



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO

October 28, 2010

Regulatory Branch

SUBJECT: Voluntary Wetland and Stream Restoration Agreement for Department of the Army Enforcement No. LRB-2000-01346

Mr. William Baumann and Mrs. Mary Ellen Baumann
Bradley Road Landfill, Inc.
P.O. Box 609087
Cleveland, Ohio 44109

Dear Mr. and Mrs. Baumann:

This is in reference to the placement of fill which has occurred on your property located at 4300 Bradley Road, Cleveland, Cuyahoga County, Ohio.

The U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged or fill material into waters of the United States, including wetlands, pursuant to Section 404 of the Clean Water Act. Certain activities, such as landclearing using mechanized equipment and/or sidecasting in jurisdictional water is regulated under Section 404 of the Clean Water Act.

Based on observations of your property on February 6, 2010 by Joe Loucek (Ohio EPA Representative) and a review of in-office resources which included the assessment of aerial photographs, it was determined that areas within your property meet the federal wetland criteria are present on your property and are subject to regulation by the USACE. More specifically, the stream is part of a surface water tributary system which ultimately flows into the Cuyahoga River, a navigable water of the United States. The investigation further determined that approximately 0.05-acres of wetland and 83-linear feet of stream have been filled without Department of the Army authorization. As a result of this determination you are in violation of federal law

After reviewing possible resolutions to the unauthorized fills, I have determined this matter can be resolved contingent upon your willingness and ability to comply with all terms and conditions of this Restoration Agreement.

1. As agreed upon the wetland and stream shall be restored according to the attached drawing (Sheet 2 of 3). Following the removal of the fill materials from the wetland and

Regulatory Branch

SUBJECT: Restoration Agreement, Department of the Army No. LRB 2000-01346

to the following address: U.S. Army Corps of Engineers, 33 Grand Valley Avenue, Orwell, Ohio 44076, or by e-mail at: tina.p.stonemetz@usace.army.mil

Sincerely,



Tina P. Stonemetz

Monitoring and Enforcement Section

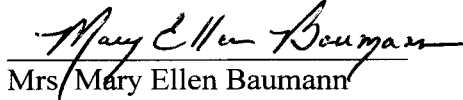
I hereby accept this proposal as a Restoration Agreement and agree to comply with all terms and conditions herein:



Mr. William Baumann

10/31/10

Date



Mrs/Mary Ellen Baumann

10/31/10

Date

Regulatory Branch

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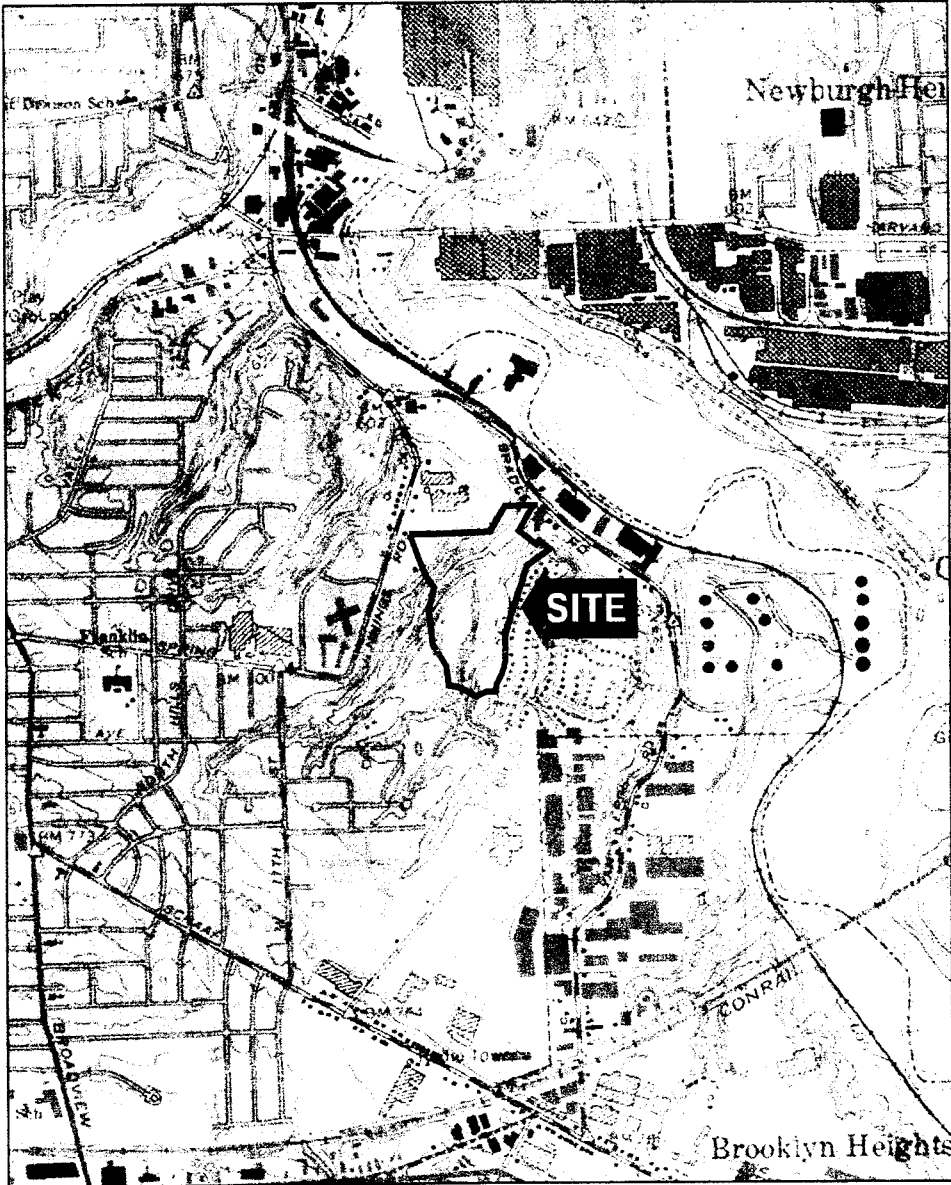
stream: the restored wetland area shall be seeded with a wetland seed mix (Sheet 3 of 3) and then mulched; and the restored stream riparian area shall be planted with trees (Sheet 2 of 4). Modifications to the seed mixture or tree species must first be approved by this office prior to initial seeding/planting.

2. As agreed upon the wetland and stream must be restored and all plantings completed by **November 15, 2010** or by an approved extension date from this office.
3. Sediment and erosion controls shall be in place during construction and remain until the area is stabilized.
4. Turbidity controls in the form of silt curtains or similar type cloth material shall be properly installed in accordance with USDA/NRCS National Conservation Practice Standards, and maintained downstream from the project area and shall remain in place and in working condition during all excavation and restoration operations.
5. Exposed bank surfaces shall be seeded, mulched, and stabilized immediately following construction. The mulch shall be maintained until natural vegetation becomes re-established.
6. All fill materials that are removed during restoration of the wetland and stream channel shall be disposed of in an upland area. Photographs showing the locations of the disposal areas shall be submitted to this office prior to commencement of the work.
7. A base line report of the stream and wetland restoration should be submitted after completion to the U.S. Army Corps of Engineers, (Attention Tina Stonemetz, 33 Grand Valley Ave., Orwell, OH 44076) by December 31, 2010. For purposes of this agreement, "completion" means all activities associated with site grading and seeding and/or planting. The baseline report must include the following:
 - a. An "as-built" topographic survey of the restored stream channel at 0.5 foot contour intervals.
 - b. Photographs from fixed locations that include a photolocation map of the restored stream channel, plantings along stream channel, and restored wetland.
8. If you accept this form of resolution for the outstanding violation, please sign and date in the space provided at the bottom of the final page, and return the original to me. This signed document will constitute a Restoration Agreement to outline the steps toward resolution of the unauthorized activities that have occurred at your property located at 4300 Bradley Road, Cleveland, Cuyahoga County, Ohio.
9. Failure to sign and implement the requirements of this agreement may result in the forwarding of your file to my Office of Counsel with a recommendation to initiate further enforcement action which may include civil penalties.

A copy of this letter has been forwarded to Joe Loucek of the Ohio Environmental Protection Agency, Dan Bogoevski of the Ohio Environmental Protection Agency, and Todd Houser of the Cuyahoga County SWCD, Larry Ludwig of Chagrin Valley Engineering.

Questions pertaining to this matter should be directed to me at (440) 437-5841, by writing

Bradley Road Landfill
D/A Processing No. 2000-01346
Cuyahoga County, Ohio Quad: Cleveland South
Sheet 1 of 3



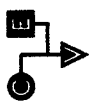
QUADRANGLE LOCATION

CLEVELAND SOUTH QUADRANGLE
OHIO - CUYAHOGA
7.5 MINUTE SERIES (TOPOGRAPHIC)

U.S.G.S. MAP FIGURE 1

PROJECT: BRADLEY ROAD LANDFILL
LOCATION: CLEVELAND, OHIO

CHAGRIN VALLEY
ENGINEERING, LTD.



FACW Wetland Meadow Seed Mix

ERNMX # ERNMX-122

Cost Per Pound \$59.18

Seeding Rate 15 lb per acre or 1/3 - 1/2 lb per 1,000 sq ft

Mix Type Wet Meadow & Wetland Sites

Species List
(click for details)

- 21% Fox Sedge, PA Ecotype (Carex vulpinoidea, PA Ecotype)
- 21% Virginia Wild Rye, PA Ecotype (Elymus virginicus, PA Ecotype)
- 10% Blunt Broom Sedge, PA Ecotype (Carex scoparia, PA Ecotype)
- 8% Lurid (Shallow) Sedge, PA Ecotype (Carex lurida, PA Ecotype)
- 5% Soft Rush (Juncus effusus)
- 4% Blue Vervain (Verbena hastata)
- 3% Green Bulrush, PA Ecotype (Scirpus atrovirens, PA Ecotype)
- 3% Square Stemmed Monkey Flower, PA Ecotype (Mimulus ringens, PA Ecotype)
- 2% Hop Sedge, PA Ecotype (Carex lupulina, PA Ecotype)
- 2% Grass Leaved Goldenrod, PA Ecotype (Euthamia graminifolia (Solidago g.), PA Ecotype)
- 2% Cosmos (Bristly) Sedge, PA Ecotype (Carex comosa, PA Ecotype)
- 2% Common Sneezeweed (Helenium autumnale)
- 2% Golden Alexanders (Zizia aurea)
- 2% Many Leaved Bulrush, PA Ecotype (Scirpus polyphyllus, PA Ecotype)
- 1% Seedbox, PA Ecotype (Ludwigia alternifolia, PA Ecotype)
- 1% Purple Stemmed Aster, PA Ecotype (Aster puniceus (Symphyotrichum puniceum), PA Ecotype)
- 1% Swamp Milkweed, PA Ecotype (Asclepias incarnata, PA Ecotype)
- 1% Flat Topped White Aster, PA Ecotype (Aster umbellatus (Doellingeria umbellata), PA Ecotype)
- 1% Zigzag Aster, PA Ecotype (Aster prenanthoides (Symphyotrichum p.), PA Ecotype)
- 1% New England Aster, PA Ecotype (Aster novae-angliae (Symphyotrichum n.), PA Ecotype)
- 1% New York Ironweed, PA Ecotype (Vernonia noveboracensis, PA Ecotype)
- 1% Great Blue Lobelia, PA Ecotype (Lobelia siphilitica, PA Ecotype)
- 1% Rough Avens, PA Ecotype (Geum laciniatum, PA Ecotype)
- 1% Boneset, PA Ecotype (Eupatorium perfoliatum, PA Ecotype)
- 1% Joe Pye Weed, PA Ecotype (Eupatorium fistulosum, PA Ecotype)
- 1% Awl Sedge, PA Ecotype (Carex stipata, PA Ecotype)
- 1% Woolgrass, PA Ecotype (Scirpus cyperinus, PA Ecotype)

Total: 100%

Bradley Road Landfill
D/A Processing No. 2000-01346
Cuyahoga County, Ohio Quad: Cleveland South
Sheet 3 of 3

Bradley Road Landfill
 D/A Processing No. 2000-01346
 Cuyahoga County, Ohio Quad: Cleveland South
 Sheet 2 of 3

WETLAND	EXISTING ACRES	TO BE RESTORED	EX. PLUS RESTORED
A	0.88	0.05	0.93
B	0.04		0.04
C	0.01		0.01
D	0.08		0.08
TOTAL			1.06

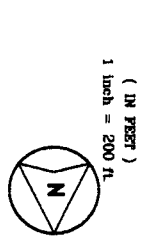
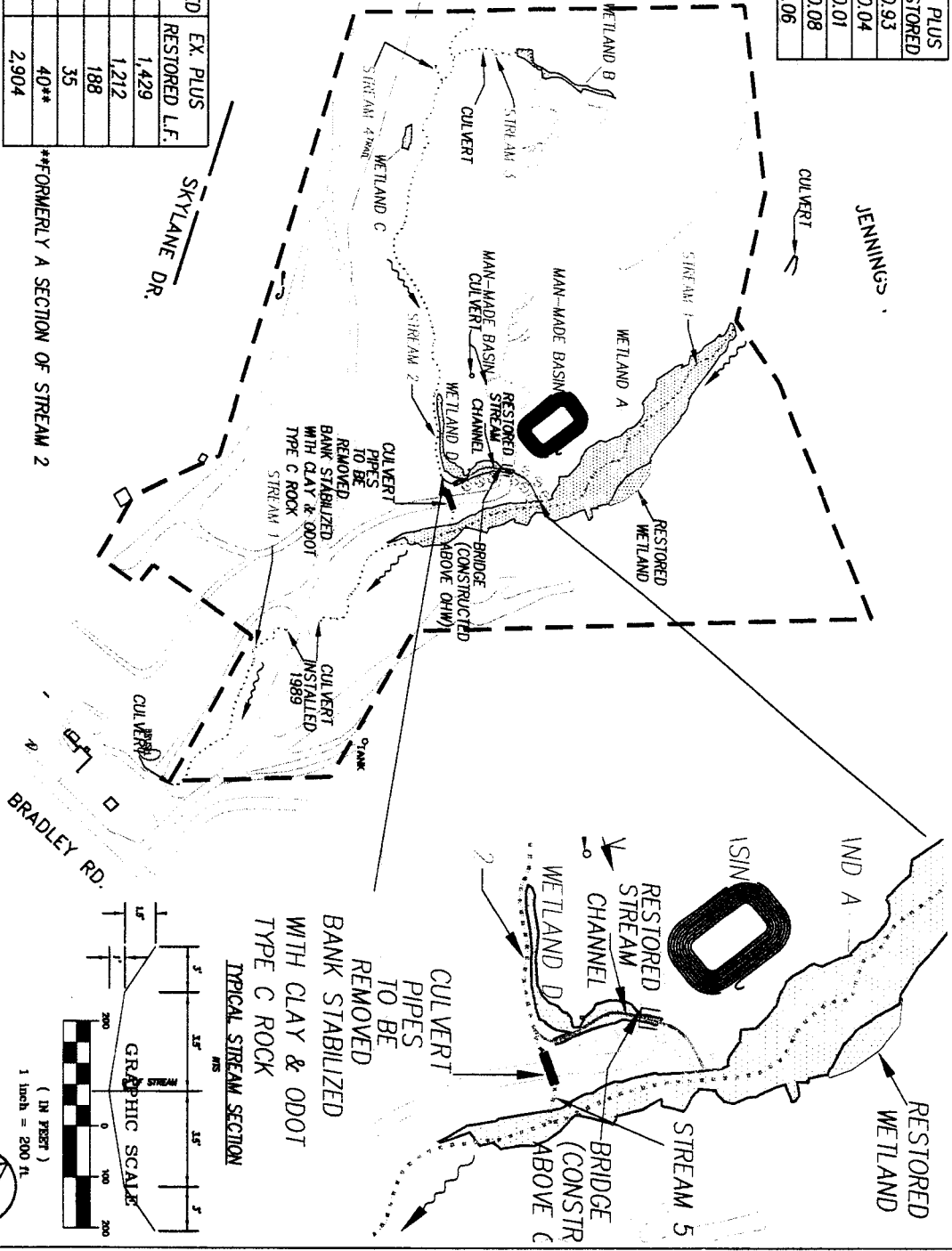
LEGEND

- WETLANDS
- STREAM
- AREA DELINEATED
- EROSION CHANNEL - NON-JURISDICTIONAL
- FLOW ARROW
- ERNST SEED MIX # 122 WILL BE BROADCAST INTO WETLAND A
- PLANTINGS TO INCLUDE 1.5" CALIBER QUERCUS PALUSTRIS & PLATANUS OCCIDENTALIS WITH A MINIMUM SPACING OF 20' ON CENTER

STREAM	TYPE	EX. L.F.	RESTORED L.F.	EX. PLUS RESTORED L.F.
1	PERENNIAL	1,429		1,429
2	PERENNIAL	1,034	218*	1,212
3	EPHEMERAL	188		188
4	EPHEMERAL	35		35
5	EPHEMERAL			40**
TOTAL				2,904

**FORMERLY A SECTION OF STREAM 2

*STREAM RESTORATION INCLUDES RESTORING HYDROLOGY TO 135 L.F. FROM EX. STREAM 2 TO BRIDGE AND CONSTRUCTION OF 83 L.F. OF NEW CHANNEL FROM BRIDGE TO STREAM 1



DATE: SEPT 2010 PROJECT NO: 08164

CHAGRIN VALLEY PROJECT: BRADLEY LANDFILL SITE
 ENGINEERING, LTD. LOCATION: CLEVELAND, OHIO

**WETLAND AND STREAM LOCATION MAP
 POST RESTORATION**