



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

April 26, 2013

CERTIFIED MAIL

Laurel Bell Apartments
Mr. Ken Butts
1881 Laurel Lindale Road, Lot 9
New Richmond, Ohio 45157

**RE: NOTICE OF VIOLATION
LAUREL BELL APARTMENTS WASTEWATER TREATMENT WORKS
(WWTW) / RECONNAISSANCE INSPECTION REPORT
NPDES PERMIT NO. OH0127213 / OEPA PERMIT NO. 1PW00038*CD**

Dear Mr. Butts:

On April 16, 2013, I conducted a reconnaissance inspection of the above referenced facility. No one was present in the manager's office so there was no person representing ownership during the inspection. The purpose of the inspection was to evaluate compliance with the terms and conditions of the National Pollutant Discharge Elimination System (NPDES) permit.

Laurel Bell Apartments (owned by Ken Butts since February of 2008) is located at 1881 Laurel-Lindale Road, Clermont County, Ohio. There are 6 mobile homes and 3 apartments that are served by a 2600-gallon/day Wastewater Treatment Works (WWTW), which discharges to an unnamed tributary of Colclaser Run.

Failure to Submit Discharge Monitoring Reports (DMRs)

DMRs for Laurel Bell Apartments WWTW have not been submitted to Ohio EPA since April of 2010. This is a violation of Part III, item 4. of the facility's NPDES permit.

NPDES Permit and Water Quality Violations

Over the past several years Ohio EPA has documented current ownership's neglect of the Wastewater Treatment Works (WWTW). This inspection did not prove to be different as the WWTW aeration basin was overflowing with raw sewage (objectionable odors present) into the receiving stream. There were also significant amounts of gray sewage fungus within the fence of the WWTW, outside the fence (on the stream side)

and in the stream itself (at least ten yards downstream). These conditions are almost identical to those observed in April of 2012 when the sand filter dosing pump was not operational. As it turns out, the electricity to the WWTW had been disconnected by Duke Energy on April 8, 2013.

These conditions are violations of the terms and conditions of the National Pollutant Discharge Elimination System (NPDES) permit for Laurel Bell Apartments and Ohio Administrative Code (OAC) 3745-1-04 (A, B and C) "Criteria Applicable to All Waters," which states:

The following general water quality criteria shall apply to all surface waters of the state including mixing zones. To every extent practical and possible as determined by the director, these waters shall be:

- (A) *Free from suspended solids or other substances that enter the waters as a result of human activity and that will settle to form putrescent or otherwise objectionable sludge deposits, or that will adversely affect aquatic life;*
- (B) *Free from floating debris, oil, scum and other floating materials entering the waters as a result of human activity in amounts sufficient to be unsightly or cause degradation;*
- (C) *Free from materials entering the waters as a result of human activity producing color, odor or other conditions in such a degree as to create a nuisance;*

The following pictures were taken during this inspection (April 16, 2013):





**Untreated sewage flowing
outside of the security fence
for the WWTW.**



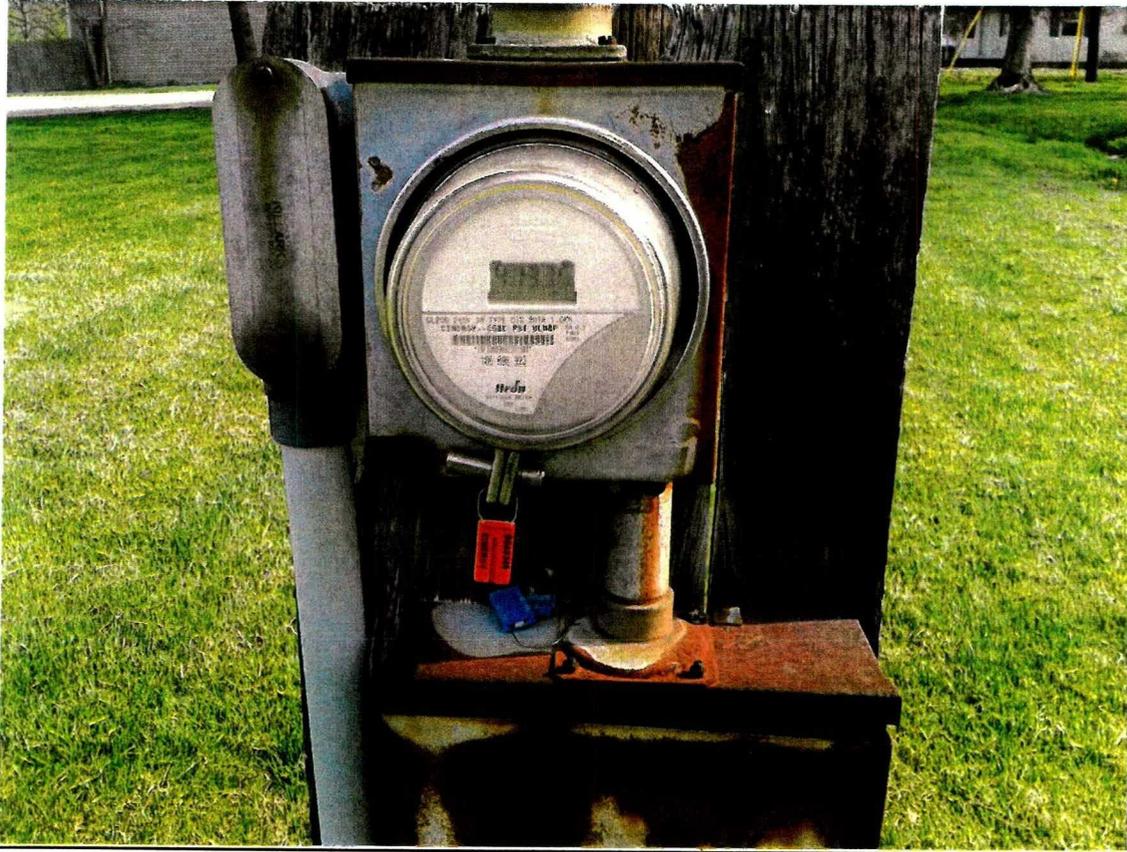
**Easy access to the slow
surface sand filters.**



**Sewage outside of the security
fence for the WWTW. Prior to
entering the stream.**



**Sewage in the stream near a
child's ball.**



Utility meter box for the WWTW.

A follow-up telephone call to Duke Energy confirmed that the power to the WWTW had been shut-off since April 8, 2013.

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Immediate Action Required

Since Ohio EPA has referred the enforcement case against the ownership of Laurel Bell Apartment's to the Ohio Attorney General's Office, Mr. Butts shall immediately contact Christine Rideout, Assistant Attorney General (614) 466-2766.

Ownership shall immediately restore power to the WWTW. Ownership shall also begin operating the WWTW and take any necessary steps in order to comply with the NPDES permit.

If you should have any questions, feel free to contact me by telephone at (937) 285-6029 or by electronic mail at joshua.jackson@epa.ohio.gov.

Respectfully,



Joshua Jackson
Environmental Specialist II
Division of Surface Water

cc: Robert Wildey, Clermont County Health Department

JJ\bp



State of Ohio Environmental Protection Agency
Southwest District Office

NPDES Compliance Inspection Report

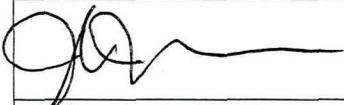
Section A: National Data System Coding					
Permit #	NPDES#	Month/Day/Year	Inspection Type	Inspector	Facility Type
1PW00038*CD	OH0127213	4/16/2013	R	S	2

Section B: Facility Data		
Name and Location of Facility Inspected	Entry Time	Permit Effective Date
Laurel Bell Apartments 1881 Laurel Lindale Road Laurel, Ohio Clermont County	9:30 a.m.	11/1/2012
	Exit Time	Permit Expiration Date
	10:00 a.m.	10/31/2017
Name(s) and Title(s) of On-Site Representatives		Phone Number(s)
Ken Butts, owner		513-633-3924
Name, Address and Title of Responsible Official		Phone Number
Ken Butts Laurel Bell Apartments 1881 Laurel Lindale Road, Lot 9 New Richmond, OH 45157		513-633-3924

Section C: Areas Evaluated During Inspection					
(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)					
S	Permit	N	Flow Measurement	N	Pretreatment
U	Records/Reports	N	Laboratory	N	Compliance Schedule
U	Operations & Maintenance	U	Effluent/Receiving Waters	N	Self-Monitoring Program
U	Facility Site Review	N	Sludge Storage/Disposal	N	Other
N	Collection System				

Section D: Summary of Findings (Attach additional sheets if necessary)

See Attached Report :
Notice of Violation Reconnaissance
Inspection Letter ---
dated April 26, 2013

Inspector	Reviewer
 Joshua Jackson Division of Surface Water Southwest District Office	Martyn Burt Compliance & Enforcement Supervisor Division of Surface Water Southwest District Office
Date	Date
4-26-2013	

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**MR KEN BUTTS
 LAUREL BELL APARTMENTS
 1881 LAUREL LINDALE ROAD LOT 9
 NEW RICHMOND OH 45157**

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>[Signature]</i></p> <p>C. Date of Delivery 5-20</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>MR KEN BUTTS LAUREL BELL APARTMENTS 1881 LAUREL LINDALE ROAD LOT 9 NEW RICHMOND OH 45157</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p> <p>7004 1160 0000 6169 5781</p>	