



**Environmental  
Protection Agency**

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

August 14, 2012

RE: SUMMIT COUNTY  
COPLEY TOWNSHIP  
FIRST BENEFITS  
3636 COPLEY ROAD  
OHIO EPA PERMIT NO. 3GS00012\*BG  
US EPA NO. OHGS00032

First Benefits  
Attn: Ms. Kathy Frazier  
P.O. Box 4291  
Akron, OH 44321

**NOTICE OF VIOLATION**

Dear Ms. Frazier:

This letter is a follow-up to the August 6, 2012 meeting and inspection of the wastewater treatment system at the above referenced facility. Ohio EPA was represented by this writer and Erm Gomes of the Division of Surface Water. Representing First Benefits was Joe Frazier, landlord of the building.

The main 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, Ohio Administrative Code (OAC) Rule 3745-7-09 and OAC 3745-7-04. For your information, attached are copies of OAC 3745-7-09, which is titled "Recordkeeping requirements and responsibilities of a certified operator" and OAC 3745-7-04, which is titled "Treatment works and sewerage system classification and staffing requirements."

According to our database, Paul Header is identified as your Operator of Record (ORC). Header Maintenance, in which Paul Header is the owner and analyst, is identified as the reporting laboratory on your monthly electronic Discharge Monitoring Reports (eDMRs).

**Wastewater Treatment Plant (WWTP) Review**

During the recent inspection of your WWTP, the plant was in extremely poor operation and maintenance condition. The following deficiencies were noted:

1. The plant was running, but one of the aeration blower motors was not operable. The stand-by blower unit must be operable.
2. The mixed liquor in the aeration tank was very dark brown, rather than the appropriate chocolate brown; it appears that solids need to be wasted from the aeration tank immediately.
3. The clarifier, which should contain most clear water, was full of solids.
4. The surface sand filters were in very poor condition. The sand was not level, the filters were full of solids and weeds, there were cracks in the walls, and no flow splitter box was present. These solids on the surface of the sand filters are considered a solid waste. As such, these solids should be placed in a watertight container and placed with the remainder of the site's trash, where they ultimately proceed to a properly permitted solid waste landfill.
5. The sludge drying beds were also in extremely poor condition and full of solids. These solids are also considered a solid waste.

6. There was no dechlorination tablet dispenser in the disinfection tank. As such, this office is uncertain how your facility is meeting its stringent chlorine residual limitation.
7. The effluent pump station's alarm and the second pump were not operable.
8. There were electrical wires and extension cords all over the ground surface of the treatment plant. Also, the dosing pump electrical box needs to be re-wired. For safety reasons, all wires lying on top of the ground need to be placed in conduit or buried underground. It appears that the entire WWTP needs re-wired by a certified electrician.

#### Operator Certification/Record Keeping/Wastewater Sampling & Analysis

During the inspection, it was revealed that records required pursuant to your NPDES permit and OAC 3745-7-09 are not being maintained at the facility. According to OAC 3745-7-09(A), the owner and ORC of a wastewater treatment system shall maintain operation and maintenance records for the treatment system. Some of the formats in which the records may be maintained include, but are not limited to, hard bound books with consecutive page numbering, time cards, separate operation and maintenance records, or well organized computer logs.

According to OAC 3745-7-09(A)(1), the records shall be housed and maintained in such a manner as to be protected from weather damage and guarantee the authenticity and accuracy of the records contained within. According to OAC 3745-7-09(A)(2), the records shall be accessible onsite for 24-hour inspection by agency or emergency response personnel. According to OAC 3745-7-09(A)(3), at a minimum, the following information shall be recorded:

- (a) Identification of the sewerage system, or treatment works;
- (b) Date and time of arrival and departure for the ORC and any other operator required by this chapter;
- (c) Specific operation and maintenance activities that affect or have the potential to affect the quality or quantity of sewage conveyed, or effluent produced;
- (d) Results of tests performed and samples taken, unless documented on a laboratory sheet;
- (e) 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, or effluent produced; and
- (f) Identification of the persons making entries.

In addition to the log book, a copy of the contract with your ORC must be maintained at the site.

Part II of your NPDES permit indicates that your sewage treatment facility shall be classified as a Class A facility. According to OAC 3745-7-04, the minimum staffing hour requirement for a Class A facility is two days per week for a minimum of one-hour per week. Because there was no log book at your facility, you are in violation of OAC 3745-7-04 for not meeting minimum staffing hour requirements.

First Benefits's NPDES permit contains specific monitoring and reporting requirements for the following parameters: CBOD<sub>5</sub>, Suspended Solids, Ammonia, pH, Dissolved Oxygen, Fecal Coliform, Flow, Chlorine Residual, Color, Odor, and Turbidity. According to Part III General Conditions of the NPDES permit, test procedures for the analysis of pollutants shall conform to Title 40 Code of Federal Regulations (CFR) 136. Pursuant to 40 CFR 136, the analyses for pH, Dissolved Oxygen, Chlorine Residual, Color, Odor, and Turbidity must be performed on-site with the results documented in the facility's log book. The remaining parameters are sampled on-site and typically taken to an off-site laboratory to be analyzed. During the recent inspection,

there was no documentation onsite indicating that samples were taken or analyzed in accordance with 40 CFR 136 for any of the permitted parameters.

Please read the attached June 27, 2012 performance audit inspection of Paul Header's laboratory, Header Maintenance. The laboratory audit inspection was conducted by Steven Roberts, Quality Assurance Supervisor of Ohio EPA's Division of Environmental Services. The summary of the audit inspection states, "In general there were some very significant issues noted during the inspection that jeopardizes the defensibility of almost if not all data....." submitted by Header Maintenance to Ohio EPA.

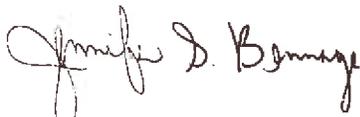
Based upon the unacceptable laboratory audit results and the fact that Header Maintenance is not meeting the requirements of 40 CFR 136, Ohio EPA will not accept wastewater sampling data analyzed by Header Maintenance for First Benefits until further notice. Accordingly, First Benefits must find an alternative lab to analyze its samples.

In summary, First Benefits is in violation of OAC 3745-33 for not meeting NPDES permit requirements, OAC 3745-7-09 for not maintaining a facility log book, and OAC 3745-7-04 for not meeting minimum staffing hour requirements.

**Please inform this office, in writing, with 14 days of the date of this letter, as to the actions 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 contact this office at (330) 963-1151.

Respectfully,



Jennifer S. Bennage  
Environmental Engineer  
Division of Surface Water



Dean Stoll, P.E.  
Unit Supervisor  
Division of Surface Water

JSB/DS/cs

Cc: Bill Fischbein, Ohio EPA, Legal, CO  
Andrew Barienbrock, Ohio EPA, DDAGW, Operator Certification Unit, CO  
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Paul Header, Header Maintenance  
Jim Wing, PUCO

Ec: Erm Gomes, Ohio EPA, DSW, NEDO  
Dean Stoll, Ohio EPA, DSW, NEDO

Enclosures



Figure 1: First Benefits WWTP – Extended Aeration Tank with un-operable second blower, Sludge Drying beds full of sludge, Dosing Chamber with un-operable pumps



Figure 2: First Benefits – Surface Sand Filters



Figure 3: First Benefits WWTP – Extension Cords lying on ground.



Figure 4: First Benefits WWTP – Dosing Station Electrical Box - needs re-wired by certified electrician