



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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

July 27, 2007

RE: TRUMBULL COUNTY
VIENNA TOWNSHIP
BAULDAUF 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, December 2006 through June 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
December 2006	001	CBOD 5 day	30D Conc	10	148.	12/1/2006
March 2007	001	CBOD 5 day	30D Conc	10	1394.	3/1/2007
December 2006	001	CBOD 5 day	30D Qty	0.038	.56018	12/1/2006
March 2007	001	CBOD 5 day	30D Qty	0.038	5.27629	3/1/2007
December 2006	001	CBOD 5 day	7D Conc	15	148.	12/1/2006
March 2007	001	CBOD 5 day	7D Conc	15	1394.	3/8/2007
December 2006	001	CBOD 5 day	7D Qty	0.057	.56018	12/1/2006
March 2007	001	CBOD 5 day	7D Qty	0.057	5.27629	3/8/2007
June 2007	001	Fecal Coliform	30D Conc	1000	180000.	6/1/2007
June 2007	001	Fecal Coliform	7D Conc	2000	180000.	6/8/2007
December 2006	001	Nitrogen, Ammonia	30D Conc	3.0	41.8	12/1/2006
March 2007	001	Nitrogen, Ammonia	30D Conc	3.0	47.5	3/1/2007
June 2007	001	Nitrogen, Ammonia	30D Conc	1.0	75.	6/1/2007
December 2006	001	Nitrogen, Ammonia	30D Qty	0.011	.15821	12/1/2006
March 2007	001	Nitrogen, Ammonia	30D Qty	0.011	.17979	3/1/2007
June 2007	001	Nitrogen, Ammonia	30D Qty	0.004	.28388	6/1/2007
December 2006		Nitrogen, Ammonia	7D Conc	4.5	41.8	12/1/2006
March 2007	001	Nitrogen, Ammonia	7D Conc	4.5	47.5	3/8/2007
June 2007	001	Nitrogen, Ammonia	7D Conc	1.5	75.	6/8/2007

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Effluent Limit Violations						
Reporting Period	Station	Parameter	Limit Type	Limit	Reported Value	Violation Date
December 2006	001	Nitrogen, Ammonia	7D Qty	0.017	.15821	12/1/2006
March 2007	001	Nitrogen, Ammonia	7D Qty	0.017	.17979	3/8/2007
June 2007	001	Nitrogen, Ammonia	7D Qty	0.006	.28388	6/8/2007
December 2006	001	Total Suspended Solids	30D Conc	12	45.	12/1/2006
March 2007	001	Total Suspended Solids	30D Conc	12	18.	3/1/2007
June 2007	001	Total Suspended Solids	30D Conc	12	54.	6/1/2007
December 2006	001	Total Suspended Solids	30D Qty	0.046	.17033	12/1/2006
March 2007	001	Total Suspended Solids	30D Qty	0.046	.06813	3/1/2007
June 2007	001	Total Suspended Solids	30D Qty	0.046	.20439	6/1/2007
December 2006	001	Total Suspended Solids	7D Conc	18	45.	12/1/2006
June 2007	001	Total Suspended Solids	7D Conc	18	54.	6/8/2007
December 2006	001	Total Suspended Solids	7D Qty	0.068	.17033	12/1/2006
March 2007	001	Total Suspended Solids	7D Qty	0.068	.06813	3/8/2007
June 2007	001	Total Suspended Solids	7D Qty	0.068	.20439	6/8/2007

Monitoring/Reporting Violations						
Reporting Period	Violation Date	Station	Parameter	Sample Frequency	Expected	Reported
December 2006	12/8/2006	001	Water Temperature	1/Week	1	0
December 2006	12/15/2006	001	Water Temperature	1/Week	1	0
December 2006	12/22/2006	001	Water Temperature	1/Week	1	0
December 2006	12/8/2006	001	Color, Severity	1/Week	1	0
December 2006	12/15/2006	001	Color, Severity	1/Week	1	0
December 2006	12/22/2006	001	Color, Severity	1/Week	1	0
December 2006	12/8/2006	001	Odor, Severity	1/Week	1	0
December 2006	12/15/2006	001	Odor, Severity	1/Week	1	0
December 2006	12/22/2006	001	Odor, Severity	1/Week	1	0
December 2006	12/8/2006	001	Turbidity, Severity	1/Week	1	0
December 2006	12/15/2006	001	Turbidity, Severity	1/Week	1	0
December 2006	12/22/2006	001	Turbidity, Severity	1/Week	1	0
January 2007	1/1/2007	001	Water Temperature	1/Week	1	0
January 2007	1/8/2007	001	Water Temperature	1/Week	1	0
January 2007	1/15/2007	001	Water Temperature	1/Week	1	0
January 2007	1/22/2007	001	Water Temperature	1/Week	1	0
January 2007	1/1/2007	001	Color, Severity	1/Week	1	0
January 2007	1/8/2007	001	Color, Severity	1/Week	1	0
January 2007	1/15/2007	001	Color, Severity	1/Week	1	0
January 2007	1/22/2007	001	Color, Severity	1/Week	1	0
January 2007	1/1/2007	001	Odor, Severity	1/Week	1	0
January 2007	1/8/2007	001	Odor, Severity	1/Week	1	0

Monitoring/Reporting Violations						
Reporting Period	Violation Date	Station	Parameter	Sample Frequency	Expected	Reported
January 2007	1/15/2007	001	Odor, Severity	1/Week	1	0
January 2007	1/22/2007	001	Odor, Severity	1/Week	1	0
January 2007	1/1/2007	001	Turbidity, Severity	1/Week	1	0
January 2007	1/8/2007	001	Turbidity, Severity	1/Week	1	0
January 2007	1/15/2007	001	Turbidity, Severity	1/Week	1	0
January 2007	1/22/2007	001	Turbidity, Severity	1/Week	1	0
February 2007	2/1/2007	001	Water Temperature	1/Week	1	0
February 2007	2/8/2007	001	Water Temperature	1/Week	1	0
February 2007	2/15/2007	001	Water Temperature	1/Week	1	0
February 2007	2/22/2007	001	Water Temperature	1/Week	1	0
February 2007	2/1/2007	001	Color, Severity	1/Week	1	0
February 2007	2/8/2007	001	Color, Severity	1/Week	1	0
February 2007	2/15/2007	001	Color, Severity	1/Week	1	0
February 2007	2/22/2007	001	Color, Severity	1/Week	1	0
February 2007	2/1/2007	001	Odor, Severity	1/Week	1	0
February 2007	2/8/2007	001	Odor, Severity	1/Week	1	0
February 2007	2/15/2007	001	Odor, Severity	1/Week	1	0
February 2007	2/22/2007	001	Odor, Severity	1/Week	1	0
February 2007	2/1/2007	001	Turbidity, Severity	1/Week	1	0
February 2007	2/8/2007	001	Turbidity, Severity	1/Week	1	0
February 2007	2/15/2007	001	Turbidity, Severity	1/Week	1	0
February 2007	2/22/2007	001	Turbidity, Severity	1/Week	1	0
March 2007	3/1/2007	001	Water Temperature	1/Week	1	0
March 2007	3/15/2007	001	Water Temperature	1/Week	1	0
March 2007	3/22/2007	001	Water Temperature	1/Week	1	0
March 2007	3/1/2007	001	Color, Severity	1/Week	1	0
March 2007	3/15/2007	001	Color, Severity	1/Week	1	0
March 2007	3/22/2007	001	Color, Severity	1/Week	1	0
March 2007	3/1/2007	001	Odor, Severity	1/Week	1	0
March 2007	3/15/2007	001	Odor, Severity	1/Week	1	0
March 2007	3/22/2007	001	Odor, Severity	1/Week	1	0
March 2007	3/1/2007	001	Turbidity, Severity	1/Week	1	0
March 2007	3/15/2007	001	Turbidity, Severity	1/Week	1	0
March 2007	3/22/2007	001	Turbidity, Severity	1/Week	1	0
March 2007	3/1/2007	588	Sludge Volume, Gallons	1/Month	1	0
April 2007	4/1/2007	001	Water Temperature	1/Week	1	0
April 2007	4/8/2007	001	Water Temperature	1/Week	1	0
April 2007	4/15/2007	001	Water Temperature	1/Week	1	0
April 2007	4/22/2007	001	Water Temperature	1/Week	1	0
April 2007	4/1/2007	001	Color, Severity	1/Week	1	0

Monitoring/Reporting Violations						
Reporting Period	Violation Date	Station	Parameter	Sample Frequency	Expected	Reported
April 2007	4/8/2007	001	Color, Severity	1/Week	1	0
April 2007	4/15/2007	001	Color, Severity	1/Week	1	0
April 2007	4/22/2007	001	Color, Severity	1/Week	1	0
April 2007	4/1/2007	001	Odor, Severity	1/Week	1	0
April 2007	4/8/2007	001	Odor, Severity	1/Week	1	0
April 2007	4/15/2007	001	Odor, Severity	1/Week	1	0
April 2007	4/22/2007	001	Odor, Severity	1/Week	1	0
April 2007	4/1/2007	001	Turbidity, Severity	1/Week	1	0
April 2007	4/8/2007	001	Turbidity, Severity	1/Week	1	0
April 2007	4/15/2007	001	Turbidity, Severity	1/Week	1	0
April 2007	4/22/2007	001	Turbidity, Severity	1/Week	1	0
May 2007	5/1/2007	001	Water Temperature	1/Week	1	0
May 2007	5/8/2007	001	Water Temperature	1/Week	1	0
May 2007	5/15/2007	001	Water Temperature	1/Week	1	0
May 2007	5/22/2007	001	Water Temperature	1/Week	1	0
May 2007	5/1/2007	001	Color, Severity	1/Week	1	0
May 2007	5/8/2007	001	Color, Severity	1/Week	1	0
May 2007	5/15/2007	001	Color, Severity	1/Week	1	0
May 2007	5/22/2007	001	Color, Severity	1/Week	1	0
May 2007	5/1/2007	001	Odor, Severity	1/Week	1	0
May 2007	5/8/2007	001	Odor, Severity	1/Week	1	0
May 2007	5/15/2007	001	Odor, Severity	1/Week	1	0
May 2007	5/22/2007	001	Odor, Severity	1/Week	1	0
May 2007	5/1/2007	001	Turbidity, Severity	1/Week	1	0
May 2007	5/8/2007	001	Turbidity, Severity	1/Week	1	0
May 2007	5/15/2007	001	Turbidity, Severity	1/Week	1	0
May 2007	5/22/2007	001	Turbidity, Severity	1/Week	1	0
June 2007	6/1/2007	001	Water Temperature	1/Week	1	0
June 2007	6/15/2007	001	Water Temperature	1/Week	1	0
June 2007	6/22/2007	001	Water Temperature	1/Week	1	0
June 2007	6/1/2007	001	Color, Severity	1/Week	1	0
June 2007	6/15/2007	001	Color, Severity	1/Week	1	0
June 2007	6/22/2007	001	Color, Severity	1/Week	1	0
June 2007	6/1/2007	001	Odor, Severity	1/Week	1	0
June 2007	6/15/2007	001	Odor, Severity	1/Week	1	0
June 2007	6/22/2007	001	Odor, Severity	1/Week	1	0
June 2007	6/1/2007	001	Turbidity, Severity	1/Week	1	0
June 2007	6/15/2007	001	Turbidity, Severity	1/Week	1	0
June 2007	6/22/2007	001	Turbidity, Severity	1/Week	1	0
June 2007	6/1/2007	001	Chlorine, Total Residual	1/Quarter	1	0

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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, any discharge from the facility to "waters of the state" is deemed **unauthorized** and subject to appropriate enforcement actions pursuant to Ohio Revised Code Chapter 6111.

Based on the level of recalcitrance, 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.

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
Frank Migliozi, Trumbull County Health Dept.

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:

Phillip Baldawf
 3691 Highstone Dr
 Akron OH 44333

2. Article Number

(Transfer from service label)

7005 1820 0002 1312 0653 712707 *Gomez*

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Phillip Baldawf* Agent Addressee

B. Received by (Printed Name)

Phillip Baldawf

C. Date of Delivery

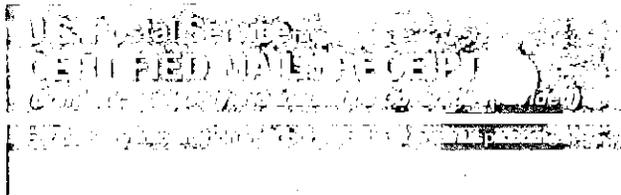
D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7005 1820 0002 1312 0653



Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To *Phillip Baldawf*
 Street, Apt. No.,
 or PO Box No. *Baldawf 4-Plex Apts.*
 City, State, ZIP+4