



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

November 20, 2012

RE: CUYAHOGA COUNTY
CITY OF MIDDLEBURG HEIGHTS
CONSTRUCTION STORM WATER
TRENTON TRAIL COURT
PERMIT NO: 3GC04272

Nick Labate
6057 Gareau Dr.
North Olmsted, OH 44070

Dear Mr. Labate:

On October 25, 2012, I performed a compliance inspection of storm water best management practices (BMPs) at the above referenced site located at the east end of Trenton Trail. Our records indicate that storm water runoff from this project is authorized under the Ohio EPA General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Associated with Construction Activities #3GC04272*AG. During my site inspection conducted August 28, 2012, I determined that our records did not accurately reflect the appropriate construction site operator. In response, Mr. Labate sent corrected information to our Central Office and our records are now updated to reflect the correct operator.

To date, there has been only one home built within this subdivision. My current inspection revealed that construction of the home is now complete and areas disturbed by construction activity were seeded and mulched. Storm drain inlet protection at the back of the lot was repaired and in good condition. Thus, the violations related to sediment and erosion control noted in my letter dated September 17, 2012, have now been corrected.

However, Ohio EPA still has a concern regarding post-construction storm water management. Per the storm water pollution prevention plan (SWP3) received from the Henry Reitz Engineering Company on October 2, 2012, there are two permanent drainage watersheds associated with this project: North Drainage (1.22 acres) and South Drainage (2.84 acres). The South Drainage is directed to an existing detention basin that was retrofitted to provide extended detention of the water quality volume (WQv). The South Drainage is in compliance with the NPDES permit requirements for post-construction storm water quality treatment.

Our concern is with the North Drainage. It is not being routed to a standard post-construction BMP designed to treat the WQv. Instead, storm water quality for the North Drainage is being managed through downspout disconnection to a grass filter strip (rear yards) and then a grass conveyance channel before entering an underground detention structure. Please note that the grass filter strip, as proposed, and grass conveyance channel, as designed, do not meet the post-construction requirements of the NPDES permit. The underground detention structure only provides traditional storm water management and thus does not provide a water quality function. For water quality treatment, Ohio EPA does accept vegetative filter strips and dry enhanced swales that detain or absorb/filter the WQv over a 24-hour time period, but the proposed BMPs are not designed to that standard. Stuart Saylor, project engineer with Reitz

Engineering, has been provided with specifications for both vegetative filter strips and dry enhanced swales. Please consult with Mr. Saylor to determine if either of these BMPs can be incorporated into the site design.

Ohio EPA may be able to accept the proposed post-construction BMPs for the North Drainage if it can be demonstrated that these practices will infiltrate, absorb, harvest and/or reuse the WQv. In essence, you must demonstrate that the WQv associated with the North Drainage area will not be released from the developed site. If you wish to pursue this option, Ohio EPA recommends the use of the Center for Watershed Protection's (CWP) Runoff Reduction Method. Guidance for this method is available on the CWP website at http://www.cwp.org/documents/cat_view/76-stormwater-management-publications/95-runoff-reduction-method-technical-memo.html. Please note that the default value for the precipitation depth used by CWP is 1-inch. Ohio EPA is only asking you to demonstrate runoff reduction for a precipitation depth of 0.75 inches.

Whichever option is chosen, a stand-alone long-term maintenance plan is required for all post-construction BMPs. The plan must provide the following minimum information:

- Designated entity that will be responsible for long-term maintenance;
- The routine and non-routine maintenance tasks to ensure continued operation of the BMP;
- A schedule for inspection and conducting maintenance tasks;
- Any legally-binding maintenance easements and agreements necessary to ensure continued operation of the BMP in perpetuity; and
- A map showing all access and maintenance easements.

Ohio EPA recommends BMPs be labeled on the map with an identifier and type, e.g., Dry Extended Detention Basin #1. Detail drawings and planting specifications should also be included in the plan.

Although some of this information is provided in the SWP3, it is either incomplete or requires further clarification. As an example, only the dry extended detention basin (water quality pond) is discussed within the maintenance section of the SWP3. No information is provided for the grass filter strip and grassed conveyance channel. The plan states that the Homeowners' Association shall inspect post-construction BMPs, yet goes on to say the City of Middleburg Heights will conduct an inspection by May 1st of each year and perform any required maintenance at their cost. If you have entered into a maintenance agreement with the City of Middleburg Heights, a signed copy of the agreement is to be included in the long-term maintenance plan.

Please provide me with a letter of response indicating how you intend to address the post-construction BMP concerns noted herein. Update the long-term maintenance plan as needed and submit the stand-alone plan with your response. Maintenance agreements or deed restrictions submitted with the long-term maintenance plan should be the signed, executed copies if available. If agreements have not yet been executed, provide me with an indication of how you will ensure that this occurs and a timeframe by when you expect this to occur. Please provide your response **by December 7, 2012**.

TRENTON TRAIL COURT
NOVEMBER 20, 2012
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If you have any questions, please contact me at (330) 963-1145.

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB/cs

Cc: Gary Starr, Mayor, City of Middleburg Heights
Mike McKay, Engineer, City of Middleburg Heights
Todd Houser, Cuyahoga SWCD
Stuart Sayler, The Henry Reitz Engineering Company