



July 10, 2019

Caleb Moore
NorthPoint Development
2060 Reading Road, Suite 250
Cincinnati, OH 45202

EROSION CONTROL WARNING LETTER

Dear Mr. Moore,

This letter serves as a Warning Letter to NorthPoint Development for inadequate care of the erosion control measures at your construction site at 3280 Lightner Road.

On June 25, 2019 the City of Dayton, Department of Water and Ohio EPA representatives met at the site with NorthPoint and the contractor's site superintendent. Muddy water was observed at the outlet that runs underneath Peter's Pike. At the time of our visit, it was observed that the erosion control measurements were not maintained properly to prevent sediment discharge to the creek. Per Ohio EPA, the pond was designed to be dried within 48 hours after rain event. A pump has been used to drain the pond since the meeting on site. However, the pond has remained full with run-off up to the date of this letter.

The discharge of any material other than clean rain water into the storm sewer system is prohibited by the City of Dayton's Revised Code of General Ordinances, Section 54.09 Prohibitions, and by the State of Ohio regulations. Illegal discharges constitute a violation of the City Ordinance, and may result in fines of up to \$1,000.00 per day per violation.

Therefore, the pond must be dried out and measures shall be taken to clear the water before leaving the site. Failure to comply with these requirements within 5 working days of the date of this letter will result in the issuance of a Notice of Violation according to the attached enforcement.

Please respond to this matter regarding what actions have been implemented to prevent illegal discharge to the creek. Thank you for your cooperation and immediate attention to this matter. Please feel free to call Emad Toufils at 937-333-2890, if you have any questions regarding this letter.

Respectfully,

Emad Toufils, P.E.
Engineer
Division of Water Engineering



July 18, 2019

Caleb Moore
NorthPoint Development
2060 Reading Road, Suite 250
Cincinnati, OH 45202

NOTICE OF VIOLATION

Dear Mr. Moore,

This letter serves as a Notice of Violation to NorthPoint Development for inadequate care of the erosion control measures at your construction site at 3280 Lightner Road and failure to meet the deadline established in the July 10, 2019 Warning Letter issued by the Department of Water.

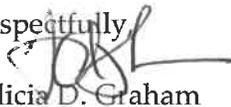
On July 17, 2019, City of Dayton, Department of Water representatives visited the site. The basin was observed to be full and muddy water was discharging from the outlet that runs underneath Peter's Pike. It was also observed that the current erosion control measurements were not properly preventing sediment discharge to the creek.

The discharge of any material other than clean rain water into waters of the state is prohibited by the City of Dayton's Revised Code of General Ordinances, Section 54.09 Prohibitions, and by the State of Ohio regulations. Illegal discharges constitute a violation of the City Ordinance, and may result in fines of up to \$1,000.00 per day per violation.

NorthPoint Development must insure that the basin is draining properly and within the designated time frame. NorthPoint Development must also insure that on clear water is discharged from the site. Failure to comply with these requirements within 10 working days of the date of this letter will result in the issuance of a 2nd Notice of Violation with accompanying fines.

Please respond to this matter regarding what actions will be implemented to improve water quality and to prevent illegal sediment discharge to the creek. Thank you for your cooperation and immediate attention to this matter. Please feel free to call Emad Toufils at 937-333-2890, if you have any questions regarding this letter.

Respectfully



Felicia D. Graham
Environmental Compliance Coordinator
Division of Environmental Management

C: M. Flanagan, OEPA (electronic)
M. Cross, DIA (electronic)