SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

James Libby
Libby Manchester
803 Commonwealth
Warrendale PA
15086

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Dawn M Wilson ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* Dawn M Wilson
C. Date of Delivery 6-24-11

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7010 1060 0002 4250 5399

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Southwest District Office
401 East Fifth Street
Dayton, OH 45402-2911

Attn: B. Ostendorf

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6/22/2011

Sent To James Libby

Street, Apt. No., or PO Box No. 803 Commonwealth

City, State, ZIP+4 Warrendale PA 15086

See Reverse for Instructions

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- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement *"Restricted Delivery"*.
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IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 *(Reverse)* PSN 7530-02-000-9047

Ohio Environmental Protection Agency

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

June 22, 2011

CERTIFIED LETTER

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

Re: Hamilton County, Manchester Plaza Shopping Center WWTP, Compliance Evaluation Inspection, and Notice of Violation

Dear Mr. Libby:

On June 15, 2011, I conducted a Compliance Evaluation Inspection at the Manchester Plaza Shopping Center WWTP located at 5750 Harrison Avenue, Cincinnati, in Hamilton County. I have included with this letter a copy of my inspection report.

This letter also serves as a Notice of Violation (NOV) for the violations found in Appendix A of the inspection report, violations of Part II of permit 1PX00002*FD, and Ohio Administrative Code 3745-7-02. The following violation will require a written response:

- Upon review of the operator logbook it was discovered that the staffing requirements found in Part II of permit 1PX00002*FD are not being satisfied. These requirements are also found the Ohio Administrative Code 3742-7-02. This permit condition became effective on June 1, 2011.

Please inform this office, in writing, within ten days of receipt of this notification as to the reason for the above referenced violation, as well as a description of the actions taken or proposed to prevent further violations. Your response should include the dates, either actual or proposed, for completion of said actions.

The following violations / observations will not require a written response:

- In reviewing the methodology for the collection of composite samples it was discovered that the samples were not being collected in accordance with the requirements found in Part II of permit 1PX00002*FD. During the inspection the operator explained that the rationale used when collecting composite samples was to collect a more representative sample. In a discussion with the operator it was apparent that he was unaware that Part II of permit 1PX00002*FD is very specific in the manner the composite samples are to be

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401 East Fifth Street
Dayton, OH 45402-2911

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937 | 285 6249 (fax)
www.epa.ohio.gov

collected. Please be advised that although this appears to have been an oversight, this is considered a violation of permit 1PX00002*FD.

- As part of the inspection process a compliance review was performed on the facility for the time period of April 1, 2010 through May 1, 2011. Appendix A of the inspection report lists Frequency / Monitoring violations for the timeframe reviewed. The reasons given for the violations satisfy the response requirements for this violation and additional information regarding this matter is not required at this time.

- In reviewing the Data Monitoring Reports it appears that there may be some typographical errors for the flow data being submitted. Please confirm that the flow data being submitted is representative of the flow being discharged from the facility.

- During the inspection it was noted that handrails are present around all the open treatment tanks. In a previous inspection it was noted that several of the handrails were missing, creating a safety hazard. It was also noted that the facility has installed continuous flow monitoring as required in permit 1PX00002*FD. The Ohio EPA is appreciative of the facility's willingness to address these issues in a timely manner.

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 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
Permits Section

Enclosure

Cc: Mr. Dennis Feichtner, National Wastewater Industries, Inc.

OhioEPA

State of Ohio Environmental Protection Agency
Southwest District Office

NPDES Compliance Inspection Report
Semi-Public Sewage Disposal Inspection Form

Section A: National Data System Coding					
Permit #	**NPDES#**	**Month/Day/Year**	**Inspection Type**	**Inspector**	**Facility Type**
1PX00002*FD	OH0072524	6/15/11	C	S	2

Section B: Facility Data		
Name and Location of Facility Inspected	**Entry Time**	**Permit Effective Date**
Manchester Plaza Shopping Center WWTP 5750 Harrison Avenue Cincinnati, OH 45248	0900	June 1, 2011
	Exit Time	**Permit Expiration Date**
	0945	May 31, 2011
Name(s) and Title(s) of On-Site Representatives	**Phone Number(s)**	
Mr. Dennis Feichtner, NWI Mr. Danny Wuebbsler, NWI	513-367-5969 513-367-5969	
Name(s), Address and Title(s) of Operator of Record	**Phone Number(s)**	
Mr. Dennis Feichtner (WW3-1015558-82), Operator of Record	513-367-5969	
Name, Address and Title of Responsible Official	**Phone Number**	
Mr. James A. Libby, Vice President Libby Manchester Enterprises 803 Commonwealth Drive Warrendale, PA 15086	724-935-3433	

Ohio EPA Inspector	Ohio EPA Reviewer
Bob Ostendorf 6-22-11	Martyn Burt 6/22/11
Bob Ostendorf Jr. Date Division of Surface Water Southwest District Office	Martyn Burt Date Compliance & Enforcement Supervisor Division of Surface Water Southwest District Office

Average Daily Design Flow:	**38,600 Gallons/Day**
Plant Serves:	Shopping Center
Average Daily Flow (Period of Review)	**775 Gallons/Day (April 1, 2010 – May 1, 2011)**
Method of flow monitoring:	**Ultrasonic**
Type of alarms for plant	**None**

Pretreatment

Type of Pretreatment: **Trash Trap**
Does the Trash Trap need pumped: **No**
Maintenance of pretreatment components is: **Good**

Comments/Status:

During the inspection Mr. Feichtner and Mr. Wuebbsler indicated that the flow meter was working well and the average flow had decreased since the last inspection. They stated that the average daily flow was approximately 15,000 gallons per day. Upon review of the data submitted with the monthly report it appears that there may be an issue with the flow monitoring data. The data being submitted in the monthly report is substantially lower (750 gpd) than indicated during the inspection.

The trash trap is usually pumped two times per year. The last time the trash trap was pumped was in March of this year.

Secondary Treatment (Aeration)

Color of sludge: **Dark Brown**
Quality of Sludge: **Heavy**
Foam: **None present**
Odor: **No objectionable odor present**

	Yes	No		Yes	No
Aeration is taking place	☒	☐	Plant is septic	☐	☒
Blowers are operating	☒	☐	Blowers are on a timer	☐	☒
Skimmers are operating	☐	☒	Plant is flooded	☐	☒
Diffusers are operating	☒	☐	Grating is present	☐	☒
Sludge return is operating	☒	☐			

Maintenance of aerating equipment is...**Good**

Comments/Status:

Secondary Treatment (Settling)

Clarity: **Solids Present**

Permit # : 1PX00002*FD
NPDES #: OH0072524

Condition of Weir: **Excessive Algae/Solids Build Up**
Weir is level: **Yes**
Effluent in weir: **Clear**
Clarifier walls need scraped: **Unknown**

Overall maintenance of settling components is: **Fair**

Comments/Status:

At the time of the inspection the skimmer was plugged due to an excessive amount of solids floating on the surface of the clarifier. By the end of the inspection Mr. Feichtner had cleared away the excessive solids and the skimmer appeared to be working properly. It was noted during the inspection that hand rails had been installed around all of the open tanks.	See pi

Tertiary Treatment

	Yes	No		Yes	No
Surface sand Filters: **Slow**	☒	☐	**Subsurface**	☐	☒
Distribution box operating	☒	☐	Beds alternated	☒	☐
Are filters ponding/flooding	☐	☒	Beds raked	☒	☐
Sand filters overgrown	☐	☒	Chlorination present	☒	☐
UV present	☐	☒	Dechlorination present	☒	☐

Overall maintenance of components is: **Fair**

Comments/Status:

It was apparent that 2 of the 3 surface sand filters had recently been cleaned. Mr. Feichtner indicated that the last sand filter would be cleaned within the next couple of weeks. At that time the solids which are presently being stored adjacent to the surface sand filters will be properly disposed of. During my review of the disinfection system Mr. Wuebbsler indicated that he had just filled the chlorinator with tablets because it was empty when they arrived onsite.

During the inspection Mr. Feichtner and I discussed the compliance schedule in the current permit. The compliance schedule was developed to allow time for a determination to be made regarding compliance with e-coli limits. Mr. Feichtner indicated that he did not think that the new e-coli limits would be a problem for the facility.

Sludge Handling/Storage Disposal

Hauler name: Savings Liquid Waste
Disposal Site: Nearest MSD Facility
Sludge wasted from: Sludge Holding Tank
How often is sludge wasted: As needed
Sludge drying beds: **No** Sludge holding tank: **Yes**

Overall maintenance of components is: **Good**

Comments/Status:

Plant Discharge

Discharge point is a: **Ditch**
Name of discharge point: **Unnamed tributary to Taylor Creek**
Discharge is visible: **Yes** Quality of Effluent: **Clear**

Comments/Status:

Record Keeping/Operator of Record

(a) Wastewater treatment Works Classification (OAC 3745-7).....I
(b) Operator of Record holds unexpired license of class required by NPDES permit;.....Y
(c) Copy of certificate of Operator of Record displayed on site?.....Y
(d) Has the Operator of Record submitted an ORC notification form?.....Y
(e) Minimum operator staffing hours fulfilled? .....N
(f) Operator of Record logbook provided?.....Y
(g) Format of logbook (eg computer log, hard bound book etc.)

The logbook is a spiral bound calendar. In reviewing the logbook it was determined that although composite samples were being collected from the facility the methodology of the sample collection was not in accordance with permit requirements. In an effort to have the composite samples be more representative the collection would start the evening before. Mr. Feichtner and I discussed the current sampling practices and reviewed the requirements as written in the permit. It was also discovered that the staffing requirements for this facility are not adequate. The recently renewed permit requires the Operator of Record to be present at the facility for 1.5 hrs per week and a minimum of 3 days per week.

(h) Logbook kept onsite in an area protected from weather.....Y
(i) Logbook contains each of the following:
  a. Identification of treatment works..... Y
  b. Dates and times of arrival and departure of OR and any other operator.....Y
  c. Daily record of operator and maintenance activities including preventative maintenance, repairs, process control tests etc.....Y
  d. Laboratory analysis results unless documented on bench sheets.....Y
  e. Identification of person making entries.....Y

(j) Has the operator of record submitted written notifications to the permittee and Ohio EPA when a collection system overflow, treatment plant bypass or effluent limit violation has occurred?.....Y
Comments/Status:

It was discussed during the inspection that Mr. Wuebbsler had recently took the Class I certification examination and is waiting for the results. If Mr. Wuebbsler obtains his Class I certification it is intended that he will become the Operator of Record for this facility. We discussed that an Operator of Record Notification form would be required for this transition.

Appendix A
Effluent Limit Violations
Period of Review: 4/1/10 – 5/1/11

Final Effluent Violations

Reporting Period	Parameter	Limit Type	Limit	Reported Value	Violation Date
April 2010	CBOD	Monthly Conc	10	13	4/1/2010
April 2010	CBOD	Weekly Conc	15	24	4/15/2010
April 2010	CBOD	Weekly Conc	15	21	4/22/2010

Frequency / Monitoring Violations

Reporting Period	Parameter	Sample Frequency	Expected	Reported	Violation Date
April 2010	Flow	1/Day	1	0	04/02/2010
April 2010	Flow	1/Day	1	0	04/03/2010
April 2010	Flow	1/Day	1	0	04/04/2010
April 2010	Flow	1/Day	1	0	04/05/2010
April 2010	Flow	1/Day	1	0	04/06/2010
April 2010	Flow	1/Day	1	0	04/07/2010
April 2010	Flow	1/Day	1	0	04/08/2010
April 2010	Flow	1/Day	1	0	04/09/2010
April 2010	Flow	1/Day	1	0	04/10/2010
April 2010	Flow	1/Day	1	0	04/11/2010
April 2010	Flow	1/Day	1	0	04/12/2010
April 2010	Flow	1/Day	1	0	04/13/2010
April 2010	Flow	1/Day	1	0	04/14/2010
April 2010	Flow	1/Day	1	0	04/15/2010
April 2010	Flow	1/Day	1	0	04/16/2010
April 2010	Flow	1/Day	1	0	04/17/2010
April 2010	Flow	1/Day	1	0	04/18/2010
April 2010	Flow	1/Day	1	0	04/19/2010
April 2010	Flow	1/Day	1	0	04/20/2010
April 2010	Flow	1/Day	1	0	04/21/2010
April 2010	Flow	1/Day	1	0	04/22/2010
April 2010	Flow	1/Day	1	0	04/23/2010
April 2010	Flow	1/Day	1	0	04/24/2010
April 2010	Flow	1/Day	1	0	04/25/2010

Frequency / Monitoring Violations (cont.)

Reporting Period		Parameter	Sample Frequency	Expected	Reported	Violation Date
April	2010	Flow	1/Day	1	0	04/26/2010
April	2010	Flow	1/Day	1	0	04/27/2010
April	2010	Flow	1/Day	1	0	04/28/2010
April	2010	Flow	1/Day	1	0	04/29/2010
April	2010	Flow	1/Day	1	0	04/30/2010
May	2010	Flow	1/Day	1	0	05/02/2010
May	2010	Flow	1/Day	1	0	05/03/2010
May	2010	Flow	1/Day	1	0	05/04/2010
May	2010	Flow	1/Day	1	0	05/05/2010
May	2010	Flow	1/Day	1	0	05/06/2010
May	2010	Flow	1/Day	1	0	05/07/2010
May	2010	Flow	1/Day	1	0	05/08/2010
May	2010	Flow	1/Day	1	0	05/09/2010
May	2010	Flow	1/Day	1	0	05/10/2010
May	2010	Flow	1/Day	1	0	05/11/2010
May	2010	Flow	1/Day	1	0	05/12/2010
May	2010	Flow	1/Day	1	0	05/13/2010
May	2010	Flow	1/Day	1	0	05/14/2010
May	2010	Flow	1/Day	1	0	05/15/2010
May	2010	Flow	1/Day	1	0	05/16/2010
May	2010	Flow	1/Day	1	0	05/17/2010
May	2010	Flow	1/Day	1	0	05/18/2010
May	2010	Flow	1/Day	1	0	05/19/2010
May	2010	Flow	1/Day	1	0	05/20/2010
May	2010	Flow	1/Day	1	0	05/21/2010
May	2010	Flow	1/Day	1	0	05/22/2010
May	2010	Flow	1/Day	1	0	05/23/2010
May	2010	Flow	1/Day	1	0	05/24/2010
May	2010	Flow	1/Day	1	0	05/25/2010
May	2010	Flow	1/Day	1	0	05/26/2010
May	2010	Flow	1/Day	1	0	05/27/2010
May	2010	Flow	1/Day	1	0	05/28/2010
May	2010	Flow	1/Day	1	0	05/29/2010
May	2010	Flow	1/Day	1	0	05/30/2010
May	2010	Flow	1/Day	1	0	05/31/2010
June	2010	Flow	1/Day	1	0	06/02/2010
June	2010	Flow	1/Day	1	0	06/03/2010
June	2010	Flow	1/Day	1	0	06/04/2010
June	2010	Flow	1/Day	1	0	06/05/2010

Permit # : 1PX00002*FD
NPDES #: OH0072524

Frequency / Monitoring Violations (cont.)						
Reporting Period		Parameter	Sample Frequency	Expected	Reported	Violation Date
June	2010	Flow	1/Day	1	0	06/06/2010
June	2010	Flow	1/Day	1	0	06/07/2010
June	2010	Flow	1/Day	1	0	06/08/2010
June	2010	Flow	1/Day	1	0	06/09/2010
June	2010	Flow	1/Day	1	0	06/10/2010
June	2010	Flow	1/Day	1	0	06/11/2010
June	2010	Flow	1/Day	1	0	06/12/2010
June	2010	Flow	1/Day	1	0	06/13/2010
June	2010	Flow	1/Day	1	0	06/14/2010
June	2010	Flow	1/Day	1	0	06/15/2010
June	2010	Flow	1/Day	1	0	06/16/2010
June	2010	Flow	1/Day	1	0	06/17/2010
June	2010	Flow	1/Day	1	0	06/18/2010
June	2010	Flow	1/Day	1	0	06/19/2010
June	2010	Flow	1/Day	1	0	06/20/2010
June	2010	Flow	1/Day	1	0	06/21/2010
June	2010	Flow	1/Day	1	0	06/22/2010
June	2010	Flow	1/Day	1	0	06/23/2010
June	2010	Flow	1/Day	1	0	06/24/2010
June	2010	Flow	1/Day	1	0	06/25/2010
June	2010	Flow	1/Day	1	0	06/26/2010
June	2010	Flow	1/Day	1	0	06/27/2010
June	2010	Flow	1/Day	1	0	06/28/2010
June	2010	Flow	1/Day	1	0	06/29/2010
June	2010	Flow	1/Day	1	0	06/30/2010
July	2010	Flow	1/Day	1	0	07/02/2010
July	2010	Flow	1/Day	1	0	07/03/2010
July	2010	Flow	1/Day	1	0	07/04/2010
July	2010	Flow	1/Day	1	0	07/05/2010
July	2010	Flow	1/Day	1	0	07/06/2010
July	2010	Flow	1/Day	1	0	07/07/2010
July	2010	TSS	1/Week	1	0	07/08/2010
July	2010	Flow	1/Day	1	0	07/08/2010
July	2010	CBOD	1/Week	1	0	07/08/2010
July	2010	pH	1/Week	1	0	07/08/2010
July	2010	DO	1/Week	1	0	07/08/2010
July	2010	Flow	1/Day	1	0	07/09/2010
July	2010	Flow	1/Day	1	0	07/10/2010
July	2010	Flow	1/Day	1	0	07/11/2010

Frequency / Monitoring Violations (cont.)

Reporting Period	Parameter	Sample Frequency	Expected	Reported	Violation Date
July 2010	Flow	1/Day	1	0	07/12/2010
July 2010	Flow	1/Day	1	0	07/13/2010
July 2010	Flow	1/Day	1	0	07/14/2010
July 2010	Flow	1/Day	1	0	07/15/2010
July 2010	Flow	1/Day	1	0	07/16/2010
July 2010	Flow	1/Day	1	0	07/17/2010
July 2010	Flow	1/Day	1	0	07/18/2010
July 2010	Flow	1/Day	1	0	07/19/2010
July 2010	Flow	1/Day	1	0	07/20/2010
July 2010	Flow	1/Day	1	0	07/21/2010
July 2010	Flow	1/Day	1	0	07/22/2010
July 2010	Flow	1/Day	1	0	07/23/2010
July 2010	Flow	1/Day	1	0	07/24/2010
July 2010	Flow	1/Day	1	0	07/25/2010
July 2010	Flow	1/Day	1	0	07/26/2010
July 2010	Flow	1/Day	1	0	07/27/2010
July 2010	Flow	1/Day	1	0	07/28/2010
July 2010	Flow	1/Day	1	0	07/29/2010
July 2010	Flow	1/Day	1	0	07/30/2010
July 2010	Flow	1/Day	1	0	07/31/2010
August 2010	Flow	1/Day	1	0	08/02/2010
August 2010	Flow	1/Day	1	0	08/03/2010
August 2010	Flow	1/Day	1	0	08/04/2010
August 2010	Flow	1/Day	1	0	08/05/2010
August 2010	Flow	1/Day	1	0	08/06/2010
August 2010	Flow	1/Day	1	0	08/07/2010
August 2010	Flow	1/Day	1	0	08/08/2010
August 2010	Flow	1/Day	1	0	08/09/2010
August 2010	Flow	1/Day	1	0	08/10/2010
August 2010	Flow	1/Day	1	0	08/11/2010
August 2010	Flow	1/Day	1	0	08/12/2010
August 2010	Flow	1/Day	1	0	08/13/2010
August 2010	Flow	1/Day	1	0	08/14/2010
August 2010	Flow	1/Day	1	0	08/15/2010
August 2010	Flow	1/Day	1	0	08/16/2010
August 2010	Flow	1/Day	1	0	08/17/2010