



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

January 7, 2013

RE: CUYAHOGA COUNTY
CITY OF BEACHWOOD
CONSTRUCTION STORM WATER
ALOFT HOTEL
PERMIT NO: 3GC06128*AG

NOTICE OF VIOLATION

Brian Booth
Pride One Construction
387 Medina Road, Suite 600
Medina, OH 44256

Dear Mr. Booth:

On December 6, 2012, Ohio EPA conducted a storm water permit compliance inspection at the above referenced construction site located in the NW corner of Richmond Rd and Eaton Blvd. The findings of our inspection were conveyed to you on site and via letter to Brown Gibbons Lang & Co, the site developer. The purpose of this letter is to notify Pride One Construction of a violation identified during this inspection that is specific to your company.

The Ohio EPA General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Associated with Construction Activities #OHC000003 requires all parties that meet the definition of "operator" contained in Part VII of the permit to obtain coverage under the NPDES permit. The definition of operator is any party associated with the construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications, or
2. The party has day-to-day operational control of those activities at a project, which are necessary to ensure compliance with the storm water pollution prevention plan (SWP3) or other permit conditions.

Pride One Construction appears to meet the second of these criteria. It is our understanding that Pride One oversees the day-to-day operations at the site, including the installation and maintenance of storm water best management practices (BMPs).

A review of our records does not indicate that Pride One Construction has obtained coverage under the NPDES permit. **Failure to obtain NPDES permit coverage is a violation of Ohio Administrative Code 3745-39-04 and Ohio Revised Code 6111.04.** Violations of ORC 6111 are punishable by fines of up to \$10,000 per day of violation.

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To obtain NPDES permit coverage, Pride One Construction must submit a Co-Permittee Notice of Intent (Co-Permittee NOI). The form and instructions are available on our website at www.epa.ohio.gov/dsw/storm/index.aspx under the Forms and Permits tab. The Co-Permittee NOI was required to be submitted prior to your commencement of work on site. To correct this violation, please complete and submit a Co-Permittee NOI to:

Ohio EPA
ATTN: Michael Joseph, DSW
P.O. Box 1049
Columbus, OH 43216-1049

There is no fee to file the form, however Pride One Construction will remain in violation of ORC 6111 until the Co-Permittee NOI is submitted. Please submit this form **no later than January 14, 2013**.

If you have any questions regarding this matter, please feel free to contact me at (330) 963-1145.

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

BD/cs

Cc: Scott Berkowitz, Brown Gibbons Lang & Co
Tom Kreczko, Storm Water Management Coordinator, City of Beachwood
Merle Gorden, Mayor, City of Beachwood
Joseph Ciuni, Engineer, City of Beachwood