



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

August 20, 2013

RE: GEauga COUNTY
NEWBURY TWP
LUCKY'S STOP N GO
NPDES PERMIT 3GS00151

CERTIFIED MAIL

NOTICE OF VIOLATION

D.M. Baxter, LLC
Attn: Debra M. Baxter
15674 Ravenna Road
Newbury, OH 44065

Dear Ms. Baxter:

On August 16, 2013, this writer conducted an inspection of the sewage treatment plant serving the facility located at 15646 Ravenna Road. The intent of the inspection was to assess the operations and maintenance of the treatment system and review compliance with the National Pollutant Discharge Elimination System (NPDES) permit.

The wastewater system currently serves a convenient store and a rental apartment. According to Agency records, an upgraded wastewater treatment system was installed under Ohio EPA Permit-To-Install PTI 834280, which was effective December 20, 2011.

The wastewater system includes a 600 gallon AS 600 treatment system which includes 700 gallon flow equalization tank, 1,000 gallon aeration tank with final settling provided, final dosing, 50 ft² of surface sand filters equally divided into 2 filters and UV disinfection. The final effluent discharges on the north side of the property, to a tributary of LaDue Reservoir.

Below are the findings and recommendations from the inspection:

NPDES PERMIT COMPLIANCE

- 1) The permit compliance review indicates you have violated the terms and conditions of your NPDES permit. The facility has failed to conduct the required monitoring and has failed to submit any discharge monitoring reports for the entire duration of the NPDES permit. This is a violation of your NPDES permit and subject to enforcement actions pursuant Ohio Revised Code, Chapter 6111. To avoid this matter being referred to our Legal section for an enforcement action, you must respond in writing by September 6, 2013 with corrective actions taken to correct this deficiency.
- 2) According to the NPDES permit, the wastewater treatment system is listed as a Class A Wastewater Treatment system. Our records indicate no certified operator has been obtained for this facility. The NPDES permit requires you to

obtain the services of a certified operator and submit the enclosed Operator of Record (ORC) form to this Agency. The ORC must include the name and signatures of the certified operator and the owner.

- 3) The operator log book was not found onsite at the time of the inspection. As such, records required pursuant to Ohio Administrative Code (OAC) 3745-7-09(A) (3) are not being maintained at the facility and were not available for inspection as required by rule.

The records must be accessible onsite for twenty-four hour inspection by agency or emergency response personnel as prescribed by OAC 3745-7-9(A) (2). The facility Owner and Operator are both responsible to make sure that the log book is available and maintained on site for 24-hour access by Ohio EPA and emergency response personnel. The log must include inspection dates with time in and time out, clearly identify who is logging time at the facility, and list all activities being performed during the visit. In addition to the log book, a copy of the contract with your Operator of Record (ORC) must be maintained at the site.

Based upon a lack of a log book to document visits by your ORC, The Child Garden is in violation of OAC 3745-7-04 for not meeting minimum staffing hour requirements, OAC 3745-7-02 for not listing all ORCs, OAC 3745-7-09 for not maintaining a facility log book, and OAC 3745-33 for not meeting permit conditions, specifically Part II, Item A that requires that this facility be overseen by an ORC.

INSPECTION SUMMARY

Below are the findings and recommendations from the inspection:

The inspection revealed the WWTP was in operation and all treatment units appeared to be in operation. The WWTP was producing what appeared to be a satisfactory quality effluent. The sand filters were full of solids and vegetative growth which must be removed so the sand media can effectively treat the wastewater. The UV unit was inspected and the operation of the unit was questionable. This office is not certain if the unit was online. The WWTP is required to provide disinfection from May through October every year.

SUMMARY

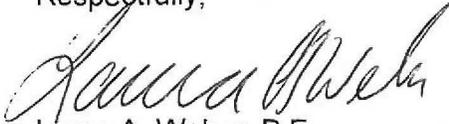
- 1) Begin monitoring the effluent and submitting the eDMR as soon as possible but no later than September 2013 (for monitoring completed in the month of August 2013.)
- 2) Obtain a log book and ensure it is located onsite at all times.
- 3) Submit an ORC form to the Ohio EPA.
- 4) Provide this office with updates regarding the operation and maintenance of the sand filters and the UV unit.

Please inform this office, in writing, within 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.

Should you have any comments or questions regarding this letter or your non-compliance, please contact this office at (330)963-1299.

Respectfully,

A handwritten signature in cursive script, appearing to read "Laura A. Weber".

Laura A. Weber, P.E.
Environmental Engineer
Division of Surface Water

LAW/cs

cc: Geauga County Health Department

7012 3050 0001 8843 1658

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PS Form 3800, August 2006

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D.M. Baxter, LLC
 Attn: Debra M. Baxter
 15674 Ravenna Road
 Newbury, OH 44065

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8-21-13