



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

January 4, 2013

RE: CUYAHOGA COUNTY
CITY OF BEACHWOOD
CONSTRUCTION STORM WATER
EATON WORLD HEADQUARTERS

NOTICE OF VIOLATION

Mr. David Meehan
The Albert M. Higley Co
2926 Chester Avenue
Cleveland, OH 44114

Mr. Thomas Agresta Jr.
Mr. Excavating
8616 Euclid Chardon Road
Kirtland, OH 44094

Dear Mr. Meehan and Mr. Agresta:

On December 6, 2012, I performed a compliance inspection of storm water best management practices (BMPs) at the above referenced site located at the NW corner of Harvard and Richmond Roads. While on site, I met with Mike Pierce of the Albert M. Higley Co and reviewed the Storm Water Pollution Prevention Plan (SWP3). I was accompanied by Randy Allar, Inspector with GPD Associates on behalf of the City of Beachwood, and Molly Drinkuth and Dean Stoll of this office. Our records indicate that storm water discharges from this site are authorized under the Ohio EPA General National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC04909*AG.

Our inspection revealed the following violations of the NPDES permit:

Erosion and Sediment Control

- **Sediment controls implemented for the south side of the property are inadequate.** Although silt fence has been installed along most of the western perimeter of the disturbed area, the allowable drainage area directed to the silt fence has exceeded the limits contained in Part III.G.2.d.iii of the NPDES permit. Sections of the silt fence were knocked over as a result, allowing sediment to discharge into waters of the state. Silt fence was missing along some stretches of disturbed area and must be installed (see photos). Although the disturbed area has been hydroseeded, vegetation has not germinated to an extent sufficient to control erosion. This is not expected to occur until Spring 2013. Mr. Pierce was instructed to mulch the disturbed area with straw and repair the silt fence. If you expect to re-disturb this area in the future, please amend the SWP3 to provide a sediment pond.

- **Sediment Pond T-1 is not being maintained as a sediment trap as indicated in the SWP3.** Sediment controls must be maintained until their contributing drainage area has been re-stabilized. The drainage area to T-1 remains disturbed. The SWP3 calls for T-1 to be a sediment trap with rock dam outlet and a sediment storage volume below and dewatering volume above the base of the dam. Instead, it appears that you have installed the permanent outlet structure for T-1 and have not modified it so that T-1 can act as a sediment basin. Please consult with your project engineer and the enclosed specifications for sediment basins found in *Rainwater and Land Development, Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection* (Ohio Department of Natural Resources, 2006) to determine how to amend the permanent outlet structure of T-1 to mimic a sediment basin.
- **The diversion swale between T-1 and S-2 requires maintenance.** Please ensure that the diversion has a depth/height of at least 18 inches and is compacted to prevent breaching. The diversion acts to collect surface runoff and convey it to S-2.
- **Sediment Pond S-2 requires maintenance.** It appears that there is a leak around the skimmer where it attaches to the basin outlet structure. Please repair to ensure that runoff discharges only through the skimmer head.
- **Silt fence is required downslope of Sediment Pond S-2 to protect the receiving stream from sediment.** If the embankments of Sediment Pond S-2 are at final grade, please stabilize embankments using dormant seeding.
- **The check dams in the swale to Sediment Pond S-1 have not been constructed per proper specifications.** Please refer to the enclosed specifications contained in *Rainwater and Land Development*. Note that check dams must stretch across the entire width of the channel such that the ends of the dam are at a higher elevation than the middle. Please re-construct the check dams in accordance with the enclosed specification.
- **Sediment Pond S-1 is not operating as intended.** The pond must still function as a sediment basin. As such, runoff up to the top of the Dewatering Volume must discharge only through the skimmer head. We observed runoff discharging from the lower, permanent water quality orifice, resulting in sediment in the receiving stream. The water quality orifice must be temporarily blocked to prevent discharge from that orifice as long as Sediment Pond S-1 must function as a sediment basin.
- **Perimeter controls such as silt fence, compost berm or filter sock, are needed along Eaton Blvd.** Although vegetation has been established a certain distance from the edge of the road, there are still disturbed slopes beyond the right-of-way. Install perimeter controls at the edge of disturbance.
- **Non-sediment pollution controls require repair and maintenance.** The concrete washout pit was full. Please remove hardened concrete and restore the washout pit to its original design capacity to prevent an unauthorized discharge of wastewater to the environment. The trash dumpster is uncovered and leaking allowing pollutants to spill onto the ground. Please clean up spilled pollutants and replace the dumpster with one in good condition that will not allow spills to occur. Trash dumpsters must be covered with a lid or tarp to prevent the generation of leachate.

Post-Construction Water Quality Control

- **The SWP3 does not comply with the NPDES permit.** There are three permanent ponds associated with this development: T-1, S-2 and the Wet Pond/S-1. To comply with the NPDES permit, each pond must be designed to provide extended detention of the Water Quality Volume (WQv) associated with its drainage area. You cannot "over detain" in one pond to account for no detention of the WQv in another. Each pond must detain the WQv associated with its total contributing drainage area and the outlet structure that discharges the WQv must be designed to meet the drain time indicated in Table 2 of Part III.G.2.e of the NPDES permit, i.e., 24 hours for wet extended detention ponds and constructed wetlands and 48 hours for dry extended detention basins. The SWP3 provides an indication that the Wet Pond stores the WQv, but it is subsequently tributary to S-1. Thus, S-1 and its outlet structure is what Ohio EPA expects to be designed to control the WQv associated with its total contributing drainage area. Further, the SWP3 provides no indication that either T-1 or S-1 have been designed to provide extended detention of the WQv. Thus, these ponds do not appear to provide the required water quality control. Please review this situation with your project engineer and amend the SWP3 as necessary to comply with the post-construction requirements of Part III.G.2.e of the NPDES permit.

Please be aware that failure to install sediment and erosion controls in accordance with specifications contained in the SWP3 is a violation of Part III.G.2 of the NPDES permit. Failure to maintain and repair sediment and erosion controls is a violation of Part III.G.2.h of the NPDES permit. Failure to provide post-construction BMPs to treat the WQv is a violation of Part III.G.2.e of the NPDES permit. **Failure to comply with the NPDES permit is a violation of Ohio Revised Code 6111.04 and 6111.07.** Violations of ORC 6111 are punishable by fines of up to \$10,000 per day of violation.

You are directed to provide me with a letter of response indicating the actions you have taken or will take to correct these violations of the NPDES permit. Your response must include amendments to the SWP3 made as a result of this Notice of Violation. Your response should be received no later than January 25, 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: Mike Pierce, Superintendent, The Albert M. Higley Co
Merle S. Gorden, Mayor, City of Beachwood
Joseph Ciuni, Engineer, City of Beachwood
Randy Allar, Inspector, GPD Group
Tom Kreczko, Storm Water Management Coordinator, City of Beachwood

Ec: Molly Drinkuth, Ohio EPA, DSW, NEDO



Fig 1 (LEFT). South side of the site has been hydroseeded, but vegetation sufficient to control erosion has not established. Note the size of the drainage area exceeds the area allowed for silt fence in the NPDES permit.

Fig 2 (RIGHT). Sediment concentrates along a point of the silt fence shown in Fig 1. Note the fence has a gap and partially knocked over. Sediment was observed downslope of the silt fence.



Fig 3 – 5. Sections of the silt fence shown in Fig 1 that have either been knocked over, improperly repaired or where silt fence is missing.



Fig 6 (LEFT). The stockpile on the west side of the site was not temporarily stabilized. It must be mulched or otherwise temporarily stabilized if it is to remain in place undisturbed for 21 days or longer.

Fig 7 (RIGHT). Pollutants were observed leaking from the trash dumpster onto the ground.



Fig 8 (LEFT). The trash dumpster is not lidded or tarped to prevent storm water from contacting waste and creating leachate.

Fig 9 (RIGHT). The concrete washout pit is full and spilling over.



Fig 10 (ABOVE). Sediment pond T-1. Note that the permanent outlet is in place rather than the trap outlet shown in the SWP3.

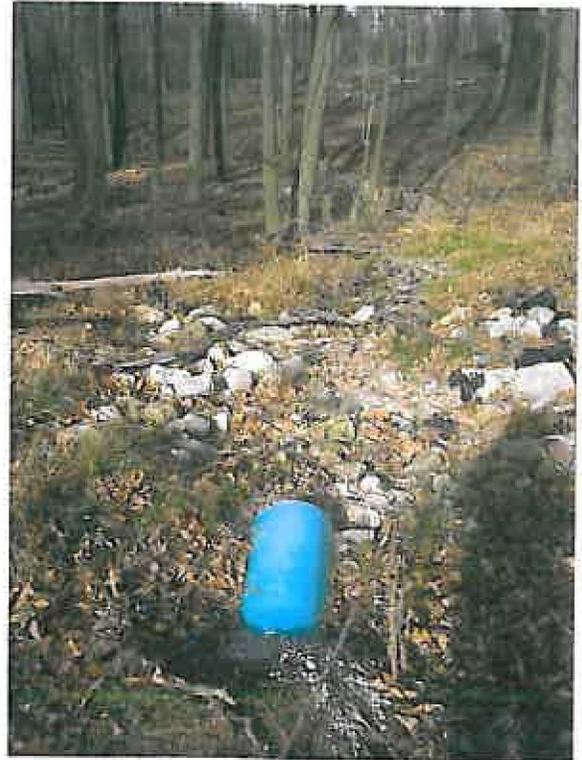


Fig 11 (RIGHT). Sediment was observed at the discharge of Sediment Pond T-1.



Fig 12 & 13. The skimmer is in place for Sediment Pond S-2, but there appears to be a leak in the outlet structure. Note that the discharge from S-2 (RIGHT) is almost as sediment-laden as the pond.



Fig 14 (LEFT). Diversion swale directs runoff to S-2, but note that the swale has not been stabilized and rock check dams have not been provided.



Fig 15 (RIGHT). Drainage channel directs runoff to S-1. Note that the rock check dams are not built across the entire width, allowing runoff to flow around the ends and cause erosion.



Fig 16 & 17. Sediment Pond S-1 is not functioning as intended. Note that the water level is below the invert of the skimmer. A look inside the outlet structure (RIGHT) shows that runoff is charging from a lower orifice. This orifice should not be active at this time.

