



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

August 8, 2013

RE: CUYAHOGA COUNTY  
CITY OF MIDDLEBURG HEIGHTS  
CONSTRUCTION STORM WATER  
PERMIT NO: 3GC05904\*AG  
MIDDLEBURG HEIGHTS MEDICAL CENTER  
NOTICE OF VIOLATION

Richard Mayer  
Metro Health Systems  
2500 Metro Health Dr., K207  
Cleveland, OH 44109

Terry Tesmer  
Regency Construction Services Inc.  
14600 Detroit Rd., Ste. 1495  
Lakewood, OH 44107

Elizabeth Miranda  
Mr. Excavator  
8616 Euclid Chardon Rd.  
Kirtland, OH 44094

Dear Mr. Mayer, Mr. Tesmer, and Ms. Miranda:

On Tuesday August 7, 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 #3GC05904\*AG. Nobody was available to meet with on site. Our records indicate that storm water discharges from this site are authorized under the general NPDES permit for construction activities granted on April 4, 2012.

Upon my inspection of the site, the following violations were noted:

- **Stabilization, i.e., seeding and mulching, has not been initiated as instructed from a previous inspection and required by Part III.G.2.b 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 evident on the two soil stockpiles next to the trailer and on the disturbed area behind the trailer. (Figures 1&2)
- **Silt fence has not been installed in a functional manner and has not been maintained as required by Part III.G.2.d of the NPDES Permit. (Figures 3&4)** All sediment controls, including silt fence, must be capable of ponding runoff in order to settle sediment. The end joint stakes of the silt fence must be connected by twisting the stakes together prior to staking them into the ground. Silt fence behind the trailer is in need of repair. A soil

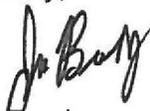
stockpile adjacent to the trailer overlaps the line of silt fence. (**Figure 2**) Silt fence must be provided around the stockpile to prevent sediment from running off the site. Silt fence must remain in place until the upslope contributing drainage area has reached final stabilization, i.e., a vegetative growth density of 70% or greater has been achieved.

- **Storm drain inlet protection has not been repaired to meet specifications as instructed from a previous inspection.** Inlet protection was constructed simply by encircling drains with silt fence. This has resulted in failed storm drain inlet protection. (**Figure 5**) 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 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 repair inlet protection to meet these standards.

Please be aware that failure to install sediment and erosion controls in accordance with specifications contained in the SWP3 is a violation of Part III.G.2 of the NPDES permit. Failure to maintain and repair sediment and erosion controls is a violation of Part III.G.2.h of the NPDES permit. **Failure to comply with the NPDES permit is a violation of Ohio Revised Code 6111.04 and 6111.07.** Violations of ORC 6111 are punishable by fines of up to \$10,000 per day of violation.

You are directed to provide Dan Bogoevski, District Engineer of the Division of Surface Water, **with a letter of response** indicating the actions you have taken or will take to correct these violations of the NPDES permit to be received **no later than August 23, 2013**. In addition, please send your 2 most recent weekly inspections either by fax (330) 487-0769 or by email to Josh.Bewley@epa.ohio.gov. If you have any questions, you can 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: Shannon Mullins, Storm Water Specialist, Cuyahoga SWCD  
Michael Mackay, Engineer, City of Middleburg Heights  
Gary Starr, Mayor, City of Middleburg Heights  
ec: Dan Bogoevski, Ohio EPA, DSW, NEDO



**Figures 1&2:** Stabilization on soil stockpiles has not been initiated; silt fence is not placed around the stockpile.



**Figures 3&4:** Silt fence has not been properly maintained.



**Figure 5:** Inlet protection was not properly constructed and has failed as a result.