



Department of Water

320 Monument Avenue  
Dayton, Ohio 45402  
(937) 333-3725 | Fax (937) 333-6768  
[www.daytonohio.gov](http://www.daytonohio.gov)

February 21, 2019

Pam Barry  
Barry Staff, Inc.  
230 Webster Street  
Dayton, OH 45402

**SUBJECT - Warning Letter**

Dear Ms. Barry,

The City of Dayton, Department of Water, Division of Water Engineering mailed you a letter on 10/24/17 notifying you of changes to maintenance requirements for post-construction water quality structures on the property. The letter detailed actions required by the responsible party to maintain compliance with the City's Storm Water Ordinance. We have not received the maintenance log for the last quarter. This requirement is contained in the City of Dayton's Revised Code of General Ordinances, Section 54.09 Prohibitions, in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit with the Ohio Environmental Protection Agency. Failure to comply may constitute a violation of the City Ordinance and may result in fines of up to \$1,000.00 per day per violation.

We have enclosed a copy of the letter provided, as well as the documents required to be submitted. We require a response by the end of business on March 1, 2019 or a Notice of Violation will be issued.

The City of Dayton appreciates your cooperation by immediately submitting the required information.

If you have any questions or require additional information feel free to contact me at 937-333-2890.

Sincerely,

Emad Toufils, P.E.

Engineer

Enclosure



February 21, 2019

Jim Gagnet  
Coco's Bistro  
250 Warren Street  
Dayton, OH 45402

**SUBJECT - Warning Letter**

Dear Mr. Gagnet,

The City of Dayton, Department of Water, Division of Water Engineering mailed you a letter on 2/28/18 notifying you of changes to maintenance requirements for post-construction water quality structures on the property. The letter detailed actions required by the responsible party to maintain compliance with the City's Storm Water Ordinance. We have not received the maintenance log for the last quarter. This requirement is contained in the City of Dayton's Revised Code of General Ordinances, **Section 54.09 Prohibitions**, in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit with the Ohio Environmental Protection Agency. Failure to comply may constitute a violation of the City Ordinance and may result in fines of up to \$1,000.00 per day per violation.

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Sincerely,

Emad Toufils, P.E.

Engineer

Enclosure



February 21, 2019

Kathy Bassett  
Creative Foam Corp.  
3337 N. Dixie Drive  
Dayton, OH 45414

**SUBJECT - Warning Letter**

Dear Ms. Bassett,

The City of Dayton, Department of Water, Division of Water Engineering mailed you a letter on 2/28/18 notifying you of changes to maintenance requirements for post-construction water quality structures on the property. The letter detailed actions required by the responsible party to maintain compliance with the City's Storm Water Ordinance. We have not received the maintenance log for the last quarter. This requirement is contained in the City of Dayton's Revised Code of General Ordinances, Section 54.09 Prohibitions, in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit with the Ohio Environmental Protection Agency. Failure to comply may constitute a violation of the City Ordinance and may result in fines of up to \$1,000.00 per day per violation.

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Sincerely,

Emad Toufils, P.E.

Engineer

Enclosure



Department of Water

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February 21, 2019

Jerry Green  
Turner Property Services Group Inc.  
111 River Park Drive  
Dayton, OH 45479

**SUBJECT - Warning Letter**

Dear Mr. Green,

The City of Dayton, Department of Water, Division of Water Engineering mailed you a letter on 2/28/18 notifying you of changes to maintenance requirements for post-construction water quality structures on the property. The letter detailed actions required by the responsible party to maintain compliance with the City's Storm Water Ordinance. We have not received the maintenance log for the last quarter. This requirement is contained in the City of Dayton's Revised Code of General Ordinances, Section 54.09 Prohibitions, in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit with the Ohio Environmental Protection Agency. Failure to comply may constitute a violation of the City Ordinance and may result in fines of up to \$1,000.00 per day per violation.

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Sincerely,

Emad Toufils, P.E.

Engineer

Enclosure



February 21, 2019

Terry Bernard  
The Food Bank, Inc.  
56 Armor Place  
Dayton, OH 45417

**SUBJECT - Warning Letter**

Dear Sir/Madam Bernard,

The City of Dayton, Department of Water, Division of Water Engineering mailed you a letter on 11/11/17 notifying you of changes to maintenance requirements for post-construction water quality structures on the property. The letter detailed actions required by the responsible party to maintain compliance with the City's Storm Water Ordinance. We have not received the maintenance log for the last quarter. This requirement is contained in the City of Dayton's Revised Code of General Ordinances, **Section 54.09 Prohibitions**, in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit with the Ohio Environmental Protection Agency. Failure to comply may constitute a violation of the City Ordinance and may result in fines of up to \$1,000.00 per day per violation.

We have enclosed a copy of the letter provided, as well as the documents required to be submitted. We require a response by the end of business on March 1, 2019 or a Notice of Violation will be issued.

The City of Dayton appreciates your cooperation by immediately submitting the required information. If you have any questions or require additional information feel free to contact me at 937-333-2890.

Sincerely,

Emad Toufils, P.E.

Engineer

Enclosure



February 22, 2019

Bertha Bartoe  
LKQ Corporation  
1735 James H McGee Blvd  
Dayton, OH 45417

**SUBJECT - Warning Letter**

Dear Ms. Bartoe,

The City of Dayton, Department of Water, Division of Water Engineering mailed you a letter on 1/1/18 notifying you of changes to maintenance requirements for post-construction water quality structures on the property. The letter detailed actions required by the responsible party to maintain compliance with the City's Storm Water Ordinance. We have not received the maintenance log for the last quarter. This requirement is contained in the City of Dayton's Revised Code of General Ordinances, Section 54.09 Prohibitions, in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit with the Ohio Environmental Protection Agency. Failure to comply may constitute a violation of the City Ordinance and may result in fines of up to \$1,000.00 per day per violation.

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The City of Dayton appreciates your cooperation by immediately submitting the required information. If you have any questions or require additional information feel free to contact me at 937-333-2890.

Sincerely,

Emad Toufils, P.E.

Engineer

Enclosure



February 22, 2019

Char Sullivan  
McDonald's  
1501 Keowee Street  
Dayton, OH 45404

**SUBJECT – Warning Letter**

Dear Mr. Sullivan,

The City of Dayton, Department of Water, Division of Water Engineering mailed you a letter on 10/31/17 notifying you of changes to maintenance requirements for post-construction water quality structures on the property. The letter detailed actions required by the responsible party to maintain compliance with the City's Storm Water Ordinance. We have not received the maintenance log for the last quarter. This requirement is contained in the City of Dayton's Revised Code of General Ordinances, Section 54.09 Prohibitions, in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit with the Ohio Environmental Protection Agency. Failure to comply may constitute a violation of the City Ordinance and may result in fines of up to \$1,000.00 per day per violation.

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Sincerely,

Emad Toufils, P.E.

Engineer

Enclosure

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

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Certified Fee			
Return Receipt Fee (Endorsement Required)			
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$		

Sent To *Char Sullivan* CITY USPS  
Street, Apt. No.,  
or PO Box No. *1501 Keweenaw Street*  
City, State, ZIP+4 *Dayton OH 45404*



March 18, 2019

Kathy Bassett  
Creative Foam Corp.  
3337 N. Dixie Drive  
Dayton, OH 45414

**SUBJECT – Notice of Violation**

Dear Ms. Bassett,

This letter serves as a Notice of Violation to the Creative Foam Corp. for not complying with post-construction water quality maintenance requirements. A Warning Letter was sent on 2/21/2019 detailing actions required by the responsible party to maintain compliance with the City's Storm Water Ordinance.

We have not received the maintenance log for the last quarter. This requirement is contained in the City of Dayton's Revised Code of General Ordinances, **Section 54.09 Prohibitions**, in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit with the Ohio Environmental Protection Agency. Failure to comply with these rules and regulations constitutes a violation of the City Ordinances, referenced above, and may result in fines of up to \$1,000.00 per day per violation.

We require a response within 30 days of this correspondence. The City of Dayton appreciates your cooperation by immediately submitting the required information. If you have any questions or require additional information feel free to contact me at 937-333-2890.

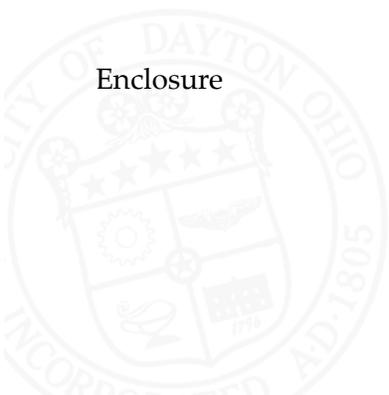
Sincerely,

A handwritten signature in black ink, appearing to read "Emad Toufils", written over a light gray grid background.

Emad Toufils, P.E.

Engineer

Enclosure





March 18, 2019

Dwanna Tory  
Germantown I, LLC  
464 S. Broadway Street  
Dayton, OH 45417

**SUBJECT – Warning Letter**

Dear Ms. Tory,

The City of Dayton, Department of Water, Division of Water Engineering mailed you a letter on 2/28/18 notifying you of changes to maintenance requirements for post-construction water quality structures on the property. The letter detailed actions required by the responsible party to maintain compliance with the City's Storm Water Ordinance. We have not received the maintenance log for the last quarter. This requirement is contained in the City of Dayton's Revised Code of General Ordinances, **Section 54.09 Prohibitions**, in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit with the Ohio Environmental Protection Agency. Failure to comply may constitute a violation of the City Ordinance and may result in fines of up to \$1,000.00 per day per violation.

We require a response by the end of business on March 1, 2019 or a Notice of Violation will be issued.

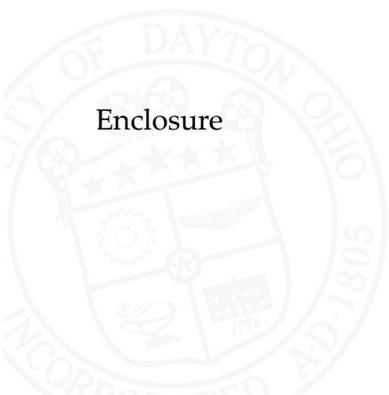
The City of Dayton appreciates your cooperation by immediately submitting the required information. If you have any questions or require additional information feel free to contact me at 937-333-2890.

Sincerely,

Emad Toufils, P.E.

Engineer

Enclosure





March 18, 2019

Bertha Bartoe  
LKQ Corp.  
1735 James H. McGee Blvd  
Dayton, OH 45417

**SUBJECT – Notice of Violation**

Dear Ms. Bartoe,

This letter serves as a Notice of Violation to the Creative Foam Corp. for not complying with post-construction water quality maintenance requirements. A Warning Letter was sent on 2/22/2019 detailing actions required by the responsible party to maintain compliance with the City's Storm Water Ordinance.

We have not received the maintenance log for the last quarter. This requirement is contained in the City of Dayton's Revised Code of General Ordinances, **Section 54.09 Prohibitions**, in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit with the Ohio Environmental Protection Agency. Failure to comply with these rules and regulations constitutes a violation of the City Ordinances, referenced above, and may result in fines of up to \$1,000.00 per day per violation.

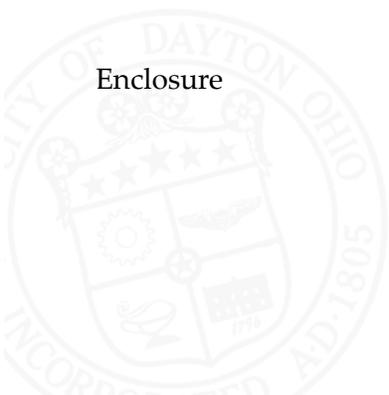
We require a response within 30 days of this correspondence. The City of Dayton appreciates your cooperation by immediately submitting the required information. If you have any questions or require additional information feel free to contact me at 937-333-2890.

Sincerely,

Emad Toufils, P.E.

Engineer

Enclosure





March 18, 2019

John Haws  
St Mary Development Corporation  
2160 E. 5<sup>th</sup> Street  
Dayton, OH 45403

**SUBJECT – Warning Letter**

Dear Mr. Haws,

The City of Dayton, Department of Water, Division of Water Engineering mailed you a letter on 3/1/18 notifying you of changes to maintenance requirements for post-construction water quality structures on the property. The letter detailed actions required by the responsible party to maintain compliance with the City's Storm Water Ordinance. We have not received the maintenance log for the last quarter. This requirement is contained in the City of Dayton's Revised Code of General Ordinances, **Section 54.09 Prohibitions**, in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit with the Ohio Environmental Protection Agency. Failure to comply may constitute a violation of the City Ordinance and may result in fines of up to \$1,000.00 per day per violation.

We require a response by the end of business on April 1, 2019 or a Notice of Violation will be issued.

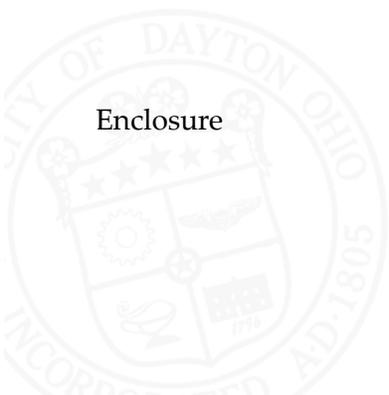
The City of Dayton appreciates your cooperation by immediately submitting the required information. If you have any questions or require additional information feel free to contact me at 937-333-2890.

Sincerely,

Emad Toufils, P.E.

Engineer

Enclosure





March 18, 2019

Kurt T. Stanic, Superintendent  
Wilbur Wright School  
115 S. Ludlow Street  
Dayton, OH 45402

**SUBJECT – Warning Letter**

Dear Mr. Stanic,

The City of Dayton, Department of Water, Division of Water Engineering mailed you a letter on 3/2/18 notifying you of changes to maintenance requirements for post-construction water quality structures on the property. The letter detailed actions required by the responsible party to maintain compliance with the City's Storm Water Ordinance. We have not received the maintenance log for the last quarter. This requirement is contained in the City of Dayton's Revised Code of General Ordinances, **Section 54.09 Prohibitions**, in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit with the Ohio Environmental Protection Agency. Failure to comply may constitute a violation of the City Ordinance and may result in fines of up to \$1,000.00 per day per violation.

We require a response by the end of business on April 1, 2019 or a Notice of Violation will be issued.

The City of Dayton appreciates your cooperation by immediately submitting the required information. If you have any questions or require additional information feel free to contact me at 937-333-2890.

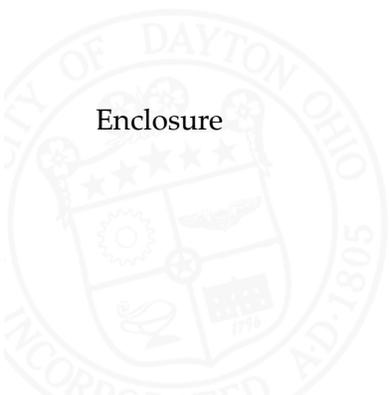
Sincerely,

A handwritten signature in black ink, appearing to read "Emad Toufils", written over a light gray grid background.

Emad Toufils, P.E.

Engineer

Enclosure





March 18, 2019

Tom Smith  
Storage Inn of America  
1450 Wilmington Avenue  
Dayton, OH 45420

**SUBJECT – Warning Letter**

Dear Mr. Smith,

The City of Dayton, Department of Water, Division of Water Engineering mailed you a letter on 3/1/18 notifying you of changes to maintenance requirements for post-construction water quality structures on the property. The letter detailed actions required by the responsible party to maintain compliance with the City's Storm Water Ordinance. We have not received the maintenance log for the last quarter. This requirement is contained in the City of Dayton's Revised Code of General Ordinances, **Section 54.09 Prohibitions**, in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit with the Ohio Environmental Protection Agency. Failure to comply may constitute a violation of the City Ordinance and may result in fines of up to \$1,000.00 per day per violation.

We require a response by the end of business on April 1, 2019 or a Notice of Violation will be issued.

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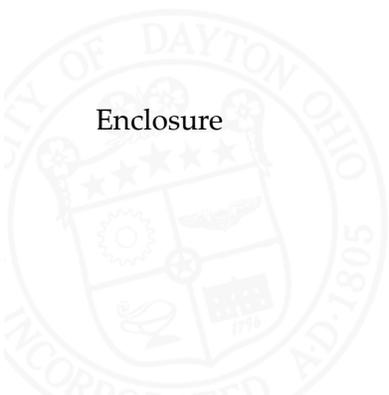
Sincerely,

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Emad Toufils, P.E.

Engineer

Enclosure





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.

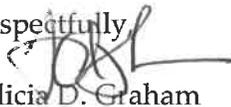
On July 17, 2019, City of Dayton, Department of Water representatives visited the site. The basin was observed to be full and muddy water was discharging from the outlet that runs underneath Peter's Pike. It was also observed that the current erosion control measurements were not properly preventing 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 2<sup>nd</sup> 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)



Department of Water

320 Monument Avenue  
Dayton, Ohio 45402  
(937) 333-3725 | Fax (937) 333-6768  
[www.daytonohio.gov](http://www.daytonohio.gov)

February 22, 2019

Adam Blake  
River Commons II  
144 E Helena Street  
Dayton, OH 45404

**SUBJECT - Warning Letter**

Dear Mr. Blake,

The City of Dayton, Department of Water, Division of Water Engineering mailed you a letter on 10/19/17 notifying you of changes to maintenance requirements for post-construction water quality structures on the property. The letter detailed actions required by the responsible party to maintain compliance with the City's Storm Water Ordinance. We have not received the maintenance log for the last quarter. This requirement is contained in the City of Dayton's Revised Code of General Ordinances, Section 54.09 Prohibitions, in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit with the Ohio Environmental Protection Agency. Failure to comply may constitute a violation of the City Ordinance and may result in fines of up to \$1,000.00 per day per violation.

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Sincerely,

Emad Toufils, P.E.

Engineer

Enclosure