



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

July 30, 2013

RE: CUYAHOGA COUNTY
CITY OF WESTLAKE
CONSTRUCTION STORM WATER
PERMIT NO: 3GC06288*AG
GET GO #3316

Mark Smoley
Mannik & Smith Group
23225 Mercantile Road
Beachwood, OH 44122

NOTICE OF VIOLATION

Rick Adante
Continental Building Systems
23240 Chagrin Boulevard Suite 400
Beachwood, OH 44122

Dear Mr. Smoley and Mr. Adante:

On Wednesday July 10, 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 #3GC06288*AG. Accompanying me on my inspection was Scott Mesi of our Division of Air Pollution Control. On site, I was able to meet with John Ruth, the superintendent on site. Our records indicate that Mannik & Smith Group was granted coverage to discharge storm water under the general NPDES permit for construction activities on December 27, 2012.

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

- While on site we observed water being pumped up from the sediment pond and into a catch basin. **(Figures 1, 2 & 3)** John told us that the water from the sediment basin was going into a city sanitary sewer, with the cities approval. We discussed this with Robert Kelly from the City of Westlake Engineering Department and he did not have any knowledge of this discharge and informed us that this catch basin in question is a city storm sewer. **Discharge from a sediment basin into a city storm sewer is an illicit discharge and violation of Part III.G.2.g.iv of the NPDES Permit. Per Section III.G.2.d of the NPDES Permit, sediment basins and perimeter sediment barriers shall be implemented prior to grading and within seven days from the start of grubbing.**
- **Storm drain inlet protection has not been constructed per specifications contained in the SWP3.** Several catch basins were missing inlet protection entirely. **(Figures 4 & 5)** 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. (Figure 6)** 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. 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.)
- **Non-sediment pollution controls require repair and maintenance as per the NPDES Permit. ALL** concrete wash out is to occur **ONLY** at the washout pit location. **(Figure 7)** We observed a hole at the bottom of the dumpster that is being kept on site which, when full, will allow leachate to discharge onto the bare ground outside the dumpster. **(Figure 8)** Covering the dumpster with a tarp or lid at the end of the night will control the generation of leachate.

Please adjust your SWP3 to account for any changes that need to be made and in addition, **you are directed to submit a letter of response indicating any corrective changes to be received no later than August 13, 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 Dan Bogoevski at Dan.Bogoevski@epa.ohio.gov or (330) 963-1145.

Sincerely,



Josh Bewley
Assistant to the District Engineer
Division of Surface Water

JB:ddw

- cc: John Ruth, Superintendent, Continental Building Systems
Robert Kelly, Director of Engineering, City of Westlake
Dennis M. Clough, Mayor, City of Westlake
- ec: Dan Bogoevski, Ohio EPA, DSW, NEDO
Scott Mesi, Ohio EPA, DAPC, NEDO



Figures 1, 2 & 3: Pumping water from a sediment basin into city storm sewers is an illicit discharge.



Figures 4 & 5: Inlet protection has been removed/is not in place, contrary to what was indicated on the SWP3.



Figure 6: Silt fence failing to contain sediment on site

Figure 7: Concrete/mortar washout is to occur only at a concrete washout pit.



Figure 8: Trash leachate will leak through the hole if dumpster remains uncovered.