



**Environmental  
Protection Agency**

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

August 14, 2012

RE: SUMMIT COUNTY  
BATH TOWNSHIP  
OLD TRAIL SCHOOL  
2315 IRA ROAD  
NPDES PERMIT NO. 3PT00091\*ED

Old Trail School  
Attn: Mr. John Farber, Head of School  
2315 Ira Road  
Bath, OH 44210

**NOTICE OF VIOLATION**

Dear Mr. Farber:

This letter is a follow-up to the August 6, 2012 meeting and inspection of the drinking water and wastewater treatment systems at the above referenced facility. Ohio EPA was represented by this writer, Erm Gomes of the Division of Surface Water and Bob Henn of the Division of Drinking and Ground Waters. In addition to you, the school was represented by Bob Morgan, Head of Maintenance, and Jimmy Sobrevski, Maintenance Operator. This letter only addresses the findings related to the wastewater treatment system. Findings related to the drinking water system will be addressed in a separate correspondence from Mr. Henn.

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).

During the recent inspection, the Old Trail School's wastewater treatment system appeared to be in satisfactory operation and maintenance condition. All system components appeared to be working properly, and the effluent appeared to be clear of visible solids. However, the inspection revealed that records required pursuant to your National Pollutant Discharge Elimination System (NPDES) permit and OAC 3745-7-09 are not being properly maintained at the facility. In the facility's wastewater greenhouse, there was an untitled, un-initialed book which appeared to contain some sort of entry and exit times only (see attachment). This "log book" does not meet the requirements of the rule.

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 I facility. According to OAC 3745-7-04, the minimum staffing hour requirement for a Class 1 facility is three days per week for a minimum of 1.5 hours per week. Based on the inadequate "log book" at your facility, Old Trail School is in violation of OAC 3745-7-04 for not meeting minimum staffing hour requirements.

Old Trail School's NPDES permit contains specific monitoring and reporting requirements for the following parameters: CBOD<sub>5</sub>, Suspended Solids, Ammonia, pH, Dissolved Oxygen, E. coli, Flow, 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 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. With the exception of flow, which is logged by a computer system, there was no documentation onsite indicating that samples were taken or analyzed in accordance with 40 CFR 136 for any of the permitted parameters.

At our recent meeting, you were provided with a copy of a 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.

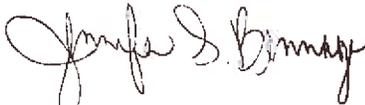
Based upon the unacceptable laboratory audit results and the fact that Header Maintenance is not meeting the requirements of 40 CFR 136, Ohio EPA will not accept wastewater sampling data analyzed by Header Maintenance for Old Trail School until further notice. Accordingly, Old Trail School must find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

In summary, Old Trail School 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  
Daniel Kopec, Ohio EPA, DSW, CO  
Paul Header, Header Maintenance

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

Enclosures: Photograph

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