



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 6, 2009

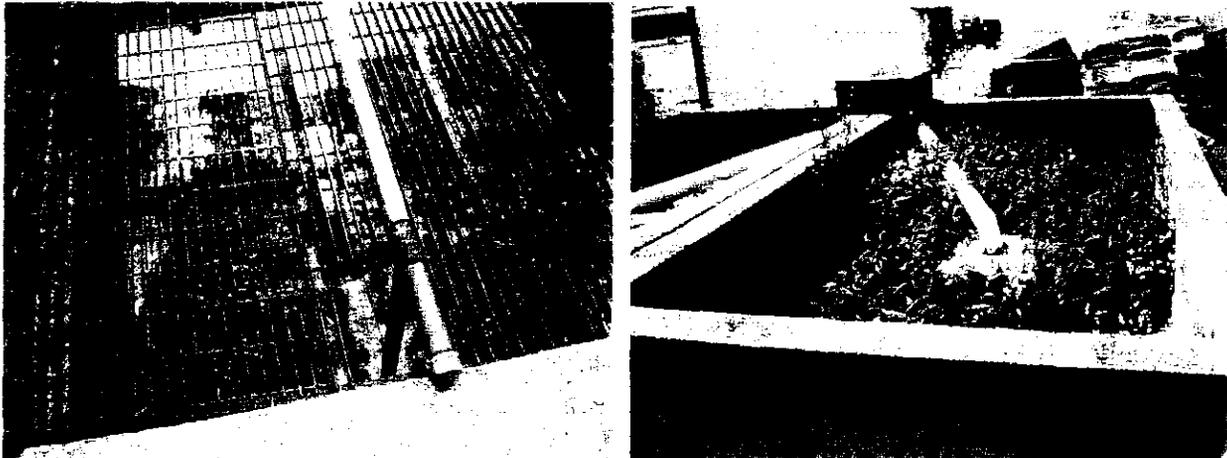
RE: TRUMBULL COUNTY  
VIENNA TOWNSHIP  
CERTIFIED 458-VIENNA  
NPDES PERMIT NO. OH0136981  
OHIO EPA PERMIT NO. 3PR00407

Mr. Art Schmitz, Environmental Manager  
Certified Oil Company  
949 King Avenue  
Columbus, OH 43212

Dear Mr. Schmitz:

On June 16, 2009, an inspection was conducted of the wastewater treatment system serving the above referenced gasoline service station/convenience. The purpose of the inspection was to evaluate the facility's compliance with the terms and conditions of the referenced NPDES permit.

The treatment components consist of trash trap, 1,200 gpd extended aeration activated sludge treatment process, surface sand filtration, and chlorination/dechlorination.



At the time of the inspection, the following observations and comments were noted:

1. There were very little solids in the aeration tank. This appears to be the result of low system use, i.e. low flow.
2. The trash trap appears to need pumping.
3. The weed growth in the surface sand filters need to be removed.

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A review of the facility's monthly discharge monitoring reports (DMRs) received by Ohio EPA for the period, January 2008 – May 2009, indicates violations of the terms and conditions of the NPDES permit. The specific instances of noncompliance are as follows:

EFFLUENT LIMITATION VIOLATIONS						
Reporting Period	Station	Parameter	Limit Type	Limit	Reported Value	Violation Date
June 2008	001	Nitrogen, Ammonia (NH3)	30D Conc	1.0	1.15	6/1/2008
August 2008	001	Nitrogen, Ammonia (NH3)	30D Conc	1.0	2.24	8/1/2008
August 2008	001	Nitrogen, Ammonia (NH3)	7D Conc	1.5	2.24	8/1/2008
August 2008	001	Dissolved Oxygen	1D Conc	6.0	3.9	8/1/2008

MONITORING/REPORTING VIOLATIONS						
Reporting Period	Station	Parameter	Sample Frequency	Expected	Reported	Violation Date
September 2008	001	NO DMR SUBMITTED				
October 2008	001	NO DMR SUBMITTED				
November 2008	001	NO DMR SUBMITTED				
December 2008	001	NO DMR SUBMITTED				
March 2009	001	Total Suspended Solids	1/Quarter	1	0	03/01/2009
March 2009	001	Nitrogen, Ammonia (NH3)	1/Quarter	1	0	03/01/2009
March 2009	001	CBOD 5 day	1/Quarter	1	0	03/01/2009

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

- We understand that the facility currently employs B&J Environmental, Inc. for operational oversight of the treatment system. However, our review of the facility's data reporting procedures noted that Ms. Lisa Feigle, of Geauga County Laboratory, has been submitting and certifying the discharge monitoring reports (DMRs) for the facility using the electronic DMR (e-DMR) internet application. While e-DMR allows permitted facilities to enter, sign, and submit DMRs on the internet, 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.*

Based on the above requirements, Ms. Feigle cannot sign and certify the DMRs.

- The person authorized to sign and submit DMRs for the facility will need to obtain an Ohio eBusiness Center account and Personal Identification Number (PIN). e-DMR is accessible via the Ohio EPA eBusiness Center. The eBusiness Center is found on the following Web page:

<https://ebiz.epa.ohio.gov>

The PIN is the electronic signature of the responsible or delegated facility official. A facility can also have individuals, e.g. laboratory analyst(s), 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 submitting the data, the law does not require them to have a PIN (they actually aren't "signing" anything since they don't submit the data). These users are delegated access to the reports by the PIN holder. 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 an up-to-date 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 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 of DMRs.
- Standard operating procedures for sample collection, storage, transport, and reporting must be documented. In addition, written procedures shall be developed for all analyses required to be performed onsite, e.g. pH, DO, etc. Calibration and maintenance records must be maintained for the analytical instrumentation.

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- The facility shall ensure that detailed analytical reports, including a complete chain of custody record, are received from the laboratory.

**Summary/Conclusion**

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.

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

File: Semipublic/Trumbull County/Vienna Twp./Certified Oil