



Environmental
Protection Agency

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

December 22, 2011

Ms. Kimberly A. Lapenese
Butler Township (Montgomery County) Administrator
8524 North Dixie Drive
Dayton, OH 45414

**RE: Cloverleaf Road Reconstruction (NPDES Permit # 1GC03601)
Cloverleaf Road Improvements/Singing Ridge Retention (Permit # 1GC03935)**

Dear Ms. Lapenese:

On Wednesday, December 14, 2011, I inspected the 2 projects listed above to determine compliance with each site's National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit. Based on this inspection, the projects are in violation of the following portions of their permits:

1. Part III.G.2.b.i Stabilization

Much of the land surrounding the retention/detention basin has been covered with straw, but the amount used did not appear to be adequate to minimize erosion until vegetation becomes permanently established. Because the straw was not pressed in to the ground, or otherwise affixed using tackifying agents, much of it has blown away, leaving large areas poorly or completely uncovered. The lower banks of the retention/detention pond were not stabilized at all. In your written response to this letter, please explain what will be done to stabilize thinly covered and/or bare ground on the property.

Ground adjacent to the newly reconstructed Cloverleaf Road is likewise bare, and it appears to be at final grade. Please refer to the charts on page 16 of the construction permit to learn about specific timeframes for temporary or permanent stabilization of disturbed soils. Please explain in your written response what will be done to bring the project in to compliance with its permit, and when the work will be done.

2. Part III.G.2.d Sediment Control Practices

For the Cloverleaf Road reconstruction project, no viable sediment controls were observed to be in place. One field storm sewer inlet, located in the inside bend of the road, was ineffectively covered by a black sediment boom intended to keep sediment laden runoff from entering the storm sewer. Several storm sewer inlets in the street were either completely open or only partially blocked, but eroded sediment did not appear to be getting in to the street in any appreciable volume.

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Because storm sewer inlets are poorly protected, the small basin located outside the sharp bend in the road must have its outlet retrofitted with a riser pipe that detains water for a longer time, allowing for eroded sediments to settle out in the basin. Fitting the outlet with a temporary riser can be avoided if the storm sewer inlets that lead to the basin are properly protected. Whichever option is selected must be used until all disturbed areas have been permanently stabilized. Bare ground surrounding the reconstructed road cannot remain unstabilized all winter. In your written response to this letter, please explain what will be done to stabilize bare areas, and what sediment control practices will be employed to reduce off-site loss of eroded sediments until vegetation is established.

For the retention/detention pond project, the pond's outlet must remain blocked until all areas that drain to the basin are stabilized with either temporary cover or permanent vegetation. Once all disturbed areas are stable, the outlet can be left open to allow normal drainage to occur. The presence of this outlet makes the pond a detention basin, because it temporarily stores excess water from heavy rains, but is continuously discharging. If the basin had no outlet, aside from one provided for emergency overflows, then it would be considered a true retention basin, because runoff collected from most rains will be retained on the site.

Note that ODOT has expressed concerns in the past about eroded sediment settling out in drainage paths it established as part of the I-70/I-75 interchange reconstruction project. For this reason, a true retention basin would be the preferred option for stormwater management at this site.

In addition to the above requested information, please submit copies of weekly inspection logs kept for both sites, beginning in September 2011. Information about required inspections of erosion and sediment control practices may be found on page 29 of the permit.

Please submit the requested information within 14 days of receipt of this letter.

If you have questions about this letter, I may be reached at 937.285.6442, or via email at chris.cotton@epa.state.oh.us.

Sincerely,



Chris Cotton
Ohio EPA, Division of Surface Water

Cc Ohio EPA/SWDO/DSW Files