



**Environmental  
Protection Agency**

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



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**Mayor & Council  
Village of Germantown  
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**Environmental  
Protection Agency**

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

August 2, 2011

Certified Mail

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

RE: Notice of Violation Germantown NPDES NO. 1PD00004

Ladies and Gentlemen:

The morning of July 28, 2011, I received a complaint regarding a dry weather Sanitary Sewer Overflow (SSO) from a manhole on Butter Street. My on-site inspection revealed that Germantown had stopped the SSO by the time I arrived at the Butter Street SSO site. Residual wetness and sewage odors were evident none the less. The Village of Germantown is in violation of its National Pollutant Discharge Elimination System (NPDES) permit 1PD00004. Specifically Items F and G of Part II of 1PD00004 have been violated.

Part II, Item F states:

"Reporting for SSOs That Imminently and Substantially Endanger Human Health

a) Immediate Notification

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.

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);

Southwest District Office  
401 East Fifth Street  
Dayton, OH 45402-2911

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937 | 285 6249 (fax)  
[www.epa.ohio.gov](http://www.epa.ohio.gov)

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- (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."

The manhole is in an area where neighborhood children play, thus the SSO exposes the general public to contact with raw sewage. There had not been any rain event for many days prior to the 7/28/11 Butter Street SSO event, thus making it a dry weather overflow. Dry weather overflows, and overflows that expose the general public to raw sewage are considered as SSOs that imminently and substantially endanger human health. Therefore such an SSO requires immediate notification to both Ohio EPA and the appropriate board of health. In addition, a 5 day written follow up report is required, but as of today, has not been received.

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 a dry weather SSO event happened from the Butter Street manhole, clearly item G has been violated by Germantown.

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. 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

MMW/tf

Ec: James.Pace@veoliawaterna.com  
Ec: Montgomery County Health Dept.  
Ec: Warren County Combined Health District