



Environmental
Protection Agency

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

1PX00076

June 27, 2012

CERTIFIED MAIL

Mr. & Mrs. Oyer
Melody Pool
7275 Pleasant Plain Road
Clayton, OH 45315

**RE: Montgomery County, Melody Pool, Reconnaissance Inspection and
Notice of Violation**

Dear Mr. & Mrs. Oyer:

On June 6, 2012, I performed an unscheduled Reconnaissance Inspection of Melody Pool located at 7275 Pleasant Plain Road in Clay Township, Montgomery County, Ohio. This letter serves as an inspection report and a Notice of Violation.

During the inspection I spoke to Mr. Jim Oyer. We discussed the wastewater being discharged from Melody Pool into an unnamed tributary of Wolf Creek. Mr. Oyer indicated that the swimming pool filter backwash is being discharged to the unnamed tributary of Wolf Creek. He informed me that Diatomaceous Earth is no longer being used at the facility and that "Fiber Clear" is being used in place of the Diatomaceous Earth. Mr. Oyer also indicated that the facility is now dechlorinating the swimming pool backwash wastewater prior to discharging it to the unnamed tributary of Wolf Creek. It should be noted that during previous inspections, the facility was not dechlorinating the filter backwash wastewater. Prior to speaking to Mr. Oyer, I had inspected the sanitary discharge line from the facility. I noted that the upward facing elbow contained a small amount of water which indicates that the facility is also discharging sanitary wastewater to the unnamed tributary of Wolf Creek. During the conversation with Mr. Oyer, I informed him of my observation.

I informed Mr. Oyer that the facility is required to have an NPDES permit. Due to the facility not having an NPDES permit, it is in violation of Ohio Revised Code 6111.04 and Ohio Administrative Code 3745-33-02. You were notified of the facility's non-compliance with Ohio Revised Code 6111.04 and Ohio Administrative Code 3745-33-02 during an inspection I performed on May 26, 2010, and in a letter dated June 10, 2010. During the meeting on May 26, 2010, you requested additional information regarding the violations and any fines that might be associated with said violations. Per your request, I provided with the letter dated June 10, 2010, copies of Ohio Revised Code 6111.04 and Ohio Administrative Code 3745-33-02. I also included copies of Ohio Revised Code 6111.99, 6111.07 and 6111.09. I included in the letter the web address for additional NPDES

information such as the NPDES application forms. The letter also stated that a modification of the existing system or the installation of a new system would require the submittal of a Permit to Install application.

After you received the letter dated June 10, 2010, you sent me an email dated August 12, 2010, in which you indicated that the discharge from the backwashing of the filters would be reused on site and not discharged to the unnamed tributary of Wolf Creek. The email stated that you would be installing a catch pipe on the sanitary discharge line to determine if the system was discharging.

We met on August 2, 2011, per my request, so that we could discuss the status of the filter backwash and the sanitary wastewater discharge. During the meeting we discussed the debris and Diatomaceous Earth from the filter backwash that was in the unnamed tributary. You indicated that you intended to remove the debris and Diatomaceous Earth. During the meeting you indicated that you wanted to collect some monitoring data on the wastewater being discharged before you made a decision about pursuing an NPDES permit. The stated intent was so that you would have a better idea of the existing sewage treatment system capabilities and would know whether or not the system would need to be upgraded to meet discharge limits associated with an NPDES permit. During the meeting we also briefly discussed the facility pursuing an on-site sewage treatment and disposal system. On August 3, 2011, I sent you an email which included the Ohio EPA guidance document "Sewage: Collection, Treatment & Disposal Where Public Sewers Are Not Available" and "Interim Onsite Sewage Treatment System Guidance Document". In the same email, I provided you with a list of pollutants and estimated limits that might be in an NPDES permit.

It has been established that you are aware of the requirements and continue to operate the facility in violation of Ohio Revised Code 6111.04 and Ohio Administrative Code 3745-33-02. The submission of a completed NPDES application and the associated fee is required to be submitted by no later than July 23, 2012. Please be advised that failure to submit the completed NPDES application and the associated fee by July 23, 2012, will be cause for enforcement action pursuant to Ohio Revised Code Chapter 6111.

If you have any questions regarding this report, please feel free to contact me at (937) 285-6107 or via email at: Robert.Ostendorf@epa.state.oh.us.

Sincerely,



Bob Ostendorf Jr.
Environmental Specialist
Division of Surface Water
Permits Section

BOJ/tf

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Sent To: Mr. & Mrs. Oyer
 Melody Pool
 7275 Pleasant Plain Road
 Clayton, OH 45315

Street, Apt. No.; or PO Box No.
 City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. & Mrs. Oyer
 Melody Pool
 7275 Pleasant Plain Road
 Clayton, OH 45315

2. Article Number
 (Transfer from service label)

7010 1060 0002 4250 5856

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee

B. Received by (Printed Name)
 FRED OYER

C. Date of Delivery
 7/2/12

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No
 P O Box 296
 CLAYTON, OH 45315

3. Service Type
 Certified Mail Express Mail
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 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes