

**Slanina, Cindy**

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**From:** Bogoevski, Dan  
**Sent:** Wednesday, January 04, 2012 12:26 PM  
**To:** Zoghaib, Rachid  
**Cc:** Houser, Todd; Stomasello@city.cleveland.oh.us  
**Subject:** FW: Hogsback Violation Notice  
**Attachments:** Hogsback Lane 12-29-11.pdf

Rachid,

Please see the e-mail below and the attached letter it references. It appears that there is a failing in the City's municipal storm water program as it relates to construction site runoff control. This project apparently did not go through the established channels for plan review and approval. Cuyahoga SWCD, i.e., the City's agent to conduct plan review and compliance inspections, was not aware of this project when I contacted them about it.

Please review your construction site runoff control program to determine where the failing occurred and determine the procedural changes necessary to prevent such a failing in the future. Provide me with either a written or e-mail response **no later than January 20, 2012** identifying the changes you have or will make to your construction site runoff control program as a result.

As an FYI, we've run into this problem in a number of communities when conducting audits of MS4 programs. Communities are not putting their own construction projects through the same review process as private construction. However, the performance standards in the NPDES permit for small MS4s do not differentiate between public and private construction activities. Ohio EPA expects construction site runoff controls for **all** projects where the larger common plan of development disturbs 1 or more acre to go through a plan review and approval process, and these sites must be inspected as stipulated in the performance standards contained in Part III.B.4.c of the Ohio EPA General Storm Water NPDES Permit for Small MS4s to ensure compliance with the approved plan. Often, this is just a matter of making sure that the various department heads are aware of the NPDES requirement and ensuring they incorporate the plan review procedure into their standard operating procedures. Currently, a construction project will only get on Cuyahoga SWCD's radar screen if it goes through the Department of Building and Housing. Projects like Hogsback Lane go through the Department of Engineering & Construction. Is Engineering & Construction aware that they are supposed to submit SWP3s to Building & Housing for review and approval before they start a project?

If you have any questions, please contact me at (330) 963-1145.

Sincerely,

Dan Bogoevski  
Division of Surface Water  
Ohio EPA Northeast District Office  
2110 E. Aurora Rd.  
Twinsburg, OH 44087

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**From:** Dick Kerber [<mailto:rjk@clevelandmetroparks.com>]  
**Sent:** Tuesday, January 03, 2012 1:38 PM  
**To:** Bogoevski, Dan  
**Cc:** John Mack; [tboyer@city.cleveland.oh.us](mailto:tboyer@city.cleveland.oh.us)  
**Subject:** Hogsback Violation Notice

Dan,

I received your letter of December 29<sup>th</sup> regarding the emergency repairs along Hogsback Road in Cleveland. The project is a joint venture of the City of Cleveland and Cleveland Metroparks to repair a landslide along the upper section of Hogsback Road which is a City ROW in the section that failed. The City is responsible for the design of the repair with Cleveland Metroparks providing access to the land and covering some of the costs. The contractor is placing excavated material from the Fairview Hospital expansion at no cost to the project.

I passed your letter on to Tom Boyer at the City to have the plan prepared. In the mean time, I will see if I can get a park crew to get some silt fence installed along the toe of the fill area. According to Marous, the excavation at the hospital site will be complete in about ten days which means material placement will be complete. As soon as possible, seeding and matting/mulching will be applied to the exposed soil/shale fills.



Richard J. Kerber, P.E.

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