



State of Ohio Environmental Protection Agency

Southwest District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

June 5, 2009

Mr. James Libby
Libby Manchester Enterprises, LLC
803 Commonwealth Drive
Warrendale, Pennsylvania 15086

Re: Hamilton County, Manchester Plaza Shopping Center, Notice of Violation

Dear Mr. Libby:

The Ohio EPA has completed a compliance evaluation of the Monthly Operating Reports covering the months of January 1, 2009 through March 2009 for the Manchester Plaza Shopping Center. The evaluation indicates violations of the conditions of your NPDES Permit (NPDES Permit # OH0072524; OEPA Permit # 1PX00002*ED). The specific instances of noncompliance are as follows:

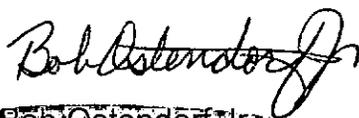
Effluent Limit Violations					
Reporting Period	Parameter	Limit Type	Limit	Reported Value	Violation Date
January 2009	Ammonia	Monthly Conc	3.0	3.7	1/1/2009
January 2009	Ammonia	Weekly Conc	4.5	5.0	1/8/2009
February 2009	TSS	Monthly Conc	12	18	2/1/2009
February 2009	Ammonia	Monthly Conc	3.0	9.4	2/1/2009
February 2009	Ammonia	Monthly Qty	0.4	0.9	2/1/2009
February 2009	CBOD	Monthly Conc	10	22	2/1/2009
February 2009	CBOD	Monthly Qty	1.5	2.1	2/1/2009
February 2009	TSS	Weekly Conc	18	40	2/8/2009
February 2009	TSS	Weekly Qty	2.6	3.9	2/8/2009
February 2009	Ammonia	Weekly Conc	4.5	7.1	2/8/2009
February 2009	CBOD	Weekly Conc	15	56	2/8/2009
February 2009	CBOD	Weekly Qty	2.2	5.5	2/8/2009
February 2009	Ammonia	Weekly Conc	4.5	12	2/22/2009
February 2009	Ammonia	Weekly Qty	0.7	1.0	2/22/2009
March 2009	TSS	Monthly Conc	12	73.	3/1/2009
March 2009	TSS	Weekly Conc	18	36.	3/1/2009

Effluent Limit Violations (cont.)					
Reporting Period	Parameter	Limit Type	Limit	Reported Value	Violation Date
March 2009	TSS	Monthly Qty	1.8	7.5	3/1/2009
March 2009	TSS	Weekly Qty	2.6	3.7	3/1/2009
March 2009	Ammonia	Monthly Conc	3.0	6.1	3/1/2009
March 2009	Ammonia	Weekly Conc	4.5	7.2	3/1/2009
March 2009	Ammonia	Monthly Qty	0.4	0.6	3/1/2009
March 2009	Ammonia	Weekly Qty	0.7	0.7	3/1/2009
March 2009	CBOD	Monthly Conc	10	30	3/1/2009
March 2009	CBOD	Weekly Conc	15	28	3/1/2009
March 2009	CBOD	Monthly Qty	1.5	3.1	3/1/2009
March 2009	CBOD	Weekly Qty	2.2	2.9	3/1/2009
March 2009	TSS	Weekly Conc	18	180	3/8/2009
March 2009	TSS	Weekly Qty	2.6	18	3/8/2009
March 2009	Ammonia	Weekly Conc	4.5	11	3/8/2009
March 2009	Ammonia	Weekly Qty	0.7	1	3/8/2009
March 2009	CBOD	Weekly Conc	15	55	3/8/2009
March 2009	CBOD	Weekly Qty	2.2	5.6	3/8/2009

The Ohio EPA has received a response to the above listed violations and an additional response is not required at this time. Please be advised that failure to comply with the effluent limitations, monitoring, or reporting requirements of your NPDES Permit may be cause for enforcement action pursuant to the Ohio Revised Code Chapter 6111.

If you have any questions or concerns regarding this matter please feel free to contact me at (937) 285-6107 or via email at Robert.Ostendorf@epa.state.oh.us.

Sincerely,



Bob Ostendorf Jr.
Division of Surface Water
Permit Section

Cc: Mr. Russel Cannane, H.L. Libby Corporation
Mr. Bud Ruby