



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

July 2, 2013

RE: PORTAGE COUNTY
CITY OF KENT
CONSTRUCTION STORM WATER
PERMIT NO: 3GC06140*AG
MAPLEBROOK AT GOLDEN POND
NOTICE OF VIOLATION

Mr. Joseph McCabe
NRP Group LLC
5309 Transportation Blvd.
Cleveland, OH 44125

Dear Mr. McCabe,

On Tuesday May 21, 2013 I performed a compliance inspection of the above mentioned site to ensure that storm water best management practices (BMP's) were being followed. Accompanying me on this inspection was Dan Bogoevski, Molly Drinkuth, and Julianna Murphy of the Ohio EPA's Division of Surface Water and Kevin McGarvey, a project superintendent of the NRP Group. Our records indicate that the NRP Group LLC has obtained coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC06140*AG.

Please be aware that all construction projects associated with Maplebrook at Golden Pond is part of the larger common plan of development and must be included within the NPDES permit coverage. Currently the bike path along Sunnybrook Road has not obtained NPDES permit coverage and therefore the storm water discharge from this area is **in violation with Ohio Revised Code 6111.04, which is punishable by fines.** In order to correct this violation, please submit a written request to expand the acreage to include this area. The request should be submitted to:

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

A check for the additional permit fees must accompany the request and should be made payable to the Treasurer of the State of Ohio. The additional fee to be paid is \$20 per whole acre greater than 5.99 acres. The \$200 previously paid does not have to be paid again. In addition to this violation, my inspection of the site revealed the following deficiencies:

- The storm water pollution prevention plan (SWP3) is a "living document"; this means that everything on site must be shown on the plans and everything shown on the plans should be found on site. If changes to the site occur, mark this on the SWP3. **In particular, the SWP3 must show the bike path area with controls and must include a detail for the permanent outlet structure.**

- **The SWP3 called for a sediment trap during construction, but the site had a structure resembling a sediment pond.** The pond must either be modified into the sediment trap indicated on the SWP3 and the SWP3 being updated to include the elevation of the traps rock outlet structure, or the SWP3 must be revised to include a sediment pond with an appropriate outlet structure involving the use of a skimmer. **All necessary calculations must be included within the SWP3**, including the dewatering and sediment settling zones (Part III.G.2.d.ii of the General NPDES permit), orifice size that will allow at least a 48 hour dewatering period and all elevations associated with the pond. **Post-construction calculations must also be included (WQv and drain time), as well as a detail for the permanent outlet structure.** The configuration between inlets and the outlet of the basin must provide at least two units of length for each one unit of width (**> 2:1 length:width ratio during construction and 3:1 for post-construction**). **Please ensure that this ratio is met as some of the downspouts from the roof drained very close to the outlet structure.**
- **Stabilization (i.e., seeding and mulching) has not been initiated as required by the NPDES permit.** Temporary stabilization must be initiated within 7 days of last disturbance on any disturbed area of the site if it will not be further disturbed within 14 days of last disturbance. Permanent stabilization must be initiated within 7 days of reaching final grade. **No stabilization was apparent on the bike path area, soil stockpile area, hillsides and back of the housing complex.**
- **Storm drain inlet protection has not been constructed properly.** Please note that geotextile is to be supported by a wooden frame and cross braces constructed of 2"x4"s as well as wire mesh. Please review the *Rainwater and Land Development, Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection* (Ohio Department of Natural Resources, 2006), and install inlet protection to meet these standards.
- **Silt fence has not been installed in a functional manner or has not been maintained.** All sediment controls, including silt fence, must be capable of ponding runoff in order to settle sediment. Silt fence must be trenched and backfilled and the joint stakes of the silt fence must be connected by twisting the stakes together prior to staking them into the ground. **Please ensure that all joints are twisted together and repair silt fence so that it is functional.** Silt fence must remain in place until the upslope contributing drainage area has reached final stabilization. (i.e., a vegetative growth density of 70% or greater has been achieved.) **Silt fence is only appropriate for sheet flow; therefore, the silt fence should be wrapped up along the outlet.**
- **A level spreader must be installed to diffuse flow before runoff enters the wetlands in accordance with Part III.G.2.f of the NPDES permit.** Please review the Specifications within *Rainwater and Land Development manual*. Silt fence should be installed along both sides of the outlet with the level spreader to disperse flow from the pond into wetlands.

Please adjust your SWPPP to account for these violations and deficiencies and submit any changes to the Ohio EPA **with a letter of response indicating any corrective changes to be received no later than July 19, 2013.** If you have any questions, email me at Josh.Bewley@epa.ohio.gov or contact me at (330) 963-1128. If unavailable, you can also contact Molly Drinkuth at Molly.Drinkuth@epa.ohio.gov or (330) 963-1215.

Sincerely,



Josh Bewley
Assistant to the District Engineer
Division of Surface Water

JB:ddw

cc: Jerry T Fiala, Mayor, City of Kent
Kevin McGarvey, the NRP Group LLC
Jennifer Barrone, Development Engineer, City of Kent
Atwell LLC

ec: Molly Drinkuth, DSW, NEDO



Bike path must be stabilized and acreage added.



Stakes must be twisted per specification



Disturbed areas require stabilization

Inlet protection must be built to spec



To meet post-construction requirements, the ratio of flow length to pond width should be at least 3:1



Discharge into wetland requires a level spreader (left)
Concentrated flow should be directed toward the sediment pond (right)