on your SWP3 indicate that temporary stabilization of disturbed areas is to be initiated within seven days of last disturbance if an area will remain idle for 21 days or longer. Permanent stabilization is to be initiated within seven days of reaching final grade on areas at final grade. Due to the hot, dry weather, watering of the seed may be required to achieve germination and subsequent grass growth.
5. The silt fence has been taken down along Tamarac Boulevard before the mound's vegetation has reach 70% or greater growth density. Sediment controls, including silt fence, must remain functional until the areas they control have reached final stabilization, i.e., vegetation establishes to 70% or greater growth density
6. Dumpsters are a potential source of unauthorized discharges at construction sites. Storm water that contacts solid waste or construction and demolition debris, if discharged into storm water drainage systems, is an unauthorized discharge of wastewater, i.e., leachate. To prevent this runoff from reaching the storm drains, the dumpster should either be covered with a tarp or lidded. It is also important that dumpsters are in good condition so that no pollutants, such as paints or varnishes, leak from them.

#### **Post-Construction Concerns**

Ohio EPA also reviewed the SWP3 for compliance with the post-construction requirements contained in Part III.G.2.e of the NPDES permit. Unfortunately, the information obtained from the City of Willoughby is inadequate to demonstrate compliance with these requirements. We offer the following comments on the permanent BMPs for this site:

- The plan does not provide a detail drawing of the basin outlet structure or show how the Water Quality Volume (WQv) was calculated. Please submit a detail drawing of the basin outlet structure and provide calculations for the WQv and the orifice required to drain the WQv in the required drawdown time indicated in Table 2 in Part III.G.2.e of the NPDES permit.
- Sheet 14 of 17 indicates that the detention basin stores the WQv at elevation 612, but the pond cross section indicates that the WQv is stored at elevation 609.90. This information is inconsistent. Please clarify the elevation at which the basin will store the WQv.
- It appears that the permanent basin is intended to be a dry extended detention basin. In order to satisfy the requirements of the NPDES permit, dry extended detention basins must provide a forebay and micropool, each a minimum of 10% of the WQv. The basin depicted on the SWP3 does not provide a forebay or micropool. The SWP3 must be amended and the basin built to meet NPDES requirements.

You are directed to provide me with a letter of response indicating the actions that you have taken or will take to address the deficiencies noted above. Include any amendments to the SWP3 with your response. Your response must be received no later than July 19, 2012. Failure to comply with the NPDES permit is a violation of Ohio Revised Code 6111.04 and 6111.07 and is punishable by fines.

ARBOR RIDGE SUBDIVISION  
JULY 5, 2012  
PAGE 3 OF 5

If you have any questions, please contact me at (330) 963-1125 or by e-mail at [Katie.Bowman@epa.state.oh.us](mailto:Katie.Bowman@epa.state.oh.us)

Sincerely,



Katie Bowman  
Assistant to the District Engineer  
Division of Surface Water

KB/cs

cc: Ken Wetzel, Engineering Technician, City of Willoughby  
David E. Anderson, Mayor, City of Willoughby

Attachments: Photos

**INSPECTION PHOTOS**

**Arbor Ridge Subdivision**



**Figure 1:** Stakes not twisted together at the joint of two silt fences.

**Figure 2:** Improper curb inlet protection. Bulging silt fence needs to be maintained



**Figures 3 & 4:** Incorrectly build yard inlet protection



**Figures 5, 6 & 7:** Locations where stabilization needs to be done



**Figure 8:** Uncovered dumpster is prone to leaks and, if not covered, will allow leachate to discharge from this site.