



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

Re: **Notice of Violation**
Henry County
Bavarian Club
NPDES Permit 2PR00163

November 20, 2012

Mr. Wayne Mohring
Bavarian Club
4-321 State Route 281
Malinta, Ohio 43535

Dear Mr. Mohring:

On October 18, 2012, Ms. Dana Martin-Hayden and I conducted an inspection of the wastewater treatment facilities serving the Bavarian Club located at 3814 State Route 18, Deshler, in Henry County. At the time of the inspection, the wastewater treatment plant (WWTP) was not discharging.

The following was noted during the inspection:

1. A review of the discharge monitoring reports submitted to our office for the time period from 9/1/07 to 10/1/12 revealed that **no samples** have been taken. It is our understanding that the facility only operates on Sunday. However, the contract with the certified operator of record should stipulate that samples be taken when the plant is discharging. Rule 3745-7-09 (B) of the Ohio Administrative Code (OAC) states that a certified operator shall:
 - (1) Perform their duties in a responsible and professional manner consistent with standard operating procedures and best management practices;
 - (2) Operate and maintain public water systems, sewerage systems, treatment works, and appurtenances so as not to endanger the health or safety of persons working in or around the facility, the public at large, or the environment due to negligence or incompetence; and
 - (3) Report all instances of noncompliance with applicable regulations to the operator of record or facility supervisor.

There is currently no way to evaluate the efficiency of this facility since there is no data available. As a result, it is impossible to determine the impact that this facility has on the environment or if this facility is meeting the effluent limits in the current National Pollutant Discharge Elimination System (NPDES) permit. Samples of the plant effluent must be taken at the frequency required by the NPDES permit even if the discharge only occurs on Sunday.

2. A record book was not present at the facility. This is a violation of Rule 3745-7-09 (A) of the OAC (enclosed) that requires that *the owner and operator of record of a public water treatment works shall maintain or cause to be maintained operation and maintenance records for each wastewater treatment facility within a treatment works. 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.*
 - A. 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.
 - B. The records shall be accessible onsite for twenty-four hour inspection by agency or emergency response personnel.
 - C. At a minimum, the following information shall be recorded:
 - i. Identification of the public water system, sewerage system, or treatment works;
 - ii. Date and times of arrival and departure for the operator of record and any other operator required by this chapter;
 - iii. Specific operation and maintenance activities that affect or have the potential to affect the quality or quantity of sewage or water conveyed, effluent or water produced;
 - iv. Results of tests performed and samples taken, unless documented on a laboratory sheet;
 - v. 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 or water conveyed, effluent or water produced; and
 - vi. Identification of the persons making entries.
 - D. The records shall be kept up to date, contain a minimum of the previous three months of data at all times, and be maintained for at least three years.

Mr. Wayne Mohring
November 20, 2012
Page Three

3. Weeds were present in the sand filters.
4. There were no chlorination or de-chlorination tablets present in the contact tank.

It is important to maintain the chlorination and de-chlorination for the disinfection of the wastewater that is required during the summer months of your NPDES permit. Sand filters also require maintenance in order to operate properly.

Please inform this office in writing, within 14 days, as to the reasons for the above referenced violations, as well as a description of the actions taken or proposed to ensure that the representative samples of the treatment plant effluent are obtained and that Operator Certification rules are followed. If these violations continue, we will have no choice but to recommend escalated enforcement action to achieve compliance.

If you have any questions, please call Dana Martin-Hayden at 419-373-3067.

Sincerely,



Peggy B. Christie
Environmental Engineer
Division of Surface Water

/jlm

Enclosures

pc: Timothy Phillips, Operator

ec: Inspection Tracking



State of Ohio Environmental Protection Agency
Northwest District Office

NPDES Compliance Inspection Report
Semi-Public Sewage Disposal Inspection Form

Section A: National Data System Coding					
Permit #	NPDES#	Month/Day/Year	Inspection Type	Inspector	Facility Type
OH0130265	2PR00163	10/18/12	C	S	2

Section B: Facility Data		
Name and Location of Facility Inspected	Entry Time	Permit Effective Date
Bavarian Club 3814 State Route 18 Deshler, OH 43516-9769	11:30	9/1/07
	Exit Time	Permit Expiration Date
	1:00	8/31/12
Name(s) and Title(s) of On-Site Representatives	Phone Number(s)	
Wayne Mohring	(419) 966-3121	
Name(s), Address and Title(s) of Operator of Record	Phone Number(s)	
Timothy Phillips	(419) 439-0295	
Name, Address and Title of Responsible Official	Phone Number	
Wayne Mohring 4-321 State Route 281 Malinta, OH 43535		

Ohio EPA Inspector	Ohio EPA Reviewer
 Dana Martin-Hayden Division of Surface Water Northwest District Office	 Thomas Poffenberger, P.E. Water Quality Engineer II/Unit Supervisor Division of Surface Water Northwest District Office
Date 11/16/12	Date 11/16/12

Average Daily Design Flow:	7000 Gallons/Day
Plant Serves:	
Average Daily Flow: (Period of Review):	Unknown Gallons/Day (9/1/07 through 10/1/12)
Method of flow monitoring:	Unknown
Type of alarms for plant:	Audio/Visual

Pretreatment

Type of Pretreatment: **Trash Trap**
 Does the Trash Trap need pumped: **Yes**
 Maintenance of pretreatment components is: **Fair**

Comments/Status:

One trash trap at the head of the plant, and one grease trap near the building. These are cleaned out once a year. Trash trap volume was high.

**Secondary Treatment
(Aeration)**

Color of sludge: **Black**
 Quality of Sludge: **Thin**
 Foam: **Light**
 Odor: **No objectionable odor present**

	Yes	No		Yes	No
Aeration is taking place	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Plant is septic	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Blowers are operating	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Blowers are on a timer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Skimmers are operating	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Plant is flooded	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Diffusers are operating	<input type="checkbox"/>	<input type="checkbox"/>	Grating is present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sludge return is operating	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

Maintenance of aerating equipment is...**Fair**

Comments/Status:

Blowers operate on a 45 min on/off cycle. There was very little sludge present. The appearance of the activated sludge was black and thin/watery. Grating over the aeration tank was rusted.

**Secondary Treatment
(Settling)**

Clarity: **Clear**
 Condition of Weir: **Duckweed present and dirty**

Weir is level: **Yes**
 Effluent in weir: **Clear**
 Clarifier walls need scraped: **Yes**

Overall maintenance of settling components is: **Fair**

Comments/Status:

Skimmer not adjusted to water level

Tertiary Treatment

	Yes	No		Yes	No
Surface sand Filters:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Subsurface	<input type="checkbox"/>	<input type="checkbox"/>
Distribution box operating	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Beds alternated: Unknown	<input type="checkbox"/>	<input type="checkbox"/>
Are filters ponding/flooding	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Beds raked	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sand filters overgrown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chlorination present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
UV present	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Dechlorination present	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Overall maintenance of components is: **Poor**

Comments/Status:

There were no chlorination/ Dechlorination tablets present in the contact tank.

Sludge Handling/Storage Disposal

Hauler name:
 Disposal Site:
 Sludge wasted from:
 How often is sludge wasted: Unknown
 Sludge drying beds: **No** Sludge holding tank: **No**

Overall maintenance of components is: **N/A**

Comments/Status:

Plant Discharge

Discharge point is a: **Creek**
 Name of discharge point: **Hammer Creek**
 Discharge is visible: **See comment** Quality of Effluent: **NO**

Comments/Status:

Two pipes observed. Unknown which was the discharge pipe for the WWTP. Unit was not discharging at the time of the inspection.

EFFLUENT LIMIT VIOLATIONS
(Period of Review: 9/1/07 through 10/1/12)

See attached eDMR data. The facility operates only on the weekends. There has been NO sampling of the effluent in the last 5 years.

Bavarian Club Inc	2PR00163*BD	1 00530	Total Suspended Solids	mg/l	1/1/2012	AL	No Discharge added by MOR load - PKG_DATA_TRANSFER
Bavarian Club Inc	2PR00163*BD	1 00530	Total Suspended Solids	mg/l	2/1/2012	AL	No Discharge added by MOR load - PKG_DATA_TRANSFER
Bavarian Club Inc	2PR00163*BD	1 00530	Total Suspended Solids	mg/l	4/1/2012	AL	No Discharge added by MOR load - PKG_DATA_TRANSFER
Bavarian Club Inc	2PR00163*BD	1 00530	Total Suspended Solids	mg/l	5/1/2012	AL	No Discharge added by MOR load - PKG_DATA_TRANSFER
Bavarian Club Inc	2PR00163*BD	1 00530	Total Suspended Solids	mg/l	6/1/2012	AL	No Discharge added by MOR load - PKG_DATA_TRANSFER
Bavarian Club Inc	2PR00163*BD	1 00530	Total Suspended Solids	mg/l	7/1/2012	AL	No Discharge added by MOR load - PKG_DATA_TRANSFER
Bavarian Club Inc	2PR00163*BD	1 00530	Total Suspended Solids	mg/l	8/1/2012	AL	No Discharge added by MOR load - PKG_DATA_TRANSFER
Bavarian Club Inc	2PR00163*BD	1 00530	Total Suspended Solids	mg/l	9/1/2012	AL	No Discharge added by MOR load - PKG_DATA_TRANSFER
Bavarian Club Inc	2PR00163*BD	1 31616	Fecal Coliform	#/100	6/1/2009	AL	
Bavarian Club Inc	2PR00163*BD	588 70316	Sludge Weight	Dry Tr	9/1/2007	AL	
Bavarian Club Inc	2PR00163*BD	588 70316	Sludge Weight	Dry Tr	10/1/2007	AL	
Bavarian Club Inc	2PR00163*BD	588 70316	Sludge Weight	Dry Tr	11/1/2007	AL	
Bavarian Club Inc	2PR00163*BD	588 70316	Sludge Weight	Dry Tr	12/1/2007	AL	
Bavarian Club Inc	2PR00163*BD	588 70316	Sludge Weight	Dry Tr	12/1/2008	AL	
Bavarian Club Inc	2PR00163*BD	588 70316	Sludge Weight	Dry Tr	12/1/2009	AL	No Discharge added by MOR load - PKG_DATA_TRANSFER
Bavarian Club Inc	2PR00163*BD	588 70316	Sludge Weight	Dry Tr	12/1/2010	AL	No Discharge added by MOR load - PKG_DATA_TRANSFER
Bavarian Club Inc	2PR00163*BD	588 70316	Sludge Weight	Dry Tr	12/1/2011	AL	No Discharge added by MOR load - PKG_DATA_TRANSFER

3745-7-09 **Recordkeeping requirements and responsibilities of a certified operator.**

- (A) The owner and operator of record of a public water system, treatment works or sewerage system shall maintain or cause to be maintained operation and maintenance records for each public water system, distribution system, water treatment plant within a public water system, sewerage system, treatment works, or wastewater treatment facility within a treatment works. 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.
- (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.
 - (2) The records shall be accessible onsite for twenty-four hour inspection by agency or emergency response personnel.
 - (3) At a minimum, the following information shall be recorded:
 - (a) Identification of the public water system, sewerage system, or treatment works;
 - (b) Date and times of arrival and departure for the operator of record 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 or water conveyed, effluent or water 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 or water conveyed, effluent or water produced; and
 - (f) Identification of the persons making entries.
 - (4) The records shall be kept up to date, contain a minimum of the previous three months of data at all times, and be maintained for at least three years.
- (B) A certified operator shall:
- (1) Perform their duties in a responsible and professional manner consistent with standard operating procedures and best management practices;
 - (2) Operate and maintain public water systems, sewerage systems, treatment works, and appurtenances so as not to endanger the health or safety of persons working

in or around the facility, the public at large, or the environment due to negligence or incompetence; and

(3) Report all instances of noncompliance with applicable regulations to the operator of record or facility supervisor.

(C) The duties of an operator of record shall include, but not be limited to, those outlined in paragraphs (B)(1) to (B)(3) of this rule and the following additional duties and responsibilities:

(1) Responsible and effective on site management and supervision of the technical operation of the public water system, treatment works, or sewerage system;

(2) Immediately notifying the permittee or owner of a public water system, sewerage system, or treatment works, and ensuring the agency and, if applicable, the local regulatory agency, is notified of items that require notification in accordance with section 6109. or 6111. of the Revised Code, the rules adopted thereunder, or the facility's NPDES permit; and

(D) In the event that there are issues related to paragraphs (A) to (C) of this rule that are within the area of responsibility of, but beyond an operator of record or a certified operator's ability to address, it shall be the operator's responsibility to document any efforts to rectify the problem.

Effective: 02/23/2012

R.C. 119.032 Review Dates: 11/30/2011 and 11/30/2016

Promulgated Under: 119.03

Statutory Authority: 6111.46, 6109.04

Rule Amplifies: 6111.46, 6109.04

Prior Effective Dates: 12/21/2006