



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 9, 2007

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

NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. Philip Baldauf
3691 Hughstowne Drive
Akron, OH 44333

Dear Mr. Baldauf:

This office has reviewed the Monthly Operating Reports (MORs) received for the period July 2007 through October 2007. The reports continue to show persistent violations of the terms and conditions of the referenced National Pollutant Discharge Elimination System (NPDES) permit. The specific instances of noncompliance are as follows:

Effluent Limit Violations						
Reporting Period	Station	Parameter	Limit Type	Limit	Reported Value	Violation Date
August 2007	001	CBOD 5 day	30D Conc	10	172.	8/1/2007
August 2007	001	CBOD 5 day	7D Conc	15	172.	8/1/2007
August 2007	001	CBOD 5 day	30D Qty	0.038	.65102	8/1/2007
August 2007	001	CBOD 5 day	7D Qty	0.057	.65102	8/1/2007
August 2007	001	Total Suspended Solids	30D Conc	12	38.	8/1/2007
August 2007	001	Total Suspended Solids	7D Conc	18	38.	8/1/2007
August 2007	001	Total Suspended Solids	30D Qty	0.046	.14383	8/1/2007
August 2007	001	Total Suspended Solids	7D Qty	0.068	.14383	8/1/2007
August 2007	001	Nitrogen, Ammonia (NH3)	30D Conc	1.0	64.5	8/1/2007
August 2007	001	Nitrogen, Ammonia (NH3)	7D Conc	1.5	64.5	8/1/2007
August 2007	001	Nitrogen, Ammonia (NH3)	30D Qty	0.004	.24413	8/1/2007
August 2007	001	Nitrogen, Ammonia (NH3)	7D Qty	0.006	.24413	8/1/2007
August 2007	001	Fecal Coliform	30D Conc	1000	80000.	8/1/2007
August 2007	001	Fecal Coliform	7D Conc	2000	80000.	8/1/2007

Monitoring/Reporting Violations						
Reporting Period	Violation Date	Station	Parameter	Sample Frequency	Expected	Reported
July 2007	7/1/2007	001	Water Temperature	1/Week	1	0
July 2007	7/8/2007	001	Water Temperature	1/Week	1	0
July 2007	7/15/2007	001	Water Temperature	1/Week	1	0

Monitoring/Reporting Violations						
Reporting Period	Violation Date	Station	Parameter	Sample Frequency	Expected	Reported
July 2007	7/22/2007	001	Water Temperature	1/Week	1	0
July 2007	7/1/2007	001	Color, Severity	1/Week	1	0
July 2007	7/8/2007	001	Color, Severity	1/Week	1	0
July 2007	7/15/2007	001	Color, Severity	1/Week	1	0
July 2007	7/22/2007	001	Color, Severity	1/Week	1	0
July 2007	7/1/2007	001	Odor, Severity	1/Week	1	0
July 2007	7/8/2007	001	Odor, Severity	1/Week	1	0
July 2007	7/15/2007	001	Odor, Severity	1/Week	1	0
July 2007	7/22/2007	001	Odor, Severity	1/Week	1	0
July 2007	7/1/2007	001	Turbidity, Severity	1/Week	1	0
July 2007	7/8/2007	001	Turbidity, Severity	1/Week	1	0
July 2007	7/15/2007	001	Turbidity, Severity	1/Week	1	0
July 2007	7/22/2007	001	Turbidity, Severity	1/Week	1	0
August 2007	8/8/2007	001	Water Temperature	1/Week	1	0
August 2007	8/15/2007	001	Water Temperature	1/Week	1	0
August 2007	8/22/2007	001	Water Temperature	1/Week	1	0
August 2007	8/8/2007	001	Color, Severity	1/Week	1	0
August 2007	8/15/2007	001	Color, Severity	1/Week	1	0
August 2007	8/22/2007	001	Color, Severity	1/Week	1	0
August 2007	8/8/2007	001	Odor, Severity	1/Week	1	0
August 2007	8/15/2007	001	Odor, Severity	1/Week	1	0
August 2007	8/22/2007	001	Odor, Severity	1/Week	1	0
August 2007	8/8/2007	001	Turbidity, Severity	1/Week	1	0
August 2007	8/15/2007	001	Turbidity, Severity	1/Week	1	0
August 2007	8/22/2007	001	Turbidity, Severity	1/Week	1	0
August 2007	8/1/2007	001	Chlorine, Total Residu	1/Quarter	1	0
September 2007	9/1/2007	001	Water Temperature	1/Week	1	0
September 2007	9/8/2007	001	Water Temperature	1/Week	1	0
September 2007	9/15/2007	001	Water Temperature	1/Week	1	0
September 2007	9/22/2007	001	Water Temperature	1/Week	1	0
September 2007	9/1/2007	001	Color, Severity	1/Week	1	0
September 2007	9/8/2007	001	Color, Severity	1/Week	1	0
September 2007	9/15/2007	001	Color, Severity	1/Week	1	0
September 2007	9/22/2007	001	Color, Severity	1/Week	1	0
September 2007	9/1/2007	001	Odor, Severity	1/Week	1	0
September 2007	9/8/2007	001	Odor, Severity	1/Week	1	0
September 2007	9/15/2007	001	Odor, Severity	1/Week	1	0
September 2007	9/22/2007	001	Odor, Severity	1/Week	1	0
September 2007	9/1/2007	001	Turbidity, Severity	1/Week	1	0
September 2007	9/8/2007	001	Turbidity, Severity	1/Week	1	0
September 2007	9/15/2007	001	Turbidity, Severity	1/Week	1	0
September 2007	9/22/2007	001	Turbidity, Severity	1/Week	1	0

Mr. Philip Baldauf
 Baldauf 4-Plex Apartments
 November 9, 2007
 Page 3

Monitoring/Reporting Violations						
Reporting Period	Violation Date	Station	Parameter	Sample Frequency	Expected	Reported
October 2007	10/1/2007	001	Water Temperature	1/Week	1	0
October 2007	10/8/2007	001	Water Temperature	1/Week	1	0
October 2007	10/15/2007	001	Water Temperature	1/Week	1	0
October 2007	10/22/2007	001	Water Temperature	1/Week	1	0
October 2007	10/1/2007	001	Color, Severity	1/Week	1	0
October 2007	10/8/2007	001	Color, Severity	1/Week	1	0
October 2007	10/15/2007	001	Color, Severity	1/Week	1	0
October 2007	10/22/2007	001	Color, Severity	1/Week	1	0
October 2007	10/1/2007	001	Odor, Severity	1/Week	1	0
October 2007	10/8/2007	001	Odor, Severity	1/Week	1	0
October 2007	10/15/2007	001	Odor, Severity	1/Week	1	0
October 2007	10/22/2007	001	Odor, Severity	1/Week	1	0
October 2007	10/1/2007	001	Turbidity, Severity	1/Week	1	0
October 2007	10/8/2007	001	Turbidity, Severity	1/Week	1	0
October 2007	10/15/2007	001	Turbidity, Severity	1/Week	1	0
October 2007	10/22/2007	001	Turbidity, Severity	1/Week	1	0

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 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. Prior 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.

Given the serious nature of the violations, please be advised that this matter has been referred to our Legal Section for appropriate enforcement actions. Such actions can result in the imposition of fines of up to \$10,000 per day per violation. It is imperative that immediate action be undertaken to (1) install the improvements originally required to be installed by August 1, 2003 and (2) submit the NPDES permit renewal 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.

Mr. Philip Baldauf
Baldauf 4-Plex Apartments
November 9, 2007
Page 4

It is recommended that you fully review the terms and conditions of the NPDES permit, preferably with the assistance of your legal counsel. If there are requirements that you do not understand, it is strongly recommended that you contact this office for additional guidance.

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

cc: Mark Mann, Ohio EPA, Enforcement Section, DSW, CO
Steve Kramer, Trumbull County Health Dept.

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