



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

July 20, 2012

RE: CUYAHOGA COUNTY
CITY OF CLEVELAND
CARTER PENINSULA INC
CONSTRUCTION STORM WATER
PERMIT NO: 3GC05240

NOTICE OF VIOLATION

Mr. Brandon Meyer
Independence Excavating Inc.
5720 Schaaf Road
Independence, OH 44131

Dear Mr. Meyer

On June 20, 2012, I performed a compliance inspection for storm water best management practices (BMPs) at the above referenced site. While on site I met with Greg Spagnola, Superintendent of the site. Our records indicate that Independence Excavating Inc. has obtained coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC05240*AG.

After review of the site and Storm Water Pollution Prevention Plan (SWP3), my inspection revealed the following violations of the NPDES:

- **Failure to install the outlet structure per plan of the sediment basin.** The outlet structure in the northeast corner sediment basin has not been fixed since the last inspection. This is a violation of Part III.G.2.d.ii. Structures shown on the SWPPP must be installed on the site.
- There is lime being dumped onto the ground in the northwest corner of the site. This kind of dumping needs to be done in a specified pit. This includes building a pit and putting a liner in it.
- The silt fence along the perimeter of the site has fallen into disrepair in several locations. The silt fence should be maintained by fixing holes and keeping dirt and rocks off of it.
- If areas disturbed by construction activity will not be reworked within 21 days of the last date they were disturbed, the NPDES permit requires temporary stabilization to be initiated within seven days of last disturbance. There appear to be areas of the site where temporary stabilization is appropriate.

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 August 3, 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.

CARTER PENINSULA INC
JULY 20, 2012
PAGE 2 OF 3

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

Sincerely,



Katie Bowman
Assistant to the District Engineer
Division of Surface Water

KB/cs

cc: Tom Hyland, ODOT District 12
Shannon Millins, Cuyahoga SWCD
Frank G. Jackson, Mayor, City of Cleveland

Attachments: Photos

INSPECTION PHOTOS

Carter Peninsula Inc.

