



**Environmental
Protection Agency**

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

June 7, 2011

Mr. Richard Clemens, President
Clemens Development Co.
PO Box 266
Bellbrook, Ohio 45305

Re: Highview Terrace, Greene County, NPDES permit # 1GC02026

Dear Mr. Clemens:

On Tuesday, May 31, 2011, I inspected the Highview Terrace development project to determine compliance with the site's construction stormwater discharge permit. Based on my observations, the site is out of compliance with the following portions of its permit:

Part III.G.2.b.i Stabilization

Large gullies have formed in the bare dirt placed behind the 3 most recently constructed homes. There is evidence of sediment being carried into each of the two detention basins (one located to the north, the other to the south of the 3 homes). Because the basins' outlets have not been modified to maximize ponding, it's likely that sediment is being discharged from the site during rainstorms. In December, 2008, you agreed during a meeting at the site to modify the outlets by installing temporary riser pipes, but the work was not done. If sediment-laden runoff from disturbed areas can be diverted away from the detention basins, then modifying the basin outlets can be avoided.

An orange dandy-bag was observed covering the emergency overflow of the outlet of basin 1 (the northern basin). This is a good idea, except that water will not pond in the basin deep enough to ever reach the level of the emergency overflow so long as the area around the outlet remains washed out.

It's possible the basin in question is part of the property included with the first occupied home in the subdivision, but for the purposes of complying with the site's construction permit, Clemens Development is still considered responsible for maintenance of stormwater control structures until the permit has been terminated.

To minimize erosion from the areas described above, the bare ground could be terraced, or surface runoff from downspouts could be temporarily diverted away from the slopes themselves until vegetation has been established. Please explain in your written response to this letter what you will do to correct this situation.

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Part III.G.2.h Maintenance

Silt fencing installed in the woods at the base of the bare slopes described above has failed in sections where it has been overwhelmed by eroded sediment. Other sections of silt fence were never trenched into the ground, and have been largely ineffective. (See page 29 of the Kentucky Erosion Prevention and Sediment Control Field Guide for tips about proper silt fence installation. A copy of the guide was mailed to you in 2008.) Generally, silt fence installed at the toe of steep slopes is going to need constant maintenance because it can capture significant amounts of eroded sediments after rain storms, but may be overwhelmed in the process. Once overwhelmed and rendered ineffective, it will need to be replaced. Likewise, silt fence is not designed to deal with concentrated flows of stormwater runoff, and is most effective when installed level along elevation contours.

Please explain what will be done to control eroded sediments in the areas described above, until final stabilization of bare ground areas can occur.

In addition, please include the following information with your response:

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

Please provide the 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,



Chris Cotton
Division of Surface Water

cc: OEPA/SWDO/DSW Files
ec: Eileen Minamyler, City of Bellbrook
Martha Horvitz, OEPA/CO/Legal

CC/lf