



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director



1PB0010020080505

BROWN

ABERDEEN WWTP

JACKSON, JOSHUA 2008/05/05

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VILLAGE OF ABERDEEN
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State of Ohio Environmental Protection Agency

Southwest District Office

401 E. Fifth St.
Dayton, Ohio 45402

TELE: (937) 285-6357 FAX: (937) 285-6249
www.epa.state.oh.us

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

May 5, 2008

Mayor & Council
Village of Aberdeen
P.O. Box 509
Aberdeen, OH 45101

Certified Mail

**RE: Notice of Violation
Village of Aberdeen WWTW/Compliance Evaluation Inspection
NPDES Permit No. OH0023825/OEPA PERMIT NO. 1PB00100*HD**

Ladies & Gentlemen:

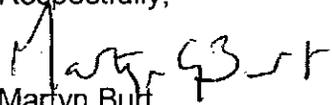
On April 30, 2008, Joshua Jackson of this office conducted an NPDES Compliance Evaluation Inspection at the Village of Aberdeen wastewater treatment works (WWTW). Mr. Elliott Lindsey (operator of record) was present during the inspection.

A copy of Mr. Jackson's report on the inspection is enclosed. As indicated on the attached NPDES Compliance Evaluation Inspection Report, several evaluated areas received below satisfactory ratings and are in need of immediate attention. **The "Items for Correction" are located in bold type throughout the report. Several of these items were also noted within the report prepared in 2007.**

A follow-up inspection, having enforcement implications, will be performed later this year. Ohio EPA expects that the Village of Aberdeen will address all of the deficient items.

Thank you and your staff for the time extended during the inspection process. If you have any questions, please feel free to contact Mr. Jackson by phone at (937) 285-6029 or by e-mail at joshua.jackson@epa.state.oh.us.

Respectfully,


Martyn Burt
Compliance & Enforcement Supervisor
Division of Surface Water

Cc: Elliott Lindsey, Village of Aberdeen (with report)
Jeremy Germann, Village of Aberdeen (with report)

Enclosures





State of Ohio Environmental Protection Agency
Southwest District Office

NPDES Compliance Inspection Report

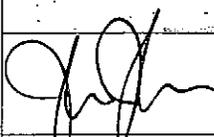
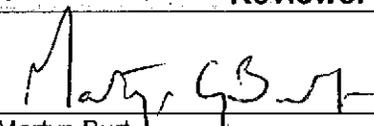
Section A: National Data System Coding					
Permit #	NPDES#	Month/Day/Year	Inspection Type	Inspector	Facility Type
1PB00100*HD	OH0023825	4/30/2008	C	S	1

Section B: Facility Data		
Name and Location of Facility Inspected	Entry Time	Permit Effective Date
Village of Aberdeen WWTW 901 High Street Aberdeen, Brown County	12:30 p.m.	8/1/2007
	Exit Time	Permit Expiration Date
	1:40 p.m.	7/31/2012
Name(s) and Title(s) of On-Site Representatives	Phone Number(s)	
Elliott Lindsey, Operator of Record	937-795-2212 (office) 937-795-4012 (cell phone)	
Name, Address and Title of Responsible Official	Phone Number	
Mayor & Council Attn: Mr. Jeremy Germann (Village Administrator) PO Box 509 Aberdeen, OH 45101	937-795-2212	

Section C: Areas Evaluated During Inspection					
(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)					
S	Permit	N	Flow Measurement	N	Pretreatment
U	Records/Reports	N	Laboratory	M	Compliance Schedule
M	Operations & Maintenance	N	Effluent/Receiving Waters	M	Self-Monitoring Program
M	Facility Site Review	N	Sludge Storage/Disposal	N	Other
N	Collection System				

Section D: Summary of Findings (Attach additional sheets if necessary)

See attached report.

Inspector	Reviewer
 Joshua Jackson Division of Surface Water Southwest District Office	 Martyn Burt Compliance & Enforcement Supervisor Division of Surface Water Southwest District Office
5-5-08 Date	5/5/08 Date

Inspection Findings (**Items for Correction in Bold**)

1. Ohio EPA last inspected the Aberdeen WWTW on March 13, 2007. At that time Mr. Lindsey was warned that he was not keeping good records including an operations & maintenance log required by Ohio Administrative Code 3745-7-09; which states the following:

(A) The owner and operator of record of a public water system, treatment works or sewerage system shall maintain or cause to be maintained operation and maintenance records for each public water system, water treatment plant within a public water system, treatment work, or wastewater treatment facility within a treatment works. Some of the formats in which the records may be maintained include, but are not limited to, hard bound books with consecutive page numbering, time cards, separate operation and maintenance records, or well organized computer logs.

1) The records shall be housed and maintained in such a manner as to be protected from weather damage and guarantee the authenticity and accuracy of the records contained within.

(2) The records shall be accessible onsite for twenty-four hour inspection by agency or emergency response personnel.

(3) At a minimum, the following information shall be recorded:

(a) Identification of the public water system, sewerage system, or treatment works;

(b) Date and times of arrival and departure for the operator of record and any other operator required by this chapter;

(c) Specific operation and maintenance activities that affect or have the potential to affect the quality or quantity of sewage or water conveyed, effluent or water produced;

(d) Results of tests performed and samples taken, unless documented on a laboratory sheet;

(e) Performance of preventative maintenance and repairs or requests for repair of the equipment that affect or have the potential to affect the quality or quantity of sewage or water conveyed, effluent or water produced; and

(f) Identification of the persons making entries.

(4) The records shall be kept up to date, contain a minimum of the previous three months of data at all times, and be maintained for at least three years.

(B) A certified operator shall:

(1) Perform their duties in a responsible and professional manner consistent with standard operating procedures and best management practices;

(2) Operate and maintain public water systems, sewerage systems, treatment works, and appurtenances so as not to endanger the health or safety of persons working in or around the facility, the

public at large, or the environment due to negligence or incompetence; and

(3) Report all instances of noncompliance with applicable regulations to the operator of record or facility supervisor.

(C) The duties of an operator of record shall include, but not be limited to, those outlined in paragraphs (B)(1) to (B)(3) of this rule and the following additional duties and responsibilities:

(1) Responsible and effective on site management and supervision of the technical operation of the public water system, treatment works, or sewerage system;

(2) Immediately notifying the permittee or owner of a public water system, sewerage system, or treatment works, and ensuring the agency and, if applicable, the local regulatory agency, is notified of items that require notification in accordance with sections 6109. or 6111. of the Revised Code, the rules adopted there under, or the facility's NPDES permit; and

(D) In the event that there are issues related to paragraphs (A) to (C) of this rule that are within the area of responsibility of, but beyond an operator of record or a certified operator's ability to address, it shall be the operator's responsibility to document any efforts to rectify the problem.

Mr. Lindsey stated that he started a log after the last inspection, but has neglected it over the last several months. **Failure to keep the required records is a violation of Ohio Law and will lead to this office pursuing an enforcement case against Mr. Lindsey and/or the Village of Aberdeen. Mr. Lindsey must begin to keep the required records without delay.**

2. Several clarifier skimming units were broken off, thereby inhibiting the ability of these units to removed scum and other floatables from the clarifier. A fair amount of non-putrescible material had collected on the surface. Because of this, a rating of "Marginal" was given to the "Facility Site Review" section of the inspection report.

Mr. Lindsey stated that he had replaced some of the skimmer units but he would need to order more parts to repair the rest. Operating a clarifier without skimmer lines can result in the discharge of these materials to waters of the state, which is a violation of Ohio Administrative Code 3745-1-04(B) "Criteria Applicable to All Waters" which state,

"The following general water quality criteria shall apply to all surface waters of the state including mixing zones. To every extent practical and possible as determined by the director, these waters shall be free from floating debris, oil, scum and other floating material entering waters as a result of human activity in amounts sufficient to be unsightly or cause degradation."

The Village must repair all clarifier skimmer units no later than June 15, 2008.

3. Ohio EPA renewed the Village's NPDES (discharge) permit in 2007. Part II, Item O., of the Village's permit requires the following:

The permittee shall use EPA Method 1631, promulgated under 40 CFR 136, to comply with the mercury monitoring requirements of this permit. The method detection level for Method 1631 is 0.2 ng/l. The quantification level is (1.0 ng/l FOR OHIO RIVER BASIN).

The Village has yet to switch to the new testing method for mercury. Two different effluent mercury values have been reported by the Village since the renewed permit became effective; both of these values were tested with an incorrect method. Because of this, a rating of "Marginal" was given for the "Self-Monitoring Reports" section of the inspection report.

The Village must begin utilizing EPA method 1631 for mercury testing of the WWTW effluent immediately.

4. Part II, Item T., of the Village NPDES permit requires the following:

Not later than 4 months (December 1, 2007) from the effective date of this permit, the permittee shall post a permanent marker on the stream bank at each outfall that is regulated under this NPDES permit and discharges directly to the Ohio River. This includes final outfalls, storm water outfalls, and combined sewer overflows. The marker shall consist at a minimum of the name of the establishment to which the permit was issued, the Ohio EPA permit number, and the outfall number and a contact telephone number. The information shall be printed in letters not less than two inches in height. The marker shall be a minimum of 2 feet by 2 feet and shall be a minimum of 3 feet above ground level. The sign shall be not be obstructed such that persons in boats or persons swimming on the river or someone fishing or walking along the shore cannot read the sign. Vegetation shall be periodically removed to keep the sign visible. If the outfall is normally submerged the sign shall indicate that. If the outfall is a combined sewer outfall, the sign shall indicate that untreated human sewage may be discharged from the outfall during wet weather and that harmful bacteria may be present in the water.

At the time of the inspection, the outfall sign was not posted. For this reason a rating of "Marginal" was given to the "Compliance Schedule" section of the inspection report. **The Village must post a WWTW outfall**

sign, meeting the specifications of the NPDES permit, by no later than June 15, 2008.

Effluent Limit Violations

(Period of Review: February 2007 – February 2008)

7D = Weekly 30D = Monthly 1D = Daily
Conc. = Concentration (mg/l) Qty. = Quantity (Kg/Day)

Reporting Period	Parameter	Limit Type	Limit	Reported Value
June 2007	Nitrogen, Ammonia (NH3)	7D Conc	12.4	13.5
December 2007	Total Suspended Solids	30D Conc	21.4	33.25
December 2007	Total Suspended Solids	7D Conc	32	130.
December 2007	Total Suspended Solids	30D Qty	31.2	63.9665
December 2007	Total Suspended Solids	7D Qty	46.6	251.384

A review of the files showed that Ohio EPA was not given a self-notification reports with any of the NPDES exceedences listed above. This was also the case for violations that occurred prior to the previous inspection. Because of this an "Unsatisfactory" rating was given to the "Records/Reports" section of this report. Part III (General Conditions), Section 12, of the Village of Aberdeen's NPDES permit states the following:

- A. *The permittee shall by telephone report any of the following within twenty-four (24) hours of discovery, at (toll free) 1-800-282-9378:*
 - 1. *Any noncompliance which may endanger health or the environment;*
 - 2. *Any unanticipated bypass which exceeds any effluent limitation in the permit; or*
 - 3. *Any upset which exceeds any effluent limitation in the permit.*
 - 4. *Any violation of a maximum daily discharge limitation for any of the pollutant listed by the Director in the permit.*
- B. *For the telephone reports required by Part 12.A, the following information must be included:*
 - 1. *The times at which the discharge occurred, and was discovered;*
 - 2. *The approximate amount and the characteristics of this discharge;*
 - 3. *The stream(s) affected by the discharge;*
 - 4. *The circumstances which created the discharge;*
 - 5. *The names and telephone numbers of the persons who have knowledge of these circumstances;*
 - 6. *What remedial steps are being taken; and*
 - 7. *The names and numbers of the persons responsible for such remedial steps.*

- C. *These telephone reports shall be confirmed in writing within five days of the discharge and submitted to the appropriate Ohio EPA District office. The report shall include the following:*
- 1. The limitation(s) which has been exceeded;*
 - 2. The extent of the exceedance(s);*
 - 3. The cause of the exceedance(s);*
 - 4. The period of the exceedance(s) including exact dates and times;*
 - 5. If uncorrected, the anticipated time the exceedance(s) is expected to continue, and*
 - 6. Steps being taken to reduce eliminate and/or prevent recurrence of the exceedance(s).*

The Village of Aberdeen shall adhere to the General Conditions of the NPDES permit, specifically Part 12 (noncompliance notification), in the future. Contact this office for assistance in establishing a self-notification report protocol. Failure to perform this basic reporting in the future will result in this office pursuing an enforcement case against Mr. Lindsey and/or the Village of Aberdeen.

Closing Comments

In the last inspection report, the following comments were made about overall neglect at the WWTW:

During the course of the inspection of the Aberdeen WWTW, it became obvious this WWTW has been neglected for a long period of time; most likely since its construction in 2001. The current wastewater operator, Mr. Elliott Lindsey, also fills the roles of water treatment plant operator and Village administrator. Mr. Lindsey admitted he is only able to spend a minimal amount of time at the WWTW; and that is only when high priority items need immediate attention (i.e. influent pump replacement, ect.).

This report listed several individual items in need of immediate correction, but the overall message is that more Village resources are needed at the WWTW. These resources are needed not only to ensure compliance with Ohio law, but also to protect the substantial investment Aberdeen has made in this WWTW. Ohio Administrative Code 3745-7-04 will require a Class II wastewater operator to be physically present at the WWTW at least 5 days per week (total of 20 hours). Even though this requirement does not take effect until the next NPDES permit cycle, Village officials should make this change without delay.

Permit # : 1PB00100*HD
NPDES # : OH0023825

At this point several "items requiring correction" in the last inspection report were completed. But after this brief, less rigorous follow-up inspection, several more items of neglect were noted. Many of these items are basic regulatory items that do not require a great deal of time to maintain.

Another follow-up inspection will be performed this year. This inspection will specifically scrutinize the amount of time the operator of record spends at the WWTW as well as daily log book entries, self-notification letters and general record keeping. A follow-up meeting with the Village Administrator will also be required. Ohio EPA will use information gathered at this inspection to determine whether to pursue further action against the operator of record and/or the Village at this time.

