



State of Ohio Environmental Protection Agency

Northeast District Office

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

April 8, 2008

RE: TRUMBULL COUNTY
JOHNSTON TOWNSHIP
BAILES PROPERTY/S&J AUTO SALES, INC.
4265 GREENVILLE ROAD
NPDES PERMIT NO. OH0123889
OHIO EPA PERMIT NO. 3PR00186

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

Dear Mr. Bailes:

An inspection of the above referenced facility was conducted on March 25, 2008, by the undersigned and Mr. Steve Kramer of the Trumbull County Health Department. We understand that S&J currently leases the building from you. S&J was represented by Michael Meiner, owner. 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. I subsequently spoke with your operator, Scott Mascioli, via telephone regarding the inspection findings.

Facility Information

The wastewater treatment system consists of a 1500 gallon extended aeration "package plant". The system discharges to an unnamed tributary of Berry Creek.

At the time of the inspection, the following observation and comments were discussed with you:

1. The operation and maintenance of the treatment system appeared to be unsatisfactory. The dosing pumps were not operational and, thus, resulting in flooding of the dosing chamber. Mr. Mascioli indicated that the problem was determined to be a partially-tripped breaker.
2. Pursuant to the new recordkeeping requirements contained in Ohio Administrative Code (OAC) 3745-7-09, specific operation and maintenance records of the sewage system must now be kept at the facility.
3. Ohio EPA has created a Limited Class A certificate for existing owners/operators of small wastewater treatment systems. Class A certification allows an individual to serve as the Operator of Record for the specific facility. Owners/operators meeting the eligibility requirements contained in OAC 3745-7-08 may apply for the certificate by no later than December 21, 2008.

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A review of the facility's Discharge Monitoring Reports (DMRs), formerly known as monthly operating reports, for the period July 2007 through February 2008 indicates violations of the terms and conditions of the NPDES permit. The specific instances of noncompliance are as follows:

Reporting Period	Station	Parameter	Limit Type	Limit	Reported Value	Violation Date
August 2007	001	Total Suspended Solids	1D Conc	18	150.	8/28/2007
August 2007	001	Total Suspended Solids	30D Conc	12	150.	8/1/2007
August 2007	001	Fecal Coliform	1D Conc	2000	4400.	8/28/2007
August 2007	001	Fecal Coliform	30D Conc	1000	4400.	8/1/2007
August 2007	001	Dissolved Oxygen	1D Conc	6.0	5.1	8/13/2007
December 2007	001	Total Suspended Solids	1D Conc	18	28.6	12/18/2007
December 2007	001	Total Suspended Solids	30D Conc	12	28.6	12/1/2007
December 2007	001	Nitrogen, Ammonia (NH3)	1D Conc	4.5	10.4	12/18/2007
December 2007	001	Nitrogen, Ammonia (NH3)	30D Conc	3.0	10.4	12/1/2007

In addition to the above, our review of the facility's data reporting procedures noted the following:

1. It would appear that Cardinal Labs, LLC has been submitting the DMRs for the facility. Pursuant to Part III of the NPDES permit, all reports submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR 122.22. As such, reports can **only be signed and certified** by a corporate officer, general partner, proprietor, or by a duly authorized representative of said individual. Pursuant to 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.

2. Pursuant to Ohio Administrative Code (OAC) 3745-7- 02, you are required to have a contract with your certified operator. At a minimum, the contract shall

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specify that the certified operator be available to respond to emergencies and provide the daily services (i.e. **inspection, monitoring, maintenance, and supervision**) necessary to maintain the reliable operation of the wastewater works. Signatory authority required pursuant to 40 CFR 122.22 (b) may be addressed under the terms of the contract for submission of DMRs.

3. Ohio EPA has implemented a new electronic DMR reporting system accessible via the Internet. E-DMR is now available with no preregistration necessary. All existing SWIMware users, preprint users, and flat file users are urged to transition to e-DMR. Towards the middle of 2008, SWIMware & flat file submittals will no longer be accepted. Additional information can be found at:

<http://www.epa.state.oh.us/dsw/swims/eDMR/eDMR.html>

Summary/Conclusion

Please be advised that failure to comply with the terms and conditions of your NPDES permit may be subject to enforcement actions pursuant to Chapter 6111 of the Ohio Revised Code. Such actions can result in fines of up to \$10,000 per day of violation. 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 violation and/or deficiencies. Your response **shall** include specific dates for completion of the actions. Please be advised that past or present issues of noncompliance can continue as subjects of future enforcement actions by Ohio EPA.

Should you have any questions or comments regarding this letter, please contact this office.

Respectfully,



Ermelindo Gomes
Environmental Engineer
Division of Surface Water

EG/mt

Attachment: Operator of Record Form

cc: Steve Kramer, Trumbull County Health Department