



**Environmental
Protection Agency**

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

September 21, 2012

Mr. Greg Smith
Fort McKinley Homes LLC
3475 Newmark Drive
Miamisburg, OH 45342

RE: Notice of Violation, McKinley Homes LTD, NPDES Permit #1GC04339*AG

Dear Mr. Smith,

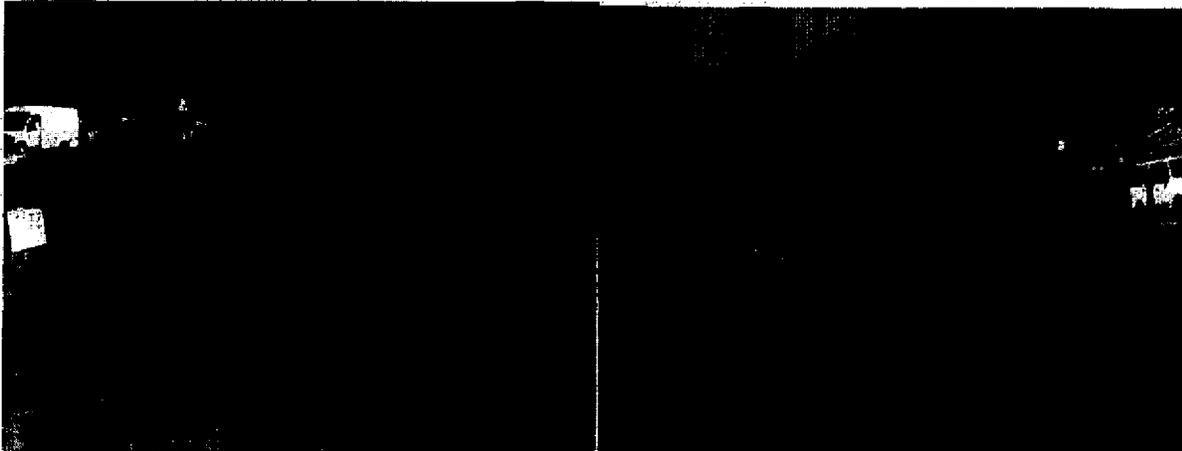
On Tuesday, September 11, 2012, I performed the storm water inspection for your housing sites located in and near Falmouth Avenue and Evansville Avenue in Dayton, OH. Six to seven sites had no mechanism to minimize soil run-off, and as such, soil was seen in the streets. There was no effective storm drain inlet protection to minimize discharge of mud to waters of the state. Please be advised that the permit requires controls and stabilization be in place to prevent soil getting on to roads or being discharged into storm sewers.

The sites I visited were in violation of the following sections of the NPDES permit:

Part III.G.2. Controls The Storm Water Pollution Prevention Plan (SWP3) must contain a description of the controls appropriate for each construction operation covered by this permit, and the operator **MUST** implement such controls.

Part III.G.2.b.i. Stabilization Disturbed areas must be stabilized as defined in Part VII.

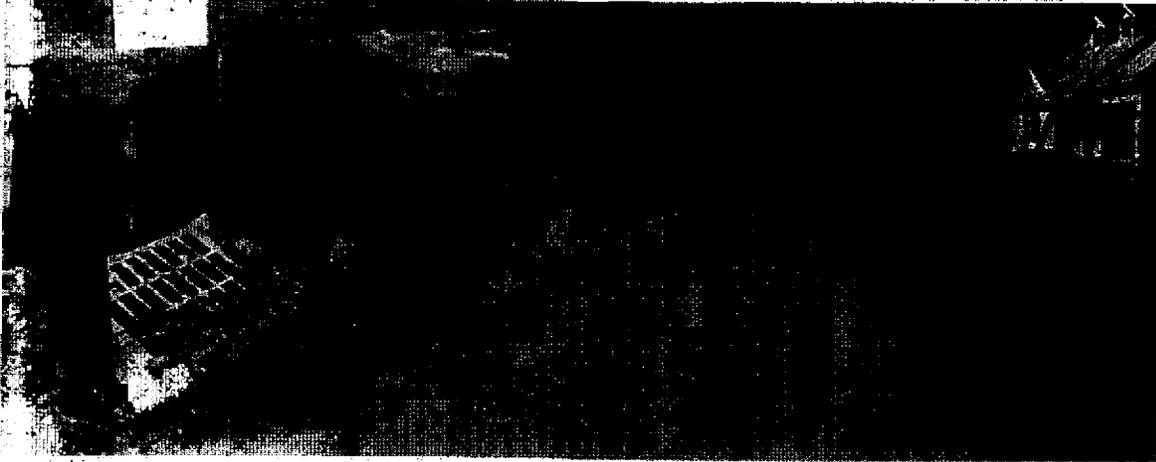
The pictures below illustrate various locations throughout the permitted site that are out of compliance. These are just a few examples, and it should be noted that nearly the entire site (all lots) is in need of immediate sediment control measures.



Southwest District Office
401 East Fifth Street
Dayton, OH 45402-2911

937 | 285 6357
937 | 285 6249 (fax)
www.epa.ohio.gov

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By September 30, 2012, please email, preferably in PDF format, a copy of your Storm Water Pollution Prevention Plan. Also, please notify me by September 30, 2012, as to how the above listed violations are to be addressed and corrected.

If you have any questions or concerns in this matter, please do not hesitate to contact me at (937) 285-6031.

Thank you for your time and cooperation Mr. Smith.

Sincerely,

Jordan Senne
Division of Surface Water
Storm water Unit

JS/ff

Ohio EPA DSW Storm Water Section, Construction Site Visit Information Form

Inspector initials: JS

Visit date: 09/11/12

Permit # 161004339 *AG

Site Name: McKinley Homes LTD

Site Address: Falmouth Ave and Evansville Ave

People contacted on site (attach business cards): NO

Their phone and e-mail: NO

1. Did you see the following on site?

ITEM	Yes/No	Not requested	Comments
NOI			
Coverage letter			
SWP3			
Inspection records			
Contractor & Subs signature document			

2. Acreage disturbed (circle): < 1 acre >1 but <5 acres >5 but <10 acres >10 acres ??

3. Site status: Clearing/grubbing Rough grading Storm sewers in Streets in
 Utilities installed Final grade Final stabilization

4. Are BMPs needed on site? Yes - waddles to keep site dirt on site, proper storm inlet protection, dust control, dirt in street.

5. Are BMPs on site effective? All Some None No BMPS

Explain: Very inlet prot minimal inlet protection

6. What post construction controls are shown on the SWP3 ? N/A

7. Were photos taken and saved?

8. Was an NOV issued?

Notes: *yes & yes*

yes