



**Environmental
Protection Agency**

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



1PX0000320100621

CLINTON

CAESAR CREEK FLEA MARKET

ZIMMERMAN, MICH ; 2010/06/21



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

June 21, 2010

Mr. Greg Dove, President
Caesar Creek Flea Market
7812 McEwen Rd.
Dayton, Ohio 45459

**Re: Caesar Creek Flea Market WWTP
NPDES Permit No. 1PX00003*BD; OH0072575
NPDES Compliance Inspection and Notice of Violation**

Dear Mr. Dove:

On May 26, 2010, I conducted a National Pollutant Discharge Elimination System (NPDES) permit compliance inspection at the above referenced facility. Greg Ross, contract operator with Winelco Inc., and Chris Newman, maintenance supervisor, were present at the wastewater treatment plant during the inspection. The purpose of the inspection was to evaluate several aspects of plant operation and performance, and to assess compliance with the facility's National Pollutant Discharge Elimination System (NPDES) permit.

Observations and findings of the inspection are included in the attached report. As indicated in the report (Section C.), several areas evaluated during the inspection were rated unsatisfactory or marginal. Violations of the permit's final effluent limits have continued to occur since my inspection in March, 2009. An inspection report and Notice of Violation (NOV) from this office were sent to you on April 6, 2009. As you are aware, proper functioning of the treatment process is significantly impacted by fluctuations in flow volume throughout the week, with high flows generated on weekends. Use of the flow equalization (EQ) tank has not significantly improved conditions, as indicated by the exceedances of CBOD₅, NH₃-N, and TSS limits over the last year (refer to table in attached report). Your company and the contract operator, Winelco, Inc., have taken several steps to upgrade the WWTP (e.g. installation of UV disinfection system) and improve its treatment capabilities (e.g. recently adjusting the dosing volumes from the EQ tank to the aeration tank). However, the ongoing violations have resulted in the company being placed in a regulatory category referred to as "Significant Noncompliance". Your NPDES permit expires November 30, 2010. Ohio law forbids renewal of NPDES permits when the permit holder is in noncompliance unless it can be shown there is substantial progress toward returning to compliance. You must take immediate steps to achieve compliance with your NPDES permit.

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We will be contacting you within the next 7 days to schedule a meeting in this office to discuss these matters. During the meeting, you will need to provide a proposed schedule for operational improvements and/or plans for upgrading the existing treatment system. Given the level of noncompliance by Caesar Creek Flea Market with its permit, Ohio EPA, Southwest District Office, is considering recommending an enforcement action which would result in an enforceable schedule by which Caesar Creek Flea Market would return to compliance. If you have any questions, don't hesitate to contact me at (937) 285-6102.

Sincerely,



Michael W. Zimmerman
Division of Surface Water

Enclosure

Copy: Greg Ross, Winelco Inc.



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
1PX00003*BD	OH0072575	5/26/2010	C	S	2

Section B: Facility Data		
Name and Location of Facility Inspected	Entry Time	Permit Effective Date
Caesar Creek Flea Market 7763 SR 73 Wilmington, Ohio 4517 Mailing: 7812 McEwen Rd Suite 200 Dayton, OH 45459	9:55 am	12/1/2005
	Exit Time	Permit Expiration Date
	11:20 am	11/30/2010
Name(s) and Title(s) of On-Site Representatives		Phone Number(s)
Greg Ross, Technical Supervisor, Winelco, Inc. Chris Newman, Maintenance Supervisor		(513) 755-8050
Name, Address and Title of Responsible Official		Phone Number
Lou Levin, Owner Levin Associates 111 West First Street Dayton, Ohio 45402 Greg Dove, President 7812 McEwen Rd., Suite 200 Dayton, Ohio 45459		(937) 223-0222 (937) 382-1669 (flea market #)

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

Section D: Summary of Findings (Attach additional sheets if necessary)	
Refer to attached report.	
Inspector	Reviewer
 Michael W. Zimmerman Division of Surface Water Southwest District Office	 Martyn Burt Compliance & Enforcement Supervisor Division of Surface Water Southwest District Office
6-21-2010 Date	6/21/2010 Date

Sections E thru K: Complete on all inspections as appropriate
Y – Yes, N – No, N/A – Not Applicable, N/E – Not Evaluated

Section E: Permit Verification

Inspection observations verify the permit

- (a) Correct name and mailing address of permittee Y
- (b) Flows and loadings conform with NPDES permit..... Y
- (c) Treatment processes are as described in permit application... N
- (d) All discharges are permitted..... Y
- (e) Number and location of discharge points are as described
in permit..... Y
- (f) Storm water discharges properly permitted..... Y

Comments/Status:

(c) UV disinfection system was installed and put on-line in May, 2010.

Section F: Compliance

- (a) Any significant violations since the last inspection..... Y
- (b) Appropriate Non-compliance notification of violations..... Y
- (c) Permittee is taking actions to resolve violations..... Y
- (d) Permittee has a compliance schedule..... N
- (e) Compliance schedule contained in...N/A
- (f) Permittee is in compliance with schedule..... N/A
- (g) Has biomonitoring shown toxicity in discharge since last inspection N/A

Comments/Status:

Numerous violations:

30-Day Avg.: CBOD₅ – March, April, Sept., 2009; Feb., 2010
NH₃-N – March, April, May, June, July, Dec., 2009; Jan., Feb., Mar., 2010
TSS – March, April, May, July, Aug., Sept., Oct., Nov., 2009; Jan., Feb., 2010

Section G: Operation & Maintenance

Treatment Works:

Treatment facility properly operated and maintained

(a) Standby power available.....generator or dual feed N

i. What does the back-up power source operate.....

NA

ii. How often is the generator tested under load.....

NA

(b) Which components have an alarm system available for power or equipment failures.....

(c) All treatment units in service other than backup units..... Y

(d) What method is used for scheduling routine & preventative maintenance (calendar, software, etc.).....Calendar..... Y

(e) Any major equipment breakdown since last inspection..... Y

(f) Operation and maintenance manual provided and maintained..... N

(g) Any plant bypasses since last inspection..... Y

(h) Any plant upsets since last inspection..... Y

Comments/Status:

(c) sand filters were rebuilt in November, 2009; new UV disinfection system on-line in April, 2010

Operational Issues:

- one of the main issues is hydraulics, the fluctuation in flow to the WWTP due to the nature of the business (flea market open on weekends). Mr. Ross has adjusted the timer so that two-thirds of the flow goes into the EQ tank; the WWTP is then dosed more frequently with reduced volumes each dosage. This has evened out the flow and resulted in some improvement. They are also going to update the restrooms by installing low volume toilets.
- the majority of the flow to the WWTP consists of water and NH₃-N, resulting in inadequate biomass in the aeration tank for consistent nitrification and poor settling in the clarifier. They've tried feeding polymer but with little success. The blower for the aeration tank was set for 30 min. on and 30 min. off. The clarifier was turbid without much of a sludge blanket on the day of the inspection.
- they are looking into feeding carbon or seeding the plant
- new UV disinfection system installed in late April, 2010, which is followed by post-aeration

Section G: Operation & Maintenance con't

Record Keeping/Operator of Record:

- (a) Wastewater Treatment Works classification (OAC 3745-7) *Class I* Y
- (b) Operator of Record holds unexpired license of class required by Permit... *Greg Ross, Class III*..... Y
- (c) Copy of certificate of Operator of Record displayed on-site..... N
- (d) Has the Operator of Record submitted an ORC Notification form.. N
- (e) Minimum operator staffing requirements fulfilled (OAC 3745-7.... N
- (f) If a Staffing Reduction plan has been approved, are the stipulations of the plan being met..... N/A
- (g) Operator of Record log book provided..... Y
- (h) Format of log book (e.g. computer log, hard bound book)

Hard bound book
- (i) Log book kept onsite (in an area protected from weather)..... N
- (j) Log book contains the following:
 - I. Identification of treatment works..... Y
 - II. Date/times of arrival/departure for Operator of Record and any other operator required by OAC 3745-7..... Y
 - iii. Daily record of operator and maintenance activities (including preventative maintenance, repairs and request for repairs, process control test results, etc.)..... Y
 - iv. Laboratory results (unless documented on bench sheets)... Y
 - v. Identification of person making entries..... Y
- (k) Has the Operator of Record submitted written notifications to the permittee, Ohio EPA and, if applicable, any local environmental agencies when a collection system overflow, treatment plant bypass or effluent limit violation has occurred..... Y

Comments/Status:

(e) Mr. Ross services the WWTP once a week usually on Thursdays. An Ohio EPA rule which became effective in December, 2006, specifically Ohio Administrative Code 3745-7 (Operator Certification for Public Water Systems and Wastewater Treatment Works), requires the operator of record for a Class I wastewater treatment works to be physically present at the treatment works 3 days per week for a minimum of 1.5 hours per week. This requirement will be incorporated into the permit renewal scheduled for November, 2010.

Section G: Operation & Maintenance con't

Collection System:

- (a) Are there pump stations in the collection system..... N
 - i. How many publicly-owned pump stations equipped with permanent standby power or equivalent..... NA
 - ii. How many pump stations have telemetered alarms..... NA
 - iii. How many pump stations have operable alarms..... NA

- (b) Any chronic collection system overflows since last inspection..... N/A
- (c) Regulatory agency notified of all overflows..... N/A
- (d) CSOs in the collection system....if so, what is the LCTP status..... N
- (e) How are CSOs monitored (chalk, block, level sensor, etc.)..... N/A
- (f) Portable pumps available for collection system maintenance..... N/A
- (g) RDII Program established and active..... N/A
- (h) Any WIB complaint received since last inspection..... N/A
- (i) Is there a WIB response plan..... N/A
- (j) Is any portion of the collection system at or near dry weather Capacity..... N

Comments/Status:

The sewage collection system services the market property and buildings only.

Section H: Sludge Management

- (a) Method of Sludge Disposal...
 - Land Application
 - Haul to Another NPDES Permittee
 - Haul to a Mixed Solid Waste Landfill
- (b) Has amount of sludge generated changed significantly since the last inspection..... N
- (c) How much sludge storage is provided at the plant.....
- (d) Records kept in accordance with State and Federal law (5 years according to OAC 3745-40-06)..... Y
- (e) Any complaints received in last year regarding sludge..... N
- (f) 5/8" screen at headworks for facilities that land apply sludge..... N/A
- (g) Are sludge application sites inspected to verify compliance with NPDES permit..... N/A

Comments/Status:

According to the 2009 Annual Sewage Sludge Report submitted to the Ohio EPA on January 27, 2010, no sewage sludge was removed from the facility for the year 2009.

Section I: Self-Monitoring Program

Flow Measurement:

- (a) Primary/Secondary flow measuring devices (e.g. weir with ultrasonic level sensor):

Currently, the reported flow rates are calculated from the timer indicators on the two dosing pumps.
- (b) Flow meter calibrated annually Y
(Date of last calibration: *Unknown*)
- (c) 24-hour recording instruments operated and maintained..... N/A
- (d) Flow measurement equipment adequate to handle full range of flows..... Y
- (e) All discharged flow is measured..... N

Comments/Status:

Section I: Self-Monitoring Program (con't)

Sampling:

- (a) Sampling location(s) are as specified by permit..... Y
- (b) Parameters and sampling frequency agree with permit..... Y
- (c) Permittee uses required sampling method..... Y
(see GLC page)
- (d) Monitoring records (i.e., flow, pH, DO) maintained for a minimum of three years including all original strip chart recordings (i.e, continuous monitoring instrumentation, calibration and maintenance records)..... Y

Comments/Status:

Section I: Self-Monitoring Program (con't)

Laboratory:

General

- (a) Does the Quality Assurance Manual contain written Standard Operating Procedures (SOP's) for all analysis performed onsite..... N
- (b) Do SOP's include the following if applicable:
 - Title
 - Scope and Application
 - Summary
 - Sample Handling and Preservation
 - Interferences
 - Apparatus and Materials
 - Reagents
 - Procedure
 - Calculations
 - Quality Control
 - Maintenance
 - Corrective Action
 - Reference (Parent Method)

Note: Standard Methods 1020A establishes that "Quality assurance (QA) is the definitive program for laboratory operation that specifies the measure required to produce defensible data of known precision and accuracy. "Standard operating procedures are to be used in the laboratory in sufficient detail that a competent analyst unfamiliar with the method can conduct a reliable review and/or obtain acceptable results." SOPs should be developed for each analytical procedure.

- (c) EPA approved analytical testing procedures used (40 CFR 136.3).. Y
- (d) If alternate analytical procedures are used, proper approval has been obtained..... N/A
- (e) Analyses being performed more frequently than required by permit. N
- (f) If (e) is yes, are results in permittee's self-monitoring report..... Y
- (g) Satisfactory calibration and maintenance of instruments/equipment. N/A
(see score from GLC page)
- (h) Commercial laboratory used..... Y
Parameters analyzed by commercial lab: *oil and grease*

Lab name: *MASI, Inc.*

Discharge Monitoring Report Quality Assurance (DMRQA)

- (a) Participation in latest USEPA quality assurance performance sampling..... N
Date:
- (b) Were any parameters "Unsatisfactory"..... N/A
- (c) Reasons for "Unsatisfactory" parameters.....

Comments/Status:

Section J: Effluent/Receiving Water Observations

Outfall # 001

Outfall Description: *Final effluent from UV/post-aeration tank prior to discharge to the drainage ditch*

Receiving Stream: *drainage ditch to Little Creek to Todd Fork*

Receiving Stream Description:

Comments/Status:

We were not able to locate the end of the final effluent outfall pipe during the inspection. The WWTP operators should identify its location so that it can be observed during the next inspection.

Section K: Multimedia Observations

- (a) Are there indications of sloppy housekeeping or poor maintenance in work and storage areas or laboratories..... N
- (b) Do you notice staining or discoloration of soils, pavement or floors.. N
- (c) Do you notice distressed (unhealthy, discolored, dead) vegetation.. N
- (d) Do you see unidentified dark smoke or dust clouds coming from sources other than smokestacks..... N
- (e) Do you notice any unusual odors or strong chemical smells..... N
- (f) Do you see any open or unmarked drums, unsecured liquids, or damaged containment facilities..... N

If any of the above are observed, ask the following questions:

- (1) What is the cause of the condition?
- (2) Is the observed condition or source a waste product?
- (3) Where is the suspected contaminant normally disposed?
- (4) Is this disposal permitted?
- (5) How long has the condition existed and when did it begin?

Comments/Status:

Table 1. Final Effluent Limitation Violations (March, 2009 thru April, 2010)

Reporting Period	Parameter	Limit Type	Limit	Reported Value	Violation Date
March 2009	Total Suspended Solids	30D Conc	12	68.	3/1/2009
March 2009	Total Suspended Solids	7D Conc	18	68.	3/1/2009
March 2009	Total Suspended Solids	30D Qty	0.45	.48053	3/1/2009
March 2009	Nitrogen, Ammonia (NH3)	30D Conc	3.0	9.7	3/1/2009
March 2009	Nitrogen, Ammonia (NH3)	7D Conc	4.5	9.7	3/1/2009
March 2009	CBOD 5 day	30D Conc	10	18.	3/1/2009
March 2009	CBOD 5 day	7D Conc	15	18.	3/1/2009
March 2009	Dissolved Oxygen	1D Conc	6.0	2.9	3/16/2009
March 2009	Dissolved Oxygen	1D Conc	6.0	5.5	3/23/2009
April 2009	Total Suspended Solids	30D Conc	12	54.	4/1/2009
April 2009	Total Suspended Solids	7D Conc	18	54.	4/1/2009
April 2009	Total Suspended Solids	30D Qty	0.45	.59171	4/1/2009
April 2009	Nitrogen, Ammonia (NH3)	30D Conc	3.0	17.4	4/1/2009
April 2009	Nitrogen, Ammonia (NH3)	7D Conc	4.5	17.4	4/1/2009
April 2009	Nitrogen, Ammonia (NH3)	30D Qty	0.11	.19066	4/1/2009
April 2009	Nitrogen, Ammonia (NH3)	7D Qty	0.17	.19066	4/1/2009
April 2009	CBOD 5 day	30D Conc	10	10.8	4/1/2009
May 2009	Total Suspended Solids	30D Conc	12	46.	5/1/2009
May 2009	Total Suspended Solids	7D Conc	18	46.	5/1/2009
May 2009	Nitrogen, Ammonia (NH3)	30D Conc	1.0	18.7	5/1/2009
May 2009	Nitrogen, Ammonia (NH3)	7D Conc	1.5	18.7	5/1/2009
May 2009	Nitrogen, Ammonia (NH3)	30D Qty	0.04	.10497	5/1/2009
May 2009	Nitrogen, Ammonia (NH3)	7D Qty	0.06	.10497	5/1/2009
May 2009	Fecal Coliform	30D Conc	1000	3500.	5/1/2009
May 2009	Fecal Coliform	7D Conc	2000	3500.	5/1/2009
June 2009	Nitrogen, Ammonia (NH3)	30D Conc	1.0	3.3	6/1/2009
June 2009	Nitrogen, Ammonia (NH3)	7D Conc	1.5	3.3	6/8/2009
June 2009	Chlorine, Total Residue	1D Conc	0.019	.1	6/9/2009
June 2009	Chlorine, Total Residue	1D Conc	0.019	.58	6/15/2009
July 2009	Total Suspended Solids	30D Conc	12	28.	7/1/2009
July 2009	Nitrogen, Ammonia (NH3)	30D Conc	1.0	2.8	7/1/2009
July 2009	Total Suspended Solids	7D Conc	18	28.	7/15/2009
July 2009	Nitrogen, Ammonia (NH3)	7D Conc	1.5	2.8	7/15/2009
August 2009	Fecal Coliform	30D Conc	1000	4000.	8/1/2009
August 2009	Fecal Coliform	7D Conc	2000	4000.	8/8/2009
September 2009	Total Suspended Solids	30D Conc	12	24.	9/1/2009
September 2009	Fecal Coliform	30D Conc	1000	7000.	9/1/2009
September 2009	CBOD 5 day	30D Conc	10	11.4	9/1/2009
September 2009	Total Suspended Solids	7D Conc	18	24.	9/15/2009
September 2009	Fecal Coliform	7D Conc	2000	7000.	9/15/2009
October 2009	Total Suspended Solids	30D Conc	12	30.	10/1/2009
October 2009	Total Suspended Solids	7D Conc	18	30.	10/15/2009
November 2009	Total Suspended Solids	30D Conc	12	56.	11/1/2009
November 2009	Total Suspended Solids	30D Qty	0.45	.68993	11/1/2009
November 2009	Dissolved Oxygen	1D Conc	6.0	1.5	11/13/2009
November 2009	Total Suspended Solids	7D Conc	18	56.	11/22/2009
November 2009	Total Suspended Solids	7D Qty	0.68	.68993	11/22/2009

December 2009	Nitrogen, Ammonia (NH3	30D Conc	3.0	8.2	12/1/2009
December 2009	Nitrogen, Ammonia (NH3	30D Qty	0.11	.12896	12/1/2009
December 2009	Nitrogen, Ammonia (NH3	7D Conc	4.5	8.2	12/15/2009
January 2010	Total Suspended Solids	30D Conc	12	22.	1/1/2010
January 2010	Nitrogen, Ammonia (NH3	30D Conc	3.0	16.	1/1/2010
January 2010	Total Suspended Solids	7D Conc	18	22.	1/22/2010
January 2010	Nitrogen, Ammonia (NH3	7D Conc	4.5	16.	1/22/2010
February 2010	Total Suspended Solids	30D Conc	12	44.	2/1/2010
February 2010	Total Suspended Solids	7D Conc	18	44.	2/1/2010
February 2010	Total Suspended Solids	30D Qty	0.45	2.63933	2/1/2010
February 2010	Total Suspended Solids	7D Qty	0.68	2.63933	2/1/2010
February 2010	Nitrogen, Ammonia (NH3	30D Conc	3.0	26.	2/1/2010
February 2010	Nitrogen, Ammonia (NH3	7D Conc	4.5	26.	2/1/2010
February 2010	Nitrogen, Ammonia (NH3	30D Qty	0.11	1.5596	2/1/2010
February 2010	Nitrogen, Ammonia (NH3	7D Qty	0.17	1.5596	2/1/2010
February 2010	CBOD 5 day	30D Conc	10	14.7	2/1/2010
February 2010	CBOD 5 day	30D Qty	0.38	.88177	2/1/2010
February 2010	CBOD 5 day	7D Qty	0.57	.88177	2/1/2010
March 2010	Nitrogen, Ammonia (NH3	30D Conc	3.0	20.	3/1/2010
March 2010	Nitrogen, Ammonia (NH3	7D Conc	4.5	20.	3/8/2010
April 2010	Dissolved Oxygen	1D Conc	6.0	4.7	4/8/2010