



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

September 23, 2013

RE: FORMER TASS MOTOSPORTS/NEMX
OHIO EPA PERMIT 3MP00024
RICHMOND TWP., ASHTABULA CO.
MISSING MONITORING REPORTS
FAILURE TO TRANSFER LAMP

NOTICE OF VIOLATION

CERTIFIED MAIL

James J. and Kathleen M. Smolinski, Owners
2000 Pymatuning Lake Road
Andover, OH 44003

Andy Sczypta, President
Tass Enterprises, Inc.
6891 Parks Road
Orwell, OH 44076

Dear Mr. Smolinski, Ms. Smolinski, and Mr. Sczypta:

During a review of Ohio EPA's electronic discharge monitoring report (eDMR) information for the above referenced facility located at 3371 State route 7, Richmond Township, Ashtabula County, Ohio EPA notes that eDMRs have not been submitted for the months of May, June, July, and August 2013.

According to the Ashtabula County Auditor, Ohio EPA understands that the property was sold on August 26, 2013. Please note that Tass Enterprises has been issued a land application management plan (LAMP) authorization for the management and disposal of sanitary sewage generated at the property. The wastewater treatment plant (WWTP) discharges to a holding pond located northwest of the Northeast Motocross (NEMX) complex, and treated sewage is land applied to agricultural fields also located northwest of the NEMX complex. The LAMP requires that the WWTP be seen by an Ohio licensed wastewater plant operator, and contains monitoring requirements for when the WWTP discharges to the holding pond, and additional monitoring requirements when the water is land applied to the agricultural fields.

As indicated in Ohio EPA's letter to Tass Enterprises on August 8, 2013, Ohio EPA notes that Mr. Craig Pierce has removed himself as the Operator of Record for this facility effective April 30, 2013. Pursuant to the land application management plan (LAMP) authorization referenced above, the wastewater plant must be seen by a Class A WWTP operator. In addition to having an operator, the LAMP authorization must be transferred to the new owner. Attached please find the forms for transferring the LAMP authorization from Tass Enterprises to the new owners.

Operating reports must be filed with the state even if there is no flow report for a particular month. If no flow was generated for a specific month in question, the reports must still be filed with the box checked indicating no flow for the month and the report pinned. If data has been collected but not

placed into the eDMR system, reports may still be filed or amended through your normal eDMR reporting procedures. If data has not been collected, please provide an explanation as to why this data was not collected and reported as prescribed by your NPDES permit.

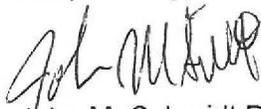
Minimum staffing of the wastewater plant pursuant to Ohio Administrative Code (OAC) 3745-7-04(C) must be maintained as long as the permit is active. A Class A facility must be seen for a minimum of twice a week for a total of one hour. Please note under OAC 3745-7-04(C)(2)(f) that a WWTP owner may request for a reduced frequency during the off-season when the WWTP is not operating, but the request must be made in writing to Ohio EPA's wastewater operation certification board using Ohio EPA's prescribed forms. The prescribed form and instructions may be found under seasonal operations at <http://epa.ohio.gov/dsw/opcert/opcert.aspx>. If a reduction is requested, please provide a courtesy copy to this office for our files.

Please inform this office, in writing, within 30 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. In your response, Ohio EPA will need to know what the future intentions are for this facility, as the current wastewater treatment system design was based upon the use of the complex in the winter months, with land application occurring in the month of June. Changes in usage of the complex may require modification of the existing wastewater treatment system.

Due to both the duration and nature of the missing information, this facility is currently in significant noncompliance. 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 notification, please feel free to contact me at (330) 963-1175.

Respectively,



John M. Schmidt P.E., R.S.
Environmental Engineer
Division of Surface Water

JMS/cs

Attachments: Transfer of NPDES Permit Form with Instructions (5pp, rev 11/2012)
August 8, 2013, Notice of Violation (NOV)

cc: Craig Pierce
Brenda Williams, Ashtabula County Building Department
Ray Saporito, Ashtabula County Health Department

File/Semipublic/Ashtabula/Richmond Twp/Tass Enterprises (3MP00024)

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>James J. Smolinski</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p>James J. and Kathleen M. Smolinski, Owners 2000 Pymatuning Lake Road Andover, OH 44003</p>	<p>B. Received by (Printed Name) <i>JAMES J Smolinski</i> C. Date of Delivery <i>9-24-13</i></p>
<p>2. Article Number (Transfer from service label) <i>7012 3050 0001 8843 1795 DSW 9/23/13</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>PS Form 3811, February 2004</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>Domestic Return Receipt</p>	<p>102595-02-M-1540</p>

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<p>1. Article Addressed to:</p> <p>Andy Sczypta, President Tass Enterprises, Inc. 6891 Parks Road Orwell, OH 44076</p>	<p>B. Received by (Printed Name) <i>Andy Sczypta</i> C. Date of Delivery <i>9-24-13</i></p>
<p>2. Article Number (Transfer from service label) <i>7012 3050 0001 8843 1788 DSW 9/23/13</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>PS Form 3811, February 2004</p>	<p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>Domestic Return Receipt</p>	<p>102595-02-M-1540</p>

