



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

October 30, 2008

RE: TRUMBULL COUNTY
VIENNA TOWNSHIP
BALDAUF 4-PLEX APARTMENTS
1587 WARNER ROAD
NPDES PERMIT NO. OH0131415
OHIO EPA PERMIT NO. 3PW00031*AD

CERTIFIED MAIL

Mr. Philip Baldauf
3691 Hughstowne Drive
Akron, Ohio 44333

Dear Mr. Baldauf:

An inspection of the sewage treatment system serving the above referenced facility was conducted on October 7, 2008 by the undersigned and Mr. Richard Curl of the Trumbull County Health Department. Also in attendance was sewage system installer, Mr. Chuck Neff. The purpose of the inspection was to evaluate the facility's compliance with the terms and conditions of the NPDES permit.

Facility Permit Status:

The above referenced NPDES permit was issued to you with an effective date of February 1, 2002 and an expiration date of January 31, 2007. The NPDES permit contained a "Schedule of Compliance" requiring the facility to perform the following actions to upgrade the wastewater treatment system:

Schedule Type	Schedule Milestone	Schedule Due Date
	Submit PTI Application and Detailed Plans	8/1/2002
	Begin Construction	3/1/2003
	End Construction	8/1/2003
	Attain Compliance With Effluent Limits	2/1/2004

On November 9, 2007, the Division of Surface Water received revised and final detailed plans for the upgraded treatment system. A permit-to-install (PTI) was subsequently issued to you for the improvements on November 21, 2007.

In addition to the above, the NPDES expired on January 31, 2007. Pursuant to Ohio Administrative Code (OAC) 3745-33-04 (C)(1) and the NPDES permit conditions, "in order to receive authorization to discharge beyond" the expiration date, a permit renewal application was to have been submitted no later than 180 days prior to the date

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of expiration. Agency records indicate that an NPDES permit renewal application packet was received and signed for by you in April 2006. This packet included the following forms: NPDES Form 1, Form 2E, and Antidegradation Addendum. You subsequently failed to submit the renewal application within the time period required by state and federal law. Numerous notifications from this office have also gone unanswered. By failing to apply in a timely manner and responding to Agency correspondence, please be advised that you have **forfeited** the authorization to discharge granted under Permit No. 3PW00031*AD. As such, continued discharges from the facility to "waters of the state" are deemed **unauthorized** and subject to appropriate enforcement actions pursuant to Ohio Revised Code Chapter (ORC) 6111.

Inspection Findings/Compliance Status:

The inspection noted that installation of the system had commenced in early September and was nearing completion. Pictures were taken to document the level of progress. We have since been advised by the Health Department that the installation was completed by Mr. Neff. However, it is yet unclear as to when compliance with the final effluent limitations will be achieved.

Ohio EPA has been recently apprised of a potential issue with the adjoining neighbor, Louis Mack, regarding a recorded easement within the general footprint of the new treatment system. This ingress/egress easement was not identified by your engineer on the plans submitted to Ohio EPA for review. The requisite information regarding this issue was forwarded by Ms. Martha Horvitz, Ohio EPA Legal Section, to your legal counsel, Mr. Gregory Plesich.

A review of the monthly Discharge Monitoring Reports (DMRs) received by Ohio EPA for the period November 2007 through September 2008 indicate continual violations of the effluent limitations (Table 1) and monitoring/reporting requirements (Table 2) contained in the NPDES permit. The specific instances of noncompliance are as follows:

Reporting Period	Station	Parameter	Limit Type	Limit	Reported Value	Violation Date
December 2007	001	CBOD 5 day	30D Conc	10	198.	12/1/2007
March 2008	001	CBOD 5 day	30D Conc	10	188.	3/1/2008
June 2008	001	CBOD 5 day	30D Conc	10	96.	6/1/2008
August 2008	001	CBOD 5 day	30D Conc	10	79.	8/1/2008
December 2007	001	CBOD 5 day	30D Qty	0.038	.74943	12/1/2007
August 2008	001	CBOD 5 day	30D Qty	0.038	.29902	8/1/2008
December 2007	001	CBOD 5 day	7D Conc	15	198.	12/8/2007

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Reporting Period	Station	Parameter	Limit Type	Limit	Reported Value	Violation Date
March 2008	001	CBOD 5 day	7D Conc	15	188.	3/15/2008
June 2008	001	CBOD 5 day	7D Conc	15	96.	6/8/2008
August 2008	001	CBOD 5 day	7D Conc	15	79.	8/1/2008
December 2007	001	CBOD 5 day	7D Qty	0.057	.74943	12/8/2007
August 2008	001	CBOD 5 day	7D Qty	0.057	.29902	8/1/2008
June 2008	001	Fecal Coliform	30D Conc	1000	15000.	6/1/2008
August 2008	001	Fecal Coliform	30D Conc	1000	88000.	8/1/2008
June 2008	001	Fecal Coliform	7D Conc	2000	15000.	6/8/2008
August 2008	001	Fecal Coliform	7D Conc	2000	88000.	8/1/2008
December 2007	001	Nitrogen, Ammonia (NH3)	30D Conc	3.0	28.8	12/1/2007
March 2008	001	Nitrogen, Ammonia (NH3)	30D Conc	3.0	44.5	3/1/2008
June 2008	001	Nitrogen, Ammonia (NH3)	30D Conc	1.0	49.	6/1/2008
August 2008	001	Nitrogen, Ammonia (NH3)	30D Conc	1.0	49.9	8/1/2008
December 2007	001	Nitrogen, Ammonia (NH3)	30D Qty	0.011	.10901	12/1/2007
August 2008	001	Nitrogen, Ammonia (NH3)	30D Qty	0.004	.18887	8/1/2008
December 2007	001	Nitrogen, Ammonia (NH3)	7D Conc	4.5	28.8	12/8/2007
March 2008	001	Nitrogen, Ammonia (NH3)	7D Conc	4.5	44.5	3/15/2008
June 2008	001	Nitrogen, Ammonia (NH3)	7D Conc	1.5	49.	6/8/2008
August 2008	001	Nitrogen, Ammonia (NH3)	7D Conc	1.5	49.9	8/1/2008
December 2007	001	Nitrogen, Ammonia (NH3)	7D Qty	0.017	.10901	12/8/2007
August 2008	001	Nitrogen, Ammonia (NH3)	7D Qty	0.006	.18887	8/1/2008
December 2007	001	Total Suspended Solids	30D Conc	12	63.	12/1/2007
March 2008	001	Total Suspended Solids	30D Conc	12	33.	3/1/2008
June 2008	001	Total Suspended Solids	30D Conc	12	24.	6/1/2008
August 2008	001	Total Suspended Solids	30D Conc	12	48.	8/1/2008
December 2007	001	Total Suspended Solids	30D Qty	0.046	.23846	12/1/2007
August 2008	001	Total Suspended Solids	30D Qty	0.046	.18168	8/1/2008
December 2007	001	Total Suspended Solids	7D Conc	18	63.	12/8/2007
March 2008	001	Total Suspended Solids	7D Conc	18	33.	3/15/2008
June 2008	001	Total Suspended Solids	7D Conc	18	24.	6/8/2008
August 2008	001	Total Suspended Solids	7D Conc	18	48.	8/1/2008
December 2007	001	Total Suspended Solids	7D Qty	0.068	.23846	12/8/2007
August 2008	001	Total Suspended Solids	7D Qty	0.068	.18168	8/1/2008

Reporting Period	Station	Parameter	Sample Frequency	Expected	Reported	Violation Date
November 2007	001	Water Temperature	1/Week	1	0	11/01/2007
November 2007	001	Color, Severity	1/Week	1	0	11/01/2007
November 2007	001	Odor, Severity	1/Week	1	0	11/01/2007

Table 2: Monitoring/Reporting Violations (11/07 – 9/08)

Reporting Period	Station	Parameter	Sample Frequency	Expected	Reported	Violation Date
November 2007	001	Turbidity, Severity	1/Week	1	0	11/01/2007
November 2007	001	Water Temperature	1/Week	1	0	11/08/2007
November 2007	001	Color, Severity	1/Week	1	0	11/08/2007
November 2007	001	Odor, Severity	1/Week	1	0	11/08/2007
November 2007	001	Turbidity, Severity	1/Week	1	0	11/08/2007
November 2007	001	Water Temperature	1/Week	1	0	11/15/2007
November 2007	001	Color, Severity	1/Week	1	0	11/15/2007
November 2007	001	Odor, Severity	1/Week	1	0	11/15/2007
November 2007	001	Turbidity, Severity	1/Week	1	0	11/15/2007
November 2007	001	Water Temperature	1/Week	1	0	11/22/2007
November 2007	001	Color, Severity	1/Week	1	0	11/22/2007
November 2007	001	Odor, Severity	1/Week	1	0	11/22/2007
November 2007	001	Turbidity, Severity	1/Week	1	0	11/22/2007
December 2007	001	Water Temperature	1/Week	1	0	12/01/2007
December 2007	001	Color, Severity	1/Week	1	0	12/01/2007
December 2007	001	Odor, Severity	1/Week	1	0	12/01/2007
December 2007	001	Turbidity, Severity	1/Week	1	0	12/01/2007
December 2007	001	Water Temperature	1/Week	1	0	12/15/2007
December 2007	001	Color, Severity	1/Week	1	0	12/15/2007
December 2007	001	Odor, Severity	1/Week	1	0	12/15/2007
December 2007	001	Turbidity, Severity	1/Week	1	0	12/15/2007
December 2007	001	Water Temperature	1/Week	1	0	12/22/2007
December 2007	001	Color, Severity	1/Week	1	0	12/22/2007
December 2007	001	Odor, Severity	1/Week	1	0	12/22/2007
December 2007	001	Turbidity, Severity	1/Week	1	0	12/22/2007
January 2008	001	Water Temperature	1/Week	1	0	01/01/2008
January 2008	001	Color, Severity	1/Week	1	0	01/01/2008
January 2008	001	Odor, Severity	1/Week	1	0	01/01/2008
January 2008	001	Turbidity, Severity	1/Week	1	0	01/01/2008
January 2008	001	Water Temperature	1/Week	1	0	01/08/2008
January 2008	001	Color, Severity	1/Week	1	0	01/08/2008
January 2008	001	Odor, Severity	1/Week	1	0	01/08/2008
January 2008	001	Turbidity, Severity	1/Week	1	0	01/08/2008
January 2008	001	Water Temperature	1/Week	1	0	01/15/2008
January 2008	001	Color, Severity	1/Week	1	0	01/15/2008
January 2008	001	Odor, Severity	1/Week	1	0	01/15/2008
January 2008	001	Turbidity, Severity	1/Week	1	0	01/15/2008
January 2008	001	Water Temperature	1/Week	1	0	01/22/2008
January 2008	001	Color, Severity	1/Week	1	0	01/22/2008
January 2008	001	Odor, Severity	1/Week	1	0	01/22/2008

Table 2: Monitoring/Reporting Violations (11/07 – 9/08)

Reporting Period	Station	Parameter	Sample Frequency	Expected	Reported	Violation Date
January 2008	001	Turbidity, Severity	1/Week	1	0	01/22/2008
February 2008	001	Water Temperature	1/Week	1	0	02/01/2008
February 2008	001	Color, Severity	1/Week	1	0	02/01/2008
February 2008	001	Odor, Severity	1/Week	1	0	02/01/2008
February 2008	001	Turbidity, Severity	1/Week	1	0	02/01/2008
February 2008	001	Water Temperature	1/Week	1	0	02/08/2008
February 2008	001	Color, Severity	1/Week	1	0	02/08/2008
February 2008	001	Odor, Severity	1/Week	1	0	02/08/2008
February 2008	001	Turbidity, Severity	1/Week	1	0	02/08/2008
February 2008	001	Water Temperature	1/Week	1	0	02/15/2008
February 2008	001	Color, Severity	1/Week	1	0	02/15/2008
February 2008	001	Odor, Severity	1/Week	1	0	02/15/2008
February 2008	001	Turbidity, Severity	1/Week	1	0	02/15/2008
February 2008	001	Water Temperature	1/Week	1	0	02/22/2008
February 2008	001	Color, Severity	1/Week	1	0	02/22/2008
February 2008	001	Odor, Severity	1/Week	1	0	02/22/2008
February 2008	001	Turbidity, Severity	1/Week	1	0	02/22/2008
March 2008	001	Water Temperature	1/Week	1	0	03/01/2008
March 2008	001	Color, Severity	1/Week	1	0	03/01/2008
March 2008	001	Odor, Severity	1/Week	1	0	03/01/2008
March 2008	001	Turbidity, Severity	1/Week	1	0	03/01/2008
March 2008	001	Water Temperature	1/Week	1	0	03/08/2008
March 2008	001	Color, Severity	1/Week	1	0	03/08/2008
March 2008	001	Odor, Severity	1/Week	1	0	03/08/2008
March 2008	001	Turbidity, Severity	1/Week	1	0	03/08/2008
March 2008	001	Water Temperature	1/Week	1	0	03/22/2008
March 2008	001	Color, Severity	1/Week	1	0	03/22/2008
March 2008	001	Odor, Severity	1/Week	1	0	03/22/2008
March 2008	001	Turbidity, Severity	1/Week	1	0	03/22/2008
April 2008	001	Water Temperature	1/Week	1	0	04/01/2008
April 2008	001	Color, Severity	1/Week	1	0	04/01/2008
April 2008	001	Odor, Severity	1/Week	1	0	04/01/2008
April 2008	001	Turbidity, Severity	1/Week	1	0	04/01/2008
April 2008	001	Water Temperature	1/Week	1	0	04/08/2008
April 2008	001	Color, Severity	1/Week	1	0	04/08/2008
April 2008	001	Odor, Severity	1/Week	1	0	04/08/2008
April 2008	001	Turbidity, Severity	1/Week	1	0	04/08/2008
April 2008	001	Water Temperature	1/Week	1	0	04/15/2008
April 2008	001	Color, Severity	1/Week	1	0	04/15/2008
April 2008	001	Odor, Severity	1/Week	1	0	04/15/2008

Table 2: Monitoring/Reporting Violations (11/07 – 9/08)						
Reporting Period	Station	Parameter	Sample Frequency	Expected	Reported	Violation Date
April 2008	001	Turbidity, Severity	1/Week	1	0	04/15/2008
April 2008	001	Water Temperature	1/Week	1	0	04/22/2008
April 2008	001	Color, Severity	1/Week	1	0	04/22/2008
April 2008	001	Odor, Severity	1/Week	1	0	04/22/2008
April 2008	001	Turbidity, Severity	1/Week	1	0	04/22/2008
May 2008	001	Water Temperature	1/Week	1	0	05/01/2008
May 2008	001	Color, Severity	1/Week	1	0	05/01/2008
May 2008	001	Odor, Severity	1/Week	1	0	05/01/2008
May 2008	001	Turbidity, Severity	1/Week	1	0	05/01/2008
May 2008	001	Water Temperature	1/Week	1	0	05/08/2008
May 2008	001	Color, Severity	1/Week	1	0	05/08/2008
May 2008	001	Odor, Severity	1/Week	1	0	05/08/2008
May 2008	001	Turbidity, Severity	1/Week	1	0	05/08/2008
May 2008	001	Water Temperature	1/Week	1	0	05/15/2008
May 2008	001	Color, Severity	1/Week	1	0	05/15/2008
May 2008	001	Odor, Severity	1/Week	1	0	05/15/2008
May 2008	001	Turbidity, Severity	1/Week	1	0	05/15/2008
May 2008	001	Water Temperature	1/Week	1	0	05/22/2008
May 2008	001	Color, Severity	1/Week	1	0	05/22/2008
May 2008	001	Odor, Severity	1/Week	1	0	05/22/2008
May 2008	001	Turbidity, Severity	1/Week	1	0	05/22/2008
June 2008	001	Water Temperature	1/Week	1	0	06/01/2008
June 2008	001	Color, Severity	1/Week	1	0	06/01/2008
June 2008	001	Odor, Severity	1/Week	1	0	06/01/2008
June 2008	001	Turbidity, Severity	1/Week	1	0	06/01/2008
June 2008	001	Chlorine, Total Residu	1/Quarter	1	0	06/01/2008
June 2008	001	Water Temperature	1/Week	1	0	06/15/2008
June 2008	001	Color, Severity	1/Week	1	0	06/15/2008
June 2008	001	Odor, Severity	1/Week	1	0	06/15/2008
June 2008	001	Turbidity, Severity	1/Week	1	0	06/15/2008
June 2008	001	Water Temperature	1/Week	1	0	06/22/2008
June 2008	001	Color, Severity	1/Week	1	0	06/22/2008
June 2008	001	Odor, Severity	1/Week	1	0	06/22/2008
June 2008	001	Turbidity, Severity	1/Week	1	0	06/22/2008
July 2008	001	Water Temperature	1/Week	1	0	07/01/2008
July 2008	001	Color, Severity	1/Week	1	0	07/01/2008
July 2008	001	Odor, Severity	1/Week	1	0	07/01/2008
July 2008	001	Turbidity, Severity	1/Week	1	0	07/01/2008
July 2008	001	Water Temperature	1/Week	1	0	07/08/2008
July 2008	001	Color, Severity	1/Week	1	0	07/08/2008

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The above analytical data support the inspection findings that the facility has been discharging untreated or partially-treated wastewater to "waters of the state" in violation of Ohio Revised Code Section 6111. The unsanitary condition created by such a discharge poses a very real and serious environmental and human health risk. Such violations can result in the imposition of fines of up to \$10,000 per day per violation.

Summary:

Due to the facility's longstanding noncompliance, this matter was referred to Ohio EPA's Legal Section for enforcement actions. We understand that there has been discussion and correspondence between Ms. Horvitz and Mr. Plesich. Given such context, it is imperative that immediate action be undertaken on your part to (1) attain compliance with the final effluent limitations and (2) submit the required NPDES permit application. It is requested that you submit a written response to this office within 5 days of receipt of this notification certifying your intentions to comply with the provisions of the NPDES permit and ORC 6111. Your response shall include the corrective actions proposed to address any outstanding violations and/or deficiencies.

Should you have any questions or comments regarding this notification, please contact the undersigned at this office.

Respectfully,



Ermelindo Gomes
Environmental Engineer
Division of Surface Water

EG/mt

Attachment: Pictures

cc: Frank Migliozi, Trumbull County Health Dept.
Martha Horvitz, Ohio EPA, Legal, CO
Rachel Demuth, Ohio EPA, DSW, CO

Table 2: Monitoring/Reporting Violations (11/07 – 9/08)

Reporting Period	Station	Parameter	Sample Frequency	Expected	Reported	Violation Date
July 2008	001	Odor, Severity	1/Week	1	0	07/08/2008
July 2008	001	Turbidity, Severity	1/Week	1	0	07/08/2008
July 2008	001	Water Temperature	1/Week	1	0	07/15/2008
July 2008	001	Color, Severity	1/Week	1	0	07/15/2008
July 2008	001	Odor, Severity	1/Week	1	0	07/15/2008
July 2008	001	Turbidity, Severity	1/Week	1	0	07/15/2008
July 2008	001	Water Temperature	1/Week	1	0	07/22/2008
July 2008	001	Color, Severity	1/Week	1	0	07/22/2008
July 2008	001	Odor, Severity	1/Week	1	0	07/22/2008
July 2008	001	Turbidity, Severity	1/Week	1	0	07/22/2008
August 2008	001	Chlorine, Total Residu	1/Quarter	1	0	08/01/2008
August 2008	001	Water Temperature	1/Week	1	0	08/08/2008
August 2008	001	Color, Severity	1/Week	1	0	08/08/2008
August 2008	001	Odor, Severity	1/Week	1	0	08/08/2008
August 2008	001	Turbidity, Severity	1/Week	1	0	08/08/2008
August 2008	001	Water Temperature	1/Week	1	0	08/15/2008
August 2008	001	Color, Severity	1/Week	1	0	08/15/2008
August 2008	001	Odor, Severity	1/Week	1	0	08/15/2008
August 2008	001	Turbidity, Severity	1/Week	1	0	08/15/2008
August 2008	001	Water Temperature	1/Week	1	0	08/22/2008
August 2008	001	Color, Severity	1/Week	1	0	08/22/2008
August 2008	001	Odor, Severity	1/Week	1	0	08/22/2008
August 2008	001	Turbidity, Severity	1/Week	1	0	08/22/2008
September 2008	001	Water Temperature	1/Week	1	0	09/01/2008
September 2008	001	Color, Severity	1/Week	1	0	09/01/2008
September 2008	001	Odor, Severity	1/Week	1	0	09/01/2008
September 2008	001	Turbidity, Severity	1/Week	1	0	09/01/2008
September 2008	001	Water Temperature	1/Week	1	0	09/08/2008
September 2008	001	Color, Severity	1/Week	1	0	09/08/2008
September 2008	001	Odor, Severity	1/Week	1	0	09/08/2008
September 2008	001	Turbidity, Severity	1/Week	1	0	09/08/2008
September 2008	001	Water Temperature	1/Week	1	0	09/15/2008
September 2008	001	Color, Severity	1/Week	1	0	09/15/2008
September 2008	001	Odor, Severity	1/Week	1	0	09/15/2008
September 2008	001	Turbidity, Severity	1/Week	1	0	09/15/2008
September 2008	001	Water Temperature	1/Week	1	0	09/22/2008
September 2008	001	Color, Severity	1/Week	1	0	09/22/2008
September 2008	001	Odor, Severity	1/Week	1	0	09/22/2008
September 2008	001	Turbidity, Severity	1/Week	1	0	09/22/2008





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