Ohio Environmental Protection Agency
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

November 29, 2011

RE: LAKE COUNTY
KIRTLAND, CITY OF
HILLTOP APARTMENTS
9125 CHILLICOTHE ROAD
NPDES PERMIT 3PR00106

NOTICE OF VIOLATION

Adelbert Marous, President
Marous/Hilltop LLC
1702 Joseph Lloyd Parkway
Willoughby, OH 44094

Dear Mr. Marous:

On November 1, 2011, a limited scope site records inspection was conducted at the above referenced facility at 9125 Chillicothe Road, Kirtland, Ohio 44094, Lake County. The inspection was conducted by Laura Weber of this office. The purpose of the inspection was to evaluate the facility's operations and maintenance records with respect to the terms and conditions of the facility's National Pollutant Discharge Elimination System (NPDES) permit and Ohio Administrative Code (OAC) Rule 3745-7-09 for the time period of September 4, 2011 through September 17, 2011.

The inspection revealed that records required pursuant to OAC 3745-7-09(A) (3) are being maintained at the facility and were available for inspection as required by rule. For the period audited, the log book provided documentation of visits by the Operator of Record (ORC). The log book maintained at the facility showed Tom Adams and Wendy logged in 20 minutes on September 8, 2011. Tom and Wendy logged in with no times shown on September 13, 2011 and Wendy logged in with no times shown on September 15, 2011. Tom Adams logged in 30 minutes on September 15, 2011. The Ohio EPA records show the ORC on file for this facility is Tom Adams. There is no record of Wendy on file with the Ohio EPA.

The NPDES permit for this facility classifies this system a Class A wastewater treatment works. According to OAC 3745-7-04, the minimum staffing hour requirement for a Class A facility is two days a week for a minimum of one hour per week. Based upon the log book documentation of visits by your ORC during the previously noted dates, Hilltop Apartments is in violation of OAC 3745-7-04 for not meeting minimum staffing hour requirements, OAC 3745-7-02 for not listing all ORCs and OAC 3745-33 for not meeting permit conditions, specifically Part II, Item A-3 that requires that this facility meet minimum staffing requirements.

As a reminder, the records must be accessible onsite for 24 hour inspection by agency or emergency response personnel as prescribed by OAC 3745-7-9(A) (2). The facility Owner and Operator are both responsible to make sure that the log book is available and maintained on site for 24 hour access by Ohio EPA and emergency response personnel. The log must include inspection dates with time in and time out, clearly identify who is logging time at the facility, and list all activities being performed during the visit.

In addition to the log book, a copy of the contract with your ORC must be maintained at the site. You and your ORC must also submit a new ORC notification form to Ohio EPA's Operator Certification Unit as indicated on the form. The updated form must include all ORCs who inspect this facility. As a courtesy, please provide a copy of the revised ORC form to this office for our records.

A Previous inspection by this office, on December 7, 2009, revealed the log book was not maintained according to the requirements of OAC 3745-07. At the time of the inspection, a log book was not located at the facility. The inspection follow up letter revealed the following requirements that must be met:

1) Identification of the sewage treatment works;
2) Date and times of arrival and departure for the operator of record and any other operator required by this chapter;
3) Specific operation and maintenance activities that affect or have the potential to affect the quality or quantity of sewage conveyed or effluent produced;
4) Results of tests performed and samples taken, unless documented on a laboratory sheet;
5) Performance of preventative maintenance and repairs or requests for repair of the equipment that affect or have the potential to affect the quality or quantity of sewage conveyed, effluent produced; and
6) Identification of the persons making entries.

Please inform this office, in writing, within 14 days of the date of this letter, as to the actions we discussed that have been or will be taken to correct the above noncompliance or explanations if you believe the noncompliance issues noted are in error. Your response to this letter should include the dates that the actions have been or will be completed. Please be advised that past or present issues of noncompliance can continue as subjects of future enforcement actions by Ohio EPA.

If you have any questions or comments regarding this inspection, please feel free to contact me at (330) 963-1299.

Respectively,

Laura A. Weber P.E.
Environmental Engineer
Division of Surface Water

LAW/cs

Cc: Daniel Kopec, Ohio EPA, DSW, CO
Dustin Lewis, Lewis Wastewater Management

File: SemiPublic/Lake/Kirtland Twp/3PR00137 Western Reserve Health Care