



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

July 24, 2013

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

NOTICE OF VIOLATION

Scott Berkowitz
Brown Gibbons Lang & Co.
1111 Superior Ave Ste. 900
Cleveland, OH 44114

and

Brett McWilliams and Andrew Demuesy
Pride One Construction
387 Medina Rd Ste. 600
Medina, OH 44256

Dear Mr. Berkowitz, Mr. McWilliams and Mr. Demuesy:

On Wednesday July 8, 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 #3GC06128*AG. Accompanying me on my inspection was Randy Allar of GPD Group and Brian Booth, project manager for Pride One Construction. Our records indicate that coverage to discharge storm water under the general NPDES permit for construction activities was granted on September 14, 2012.

Sediment and Erosion Control

On our inspection, the following violations to the NPDES permit were noted:

- **Silt fence has not been installed in a functional manner and has not been maintained as required by the NPDES Permit.** 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. Silt fence on the eastern side of the site was not twisted at the stakes and parts had been trampled down by sediment (Figure 1). 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. **Failure to install silt fence in a functional manner is a violation of Part III.G.2.d of the NPDES permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. Failure to maintain silt fence is a violation of Part III.G.2.h of the NPDES permit and ORC 6111.04 and 6111.07.**

- **Storm drain inlet protection on the northeastern side of the site is insufficient.** There is an exposed window on the side of the casting (Figure 2). Straw bales have been placed in front of the window, but this is not an accepted form of inlet protection. As long as the drainage area to the eastern ditch remains disturbed, inlet protection is required. Please review the specifications in *Rainwater and Land Development, Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection* (Ohio Department of Natural Resources, 2006), repair inlet protection to meet these standards. **Failure to install storm drain inlet protection in a functional manner is a violation of Part III.G.2.d of the NPDES permit and ORC 6111.04 and 6111.07.**
- **Stabilization, i.e., seeding and mulching, has not been initiated as required by the NPDES permit (Figure 3).** 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. **Failure to initiate stabilization in these time frames is a violation of Part II.B and Part III.G.2.b.i of the NPDES permit and ORC 6111.04 and 6111.07.**
- **The northern-most rock construction entrance fails to fully prevent sediment from exiting the site (Figures 4 & 5).** Redressing the entrance with additional stone will help prevent sediments from tracking off site. **Failure to maintain rock construction entrances is a violation of Part III.G.2.h of the NPDES permit and ORC 6111.04 and 6111.07.**

Post-Construction Best Management Practices

In previous correspondence with Dan Bogoevski of the Division of Surface Water, you have indicated that post-construction requirements of the NPDES permit are to be met by utilizing an off-site storm water management basin. In particular, the dry extended detention pond located on the adjacent Lifetime Fitness property is to be utilized. Ohio EPA has reviewed the Drainage Report for the Lifetime Fitness property obtained through the City of Beachwood and **cannot concur** that you are in compliance with post-construction BMP requirements. In particular, development of the Aloft and Eaton World Headquarters parcels appears to have changed the total contributing drainage area to the Lifetime Fitness basin. If so, this changes the Water Quality Volume (WQv) that the Lifetime Fitness pond must treat and the orifice size required to provide extended detention of the WQv (currently, a 3.5-inch diameter orifice is provided to drain a WQv of 49,213 ft³). If you intend to utilize the Lifetime Fitness pond as your post-construction BMP, the pond must provide extended detention of the WQv now directed to it.

To demonstrate compliance with Ohio EPA post-construction requirements, please submit calculations and a post-construction drainage area map for the Lifetime Fitness basin now that the Aloft and Eaton properties have been developed. Clearly identify the size, in acres, of the pond's total contributing drainage area. This acreage must be used to calculate the WQv. The runoff coefficient utilized to calculate the WQv must be as stipulated in Part III.G.2.e of the NPDES permit. Review the existing stage-storage data for the Lifetime Fitness basin and indicate the elevation at which the WQv is detained. Calculate the orifice diameter needed to drain the WQv in 48 hours with no more than ½ the WQv discharging in first 1/3 of the drain time (16 hours).

SCOTT BERKOWITZ, BRETT MCWILLIAMS AND ANDREW DEMUESY
JULY 24, 2013
PAGE 3

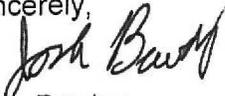
Also, please review the enclosed discussion paper authored by the Ohio Department of Natural Resources in 2009 on the function of extended detention basins in series. Ohio EPA is aware that Eaton has provided a wet extended detention pond and two bioretention areas upstream of their dry detention basin to address the runoff it contributes to the Lifetime Fitness pond. However, the Lifetime Fitness pond is smaller than the Eaton pond. As noted in the enclosed document, the concept of treating the WQv in a smaller, downstream pond does not hold when the pond is preceded by a larger pond. The paper suggests actions that can be taken to achieve a functional design.

Please review the enclosed documents and determine if the Lifetime Fitness pond can indeed be utilized to meet Ohio EPA requirements. If so, provide the requested information to demonstrate compliance. If the basin can be utilized, but with modifications, please submit revised detail drawings for the Lifetime Fitness pond. In either case, since the pond is not on Aloft property, you must establish a maintenance agreement to ensure long-term maintenance of the post-construction BMP. If you cannot achieve Ohio EPA post-construction requirements utilizing the Lifetime Fitness pond, you must either (a) provide post-construction BMPs on site or (b) propose other off-site mitigation of post-construction requirements. Please refer to the paragraph on Page 22 of the Ohio EPA General NPDES Permit for Storm Water Associated with Construction Activities #OHC000004 for further requirements regarding off-site mitigation. Any changes to the post-construction BMP plan must also be reviewed and approved by the City of Beachwood.

Please provide me with a letter of response and any amendments made to the SWP3 in response to this letter. Your letter of response should be received **no later than August 7, 2013**. If this letter is not clear in regards to our concerns about post-construction BMPs, Ohio EPA would be happy to meet with you and your project engineer. To set up a meeting, please contact Dan Bogoevski at (330) 963-1145 by August 1, 2013.

If you have any questions, e-mail me at Josh.Bewley@epa.ohio.gov or contact me at (330) 963-1128.

Sincerely,



Josh Bewley
Assistant to the District Engineer
Division of Surface Water

JB:bo

enclosure(s)

pc: Travis Crane, TGC Engineering
Brian Booth, Pride One Construction
Randy Allar, Inspector, GDP Group
Joseph Ciuni, Engineer, City of Beachwood
Merle S Gorden, Mayor, City of Beachwood

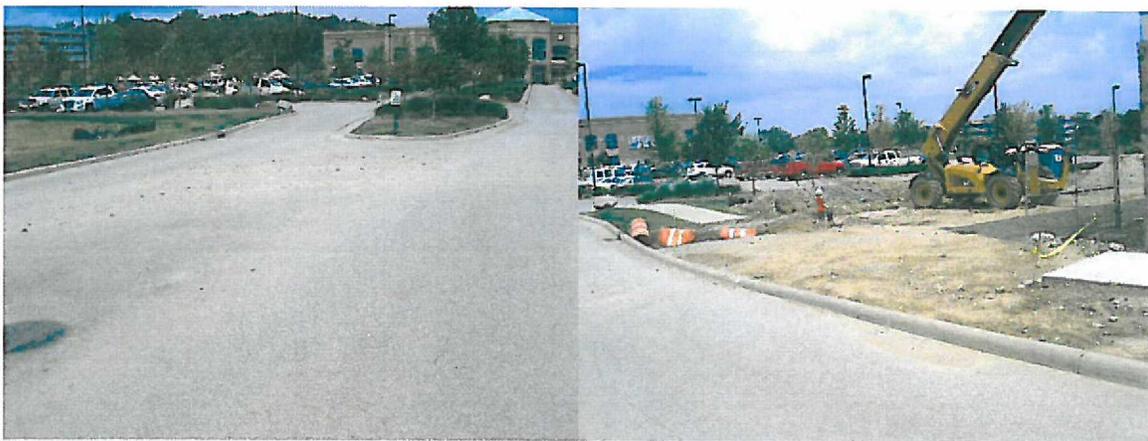
ec: Dan Bogoevski, Division of Surface Water, DSW, NEDO



Figures 1 & 2: Fence in need of repair; stakes need to be tied off together; window in catch basin needs to be covered.



Figure 3: Earthen Berm must be stabilized if it will sit undisturbed for 14+ days.



Figures 4 & 5: Rock construction entrance fails to sediment from tracking off site.