



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

July 11, 2013

RE: MEDINA COUNTY
CITY OF BRUNSWICK
CONSTRUCTION STORM WATER
PERMIT NO: 3GC05353*AG
RESERVE AT AUTUMN CREEK
SUBDIVISION, PHASE 1

NOTICE OF VIOLATION

Ryan Sommers
Autumn Creek Partners LLC
31005 Bainbridge Rd. #5
Solon, OH 44139

Dear Mr. Sommers:

On Thursday June 20, 2013, I conducted an inspection at the above mentioned site to determine compliance with the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC05353*AG. Accompanying me on my inspection was Julianna Murphy of the Ohio EPA Division of Surface Water and Matt Honigman of Fechko Excavating. Our records indicate that Autumn Creek Partners LLC Company was granted coverage to discharge storm water under the general NPDES permit for construction activities on March 23, 2011.

On our inspection, we found that the Storm Water Pollution Prevention Plan (SWP3) and weekly storm water inspections were not kept on site. **Not having a SWP3 on site is a violation of Part III.C.2 of the NPDES permit.** Having a SWP3 on site is essential in ensuring that construction and post-construction storm water best management practices (BMPs) can be followed. **Part III.G.2.i of the NPDES permit states that an inspection of all storm water controls will take place once every 7 days and within any storm event where there is at least half an inch of rainfall and that those records should be kept up till 3 years after the submittal of a Notice of Termination (NOT).** This inspection is not to be confused with Chagrin Valley Engineering's monthly inspection or any inspection done by the City of Brunswick. By doing this inspection, minor deficiencies, such as failing silt fence can be quickly caught and fixed.

The Ohio EPA General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Associated with Construction Activities #OHC000004 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

MR. DAVID GENNARO
JULY 11, 2013
PAGE 2

2. The party has day-to-day operational control of those activities at a project, which are necessary to ensure compliance with the SWP3 or other permit conditions.

It is Ohio EPA's understanding that Fechko Excavating oversees the day-to-day operations at the site, including the installation and maintenance of storm water best management practices (BMPs) requiring a Co-Permittee NOI. A review of our records does not indicate that any Co-Permittee coverage under this NPDES permit has been obtained. Failure to obtain NPDES permit coverage is a violation of Ohio Administrative Code 3745-39-04 and Ohio Revised Code 6111.04.

To obtain coverage, a Co-Permittee Notice of Intent (Co-Permittee NOI) must be submitted. 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, any operators of the site will remain in violation of ORC 6111 until the Co-Permittee NOI is submitted. **Please submit this form no later than July 26, 2013.**

Upon our inspection of the site, the following deficiencies were noted:

- **Storm drain inlet protection has not been constructed per specifications.** Several catch basins did not have any form of inlet protection. Please review the specifications contained in the SWP3 and in *Rainwater and Land Development, Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection* (Ohio Department of Natural Resources, 2006), and install/repair inlet protection to meet these standards.
- **Silt fence has not been installed in a functional manner or has not been maintained as required by the NPDES Permit.** 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.
- **Not all of the sediment basins on site had a completed outlet structure.** The NPDES Permit requires all sediment controls to be in place within seven days from the start of grubbing. Not having an orifice plate prevents the outlet structure from performing as designed.

MR. DAVID GENNARO
JULY 11, 2013
PAGE 3

- **Proper erosion control practices as indicated in the NPDES Permit were not followed.**
 - 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. **Soil stockpiles and any other areas sitting undisturbed for 14 or more days require stabilization.**
 - **A Rock Construction Entrance was missing on site, resulting in sediment tracking off site.** Specifications for a Rock Construction Entrance can be found in Chapter 7 of the above mentioned Rain Water and Land Development Manual.

- **Non-sediment pollution controls require repair and maintenance as per the NPDES Permit.** The trash dumpster must be covered with a tarp or a lid in order to prevent the generation of leachate.

Please adjust your SWP3 to account for any changes that need to be made and submit any amendments to the Ohio EPA **with a letter of response indicating any corrective changes to be received no later than August 2, 2013.** In addition, please send your two most recent weekly inspections either by fax (330) 963-1128 or by e-mail. If you have any questions, e-mail 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:bo

pc: Chris Hartman, Chagrin Valley Engineering
Matt Honigman, Fechko Excavating
Gary F Werner, Mayor of Brunswick



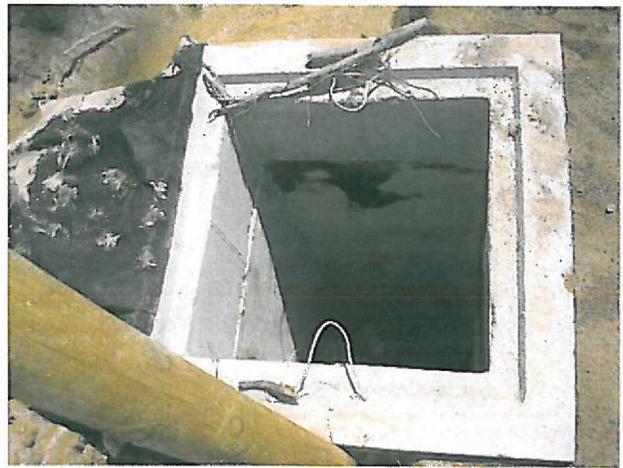
No stabilization present on soil stockpile.



No orrifice was present on this pond's outlet structure.



Missing/removed inlet protection fails to trap sediment.



No rock construction entrance allows for sediment to easily track off site.



Dumpster does not have a tarp or a lid.