



**Environmental
Protection Agency**

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

August 13, 2012

RE: SUMMIT COUNTY
BATH TOWNSHIP
WILLIAM J. WARZLOW
C/O GHENT INVESTOR'S LLC
843 N. CLEVELAND-MASSILLON ROAD
NPDES PERMIT NO. 3PR00355*BD

NOTICE OF VIOLATION

Ghent Square
Attn: Mr. James Warzlow
P.O. Box 133
Bath, OH 44210

Dear Mr. Warzlow:

This letter is a follow-up to the August 6, 2012, 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.

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).

The wastewater treatment plant was in operation at the time of the inspection. Some of the deficiencies noted are that the disinfection tank wall is cracked, and there doesn't appear to be a dechlorination tablet dispenser in the tank. There is a chlorine tablet dispenser present, but there also needs to be a dechlorination dispenser. This office is uncertain how the facility is meeting its stringent chlorination residual limit without utilizing dechlorination tablets.

Also during the recent 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 record 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.

Ghent Square's NPDES permit contains specific monitoring and reporting requirements for the following parameters: CBOD₅, 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.

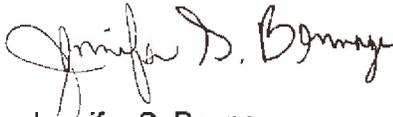
Based upon the unacceptable laboratory audit results and the fact that Header Maintenance is not meeting the requirements of 40 CFR 136, Ohio EPA will not accept wastewater sampling data analyzed by Header Maintenance for Ghent Square until further notice. Accordingly, Ghent Square must find an alternative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

In summary, William J. Warzlow c/o Ghent Investor's, LLC (Ghent Square) is in violation of OAC 3745-33 for not meeting NPDES permit requirements, OAC 3745-7-09 for not maintaining a proper 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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Enclosures