



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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Columbus, OH 43216-1049



\*1PX0003220090128\*

MONTGOME PERFORMANCE PLACE

OSTENDORF, ROBE 2009/01/28

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

Ohio EPA is an Equal Opportunity Employer



State of Ohio Environmental Protection Agency

Southwest District Office

401 East Fifth Street  
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TELE: (937) 285-6357 FAX: (937) 285-6249  
[www.epa.state.oh.us](http://www.epa.state.oh.us)

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

January 28, 2009

Mr. Phil Doepel  
110 North Main Street, Suite 1280  
Dayton, Ohio 45402

Re: Montgomery County, Performance Place, NPDES Permit Violations

Dear Mr. Doepel:

The Ohio EPA has completed a compliance evaluation of the Monthly Operating Reports covering the months of October 2007 through December 2008 for Performance Place. The evaluation indicates violations of the conditions of your NPDES Permit (NPDES Permit # OH0132195; OEPA Permit # 1PX00032\*AD). The specific instances of noncompliance are as follows:

Frequency / Reporting Violations					
Reporting Period	Parameter	Sample Frequency	Expected	Reported	Violation Date
March 2008	Flow	1/Week	1	0	03/01/2008
March 2008	Temperature	1/Week	1	0	03/08/2008
March 2008	Flow	1/Week	1	0	03/08/2008
March 2008	Temperature	1/Week	1	0	03/15/2008
March 2008	Flow	1/Week	1	0	03/15/2008
March 2008	Temperature	1/Week	1	0	03/22/2008
March 2008	Flow	1/Week	1	0	03/22/2008
April 2008	Flow	1/Week	1	0	04/01/2008
April 2008	Temperature	1/Week	1	0	04/08/2008
April 2008	Flow	1/Week	1	0	04/08/2008
April 2008	Temperature	1/Week	1	0	04/15/2008
April 2008	Flow	1/Week	1	0	04/15/2008
April 2008	Temperature	1/Week	1	0	04/22/2008
April 2008	Flow	1/Week	1	0	04/22/2008
August 2008	Temperature	1/Week	1	0	08/22/2008
August 2008	Flow	1/Week	1	0	08/22/2008

Frequency//Reporting Violations (cont.)					
Reporting Period	Parameter	Sample Frequency	Expected	Reported	Violation Date
October 2008	Temperature	1/Week	1	0	10/22/2008
October 2008	Flow	1/Week	1	0	10/22/2008
December 2008	Temperature	1/Week	1	0	12/01/2008
December 2008	Flow	1/Week	1	0	12/01/2008

Please inform this office, in writing, within ten days of receipt of this notification as to the reason for the above referenced violations, 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. 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](mailto:Robert.Ostendorf@epa.state.oh.us).

Sincerely,



Bob Ostendorf Jr.  
Division of Surface Water  
Permit Section