



Environmental
Protection Agency

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



1PW0003820100211

CLERMONT LAUREL BELL

JACKSON, JOSHUA 2010/02/11



State of Ohio Environmental Protection Agency

Southwest District Office

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Dayton, Ohio 45402

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

February 10, 2010

Laurel Bell Apartments
Attn: Mr. Ken Butts
1881 Laurel-Lindale Road, Lot 9
New Richmond, OH 45157

Certified Mail

**RE: Notice of Violation
Laurel Bell Apartments WWTW / Compliance Evaluation Inspection Report
NPDES Permit No. OH0127213 / OEPA PERMIT NO. 1PW00038*BD**

Dear Mr. Butts:

On February 3, 2010, Joshua Jackson conducted an NPDES Reconnaissance Inspection at the Laurel Bell Apartments wastewater treatment works (WWTW). The purpose of the inspection was to evaluate compliance with the terms and conditions of the facility's NPDES permit and to follow-up on a notification that power had been shut off to the WWTW due to lack of payment. Ownership was not present during the inspection, but Mr. William Beckelhymer (park representative) was present after the inspection was completed.

During the inspection Mr. Jackson verified that the power was off to the WWTW; as a result, raw sewage was running sheet flow into the receiving stream causing water quality standard violations and endangering public health. Through follow-up telephone conversations with Duke Energy, Mr. Jackson has also verified that the power to the WWTW was shut off on January 5, 2010 (due to lack of payment), and was not turned back on until February 5, 2010. This was not the first time this occurred as power was shut off to the WWTW on December 5, 2008, and not turned back on until January 5, 2009.

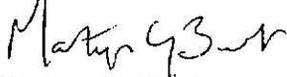
As detailed in the attached inspection report, Ohio EPA believes these incidents (among others) exhibit ownership's inability to consistently operate and maintain the WWTW. For this reason and others stated in the report, Ohio EPA Southwest District Office is pursuing an enforcement action against the ownership of Laurel Bell Apartments.

There are several items that require immediate correction shown throughout the report. In order to avoid further violations, ownership should address these items without delay.

Mr. Ken Butts
Page 2

If you have any questions, please feel free to contact me by phone at (937) 285-6029 or by electronic mail at joshua.jackson@epa.state.oh.us.

Respectfully,



Martyn G. Burt
Compliance & Enforcement Supervisor
Division of Surface Water
Southwest District Office

Cc: Bob Reckers, Winelco (w/enclosures)

Enclosures



State of Ohio Environmental Protection Agency
Southwest District Office

NPDES Compliance Inspection Report

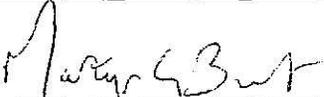
Section A: National Data System Coding					
Permit #	NPDES#	Month/Day/Year	Inspection Type	Inspector	Facility Type
1PW00038*BD	OH0127213	2/3/2010	C	S	2

Section B: Facility Data			
Name and Location of Facility Inspected		Entry Time	Permit Effective Date
Laurel Bell Apartments 1881 Laurel Lindale Road Laurel, Ohio Clermont County		9:30 a.m.	6/1/2007
		Exit Time	Permit Expiration Date
		10:00 a.m.	5/31/2012
Name(s) and Title(s) of On-Site Representatives		Phone Number(s)	
William Beckelhymer, owner's son-in-law Becky Walls		513-371-0498 513-371-0498	
Name, Address and Title of Responsible Official		Phone Number	
Ken Butts Laurel Bell Apartments 1881 Laurel Lindale Road, Lot 9 New Richmond, OH 45157			

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

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
2-10-10 Date	2/10/2010 Date

Inspection Findings

On February 1, 2010, Ohio EPA was notified by Winelco that the power was shut off to the wastewater treatment works (WWTW) serving Laurel Bell Apartments. A follow-up telephone call to Duke Energy on February 2, 2010, revealed that the power had been shut off to the WWTW since January 5, 2010, due to lack of payment.

During the inspection, on February 3, 2010, the power to the WWTW was still off and raw sewage was pouring out of a hole in the aeration tank (possibly from an old conduit) and running sheet flow to the receiving stream. There was sewage fungus located in the receiving stream; this is an indicator of poorly treated sewage. This episode is a violation of Ohio Administrative Code 3745-1-04(A) "Waters of the state shall be...Free from suspended solids or other substances that enter the waters as a results of human activity and that will settle to form putrescent or otherwise objectionable sludge deposits, or that will adversely affect aquatic life."



*On the day of the inspection, Ohio EPA contacted the Clermont County Health Department so that they could provide a follow-up inspection of the facility. Duke Energy also verified that power was turned back on to the facility on February 5, 2010.

History of Improper Operation & Maintenance

Part 3.(A), of the NPDES permit for Laurel Bell Apartments requires the following:

"At all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes compliance with the terms and conditions of this permit..."

Ohio EPA believes that the permittee (Mr. Ken Butts) has shown a history of improper operation and maintenance of the WWTW. In addition to the power outage documented in this report, the following has occurred:

- In speaking with Duke Energy on December 2, 2010, it was also discovered that the power was shut off to the WWTW (due to lack of payment) from December 5, 2008, and was not turned on until January 5, 2009. Ohio EPA was not notified of the bypassing that occurred during this time frame. Failure to notify Ohio EPA of an unauthorized bypass is a violation of Part III (12) "Noncompliance Notification".
- During an Ohio EPA compliance inspection conducted in April of 2009, it was noted that discharge monitoring reports (DMRs) had not been submitted from June 2008-March 2009. According to Winelco (contract operator), the company had completed the required testing but had not submitted the DMRs because the permittee had not paid for the work that had been done. Poor WWTW conditions were noted by Ohio EPA as well.
- In September of 2009, Ohio EPA sent a Notice of Violation (NOV) to the permittee. A compliance review revealed that DMRs had recently been submitted for all of 2008, however no DMRs had been submitted for 2009. Again, this was due to lack of proper payment to the contract operator. At the time the NOV was sent, the permittee had no NPDES-required Operator of Record for the WWTW; for Winelco had severed ties and was no longer sampling.
- A NOV sent in September 2009, was returned to Ohio EPA because of a wrong mailing address. Through further investigation it was discovered that the permittee had relocated to a mobile home at Laurel Bell Apartments. The most recent mailing address was for a location in Sardinia, OH. It is the permittee's obligation to notify Ohio EPA of mailing address changes so there is a continuity of communication; otherwise, Ohio EPA cannot provide feedback for compliance assistance.
- According to Bob Reckers of Winelco, the permittee had paid all back fees owed to the contract operator at around September of 2009. Winelco resumed operational duties and Mr. Reckers was bringing an Ohio EPA-required Operator of Record Notification form to the permittee for signature in February of 2010. This is the site visit where he discovered

the WWTW without power. At that point, Mr. Reckers did not allow the permittee to sign the form. Winelco's stance is that they would serve as Operator of Record once power is restored to the WWTW.

- At the time of this report, Winelco had not been paid for services rendered in December of 2009, and January of 2010.

As can be seen from the evidence above, the permittee has exhibited no consistency in complying with the basic tenets of the NPDES permit terms and conditions; to the point of endangering public health (residents of Laurel Bell Apartments, at a minimum, and possibly those enjoying the receiving waters downstream of the property). For this reason, this office is recommending Director's Final Findings and Orders against the permittee.

In the interim, the following items needs to be corrected immediately:

1. Contract with an operator of record to oversee operations of the WWTW (as required by the NPDES permit) and submit DMRs by no later than the 20th day of each month for the previous months test results. **A completed Operator of Record form must also be submitted to this office by no later than February 19, 2010.**
2. As can be seen from the picture below, the discharge pipe was flowing water on the day of the inspection, even though there was no WWTW effluent in the discharge pipe (as it was running sheet flow over the hill). This means that extraneous water from other sources is also connected to the same discharge pipe as the WWTW effluent. The NPDES permit requires sampling of WWTW effluent only. **Therefore a separate sampling port, that consists of WWTW effluent only, must be utilized from this point forward. Samples may no longer be taken from the discharge pipe outlet.**



3. At the request of Ohio EPA, Winelco forwarded copies of service reports written up during the scheduled monthly visits to the WWTW. Within the reports are constant reminders and recommendations to the permittee for improvements to the WWTW due to various deficiencies and regular maintenance items (such as pumping out the trash trap). From these reports and from previous observations noted during Ohio EPA compliance inspections, it is quite evident this WWTW is in need of improvements or overall replacement.

By no later than March 19, 2010, the permittee must contract with a Professional Engineer licensed in the State of Ohio to evaluate the WWTW and propose a plan of action for bringing the WWTW into compliance with the NPDES permit. This plan of action must be submitted to Ohio EPA no later than May 14, 2010, and must include the following items:

- a. **Provide alternatives for achieving compliance with the NPDES permit. This should include a full evaluation of the influent flows and waste stream concentrations. It should also examine a number of different wastewater treatment technologies that would provide compliance with the discharge permit and allow operational flexibility (especially since this a small facility).**

All of the alternatives must be accompanied by cost effectiveness evaluations. If any parts of the existing WWTW are proposed to be utilized in the future, an evaluation/certification of the structure integrity must be made (water tightness, performance, etc.)

- b. **Select preferred alternative for implementation.**
c. **A proposed schedule for implementing the preferred alternative. This schedule shall include (but not limited to) the following: submittal for regulatory review, advertise bids, award bid, begin construction, end construction, operational attainment.**