



**Environmental
Protection Agency**

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



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1 HOWARD LEWIS PUBLIC WORKS DIRECTOR
STEVE INMAN WATER/SEWER SUPERINTENDENT
CITY OF FRANKLIN
1 BENJAMIN FRANKLIN WAY
FRANKLIN OH 45005

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*File in record
Franklin water
sewerage*

May 6, 2010

CERTIFIED MAIL

Howard Lewis, Public Works Director
Steve Inman, Water/Sewer Superintendent
City of Franklin
1 Benjamin Franklin Way
Franklin, Ohio 45005

**RE: Notice of Violation
NPDES permit 1PD00004, OH0025275**

Dear Mr. Lewis and Mr. Inman:

On July 10, 2009 I sent a letter to the Franklin Mayor and Council requesting information as to how Franklin is complying with (or plans to comply with) the requirements of Ohio Administrative Code 3745-7-02 (A)(2). To date, we have yet to receive the Operator of Record form for the city of Franklin's sewerage system. Please note that in your permit 1PD00004, Part II paragraph (A)(2) of your permit states in part:

"2. Operator of Record

a. The permittee shall designate one or more operator of record to oversee the technical operation of the treatment works and sewerage (collection) system in accordance with paragraph (A)(2) of rule 3745-7-02 of the Ohio Administrative Code."

Ohio Administrative Code (OAC) 3745-7-02 (A)(2) states:

"Each person owning or operating a treatment works or sewerage system, except as provided for in paragraph (E) of this rule, shall designate one or more operator of record to oversee the technical operation of the treatment works, sewerage system, or each wastewater treatment facility. Each operator of record shall have a valid certification of a class equal to or greater than the classification of the treatment works, sewerage system, or wastewater treatment facility.

- (a) The owner of a treatment works or sewerage system shall notify the director of the identity of an operator of record in the event of a change in such position.
- (b) Notification shall be made on a form acceptable to the director within three days of a change in an operator of record."

Howard Lewis, Public Works Director
Steve Inman, Water/Sewer Superintendent
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OAC 3745-7-02 (C) and (D) state:

"(C) The certified operator required by paragraphs (A) or (B) of this rule shall be an employee of the person owning or operating the public water system, treatment works, or sewerage system, except as provided in paragraph (D) of this rule.

(D) Owners of public water systems, sewerage systems, or treatment works may enter into a contract for the services of one or more appropriately certified operators to serve as the operator of record provided that:

(1) The contract requires that the certified operator be available to respond to emergencies, and provide the services necessary to maintain the reliable operation of the system, and the contract is consistent with the requirements of paragraphs (C) to (E) of rule 3745-7-03 of the Administrative Code and paragraphs (C) to (E) of rule 3745-7-04 of the Administrative Code; and

(2) A copy of the contract is maintained onsite at the public water system, treatment works, or sewerage system."

The following is a link for the Operator of Record (ORC) Notification Form. You must use this form to officially notify Ohio EPA who is the designated Operator of Record for Franklin's sewerage system.

http://www.epa.state.oh.us/portals/35/opcert/Operator_of_Record_Notification_Form.pdf

Within 14 days of the date of this Notice of Violation, inform this office, in writing, as to the reason for the above referenced violation, and submit the required ORC form to Ohio EPA for Franklin's sewage collection system. Please be advised that failure to comply with any of the requirements for your NPDES permit may be cause for enforcement action pursuant to the Ohio Revised Code Chapter 6111.

If you have any questions regarding the above, please contact me at (937) 285-6103.

Respectfully,


Maureen M. Ware
Division of Surface Water

cc: Mayor and Council, City of Franklin
ec: Warren County Combined Health District

MMW\bp