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July 12, 2011

Fairfield County Commissioners
210 East Main Street
Lancaster, OH 43130

Re: Notice of Violation - Board of Commissioners Fairfield County National Pollutant Discharge Elimination System (NPDES) Ohio EPA Permits 4PG00028 Lakeside Estates and 4PG00030 Pleasant Lea Water Reclamation Facilities

Dear Commissioners:

This correspondence serves as a final **Notice of Violation (NOV)** for noncompliance with requirements of your NPDES permit for the Lakeside Estates wastewater treatment plant (WWTP). NOV's dated March 12, 2007, and December 23, 2008 have previously been sent to the county regarding Lakeside Estates.

This correspondence also serves as a NOV regarding the Pleasant Lea WWTP.

Enforcement action which may include a penalty may be initiated unless Fairfield County submits documentation by July 25, 2011, demonstrating that construction of a new regional WWTP is moving forward on an expedited time frame to replace both the Lakeside Estates and Pleasant Lea WWTPs.

Violations

1. Violations of the NPDES discharge permit limitations have, and continue, to occur. Discharge monitoring reports submitted by Fairfield County personnel since January 2006 document permit limit violations. These violations are listed in Attachments A and B.
2. The Commissioners have not complied with the Lakeside Estates permit compliance schedule for construction of a new WWTP to replace both the Pleasant Lea and Lakeside Estates WWTPs. Each failure to meet an item of the compliance schedule constitutes additional, individual violations of your NPDES permit. These violations are listed in Attachment C.
3. Violation of the terms and conditions of NPDES Permits 4PG00028 and 4PG00030 is also a violation of Ohio Revised Code 6111.04 and 6111.07 which states:

6111.04 (C) - No person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit without first receiving a permit from the director to do so.

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

Additional Information

The Lakeside Estates WWTP has been placed on the Significant Non-compliance (SNC) List due to both final effluent limitation violations which occurred during the six month period of time ending in March 2011 and failure to meet compliance schedule milestones. SNC is a programmatic definition used to identify those facilities that should receive priority enforcement attention. In order to be removed from the SNC list without a formal enforcement action being initiated you must maintain final effluent limitation compliance for three consecutive months and the compliance schedule milestones must be achieved.

In a letter to this office dated October 28, 2010, Fairfield County indicated that funds had been dedicated to advance the project through detail design and property acquisition but, funds were not available to construct the project. Recent discussions with Mr. Tony Vogel, the county Director of Utilities, indicate that funding for this project has not yet been sought or applied for thus further delaying consistent wastewater discharge permit compliance.

Unless Fairfield County submits sufficient documentation by July 25, 2011, that demonstrates the intention to expeditiously comply with NPDES permit requirements, Ohio EPA may proceed with enforcement which may include a monetary penalty and issuance of Director's Final Findings and Orders. Please contact Mr. Jan Rice at 614-728-3850 or at jan.rice@epa.ohio.gov if you have any questions and/or would like to meet for further discussion of this matter.

Sincerely,



Erin Sherer
Compliance & Enforcement Supervisor
Division of Surface Water
Central District Office

c: Mr. Tony Vogel, P.E., Director of Utilities, Fairfield County Utilities

Attachment A

Fairfield County Board of Commissioners - Lakeside Estates (Ohio EPA No.: 4PG00028)
Effluent Limitations Violations (1/1/06 – 5/31/11)

Reporting Period	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
January 2006	00530	Total Suspended Solids	30D Qty	0.36	1.12415	1/1/2006
January 2006	00530	Total Suspended Solids	7D Qty	0.54	1.12415	1/1/2006
February 2006	00530	Total Suspended Solids	30D Qty	0.36	.51476	2/1/2006
February 2006	00610	Nitrogen, Ammonia (NH3)	30D Qty	0.08	.09084	2/1/2006
February 2006	80082	CBOD 5 day	30D Qty	0.45	.6056	2/1/2006
April 2006	00530	Total Suspended Solids	30D Qty	0.36	.4542	4/1/2006
May 2006	00530	Total Suspended Solids	30D Qty	0.36	.42581	5/1/2006
May 2006	00530	Total Suspended Solids	7D Qty	0.54	.6056	5/1/2006
July 2006	00530	Total Suspended Solids	30D Qty	0.36	.4542	7/1/2006
October 2006	00530	Total Suspended Solids	30D Qty	0.36	.50341	10/1/2006
December 2006	00530	Total Suspended Solids	30D Qty	0.36	.43149	12/1/2006
December 2006	00610	Nitrogen, Ammonia (NH3)	30D Qty	0.08	.0863	12/1/2006
February 2007	00610	Nitrogen, Ammonia (NH3)	7D Conc	3.9	4.6	2/1/2007
February 2007	00610	Nitrogen, Ammonia (NH3)	30D Qty	0.08	.15178	2/1/2007
February 2007	00610	Nitrogen, Ammonia (NH3)	7D Qty	0.12	.29599	2/1/2007
March 2007	00530	Total Suspended Solids	30D Qty	0.36	.36336	3/1/2007
September 2007	31616	Fecal Coliform	30D Conc	1000	1326.64	9/1/2007
September 2007	31616	Fecal Coliform	7D Conc	2000	8800.	9/1/2007
October 2007	31616	Fecal Coliform	7D Conc	2000	4600.	10/1/2007
March 2008	00530	Total Suspended Solids	30D Qty	0.36	2.49394	3/1/2008
March 2008	00530	Total Suspended Solids	7D Qty	0.54	2.37622	3/1/2008
March 2008	00530	Total Suspended Solids	7D Qty	0.54	2.61165	3/15/2008
April 2008	00530	Total Suspended Solids	30D Qty	0.36	.39194	4/1/2008
April 2008	00530	Total Suspended Solids	7D Qty	0.54	.56775	4/1/2008
June 2008	50060	Chlorine, Total Residu	1D Conc	0.019	.05	6/16/2008
July 2008	00530	Total Suspended Solids	30D Qty	0.36	.67282	7/1/2008
July 2008	00530	Total Suspended Solids	7D Qty	0.54	1.38985	7/8/2008

Attachment A (continued)

Fairfield County Board of Commissioners - Lakeside Estates (Ohio EPA No.: 4PG00028)
Effluent Limitations Violations (1/1/06 – 5/31/11)

Reporting Period	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
August 2008	00300	Dissolved Oxygen	1D Conc	6.0	5.9	8/11/2008
August 2008	00530	Total Suspended Solids	7D Qty	0.54	.67184	8/22/2008
August 2008	00300	Dissolved Oxygen	1D Conc	6.0	4.1	8/25/2008
June 2009	31616	Fecal Coliform	7D Conc	2000	6021.62	6/1/2009
June 2009	00300	Dissolved Oxygen	1D Conc	6.0	1.7	6/19/2009
July 2009	00530	Total Suspended Solids	7D Qty	0.54	.68887	7/1/2009
August 2009	00530	Total Suspended Solids	7D Qty	0.54	.73808	8/1/2009
August 2009	31616	Fecal Coliform	7D Conc	2000	8419.61	8/1/2009
September 2009	00530	Total Suspended Solids	7D Qty	0.54	.54126	9/1/2009
November 2009	00530	Total Suspended Solids	30D Qty	0.36	.39061	11/1/2009
November 2009	00530	Total Suspended Solids	7D Qty	0.54	.56775	11/1/2009
December 2009	00530	Total Suspended Solids	30D Qty	0.36	.86487	12/1/2009
December 2009	00530	Total Suspended Solids	7D Qty	0.54	.93868	12/8/2009
December 2009	00530	Total Suspended Solids	7D Qty	0.54	.64345	12/15/2009
January 2010	00530	Total Suspended Solids	30D Qty	0.36	.37598	1/1/2010
February 2010	00530	Total Suspended Solids	30D Qty	0.36	.51381	2/1/2010
February 2010	00530	Total Suspended Solids	7D Qty	0.54	.66616	2/8/2010
February 2010	00530	Total Suspended Solids	7D Qty	0.54	.95382	2/22/2010
March 2010	00530	Total Suspended Solids	30D Qty	0.36	.59046	3/1/2010
March 2010	00530	Total Suspended Solids	7D Qty	0.54	.68887	3/8/2010
April 2010	00530	Total Suspended Solids	7D Qty	0.54	.6813	4/1/2010
April 2010	00610	Nitrogen, Ammonia (NH3)	30D Qty	0.08	.11855	4/1/2010
April 2010	00610	Nitrogen, Ammonia (NH3)	7D Qty	0.12	.22861	4/1/2010
June 2010	31616	Fecal Coliform	7D Conc	2000	2800.	6/1/2010
October 2010	00530	Total Suspended Solids	30D Qty	0.36	.43149	10/1/2010
October 2010	00530	Total Suspended Solids	7D Qty	0.54	.62453	10/1/2010
October 2010	50060	Chlorine, Total Residu	1D Conc	0.019	.09	10/21/2010

Attachment A (continued)

Fairfield County Board of Commissioners - Lakeside Estates (Ohio EPA No.: 4PG00028)
 Effluent Limitations Violations (1/1/06 – 5/31/11)

Reporting Period	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
December 2010	00530	Total Suspended Solids	30D Qty	0.36	.4542	12/1/2010
January 2011	00530	Total Suspended Solids	30D Qty	0.36	.41257	1/1/2011
February 2011	00530	Total Suspended Solids	30D Qty	0.36	.76836	2/1/2011
February 2011	00530	Total Suspended Solids	7D Qty	0.54	1.0598	2/8/2011
March 2011	00530	Total Suspended Solids	30D Qty	0.36	.62263	3/1/2011
March 2011	00530	Total Suspended Solids	7D Qty	0.54	.60939	3/1/2011
March 2011	00530	Total Suspended Solids	7D Qty	0.54	.63588	3/15/2011
May 2011	00530	Total Suspended Solids	30D Qty	0.36	1.8925	5/1/2011
May 2011	80082	CBOD 5 day	30D Qty	0.3	.66616	5/1/2011
May 2011	80082	CBOD 5 day	7D Qty	0.45	.66616	5/15/2011
May 2011	00530	Total Suspended Solids	7D Qty	0.54	1.8925	5/22/2011

Attachment B

Fairfield County Board of Commissioners - Pleasant Lea (Ohio EPA No.: 4PG00030) Outfall 001
 Effluent Limitations Violations (1/1/06 – 5/31/11)

Reporting Period	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
July 2006	00400	pH	1D Conc	9.0	9.2	7/21/2006
October 2007	00610	Nitrogen, Ammonia	30D Conc	2.0	7.9	10/1/2007
October 2007	00610	Nitrogen, Ammonia	30D Qty	0.30	.60421	10/1/2007
October 2007	00610	Nitrogen, Ammonia	7D Conc	3.0	17.8	10/15/2007
October 2007	00610	Nitrogen, Ammonia	7D Qty	0.45	.67373	10/15/2007
October 2007	00610	Nitrogen, Ammonia	7D Conc	3.0	5.9	10/22/2007
October 2007	00610	Nitrogen, Ammonia	7D Qty	0.45	1.13891	10/22/2007
January 2008	00610	Nitrogen, Ammonia	7D Conc	4.5	5.2	1/22/2008
March 2008	00530	Total Suspended Solids	7D Qty	3.5	5.1476	3/1/2008
June 2008	00610	Nitrogen, Ammonia	30D Conc	2.0	2.64	6/1/2008
June 2008	00610	Nitrogen, Ammonia	7D Conc	3.0	7.04	6/1/2008
July 2008	00300	Dissolved Oxygen	1D Conc	6.0	4.9	7/7/2008
July 2008	00300	Dissolved Oxygen	1D Conc	6.0	4.9	7/22/2008
January 2009	00610	Nitrogen, Ammonia	30D Conc	3.0	3.935	1/1/2009
January 2009	00610	Nitrogen, Ammonia	7D Conc	4.5	7.68	1/15/2009
April 2009	00610	Nitrogen, Ammonia	30D Qty	0.45	.50524	4/1/2009
April 2009	00610	Nitrogen, Ammonia	7D Qty	0.68	.88183	4/15/2009
June 2009	50060	Chlorine, Total Residu	1D Conc	0.019	.06	6/19/2009
October 2009	00610	Nitrogen, Ammonia	30D Conc	2.0	4.84	10/1/2009
October 2009	00610	Nitrogen, Ammonia	7D Conc	3.0	13.3	10/1/2009
October 2009	00610	Nitrogen, Ammonia	7D Qty	0.45	.55375	10/1/2009
October 2009	00610	Nitrogen, Ammonia	7D Conc	3.0	4.09	10/22/2009
January 2010	00610	Nitrogen, Ammonia	30D Conc	3.0	5.93333	1/1/2010
January 2010	00610	Nitrogen, Ammonia	7D Conc	4.5	14.4	1/8/2010
February 2010	00610	Nitrogen, Ammonia	7D Conc	4.5	8.38	2/1/2010
June 2010	31616	Fecal Coliform	7D Conc	2000	3300	6/1/2010
May 2011	00530	Total Suspended Solids	7D Qty	2.7	3.20211	5/22/2011

Attachment C

Fairfield County Board of Commissioners - Lakeside Estates (Ohio EPA No.: 4PG00028)
Compliance Schedule Violations

Permit No	Permit Effective Date	Permit Expiration Date	Schedule Due Date	Completion Date	Event Code	Schedule Type	Schedule Milestone
4PG00028*GD	8/1/2007	7/31/2012	3/1/2008	Not Completed	1799	Construction	Complete Plans & Specs
4PG00028*GD	8/1/2007	7/31/2012	9/1/2008	Not Completed	3099	Construction	Begin Construction
4PG00028*GD	8/1/2007	7/31/2012	8/1/2009	Not Completed	4599	Construction	End Construction
4PG00028*GD	8/1/2007	7/31/2012	2/1/2010	Not Completed	5599	Construction	Operational Level Attained

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