OhioEPA
State of Ohio Environmental Protection Agency
Northeast District Office

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

October 29, 2009

RE: TRUMBULL COUNTY
VIENNA TOWNSHIP
THE 972 COMPANY LTD.
NPDES PERMIT NO. OH0133434
OHIO EPA PERMIT NO. 3PR00350

Mr. Robert Thompson Jr., President
The 972 Company Ltd.
972 Youngstown Kingsville Road
Vienna, Ohio 44473

Dear Mr. Thompson:

On September 29, 2008, an inspection was conducted by Mr. Richard Curl of the Trumbull County Health Department and the undersigned of the sanitary wastewater treatment plant serving the above referenced facility. The facility was represented by your contract operator, Mr. Scott Mascioli. The purpose of the inspection was to evaluate the facility's compliance status with respect to the terms and conditions of the above-referenced National Pollutant Discharge Elimination System (NPDES) permit.

The current treatment system consists of trash trap, 1,500 gpd extended aeration activated sludge treatment process, final settling tank, surface sand filtration, and chlorination/dechlorination contact tank.

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

- The overall operation and maintenance of the treatment system appeared to be significantly improved.
- The final effluent being discharged to the receiving stream appeared to be of satisfactory visual quality.
- The fence was installed around the treatment system.

A review of the facility's monthly Discharge Monitoring Reports (DMRs) received by Ohio EPA for the period, December 2008 – September 2009, indicates violations of the terms and conditions of the NPDES permit. Specifically, the following violations were identified:

Reporting Period	Station	Parameter	Limit Type	Limit	Reported Value	Violation Date
December 2008	001	Nitrogen, Ammonia (NH3	30D Conc	4.5	7.62	12/1/2008
December 2008	001	Nitrogen, Ammonia (NH3	7D Conc	6.75	7.62	12/1/2008
December 2008	001	Dissolved Oxygen	1D Conc	5.0	4.5	12/2/2008
March 2009	001	Total Suspended Solids	30D Conc	12	20.	3/1/2009
March 2009	001	Total Suspended Solids	7D Conc	18	20.	3/1/2009
March 2009	001	Nitrogen, Ammonia (NH3	30D Conc	4.5	35.	3/1/2009
March 2009	001	Nitrogen, Ammonia (NH3	7D Conc	6.75	35.	3/1/2009
March 2009	001	Nitrogen, Ammonia (NH3	30D Qty	0.026	.06637	3/1/2009
March 2009	001	Nitrogen, Ammonia (NH3	7D Qty	0.038	.06637	3/1/2009
March 2009	001	CBOD 5 day	30D Conc	10	27.	3/1/2009

Reporting Period	Station	Parameter	Limit Type	Limit	Reported Value	Violation Date
March 2009	001	CBOD 5 day	7D Conc	15	27.	3/1/2009
August 2009	001	Dissolved Oxygen	1D Conc	5.0	4.9	8/15/2009

Reporting Period	Station	Parameter	Sample Frequency	Expected	Reported	Violation Date
May 2009	001	Color, Severity	1/Week	1	0	05/01/2009
May 2009	001	Odor, Severity	1/Week	1	0	05/01/2009
May 2009	001	Turbidity, Severity	1/Week	1	0	05/01/2009
May 2009	001	Color, Severity	1/Week	1	0	05/08/2009
May 2009	001	Odor, Severity	1/Week	1	0	05/08/2009
May 2009	001	Turbidity, Severity	1/Week	1	0	05/08/2009
May 2009	001	Color, Severity	1/Week	1	0	05/15/2009
May 2009	001	Odor, Severity	1/Week	1	0	05/15/2009
May 2009	001	Turbidity, Severity	1/Week	1	0	05/15/2009
May 2009	001	Color, Severity	1/Week	1	0	05/22/2009
May 2009	001	Odor, Severity	1/Week	1	0	05/22/2009
May 2009	001	Turbidity, Severity	1/Week	1	0	05/22/2009

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

- We understand that the facility currently employs Mr. Mascioli for operational oversight of the treatment system. However, our review of the facility's data reporting procedures noted that Mr. Brian Mosko, Valley Environmental Laboratories, continues to submit and certify 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, Mr. Mosko **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 a 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.

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 me at (330) 963-1196.

Respectfully,

Ermelindo Gomes
Environmental Engineer
Division of Surface Water

EG/mt

cc: Rich Curl, Trumbull County Health Department
Scott Mascioli

File: Semipublic/Trumbull County/Vienna Twp./972 Company