



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

October 12, 2012

Mr. Steven Finke
City of Dayton
101 W. Third Street
Dayton, OH 45402

**RE: Brown Street Rebuild - Brown Street from Oak Avenue to Irving Avenue
Notice of Violation, Permit # 1GC04192*AG**

Dear Mr. Finke,

On October 9, 2012, I performed the storm water inspection for Brown Street, Permit#1GC04192*AG. Specifically, I focused on locations north of Stewart. The site has multiple storm inlets located throughout the area. All observed storm inlets were in need of some level of inlet protection. Inlet protection mechanisms were either malfunctioning or non-functioning, or there was no storm water control mechanism at all. The site is out of compliance with the conditions of the NPDES permit in the following areas:

The NPDES permit states in **Part III.G.2. Controls** that 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.

The pictures below illustrate various locations throughout the permitted site that are out of compliance.



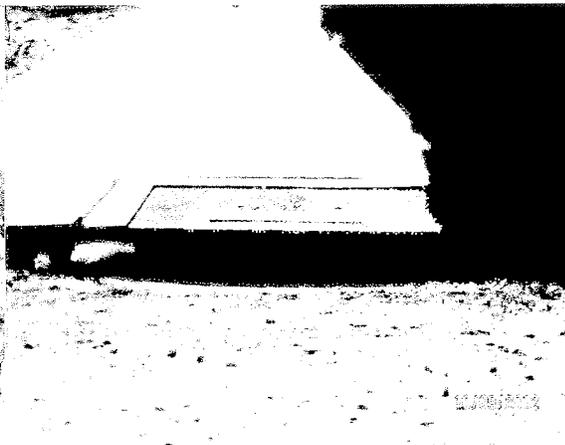
(Jasper & Brown)



Mr. Steven Finke
City of Dayton
October 12, 2012
Page 2



(Fairground & Brown)



(Frank & Brown)

The Brown Street Storm Water Pollution Prevention Plan provided to Ohio EPA shows inlet protection. These indicated measures must be implemented per the NPDES requirements.

Please notify either Chris Cotton (chris.cotton@epa.ohio.gov) or Martyn Burt (martyn.burt@epa.ohio.gov) by October 21, 2012 as to how the above listed violations will be addressed. They can be reached by phone at (937) 285-6357.

Thank you for your time. If you have any questions or concerns in the matter, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script that reads "Jordan Senne".

Jordan Senne
Division of Surface Water
Storm Water Unit