



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

November 24, 2009

RE: TRUMBULL COUNTY
JOHNSTON TOWNSHIP
DAVID BAILES PROPERTY
4265 GREENVILLE ROAD
NPDES PERMIT NO. OH0123889
OHIO EPA PERMIT NO. 3PR00186

Mr. David Bailes
8690 Youngstown-Kingsville Road
Farmdale, Ohio 44417

Dear Mr. Bailes:

An inspection of the above referenced facility was conducted on October 27, 2009 by the undersigned and Mr. Richard Curl of the Trumbull County Health Department. The facility was represented by your contract operator, Mr. Scott Mascioli. The purpose of the inspection was to evaluate the facility's compliance status with respect to the terms and conditions of the National Pollutant Discharge Elimination System (NPDES) permit.

The wastewater treatment system consists of a 1500 gallon extended aeration 'package plant', dosing chamber, dual-unit surface sand filter, and effluent disinfection. The system discharges to an unnamed tributary of Berry Creek.

At the time of the inspection, all treatment units appeared to be in operation. The final effluent being discharged to the roadside ditch appeared to be of satisfactory visual quality.

A review of the facility's Discharge Monitoring Reports (DMRs received for the period, March 2008 – October 2009, indicate violations of the terms and conditions of the NPDES permit. The specific instances of noncompliance are as follows:

- Improper use of the data substitution code "AN":

Please note that use of the "AN" code is limited to days when the facility is not normally staffed. Specifically, the code is limited to Saturdays, Sundays, and legally-recognized holidays. Please refer to the attached list "A Codes" for the proper of substitution codes, e.g. "AC" and "AH".

- The facility's DMRs continue to be submitted and certified by Ms. Wendy Hanna of Cardinal Environmental Laboratories. While eDMR allows permitted facilities to enter, sign, and electronically-submit DMRs, federal and state regulations specify who can legally sign and certify the reports. Pursuant to Part III of the

NPDES permit, DMRs can only be signed and certified by a facility's responsible official, i.e. corporate officer, or by a duly authorized representative of said official. Pursuant to Title 40 Code of Federal Regulations (40 CFR) 122.22 (b):

A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in paragraph (a) of this section;***
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,***
- (3) The written authorization is submitted to the Director.***

The Personal Identification Number, or PIN, uniquely identifies and serves as the **electronic signature** of the responsible or duly-authorized official. Based on the above requirements, Ms. Hanna **cannot** sign and certify the DMRs.

Under the eDMR program, the PIN holder can delegate individuals, such as lab personnel, with the privilege to view, create and edit DMRs...but not submit eDMR data. These individuals must have an eBusiness Center account, but do not need a PIN. Since they do not have the privilege of actually certifying the data, the law does not require them to have a PIN. Once these users perform the data entry or review the data, the DMR is saved and the PIN holder can log on and submit the DMR.

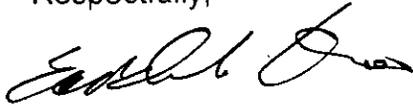
- Ohio Administrative Code (OAC) 3745-7 requires that you have a contract with your certified operator. At a minimum, the contract shall specify that the certified operator be available to respond to emergencies and provide the onsite services (i.e. **inspection, monitoring, maintenance, and supervision**) necessary to maintain the reliable operation of the wastewater treatment works. If applicable, the signatory authority required pursuant to 40 CFR 122.22 (b) must be addressed under the terms of the contract for submission and certification of DMRs. Please forward a copy of the signed contract to this office.

Please inform this office, in writing, within 10 days of receipt of this notification as to the actions taken or proposed to address the above referenced violations and/or deficiencies. Please be advised that past or current acts of noncompliance can continue as subjects of future enforcement actions.

Mr. David Bailes
November 24, 2009
Page 3

Should you have any questions or comments regarding this letter, please contact this office at (330) 963-1196.

Respectfully,



Ermelindo Gomes
Environmental Engineer
Division of Surface Water

EG/mt

Attachment: "A Codes" List

cc: Rich Curl, Trumbull County Health Department
Scott Mascioli
Wendy Hanna, Cardinal Environmental Laboratories, LLC

File: Semipublic/Trumbull County/Johston Twp./David Bailes Property