



**Environmental  
Protection Agency**

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



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Environmental  
Protection Agency

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

*File: Warren Co.  
Franklin Area WWTP  
Sewerage*

April 29, 2011  
**Certified Mail**

Mayor and Council  
Village of Germantown  
75 North Walnut Street  
Germantown, Ohio 45327

**RE: NOTICE OF VIOLATION GERMANTOWN NPDES NO. 1PD00004**

Ladies and Gentlemen:

On April 28, 2011, I inspected the site of a recurring Sanitary Sewer Overflow (SSO) from a manhole on Butter Street. I documented evidence of the SSO via photos of the manhole and surrounding area.

The Village of Germantown is in violation of its National Pollutant Discharge Elimination System (NPDES) permit 1PD00004. Specifically Items F, G, and A of Part II of 1PD00004 have been violated.

**Item F violations:**

Part II, Item F. states "A sanitary sewer overflow is an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. All SSOs are prohibited."

Individuals witnessing the SSO discharge point on Butter Street noted that the same manhole discharged multiple times since April 20, 2011. No report of any kind was submitted from Germantown for those subsequent SSO events, which violate sections of your NPDES permit, specifically Part II, paragraph F(1)(a) which states:

"You must notify Ohio EPA (1-800-282-9378) and the appropriate Board of Health (i.e., city or county) within 24 hours of learning of any SSO from your sewers or from your maintenance contract areas that may imminently and substantially endanger human health. The telephone report must identify the location, estimated volume and receiving water, if any, of the overflow. An SSO that may imminently and substantially endanger human health includes dry weather overflows, major line breaks, overflow events that result in fish kills or other significant harm, overflows that expose the general public to contact with raw sewage, and overflow events that occur in sensitive waters and high

exposure areas such as protection areas for public drinking water intakes and waters where primary contact recreation occurs.”,

and Part II, paragraph F(1)(b), which states:

“Within 5 days of the time you become aware of any SSO that may imminently and substantially endanger human health, you must provide the appropriate Ohio EPA district office a written report that includes:

- (i) the estimated date and time when the overflow began and stopped or will be stopped (if known);
- (ii) the location of the SSO including an identification number or designation if one exists;
- (iii) the receiving water (if there is one);
- (iv) an estimate of the volume of the SSO (if known);
- (v) a description of the sewer system component from which the release occurred (e.g., manhole, constructed overflow pipe, crack in pipe);
- (vi) the cause or suspected cause of the overflow;
- (vii) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps; and
- (viii) steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps.”.

Although Germantown did submit a report via the 1-800-282-9378 hotline for the April 19, 2011-April 20, 2011 SSO event, and a 5-Day Follow Up Report for that SSO event, the 5 Day Follow Up Report for that SSO event had the following deficiencies:

Part II Item F(1)(b)(iii): The SSO 5-day Follow Up Report states “N/A” as the receiving water. Approximately 10 feet from the SSO site was a stormwater inlet that conveyed liquid under Butter Street to the east side of Butter Street, where it becomes an unnamed tributary of Dry Run.

Part II Item F(1)(b)(iv): The SSO 5-day Follow Up Report states ".015". No units are provided. In addition, individuals that have witnessed the SSO indicate that the sewage discharge has been significant enough to repeatedly dislodge the manhole cover, and continued discharging for hours. It is unlikely that if the number provided (.015) is meant to be million gallons per day, that would be sufficient to dislodge the manhole cover over a number of hours.

Part II Item F(1)(b)(vi): The SSO 5-day Follow Up Report lists extreme weather as the cause of the SSO. Although there was a large rain event for the time period of April 19, 2011-April 20, 2011, there should not have been any SSO events tributary to the Franklin Area Wastewater Treatment Plant (FAWWTP). This is due to Permit to Install (PTI) 671540 being issued to the Franklin Regional Wastewater Treatment Corporation for the purpose of installation of an additional pump and force main to provide additional capacity for high flow events tributary to the Twin Creek Pump Station, which is the main influent pump station to the FAWWTP. This was so an accurate evaluation of collection system flows could be obtained and problem areas identified. Prior to the additional pump being installed, during high flow events, the collection systems from Franklin, Germantown, and Carlisle would back up, causing the data from each municipalities flow meter to be unable to provide accurate flow information. As such, it could not be determined which municipality(s) had the most inflow and infiltration (I/I) problems. With the pump being installed, there should not have been any collection system backups, and certainly none resulting in SSO events. In addition, Veolia flow numbers collected for the tributary municipalities during the high flow event of April 19, 2011-April 20, 2011, and any subsequent high flow events, will not be accurate due to the recurring Germantown Butter Street manhole SSO.

Part II Item F(1)(b)(vii): The SSO 5-day Follow Up Report states "We are currently working with the engineers to identify manholes for rehab and sewer lines to re-line to eliminate our I&I problems." No milestones are provided. While the manhole on Butter Street certainly needs to immediately be rehabilitated and undoubtedly many Germantown sewer lines need to be re-lined to prevent I/I, the manhole in question is only 350 feet upstream of the newly rehabilitated Hillcrest Drive Pump Station. As such, it appears that there is a partial line blockage between the Butter Street manhole and Hillcrest Drive pump station as the cause of the recurring Butter Street manhole SSO.

Part II Item F(b)(viii): The SSO 5-day Follow Up Report states: "The village has a connection for a backup generator at the lift stations." Ohio EPA did not receive any calls regarding SSOs from the Hillcrest pump station. Germantown did not report any SSO from the Hillcrest pump station. Had the Hillcrest pump station been without power, undoubtedly Ohio EPA would have received calls regarding an SSO event from the Hillcrest pump station.

**Item G Violations:**

Part II Item G states "The permittee shall maintain in good working order and operate as efficiently as possible the "treatment works" and "sewerage system" as defined in ORC 6111.01 to achieve compliance with the terms and conditions of this permit and to prevent discharges to the waters of the state, surface of the ground, basements, homes, buildings, etc."

As recurring SSO events have happened from the Butter Street manhole, clearly item G is being violated by Germantown.

**Item A Violations:**

Part II, paragraph A(2)(a) states "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."

As previously noted in NOVs dated April 7, 2010, April 22, 2010, and May 17, 2010 to Germantown, Germantown has yet to submit an Operator of Record (ORC) form for its collection system to Daniel Kopec of Ohio EPA's Central Office in Columbus Ohio.

The ORC form can be found at the following website:

<http://www.epa.state.oh.us/LinkClick.aspx?fileticket=7fKxZGllvBY%3d&tabid=3650>

A copy of Germantown's permit 1PD00004 can be viewed at:

<http://wwwapp.epa.ohio.gov/dsw/permits/doc/1PD00004.pdf>

In regards to collection system operation and maintenance, you may wish to review the USEPA's Capacity, Management, Operation, and Maintenance (CMOM) document which can be found at:

<http://www.epa.state.oh.us/portals/35/permits/usepa%20cmom%20evaluation%20guide%201%2005.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 violations, as well as a description of the actions taken or proposed to prevent any further violations. Your response must include the dates, either actual or proposed, for completion of the actions. In addition, you must

Mayor and Council, Village of Germantown  
April 29, 2011  
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submit the required ORC and SSO forms discussed above. 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 this office.

Respectfully,



Maureen M. Ware  
Division of Surface Water

cc: James.Pace@veoliawaterna.com  
Montgomery County Health Department  
Warren County Combined Health District

MMWbp

