



Environmental
Protection Agency

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

May 16, 2012

CERTIFIED MAIL

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

RE: Notice of Violation
Laurel Bell Apartments WWTW / Compliance Evaluation Inspection Report
NPDES Permit No. OH0127213 / OEPA Permit No. 1PW00038*BD

Dear Mr. Butts:

On May 14, 2012, I conducted an NPDES Compliance Evaluation Inspection at the Laurel Bell Apartments Wastewater Treatment Works (WWTW). The purpose of the inspection was to evaluate compliance with the terms and conditions of the facility's NPDES permit. You were present for the inspection, but John O'Tooley (maintenance) was present for questions, and Becky Walls (friend of the family) followed up with a telephone call immediately after the inspection.

Even though ownership has made repairs to the existing WWTW, there are still multiple issues that are in need of correction. **Please pay attention to the "Items Requiring Correction" located within the report, as there are associated compliance schedules.**

During the inspection, I noted solids attributed to the WWTW in the receiving stream. This condition is a violation 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) "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:

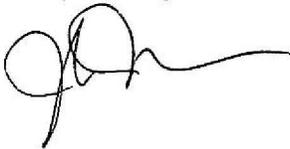
- (A) *Free from suspended solids or other substances that enter the waters as a result of human activity and that will settle to form putrescent or otherwise objectionable sludge deposits, or that will adversely affect aquatic life.*

Mr. Ken Butts
Laurel Bell Apartments
May 16, 2012
Page 2 of 2

Every effort should be taken to meet the terms and conditions of the NPDES permit, as well as applicable state and federal laws.

If you have any questions, please feel free to contact me by phone at (937) 285-6029 or by electronic mail at joshua.jackson@epa.state.oh.us.

Respectfully,

A handwritten signature in black ink, appearing to read 'J. Jackson', with a long horizontal flourish extending to the right.

Joshua Jackson
Environmental Specialist II
Division of Surface Water

Enclosures

cc: Robert Wildey, Clermont County Health Department
Christine Rideout, AAG

JJ\bp



State of Ohio Environmental Protection Agency
Southwest District Office

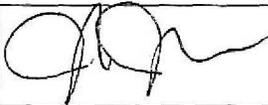
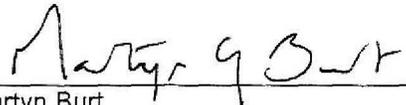
NPDES Compliance Inspection Report

Section A: National Data System Coding					
Permit #	NPDES#	Month/Day/Year	Inspection Type	Inspector	Facility Type
1PW00038*BD	OH0127213	5/14/2012	C	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.	6/1/2007
	Exit Time	Permit Expiration Date
	10:00 a.m.	5/31/2012
Name(s) and Title(s) of On-Site Representatives		Phone Number(s)
John O'Tooley, Facility Maintenance Becky Walls		513-371-0498
Name, Address and Title of Responsible Official		Phone Number
Ken Butts Laurel Bell Apartments 1881 Laurel Lindale Road, Lot 9 New Richmond, OH 45157		No contact telephone number

Section C: Areas Evaluated During Inspection					
(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)					
U	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.	

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
5-16-2012	5/16/2012

Inspection Findings

Since the last inspection conducted on April 12, 2012, Laurel Bell Apartments ownership had hired Dan Gullet to make repairs to the wastewater treatment works so there was no longer an overflow of raw sewage from the aeration system. There was no one available on-site to describe the work that had been completed. Mr. John O'Tooley (maintenance) was on the facility grounds at the time of the inspection, but he had limited information. Ms. Becky Walls (family friend of Mr. Butts) followed up with a telephone call on the same day as the inspection, but she also had limited information on the improvements.

From visual observations, it appears that at least one blower for the aeration system is operational and so is the sand filter dosing pump. Even though there is no longer overflowing raw sewage on the grounds around the WWTW, there are still several deficiencies that will be throughout the report.



The WWTW is no longer overflowing. The fence has still not been repaired. Easy access to the WWTW grounds and the tertiary sand filters is still available.

The clarifier air-lift skimmer was operational but the sludge return was not. The effluent weir is severely corroded and there were no chlorine tablets in the tablet dispenser (despite being recreation season). There is no chlorine contact tank to allow detention for bacteria kill and there is no current way to remove the chlorine residual.

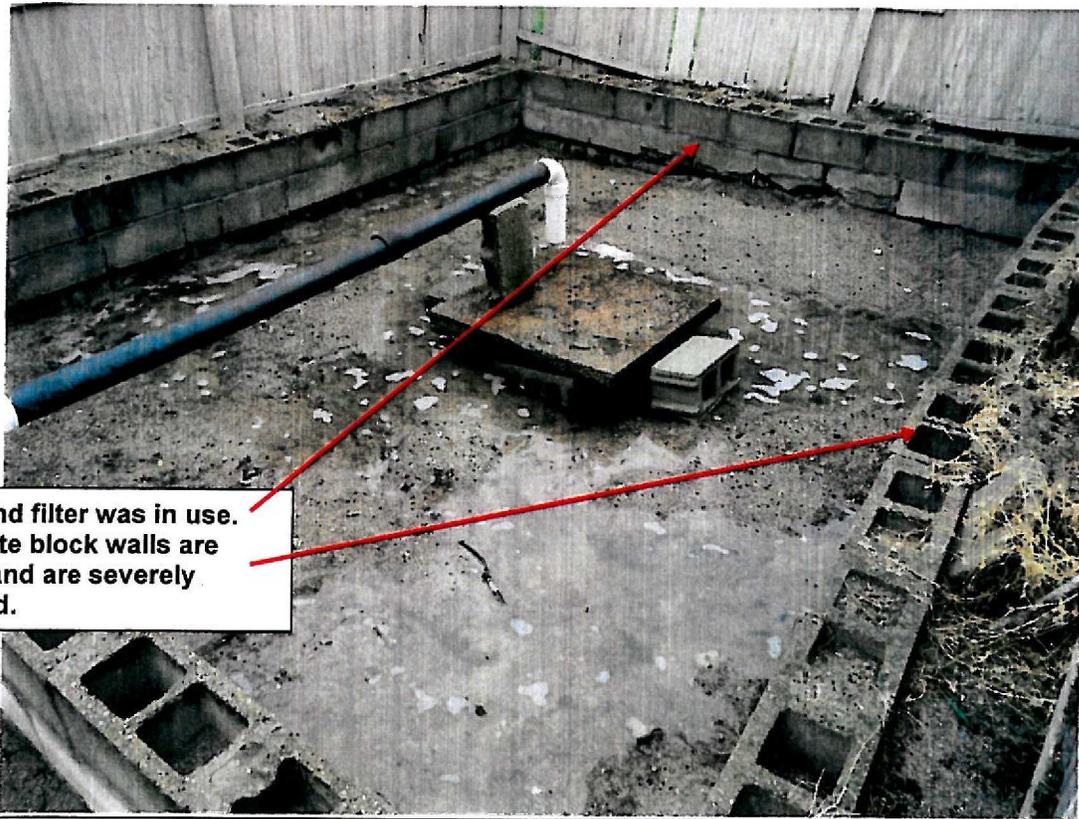


Even though one blower was operating at the time of inspection, both blowers and the overall condition of the WWTW show signs of advanced decay (rust, concrete spalling, etc.)



Solids attributed to the WWTW were observed in the receiving stream. The condition of the receiving stream has improved since the last inspection. This is most likely attributed to repairs made to the WWTW and the amount of precipitation in the last month (wash solids further downstream)

Grass around the WWTW has not been mowed this year.



Tertiary sand filter was in use. The concrete block walls are bowing in and are severely deteriorated.

Items Requiring Correction

1. The security fence that surrounds the WWTW must be repaired so that access is restricted. As it is, anybody, including children, can get to the treatment plant. **The security fence for both the aeration system/clarifier and the tertiary sand filter must be repaired by no later than May 30, 2012.**
2. Ohio Administrative Code (OAC) 3745-7-02(A)(2) states the following:
“Each person owning or operating a treatment works or sewerage system, except as provided for in paragraph (E) of this rule, shall designate one or more operator of record to oversee the technical operation of the treatment works, sewerage system, or each wastewater treatment facility. Each operator of record shall have a valid certification of a class equal to or greater than the classification of the treatment works, sewerage system, or wastewater treatment facility.
 - (a) *The owner or operator of a treatment works or sewerage system shall notify the director of the identity of an operator of record upon request or in the event of a change in such position.*
 - (b) *Notification shall be made on a form acceptable to the director within three days of a change in an operator of record or within three days of a request by the director.”*

The NPDES-permitted average daily design flow the WWTW is 2,600 gallons/day. For a facility of this size, a class A certified operator is required to meet the requirements of OAC 3745-7-02. OAC 3745-7-04(C)(1) goes on to require the Operator of Record for a Class A facility “shall, at a minimum, be physically present at the treatment works and fulfill the time requirements (Class A facility is a minimum of two days/week for a total of 1 hour) and perform technical operation as assigned by the permittee of the treatment works.”

By no later than May 30, 2012, ownership of Laurel Bell Apartments must contract with a Class A operator to serve as the Operator of Record for the WWTW and fulfill the requirement of the NPDES permit and all relevant Ohio and Federal laws. By the same date, ownership must also submit an Operator of Record notification form (attached) and a copy of the contract (entered into with the Operator of Record) to the Ohio EPA Southwest District Office.

3. Ownership of Laurel Bell Apartments has not submitted any discharge monitoring reports (DMRs) since April of 2010. DMRs are required by Part III, Item 4 “Reporting” in the NPDES permit. Failure to submit DMRs are a violation of the terms and conditions of the NPDES permit. **Ownership must begin to conduct the appropriate sampling without delay and report the sampling results through the appropriate DMRs**

submission process. By no later than July 20, 2012, Ohio EPA expects that ownership of Laurel Bell Apartments will submit a complete and timely DMR for June 2012.

4. The NPDES permit, which authorizes the discharge from the WWTW serving Laurel Bell Apartments, expires on May 31, 2012. The cover page of the NPDES permit states, "This permit and the authorization to discharge shall expire at midnight on the expiration date shown above (5-31-2012). In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA no later than 180 days prior to the above date of expiration." To date, this office has not received NPDES permit renewal applications.

You must submit completed NPDES applications to this office immediately but no later than June 15, 2012. I have attached forms for your convenience.

5. As noted with this inspection and past inspections by Ohio EPA, the WWTW is deteriorating and Ohio EPA believes this facility needs to be evaluated to determine whether the treatment system should be replaced (in whole or in part). **By no later than June 15, 2012, the permittee must contract with a Professional Engineer licensed in the State of Ohio to evaluate the WWTW and determine what improvements are needed for the WWTW to comply with the NPDES permit. This evaluation must be submitted to Ohio EPA no later than July 15, 2012, and must include the following items:**
- a. **Provide alternatives for achieving compliance with the NPDES permit. This should include a full evaluation of the influent flows and waste stream concentrations. It should also examine a number of different wastewater treatment technologies that would provide compliance with the discharge permit and allow operational flexibility (especially since this a small facility). All of the alternatives must be accompanied by cost effectiveness evaluations. If any parts of the existing WWTW are proposed to be utilized in the future, an evaluation/certification of the structure integrity must be made (water tightness, performance, etc.)**
 - b. **Select preferred alternative for implementation.**
 - c. **A proposed schedule for implementing the preferred alternative. This schedule shall include (but not limited to) the following: submittal for regulatory review, advertise bids, award bid, begin construction, end construction, operational attainment.**

Permit # : 1PW00038*BD
NPDES #: OH0127213

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 contact Christine Rideout, Assistant Attorney General (614-466-2766), for direction concerning the pending enforcement case.

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

7007 0220 0001 2491 5765

OFFICIAL USE
 MAILED MAY 16, 2012

Postage \$		RTN TO: TANA FLICKINGER - LETTER FROM: Postmark JOSH Here JACKSON SW
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Total **MR KEN BUTTS**
 Sent **LAUREL BELL APARTMENTS**
 Street or PO **1881 LAUREL-LINDALE RD LOT 9**
 City, State **NEW RICHMOND OH 45157**

PS Form 3800, August 2006 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. 	A. Signature * <i>Becky Wall</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) <i>S. WALLS</i> C. Date of Delivery <i>5/17</i>
1. Article Addressed to:	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
MR KEN BUTTS LAUREL BELL APARTMENTS 1881 LAUREL-LINDALE RD LOT 9 NEW RICHMOND OH 45157	3. Service Type <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.
2. Article Number (Transfer from service label)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
	7007 0220 0001 2491 5765