



**Environmental
Protection Agency**

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

Re: **Notice of Violation**
Defiance County
Ney WTP
Ohio EPA Permit No. 2IV00112
NPDES Permit No. OH0130141

May 16, 2012

Mr. Jerry Bergman
Village Clerk
P.O. Box 237
Ney, Ohio 43549

Dear Mr. Bergman:

On March 27, 2012, I spoke with Mr. Neil Pry, your operator for the Village of Ney's Water Treatment Plant (WTP), regarding recent and historical violations of your National Pollutant Discharge Elimination System (NPDES) permit, which applies to your wastewater discharge to Lick Creek. On May 2, 2012, I completed a compliance inspection of the facility to verify that all the spent sand from your wastewater treatment system has been removed. No one was present during the inspection to represent the Village of Ney.

During my May 2, 2012 inspection, I observed that two piles of spent sand from the sand filter remain on the site. The two piles are approximately 12 feet wide and 3.5 feet high. The effluent discharging from the discharge pipe to the stream was clear and no adverse effect on the stream was apparent. The influent pipe to the sand filter bed was clear and no longer had a bag placed over it for increased filtration.

Due to violations of the NPDES permit for total suspended iron, the sand in the sand filters was replaced in December of 2011. Since that time, your facility has experienced another suspended iron violation and a Total Suspended Solids violation. Also in December of 2011, the spent sand from the sand filter and from the piles that had accumulated on the site over the years was taken to the Defiance County Landfill, where it was used as daily cover after testing of the material and approval from Defiance County Landfill.

We are in receipt of your self-monitoring reports covering the months of August 2011 to March 2012 for the referenced facility. Our review indicates violations of the conditions of your NPDES permit. The specific instances of noncompliance are enclosed. When entering eDMR data substitution codes, such as AH, you must enter a note in eDMR justifying the use of the code. Failure to document appropriate codes with descriptive comments may result in a notice of violation.

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Your NPDES permit is up for renewal and due to the limit violations that have occurred at the site over the years as well as the data submitted in your NPDES permit renewal application, a schedule of compliance will be included in your permit renewal. You will be required to submit a Permit to Install (PTI) application to address issues with the sand filter and to make improvements in the wastewater treatment system to address the high chlorine residual, which is present in your wastewater due to backwashing of your sand filters with treated chlorinated water.

Mr. Pry has proposed that the sand filter piping be modified to more evenly distribute the wastewater across the surface of the sand filter and thus prevent short circuiting. In addition, there appears to be infiltration into the pipe discharging from the sand filter to the stream. This piping is made of corrugated metal and it may have deposits collecting in it which are causing limit violations. Mr. Pry believes the pipe may have infiltration of ground water since the pipe discharges to the stream even when the wastewater treatment system has not been active.

As a result, your PTI will include the replacement of this discharge pipe, since it may be contributing material to your discharge samples that may result in NPES permit violations.

If there are any questions, please contact this office.

Sincerely,


Dana Martin-Hayden
Division of Surface Water

/jlm

Enclosure

ec: Dana Martin-Hayden, DSW
Inspection Tracking

Permit No.	Reporting Period	Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
2IV00112*BD	December 2011	001	01044	Iron, Suspended (Fe)	30D Conc	1000	1710.	12/1/2011
2IV00112*BD	January 2012	001	00530	Total Suspended Sol	30D Conc	30	55.	1/1/2012
2IV00112*BD	January 2012	001	00530	Total Suspended Sol	1D Conc	45	55.	1/27/2012