



**Environmental
Protection Agency**

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

August 14, 2012

RE: SUMMIT COUNTY
COPLEY TOWNSHIP
GROSS FAMILY LIMITED PARTNERSHIP
DBA CASTLE APARTMENTS, INC.
(FOXTAIL GLEN APTS;
FORMERLY MARTIN HOUSE APTS.)
2113 COPLEY ROAD
NPDES NO. 3PW00008*FD

NOTICE OF VIOLATION

Gross Family Limited Partnerships
Attn: Richard D. Hawkins, Vice President
1615 Akron Peninsula Road
Akron, OH 44313

Dear Mr. Hawkins:

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. In addition to you, representing Castle Apartments was Roger Hersman of Maintenance. Mr. Paul Header, the facility's Operator of Record (ORC), showed up towards the end of the inspection.

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 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, it was noted that while some plant improvements have taken place, several deficiencies still remain:

1. The trash trap's lid was not in place. Not only is this a safety concern, but the lid will help reduce odors.
2. Also, the influent chamber's lid must remain closed. It appears that holes may need to be drilled into the lid so that the pipes can proceed out of the chamber.

3. The treatment plant was running, but one of the aeration blower motors was not operable. The stand-by blower unit must be operable.
4. As a safety concern, the gratings over the extended aeration tank need to be kept closed.
5. The mixed liquor in the aeration tank was still very dark brown, rather than the appropriate chocolate brown; it appears that solids need to be wasted from the aeration tank immediately. Paul Header mentioned that the treatment plant has no sludge holding tank to pump wasted solids. We discussed the possibility of retrofitting the old, unused influent chamber into an aerated sludge holding tank. In a separate e-mail, this office will send you information concerning the permit-to-install (PTI) application process. A PTI must be received prior to the installation/modification of any tanks.
6. The clarifier, which should contain most clear water, was full of floating solids.
7. The dosing pump station only had one operable pump. Two pumps are required that automatically alternate when dosing the surface sand filters.
8. The disinfection tank did not contain any chlorine tablets, and the dechlorination tablet dispenser was non-existent.
9. There still were electrical wires and extension cords lying on the ground surface of the treatment plant. For obvious safety reasons, all wires lying on top of the ground need to be placed in conduit or buried underground. It appears that much of the WWTP needs re-wired by a certified electrician.
10. According to Paul Header, after removing dried solids from the surface sand filters, he hauls the solids away in his truck. Mr. Header is not a licensed solid waste hauler. Please make certain that these dried solids are properly disposed. The solids should be placed in a watertight contained and placed with the remainder of the site's trash, which ultimately proceeds to a solids waste landfill.

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. When noticing that no log book was present at the facility, this office asked Paul Header if perhaps he kept a log book with him in his truck. Mr. Header replied that he keeps no wastewater log books whatsoever.

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 I facility. According to OAC 3745-7-04, the minimum staffing hour requirement for a Class I facility is three days per week for a minimum of 1.5 hours 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.

Foxtail Glen Apartment's permit contains specific monitoring and reporting requirements for the following parameters: CBOD₅, Suspended Solids, Ammonia, pH, Dissolved Oxygen, Fecal Coliform, Flow, Chlorine Residual, Temperature, 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, Temperature, 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.

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.

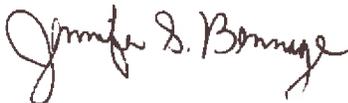
Based upon the unacceptable laboratory audit results and the fact that Header Maintenance is not meeting the requirements of 40 CFR 136, Ohio EPA will not accept wastewater sampling data analyzed by Header Maintenance for Gross Family Limited Partnership dba Castle Apartments, Inc. (Foxtail Glen Apts.) until further notice. Accordingly, Foxtail Glen Apartments must find an alternative lab to analyze its samples.

In summary, Foxtail Glen Apartments 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: Scott Gross, President, Gross Family Limited
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

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Enclosures