



**Environmental  
Protection Agency**

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



\*1PW0004320090210\*

MONTGOME TIMBER LANES

OSTENDORF, ROBE 2009/02/10



State of Ohio Environmental Protection Agency

Southwest District Office

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Dayton, Ohio 45402-2911

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[www.epa.state.oh.us](http://www.epa.state.oh.us)

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

February 9, 2009

Ms. Sandra Stewart  
Timber Lanes  
7415 Pleasant Plain Road  
Clayton, Ohio 45315

Re: Montgomery County, Timber Lanes, Compliance Evaluation Inspection and Notice of Violation

Dear Ms. Stewart:

On February 3, 2009, I conducted a Compliance Evaluation Inspection at Timber Lanes (NPDES Permit No. OH0132039; OEPA Permit No. 1PW00043\*AD). Representing this facility was Mr. Greg Ross of Winelco, Inc. The inspection revealed that the daily operations for maintaining the operations of the facility were not being performed. At the time of the inspection the discharge from the treatment plant was cloudy and contained an excessive amount of suspended solids. A copy of my inspection report is enclosed.

A compliance review of Timber Lanes was performed as part of the inspection process. The compliance review revealed numerous violations of the discharge limitations found in discharge permit 1PW00043\*AD. The violations are listed in Attachment 1 and Attachment 2.

Timber Lanes is also in violation of the Compliance Schedule contained in discharge permit 1PW00043\*AD Part 1, C. Timber Lanes has not complied with any of the requirements of the Compliance Schedule.

As is specified in 1PW00043\*AD Part III number 4 Timber lanes is required to submit monthly reports. Monthly operating reports for June 2004 and August 2007 were not submitted as required.

Furthermore, Timber Lanes is required to submit a permit renewal application no later than 180 days prior to the permits expiration. The renewal application was not received within the specified timeframe. As such Timber Lanes is in violation of Ohio Revised Code 6111.04.

This letter also serves as a Notice of Violation for the violations identified in Attachment 1



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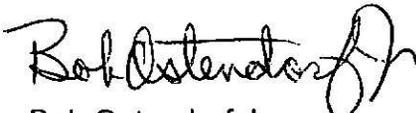
and Attachment 2, the violations of the compliance schedule found in discharge permit 1PW00043\*AD, failure to submit monthly reports as required by discharge permit 1PW00043\*AD and Ohio Revised Code 6111.04.

A written response for the violations listed in Attachment 1 has been received by this office and an additional response is not required. A written response for the rest of the violations is required to be submitted to this office by no later than February 17, 2009. The response shall include the corrective actions which will be implemented to address the violations cited in this letter. A timeline for the implementation of the corrective actions is also required to be submitted as part of the response

Please be advised that this matter is currently being considered for additional enforcement actions as per Ohio Revised Code 6111.07 and 6111.09. I have included an excerpt from Ohio Revised Code 6111.04, and copies of 6111.07 and 6111.09 for your use.

I encourage you to contact a Professional Engineer licensed in the state of Ohio to assist you with determining the corrective actions required to resolve the issues related to your wastewater treatment system. 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](mailto:Robert.Ostendorf@epa.state.oh.us).

Sincerely,



Bob Ostendorf Jr.  
Division of Surface Water  
Permits Section

Enclosure

cc: Mr. Greg Ross, Winelco, Inc.

**ATTACHMENT 1 (written response on file)**

Effluent Violations					
Reporting Period	Parameter	Limit Type	Limit	Reported Value	Violation Date
December 2003	TSS	Monthly Conc	80	123	12/01/2003
December 2003	TSS	Weekly Conc	120	123	12/01/2003
March 2004	TSS	Monthly Conc	80	180	03/01/2004
March 2004	TSS	Weekly Conc	120	180	03/01/2004
August 2005	Fecal Coliform	Monthly Conc	1000	20000	08/01/2005
August 2005	Fecal Coliform	Weekly Conc	2000	20000	08/08/2005
September 2005	Fecal Coliform	Monthly Conc	1000	10000	09/01/2005
September 2005	Fecal Coliform	Weekly Conc	2000	10000	09/08/2005
June 2006	TSS	Monthly Conc	12	929	06/01/2006
June 2006	TSS	Weekly Conc	18	929	06/01/2006
June 2006	Fecal Coliform	Monthly Conc	1000	4800	06/01/2006
June 2006	Fecal Coliform	Weekly Conc	2000	4800	06/01/2006
February 2007	TSS	Weekly Conc	18	140	02/15/2007
February 2007	CBOD	Weekly Conc	15	165	02/15/2007
February 2007	DO	Daily Conc	6.0	4.7	02/21/2007
April 2007	TSS	Monthly Conc	12	20	04/01/2007
April 2007	Ammonia	Monthly Conc	3.0	5.1	04/01/2007
June 2007	TSS	Monthly Conc	12	20	06/01/2007
June 2007	TSS	Weekly Conc	18	20	06/22/2007
July 2007	Ammonia	Monthly Conc	1.0	1.8	07/1/2007
July 2007	Ammonia	Weekly Conc	1.5	1.8	07/15/2007
April 2008	TSS	Monthly Conc	12	82	04/01/2008
April 2008	TSS	Weekly Conc	18	82	04/08/2008

**ATTACHMENT 2**

Effluent Violations					
Reporting Period	Parameter	Limit Type	Limit	Reported Value	Violation Date
January 2004	TSS	Monthly Conc	80	108	01/01/2004
January 2004	CBOD	Monthly Conc	50	53	01/01/2004
February 2004	TSS	Monthly Conc	80	102	02/01/2004
March 2004	CBOD	Monthly Conc	50	64	03/01/2004
January 2005	Ammonia	Monthly Conc	20	30	01/01/2005
February 2005	Ammonia	Monthly Conc	20	24	02/01/2005

Effluent Violations (cont.)					
Reporting Period	Parameter	Limit Type	Limit	Reported Value	Violation Date
May 2006	TSS	Monthly Conc	12	41	05/01/2006
June 2006	TSS	Monthly Qty	0.18	0.94	06/01/2006
June 2006	TSS	Weekly Qty	0.27	0.94	06/01/2006
June 2006	Chlorine	Daily Conc	0.038	0.07	06/07/2006
August 2006	Chlorine	Daily Conc	0.038	0.35	08/02/2006
September 2006	Chlorine	Daily Conc	0.038	0.06	09/13/2006
October 2006	Ammonia	Monthly Conc	1.0	2.8	10/01/2006
October 2006	Ammonia	Weekly Conc	1.5	2.8	10/01/2006
October 2006	Chlorine	Daily Conc	0.038	1.6	10/04/2006
October 2006	Chlorine	Daily Qty	0.0005	0.0024	10/04/2006
November 2006	TSS	Monthly Conc	12	13	11/01/2006
December 2006	TSS	Monthly Conc	12	35	12/01/2006
December 2006	TSS	Weekly Conc	18	35	12/01/2006
December 2006	Ammonia	Monthly Conc	3.0	11	12/01/2006
December 2006	Ammonia	Weekly Conc	4.5	11	12/01/2006
December 2006	CBOD	Monthly Conc	10	24	12/01/2006
December 2006	CBOD	Weekly Conc	15	24	12/01/2006
January 2007	Ammonia	Monthly Conc	3.0	4.6	01/01/2007
January 2007	Ammonia	Weekly Conc	4.5	4.6	01/01/2007
January 2007	CBOD	Monthly Conc	10	13	01/01/2007
February 2007	TSS	Monthly Conc	12	140	02/01/2007
February 2007	TSS	Monthly Qty	0.18	0.28	02/01/2007
February 2007	Ammonia	Monthly Conc	3.0	7.3	02/01/2007
February 2007	CBOD	Monthly Conc	10	165	02/01/2007
February 2007	CBOD	Monthly Qty	0.15	0.33	02/01/2007
February 2007	TSS	Weekly Qty	0.27	0.28	02/15/2007
February 2007	Ammonia	Weekly Conc	4.5	7.3	02/15/2007
February 2007	CBOD	Weekly Qty	0.22	0.33	02/15/2007
March 2007	TSS	Monthly Conc	12	37	03/01/2007
March 2007	Ammonia	Monthly Conc	3.0	8.4	03/01/2007
March 2007	CBOD	Monthly Conc	10	13	03/01/2007
March 2007	TSS	Weekly Conc	18	37	03/08/2007
March 2007	Ammonia	Weekly Conc	4.5	8.4	03/08/2007
April 2007	CBOD	Monthly Conc	10	12	04/01/2007
April 2007	TSS	Weekly Conc	18	20	04/15/2007
April 2007	Ammonia	Weekly Conc	4.5	5.1	04/15/2007
May 2007	Ammonia	Monthly Conc	1.0	1.2	05/01/2007

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Effluent Violations (cont.)					
Reporting Period	Parameter	Limit Type	Limit	Reported Value	Violation Date
July 2007	Chlorine	Daily Conc	0.038	0.7	07/19/2007
July 2007	Chlorine	Daily Qty	0.0005	0.0007	07/19/2007
July 2007	DO	Daily Conc	6.0	4.8	07/19/2007
July 2007	Chlorine	Daily Conc	0.038	0.11	07/26/2007
July 2007	DO	Daily Conc	6.0	4.8	07/26/2007
September 2007	TSS	Monthly Conc	12	23	09/01/2007
September 2007	TSS	Weekly Conc	18	23	09/08/2007
November 2007	TSS	Monthly Conc	12	15	11/01/2007
December 2007	TSS	Monthly Conc	12	55	12/01/2007
December 2007	TSS	Weekly Conc	18	55	12/01/2007
December 2007	CBOD	Monthly Conc	10	11	12/01/2007
February 2008	TSS	Monthly Conc	12	27	02/01/2008
February 2008	Ammonia	Monthly Conc	3.0	4	02/01/2008
February 2008	CBOD	Monthly Conc	10	15	02/01/2008
February 2008	TSS	Weekly Conc	18	27	02/15/2008
March 2008	TSS	Monthly Conc	12	18	03/01/2008
March 2008	Ammonia	Monthly Conc	3.0	8.8	03/01/2008
March 2008	CBOD	Monthly Conc	10	11	03/01/2008
March 2008	Ammonia	Weekly Conc	4.5	8.8	03/22/2008
April 2008	Ammonia	Monthly Conc	3.0	3.4	04/01/2008
April 2008	CBOD	Monthly Conc	10	12	04/01/2008
May 2008	TSS	Monthly Conc	12	114	05/01/2008
May 2008	TSS	Weekly Conc	18	114	05/01/2008
May 2008	CBOD	Monthly Conc	10	11	05/01/2008
May 2008	Chlorine	Daily Conc	0.038	0.08	05/07/2008
June 2008	TSS	Monthly Conc	12	100	06/01/2008
June 2008	TSS	Weekly Conc	18	100	06/15/2008
June 2008	Chlorine	Daily Conc	0.038	2.6	06/18/2008
July 2008	TSS	Monthly Conc	12	35	07/01/2008
July 2008	TSS	Weekly Conc	18	35	07/08/2008
September 2008	TSS	Monthly Conc	12	120	09/01/2008
September 2008	TSS	Weekly Conc	18	120	09/01/2008
September 2008	CBOD	Monthly Conc	10	12	09/01/2008
September 2008	Chlorine	Daily Conc	0.038	0.16	09/03/2008
October 2008	TSS	Monthly Conc	12	620	10/01/2008
October 2008	Fecal Coliform	Monthly Conc	1000	1600	10/01/2008
October 2008	CBOD	Monthly Conc	10	56	10/01/2008

Effluent Violations (cont.)					
Reporting Period	Parameter	Limit Type	Limit	Reported Value	Violation Date
October 2008	TSS	Weekly Conc	18	620	10/08/2008
October 2008	CBOD	Weekly Conc	15	56	10/08/2008
November 2008	TSS	Monthly Conc	12	120	11/01/2008
November 2008	TSS	Weekly Conc	18	120	11/01/2008
November 2008	CBOD	Monthly Conc	10	22	11/01/2008
November 2008	CBOD	Weekly Conc	15	22	11/01/2008
December 2008	TSS	Monthly Conc	12	288	12/01/2008
December 2008	CBOD	Monthly Conc	10	50	12/01/2008
December 2008	TSS	Weekly Conc	18	288	12/08/2008
December 2008	CBOD	Weekly Conc	15	50	12/08/2008

Reporting Period	Parameter	Sample Frequency	Expected	Reported	Violation Date
June 2008	Color	1/Day	1	0	06/26/2008
June 2008	Odor	1/Day	1	0	06/26/2008
June 2008	Turbidity	1/Day	1	0	06/26/2008
June 2008	Color	1/Day	1	0	06/27/2008
June 2008	Odor	1/Day	1	0	06/27/2008
June 2008	Turbidity	1/Day	1	0	06/27/2008
July 2008	Color	1/Day	1	0	07/01/2008
July 2008	Odor	1/Day	1	0	07/01/2008
July 2008	Turbidity	1/Day	1	0	07/01/2008
August 2008	Color	1/Day	1	0	08/04/2008
August 2008	Odor	1/Day	1	0	08/04/2008
August 2008	Turbidity	1/Day	1	0	08/04/2008
August 2008	Color	1/Day	1	0	08/05/2008
August 2008	Odor	1/Day	1	0	08/05/2008
August 2008	Turbidity	1/Day	1	0	08/05/2008
August 2008	Color	1/Day	1	0	08/11/2008
August 2008	Odor	1/Day	1	0	08/11/2008
August 2008	Turbidity	1/Day	1	0	08/11/2008
August 2008	Color	1/Day	1	0	08/12/2008
August 2008	Odor	1/Day	1	0	08/12/2008
August 2008	Turbidity	1/Day	1	0	08/12/2008

### **6111.04 Water pollution and sludge management violations prohibited.**

(A) Both of the following apply except as otherwise provided in division (A) or (F) of this section:

(1) No person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state.

(2) Such an action prohibited under division (A)(1) of this section is hereby declared to be a public nuisance.

Divisions (A)(1) and (2) of this section do not apply if the person causing pollution or placing or causing to be placed wastes in a location in which they cause pollution of any waters of the state holds a valid, unexpired permit, or renewal of a permit, governing the causing or placement as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending. ...

### **6111.07 Prohibited acts - prosecutions and injunction by attorney general.**

(A) No person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term or condition of a permit issued or adopted by the director of environmental protection pursuant to those sections. Each day of violation is a separate offense.

(B) The attorney general, upon the written request of the director, shall prosecute any person who violates, or who fails to perform any duty imposed by, sections 6111.01 to 6111.08 of the Revised Code or who violates any order, rule, or condition of a permit issued or adopted by the director pursuant to those sections.

The attorney general, upon written request of the director, shall bring an action for an injunction against any person violating or threatening to violate this chapter or violating or threatening to violate any order, rule, or condition of a permit issued or adopted by the director pursuant to this chapter. In an action for injunction to enforce any final order of the director brought pursuant to this section, the finding by the director, after hearing, is prima-facie evidence of the facts found therein.

(C) No person knowingly shall submit false information or records or fail to submit information or records pertaining to discharges of sewage, industrial wastes, or other wastes or to sludge management required as a condition of a permit or knowingly render inaccurate any monitoring device or other method required to be maintained by the director.

Effective Date: 03-17-2000

### **6111.09 Civil penalties for water pollution control violations.**

(A) Any person who violates section 6111.07 of the Revised Code shall pay a civil penalty of not more than ten thousand dollars per day of violation. Any person who purposely violates section 6111.10 or 6111.11 of the Revised Code shall pay a civil penalty of fifty dollars for a first violation and a civil penalty of not more than five hundred dollars for each subsequent violation occurring

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within twelve months of the first violation.

The attorney general, upon written request by the director of environmental protection, shall commence an action under this section against any person who violates section 6111.07 of the Revised Code. The director shall notify in writing any person who is allegedly selling or offering for sale a product in violation of section 6111.10 or 6111.11 of the Revised Code of the alleged specific violation and shall request the person to remove the product from the person's sales area. If at least ten days after providing that notification the director determines that the person has failed to remove the product from the person's sales area, the director in writing shall request the attorney general to, and the attorney general shall, commence an action under this section against the person. Any action under this section is a civil action, governed by the Rules of Civil Procedure and other rules of practice and procedure applicable to civil actions.

(B) One-half of the moneys collected as civil penalties under division (A) of this section shall be credited to the environmental education fund created in section 3745.22 of the Revised Code. The remainder of the moneys so collected shall be credited to the water pollution control administration fund, which is hereby created in the state treasury. The water pollution control administration fund shall be administered by the director. Moneys in the water pollution control administration fund shall be used to supplement other moneys available for the administration and enforcement of this chapter and the rules adopted and terms and conditions of orders and permits issued under it, including, without limitation, the issuance of permits under it, and shall not be used to satisfy any state matching fund requirements for the receipt of any federal grant funds.

The director may expend not more than seven hundred fifty thousand dollars of the moneys credited to the water pollution control administration fund under this division in any fiscal year for the purposes specified in this division. The director may request authority from the controlling board to expend any moneys credited to that fund in any fiscal year in excess of that amount.

Effective Date: 07-22-1994; 2008 SB214 09-01-2008



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
OH0132039	1PW00043	02/03/09	C	S	2

Section B: Facility Data		
Name and Location of Facility Inspected	Entry Time	Permit Effective Date
Timber Lanes 7415 Pleasant Plain Road Clayton, OH 45315	11:00 a.m.	05/01/03
	<b>Exit Time</b>	<b>Permit Expiration Date</b>
	11:50 a.m.	04/30/08
Name(s) and Title(s) of On-Site Representatives		Phone Number(s)
Mr. Greg Ross Winelco, Inc.		(513) 307-8119
Name(s), Address and Title(s) of Operator of Record		Phone Number(s)
Mr. Greg Ross Winelco, Inc. 6141 Centre Park Drive West Chester, OH 45069		(513) 307-8119
Name, Address and Title of Responsible Official		Phone Number
Ms. Sandra K. Stewart President, General Manager		(937) 836-2944

Ohio EPA Inspector	Ohio EPA Reviewer
 Bob Ostendorf Jr. Division of Surface Water Southwest District Office	 Martyn Burr Compliance & Enforcement Supervisor Division of Surface Water Southwest District Office
2-9-09 Date	2/9/09 Date

Average Daily Design Flow:	<b>4,000 Gallons/Day</b>
Plant Serves:	<b>Bowling and Family Entertainment Center</b>
Average Daily Flow: (Period of Review):	<b>650 Gallons/Day (01/01/08 – 01/01/09)</b>
Method of flow monitoring:	<b>Flow is based upon water meter readings.</b>
Type of alarms for plant:	<b>None</b>

**Pretreatment**

Type of Pretreatment: **Other - None**  
 Does the Trash Trap need pumped: **N/A**  
 Maintenance of pretreatment components is: **N/A**

**Comments/Status:**  
 \_\_\_\_\_

**Secondary Treatment  
(Aeration)**

Color of sludge: **Very Light Brown**  
 Quality of Sludge: **Very Thin**  
 Foam: **None present**  
 Odor: **No objectionable odor present**

	Yes	No		Yes	No
Aeration is taking place	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Plant is septic	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Blowers are operating	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Blowers are on a timer	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Skimmers are operating	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Plant is flooded	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Diffusers are operating	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Grating is present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sludge return is operating	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

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

**Comments/Status:**  
 \_\_\_\_\_

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**Secondary Treatment  
(Settling)**

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

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

**Comments/Status:**

The return coming from the clarifier contained no solids when I first arrived. After Mr. Ross scraped the side of the clarifier it appeared that solids were then being returned to the aeration tank. There were excessive amounts of solids floating in the clarifier. Mr. Ross informed me that the scraping of the clarifier walls and ensuring that the skimmer was operational was a responsibility of onsite personnel. Mr. Ross proceeded to direct the floating material to the skimmer which returned it to the aeration tank.

**Tertiary Treatment**

	Yes	No		Yes	No
Surface sand Filters: <b>Slow</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Subsurface</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Distribution box operating	<input type="checkbox"/>	<input type="checkbox"/>	Beds alternated	<input type="checkbox"/>	<input type="checkbox"/>
Are filters ponding/flooding	<input type="checkbox"/>	<input type="checkbox"/>	Beds raked	<input type="checkbox"/>	<input type="checkbox"/>
Sand filters overgrown	<input type="checkbox"/>	<input type="checkbox"/>	Chlorination present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
UV present	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Dechlorination present	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Overall maintenance of components is: **Fair**

**Comments/Status:**

Mr. Ross and I discussed the disinfection method used at Timber Lanes. Mr. Ross indicated that chlorine tablets are used for disinfection. Mr. Ross also indicated that dechlorination is not being practiced.

**Sludge Handling/Storage Disposal**

Hauler name: N/A  
Disposal Site: N/A  
Sludge wasted from: N/A  
How often is sludge wasted:  
Sludge drying beds: **No**                      Sludge holding tank: **No**

Overall maintenance of components is: N/A

**Comments/Status:**

I discussed the wasting practices with Mr. Ross and he informed me that wasting was not required

Permit #: OH0132039  
NPDES #: 1PW00043

at this facility. Mr. Ross indicated that due to the nature of the wastewater being generated at Timber Lanes, solids formation within the aeration tank is difficult to maintain. Mr. Ross and I discussed several operational modifications that might decrease the amount of solids being discharged from the system. Mr. Ross indicated that he would consider the modifications and attempt to determine if one or more of them would improve the situation.

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**Plant Discharge**

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Discharge point is a: **Ditch**  
Name of discharge point: **Unnamed tributary of Wolf Creek**  
Discharge is visible: **Yes**                      Quality of Effluent: **Cloudy**

**Comments/Status:**

Mr. Ross collected a sample of the effluent during the inspection. The sample was cloudy and appeared to have quite a bit of suspended solids present. Mr. Ross performed a dissolved oxygen and pH analysis. The results were in compliance with the discharge limits. Mr. Ross indicated that the sample collected would be analyzed for TSS, CBOD and ammonia. Mr. Ross and I discussed the numerous effluent violations and that the discharge permit contained a compliance schedule. Mr. Ross was unaware of the compliance schedule. Our files indicate that the owner of the facility has been made aware of the past effluent violations on numerous occasions.