

# GOOD MORNING EVERYONE!!

- Scott Sheerin – Compliance Coordinator for the Ohio EPA
  - Work in Central Office
  - Track and Coordinate Compliance Statewide
- Director's Office Request: Develop a procedure whereby NOV's are more diligently followed up on and are brought to one of two conclusions: Resolution or Enforcement

# Common NPDES Violations

- Failure to submit DMR or provide periodic sample results
- Exceeding Permit Limits
- Failure to provide notification for exceeding permit limits
- Failure to ensure proper sampling (preservation, type, method, records)
- Failure to operate/maintain/calibrate wastewater treatment equipment
- Missing compliance milestones

# \*NEW\* Notice of Violation Process

- OEPA Inspector conducts an inspection and finds violation(s)
- Inspector will communicate those violations during the inspection and inform you that an NOV will be issued
- You will receive TWO documents:
  - **Notice Of Violation (NOV) Letter**
  - **Inspection Summary Letter (with attached inspection form)**
- Up to 30 days to respond to the violation(s). Analyze the problem...provide a well thought out response!
- **PLEASE RESPOND TO THE 1<sup>ST</sup> NOV!**

## \*NEW\* Notice of Violation Process (cont.)

- No response to 1<sup>st</sup> NOV = **2<sup>nd</sup> NOV**
- You will be contacted by the District Supervisor and/or Manager within a couple of weeks of receiving the 2<sup>nd</sup> NOV.
- If there is ultimately no response to a 2<sup>nd</sup> NOV, you will be contacted by the District's Upper Management. **THIS COULD BE YOUR LAST CHANCE PRIOR TO ENFORCMENT!**
- We don't want to have to refer you for enforcement.



## \*NEW\* Notice of Violation Process (cont.)

- An adequate response to the violations is received by the District.
  - Work diligently toward resolving each violation
- **GOOD Communication is key**. Expect continued follow up by District Staff until the NOV has been RESOLVED.
- Once all of the violations cited in the NOV have been resolved, you will receive a **Resolution of Violation (ROV) Letter!**



# RESOLUTION OF VIOLATION LETTER

## Example



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

August 2, 2016

Re: **Village of Nowhere WWTP  
Resolution of Violation (ROV)  
NPDES  
Franklin County  
9PB00000**

Mr. Mayor  
Village of Nowhere WWTP  
1233 Road Runner Way  
Nowhere, Ohio 00000

**Subject: Resolution of Violations**

Dear Mayor:

Thank you for your May 2, 2016 response to Ohio EPA's April 14, 2016 Notice of Violation letter. The violations were originally communicated to you during an exit conference following an inspection conducted on April 5, 2016. The documentation you submitted included a copy of the ORC notification form and a compliance plan.

I have reviewed the documentation that you provided and have determined that Village of Nowhere WWTP has now resolved all violations discovered during the April 5, 2016 inspection. To ensure that all the violations have been addressed, I have included WWTP's response for each violation and its status.

### Resolution of Violation

- ORC chapter 6111.07 (A):** No Person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term, or condition of a permit issued or adopted by the director of the environmental protection pursuant to those sections. Each day of violation is a separate offense.  
**OAC Rule 3745-7-02 (A)(2):** Each person owning or operating a treatment works or sewerage system shall designate one or more operator of record to oversee the technical operation of the treatment works, sewerage system, or each wastewater treatment facility. Except as provided for in paragraphs (E) to (G) of this rule, each operator of record shall have a valid certification of a class equal to or greater than the classification of the treatment works, sewerage system, or wastewater treatment facility.  
**Permit 9PB00000 Part II paragraph A(2)(a):** The permittee shall designate one or more operator of record to oversee the technical operation of the treatment works and sewerage (collection) system in accordance with paragraph (A)(2) of rule 3745-7-02 of the Administrative Code.

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(a) No Operator of Record (ORC) is listed for the collection system.

On 5/2/2016 Ohio EPA received Village of Nowhere WWTP's response which stated that they have submitted the required ORC Notification Form. Mr. John Smith is now listed as Village of Nowhere WWTP's ORC. Ohio EPA records indicate Mr. John Smith is now the listed ORC. Therefore, this violation has been abated.

- ORC chapter 6111.07 (A):** No Person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term, or condition of a permit issued or adopted by the director of the environmental protection pursuant to those sections. Each day of violation is a separate offense.  
**Permit 9PB00000 Part III paragraph 12 (E):** The permittee shall report all other instances of permit noncompliance not reported under paragraphs A or B of this section on their monthly DMR submission. The DMR shall contain comments that include the information listed in paragraphs A or B as appropriate.

(a) Total Suspended Solids (TSS) of 2/1/15, TSS of 3/1/15, E. coli of 5/1/15, and Dissolved Oxygen (DO) of 6/5/15 did not have notes in the comment section explaining why the violation happened and what was done to correct it.

On 5/2/2016 Ohio EPA received Village of Nowhere WWTP's response which stated that Once Mr. Smith was hired, he went obtained privileges and edited the reports to include comments for violations. A subsequent check of the DMR data indicates comments have been added. Therefore, this violation has been abated.

- ORC chapter 6111.04 (C):** No Person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of permissive discharges specified under an existing permit without first receiving a permit from the director to do so.  
**ORC chapter 6111.07 (A):** No Person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term, or condition of a permit issued or adopted by the director of the environmental protection pursuant to those sections. Each day of violation is a separate offense.

**Permit 9PB00000 Part I, A:** Monitoring Requirement for final outfall 001.

(a) The facility has been in exceedance of the permit limits for Dissolved Oxygen for the months of June 2015, July 2015, August 2015, and September 2015 at outfall 001. The limit listed in Part 1, A of the permit is a minimum of 5.0 mg/l. The monthly reports submitted for those monitoring months show Dissolved Oxygen levels of 2.0, 1.8, 1.8, 1.9 milligrams per liter (mg/l) respectively

(b) The facility is currently in **Significant Non-Compliance** due to the exceedance of Dissolved Oxygen for the last four consecutive months.

On 5/2/2016 Ohio EPA received Village of Nowhere WWTP's response which included a plan which outlined steps that were to be taken to rectify the dissolved oxygen exceedances. A review of your eDMR data from November 2015 through March 2016 indicates there have been no further exceedances for dissolved oxygen. Therefore, this violation has been abated.

Please note that this does not preclude the Director from seeking administrative or civil penalties pursuant to Ohio Revised Code section 6111.09 for the violation(s) noted in the 4/14/2016 NOV letter. The decision on whether to pursue or decline to pursue such penalties regarding these violations is dependent on several factors, one of which is the company's future compliance with Ohio EPA regulatory requirements.

Should you have any questions, please contact me at (614) 555-5555.

Sincerely,

Scott Sheerin  
Division of Surface Water  
Central Office

cc: Scott Sheerin, DSW, CO



# Things You Can Do...

- **GOOD Communication is key.** Contact us with any questions or concerns.
- If an NOV is issued, respond within the required time frame
- Start resolving violations immediately
- Be Proactive not Reactive.
- Communicate...Communicate...Communicate



# Final Thought

**WE WANT YOU IN COMPLIANCE!**

To quote Jerry McGuire:

