



State of Ohio Environmental Protection Agency

Southwest District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

March 2, 2009

Mr. Rick Clemens
Clemens Development Company
P. O. Box 266
Bellbrook, OH 45439

RE: HIGHVIEW TERRACE, NPDES PERMIT # 1GC02026

Dear Mr. Clemens:

On Wednesday, February 11, 2009, I inspected the Highview Terrace development project near Bellbrook to determine compliance with the site's NPDES stormwater discharge permit. The inspection focused on the front part of the site (between the bridge and Little Sugarcreek Road) and the southern end of the site, beyond the paved portion of Sugar Maple Place Street. Based on my observations, the site is in violation of the following portions of its permit:

Part III.G.2.c Runoff Control Practices
Part III.G.2.d Sediment Control Practices
Part III.G.2.b.i Stabilization

Uncontrolled sediment-laden flow originating from the bare southeastern part of the property (uphill of River Birch Court) was observed flowing in the shallow diversion ditch installed early in 2008 above River Birch Court, past the end of Sugar Maple Place Street, through the woods, and into Little Sugar Creek. Normally, large areas of undisturbed vegetation between construction projects and creeks is sufficient to slow runoff water so that suspended sediments will drop out before being discharged to the creek. But the diversion ditch installed above River Birch Court has inadvertently produced concentrated flows that continue to erode bare areas, resulting, at least on the day of this inspection, in sediment discharges to Little Sugar Creek.

Portions of the front part of the site adjacent to the creek also remain unstabilized.

Please explain in your written response to this letter what will be done to correct the situations described above. Note that these findings will be added to the existing enforcement case currently pending against Clemens Development.

Mr. Rick Clemens

March 2, 2009

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In addition, please provide the following information:

1. A copy of the site's revised stormwater pollution prevention plan (SWP3);
2. Copies of weekly inspection logs kept for the site for the last 3 months.

Please provide all requested information within 14 days of receipt of this letter. If you have questions about anything in this letter, I can be reached at 937.285.6442 or via email at chris.cotton@epa.state.oh.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Cotton". The signature is fluid and cursive, with the first name "Chris" and last name "Cotton" clearly distinguishable.

Chris Cotton
Division of Surface Water

Cc: OEPA/DSW/SWDO Files
Martha Horvitz, OEPA Legal
Rachel DeMuth, OEPA/DSW Enforcement Coordinator
Eileen Minamyler, City of Bellbrook
Ken Middleton, Greene County SWCD

CC\bp