



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

Re: **Notice of Violation**  
Allen County  
LaFayette WWTP  
Ohio EPA Permit No. 2PA00049  
NPDES Permit No. OH0053155

September 17, 2013

**CERTIFIED MAIL 7009 1410 0001 1842 5368**

Mayor and Council  
Village of LaFayette  
P.O. Box 7184  
LaFayette, Ohio 45854

Dear Mayor and Council:

On August 9, 2013, our office sent you a Notice of Violation (NOV) letter (enclosed) regarding the Village of LaFayette's wastewater treatment plant (WWTP). That letter requested that a written response regarding those violations outlined in the letter be submitted to our office within 21 days of the date of the letter. To date, our office has not received a response from the Village regarding the violations detailed in our August 9, 2013, letter. Achieving compliance with Ohio's environmental laws is a primary focus of Ohio EPA in order to reduce risks to public health and welfare. **Within 10 days** of the date of this letter, submit a written response to our August 9, 2013, letter. A copy of that letter and its attachments are enclosed for your reference.

Furthermore, this is the second consecutive NOV letter that the Village has been sent and that the Village has not submitted a timely response to, as our office as requested. If the Village does not respond to our August 9, 2013, NOV letter in a timely manner as requested in this letter, if the Village's response to our August 9, 2013, letter is not adequate, or if the Village fails to address any future NOV letter in a timely manner, our office will recommend that the Director of Ohio EPA take an enforcement action against the Village for their recalcitrant attention to the significant non-compliance issues at their WWTP.

If you have any questions, please contact Mr. Justin Williams at (419) 373 – 3022 or at [Justin.Williams@epa.ohio.gov](mailto:Justin.Williams@epa.ohio.gov).

Sincerely,

Thomas Poffenbarger, P.E.  
Water Quality Engineer II/Unit Supervisor  
Compliance/Enforcement  
Division of Surface Water

JAW/jlm

Enclosures

pc: Mr. Wes Hites, Operator

ec: Tom Poffenbarger, DSW – NWDO  
NOV Tracking



John R. Kasich, Governor  
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Re: **Notice of Violation**  
Allen County  
LaFayette WWTP  
Ohio EPA Permit No. 2PA00049  
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August 9, 2013

Mr. Wes Hites, Operator  
LaFayette WWTP  
9195 Sugar Creek Road  
Harrod, Ohio 45850

Dear Mr. Hites:

We are in receipt of your self-monitoring reports covering the months of April through June 2013 for the referenced facility. Our review indicates violations of the conditions of your National Pollutant Discharge Elimination System (NPDES) permit. The specific instances of non-compliance are enclosed on a separate sheet. Further review of your self-monitoring reports for the previous six months, ending in June 2013, indicates that you are in significant non-compliance (SNC) with an effluent limitation contained in your NPDES permit. The specific instance of SNC is enclosed on a separate sheet.

A facility becomes in SNC when it exceeds the effluent limit for four or more months in two consecutive quarters or exceeds the effluent limit significantly in any two months in two consecutive quarters. Achieving compliance with Ohio's environmental laws is a primary focus of Ohio EPA in order to reduce risks to public health and welfare.

**Within 21 days** of the date of this letter, please provide a written update to your July 10, 2013, violation response letter. In that letter, you indicated that the Village was working with a consulting firm to evaluate inflow and infiltration rates and to determine if/what upgrades to the wastewater treatment plant (WWTP) need to be made. Please inform us of any findings or determinations made since your last letter and provide a list and timeframe of proposed actions or plans of study for the future as well as a final project completion date in which you expect the WWTP to attain full compliance.

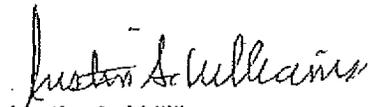
If we do not receive your timely response or if your response does not adequately address the violations enclosed with this letter, the Director of Ohio EPA will likely take an enforcement action against you to bring this treatment facility into compliance with Ohio law.

Mr. Wes Hites  
August 9, 2013  
Page Two

The Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For those wastes or pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner. You can benefit economically, help preserve the environment, and improve your public image by implementing pollution prevention programs. Information about Ohio EPA's Office of Compliance Assistance & Pollution Prevention can be found on Ohio EPA's Website at <http://epa.ohio.gov/ocapp> or by calling (614) 644 – 3469.

If there are any questions or if you wish to meet with our office to discuss this matter, please contact me at (419) 373 – 3022, **within 10 days** of receiving this letter.

Sincerely,



Justin A. Williams  
Environmental Specialist II  
Division of Surface Water

/jlm

Enclosures

pc: Mayor and Council

ec: NOV Tracking

Get New Data

Violations for La Fayette WWTP April - June 2013

Permit No.	Reporting Period	Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
2PA00049*ID	June 2013	001	80082	CBOD 5 day	30D Conc	10.0	11.25	6/1/2013
2PA00049*ID	June 2013	001	80082	CBOD 5 day	7D Conc	15.0	45.	6/22/2013
2PA00049*ID	June 2013	001	80082	CBOD 5 day	7D Qty	5.7	8.68658	6/22/2013

Get New  
Data

Get Detail  
for Selected  
Permit

## Facilities in Significant Non-Compliance \*\*

Period: Jan-13 Jun-13

County	Permit	Facility Name	Invalid	Station Code	Param Code	Parameter Name	Max Exceeded	#Months Significant Exceed (1)	#Months Exceed (2)
Allen	2PA00049	LaFayette WWTP			1 00530	Total Suspended Solids	622.2	2	2

### Footnotes

#### for Significant NonCompliance

\*\* Significant non-compliance with effluent limits occurred if one or more pollutants met the following conditions:

1. During 2 or more months, the reported effluent concentration (or computed load) for a parameter exceeded an effluent limit by:
  - a. 40% for Group 1 pollutants **plus Fecal Coliform**
  - b. 20% for Group 2 pollutants **plus pH, Temperature, whole effluent toxicity**-- or --
2. During 4 or more months, the reported concentration (or computed load) exceeded the limit by > 1%.

Note: This method differs from USEPA Significant Non-compliance (SNC) method in the following ways:

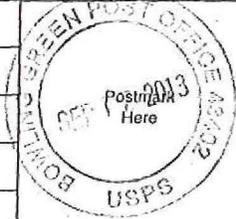
- USEPA only evaluates SNC for average limits. In above analyses, maximum and weekly limits were also considered.

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**MAYOR AND COUNCIL, V OF LAFAYETTE**  
Street, Apt. No.,  
or PO Box No. **P O BOX 7184**  
City, State, ZIP+4  
**LAFAYETTE OH 45854**

PS Form 3800, August 2006 See Reverse for Instructions

Signature card never rec'd