



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

November 15, 2012

**RE: CUYAHOGA COUNTY
CITY OF MIDDLEBURGH HEIGHTS
CONSTRUCTION STORM WATER
BOULDER CREEK SUBDIVISION**

Giuseppe Ruggiero
Ruggiero Construction
14379 Bagley Road
Middleburgh Heights, OH 44130

Dear Mr. Ruggiero:

On October 25, 2012, I performed a compliance inspection of storm water best management practices at the above referenced construction site. The purpose of this inspection was to review the corrective action taken by Ruggiero Construction in response to our previous inspection conducted on August 31, 2012. While on site, I spoke with you. Our records indicate that storm water runoff from this site is authorized under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC05309*AG.

My inspection revealed the following:

- Disturbed areas where no construction is actively occurring have been temporarily seeded and vegetation is establishing as expected. Continue to monitor vegetation to ensure it establishes to a 70% of greater growth density.
- Silt fence requires repair in a number of locations (see photos). Please replace stakes that have broken and sections of silt fence that have developed rips or tears. When installing or repairing silt fence, ensure the bottom is trenched and backfilled so that the silt fence causes runoff to pond. I noted silt fence was not trenched and backfilled along S/L 1. Further, silt fence along the south side of the retention basin is being undercut by runoff. Please repair as needed to prevent the creation of erosion rills on the retention basin embankment.
- Proprietary storm drain inlet protection devices have been installed on all storm sewer catch basins. You indicated a concern about maintaining these over the winter. Ohio EPA agrees that inlet protection on curb drains can be problematic over winter. It may be prudent to place reflective stakes at each catch basin and instruct snow plow drivers to plow around each inlet. Another option would be to use other control measures during the winter months that would make maintenance of the curb inlet protection less important. These measures would include: (a) maintain properly-constructed perimeter sediment controls along the front of each building lot that has not been stabilized with vegetation to a 70% or greater growth density or where active construction is occurring, (b) ensure construction vehicles access individual building lots via rock construction entrances and keep vehicles on rock or pavement as much as possible, and (c) use good housekeeping practices to sweep up any soil that may be tracked onto the roadway in a timely manner.

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In addition to these matters, Ohio EPA is still awaiting submittal of the following documents:

- The updated storm water pollution prevention plan (SWP3) indicating how post-construction runoff control will be provided for rear yard runoff for S/L 12-14 and S/L 17. Mr. Ruggiero indicated that a grass conveyance channel is being considered to direct runoff from S/L 12-14 to the existing wet extended detention basin and Reitz Engineering was still reviewing options for S/L 17. Please finalize your post-construction best management practices (BMPs) and submit a copy of the amended SWP3 with your response to this letter.
- A copy of the executed maintenance agreement regarding long-term maintenance of post-construction BMPs. Mr. Ruggiero indicated that negotiations surrounding the document were nearly complete and he expected that it would be executed soon. If it has been executed, please submit a copy with your response to this letter. Otherwise, please provide me with a date by when you expect this agreement to be executed and a copy once it is executed.

Please provide me with a letter of response indicating the actions you have taken to address the concerns noted herein. Your response should be received no later than November 30, 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.

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

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB/cl

cc: Gary Starr, Mayor, City of Middleburgh Heights
Mike McKay, Engineer, City of Middleburgh Heights
Shannon Mullins, Cuyahoga SWCD
Stuart Saylor, Henry G. Reitz Engineering Company
John Heer, Walter & Haverfield LLP

BOULDER CREEK SUBDIVISION

City of Middleburg Heights Cuyahoga County

Photos Taken: October 25, 2012

By: Dan Bogoevski, DSW, NEDO



Fig 1 (LEFT). Silt fence behind S/L 12 has been removed and must be reinstated to protect the stream. Further, building materials should not be stored within the riparian setback area.

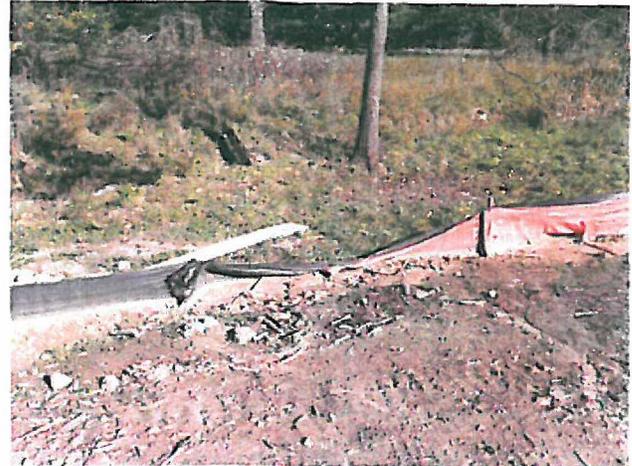


Fig 2 (RIGHT). A board was placed over top of this silt fence on S/L 14, pushing it down. Silt fence must be kept erect to allow runoff to pond behind it and seep slowly through the geotextile.



Fig 3 (LEFT). Silt fence along the retention basin has developed rips and tears and needs to be replaced.

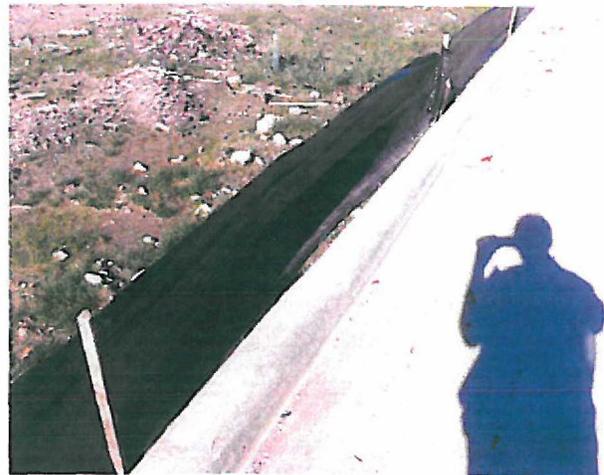


Fig 4 (RIGHT). Silt fence along the front of S/L 1 is not trenched or backfilled.



Fig 5 & 6. Temporary stabilization has been initiated on lots without active construction. Vegetation is establishing as expected.



Fig 7 (LEFT). Proprietary inlet protection devices have been installed on all curb inlets and they appear to be functioning properly. Please be sure to sweep up accumulated sediment as needed to prevent off-site tracking.

Fig 8 (RIGHT). A straw wattle was used to provide perimeter sediment control for the front of this subplot. However, a gap remains between the wattle and the silt fence. Perimeter controls must stretch continuously along the front of building lot to ensure ponding of runoff and thus, sediment removal.