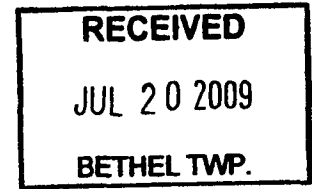




State of Ohio Environmental Protection Agency

Southwest District Office



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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

July 14, 2009

Mr. Michael E. Gephart
Bethel Township Administrator
8735 S. Second Street (Brandt)
Tipp City, Ohio 45371

RE: Ohio EPA Process for Unsewered Areas with Unsanitary Conditions

Dear Mr. Gephart,

Thank you for meeting with me and for your letter requesting additional information on how Ohio EPA addresses unsewered areas that have unsanitary conditions. Specifically, you expressed concern and interest in the proposed sewer project to remedy documented unsanitary conditions in the hamlet of Brandt. Unsanitary conditions exist when inadequate or failing "on-site" wastewater treatment systems discharge untreated and partially treated wastewater to area storm sewers, ditches, and waterways. For your convenience, I have responded to your questions below in the same order as listed in your letter.

1. How Ohio EPA became involved in the potential hazards associated with Brandt failing septic systems.

Ohio EPA becomes aware of area wastewater issues through a number of different avenues. Ohio EPA's Division of Surface Water (DSW) conducts regular sampling of Ohio's waterways and documents these results. Mud Creek downstream of Brandt was found to be in non-attainment of warmwater habitat criteria during the last round of sampling. Ohio EPA DSW also issues permits-to-install for non-residential wastewater treatment systems. When reviewing these sites and proposed solutions, inspectors are likely to become aware of any unsanitary conditions that may be present in the area. Ohio EPA also works closely with local health departments, watershed groups, municipalities and local governments to address area environmental concerns. When widespread wastewater treatment issues are noted, these entities often come to Ohio EPA for assistance. In the case of Brandt, Ohio EPA has been working with the Miami County Health Department to find a means to correct this situation for a long time.

2. Whom Ohio EPA contacts to mitigate the problem and why.

The initial contact for mitigation of unsanitary conditions depends on the particular area involved. For instance, incorporated communities are the responsible party if unsanitary conditions are found within their purview. Since Brandt is unincorporated, the

responsible party for correcting the unsanitary conditions would be the Board of County Commissioners.

3. The stages Ohio EPA goes through for mitigation compliance.

Initially, Ohio EPA contacts the responsible party to determine if there is a plan to correct area-wide wastewater issues. If a reasonable plan and schedule for completion of improvements are proposed, the responsible party is allowed to proceed with the plan accordingly. If a plan does not exist or is unacceptable, Ohio EPA will proceed with sampling of area waterways to document unsanitary conditions. When unsanitary conditions are documented, an enforcement action is initiated culminating with negotiated Findings and Orders. Director's Final Findings and Orders include a schedule for completion of the wastewater project.

4. What stage is Brandt in for compliance, and whether Ohio EPA has mandated through R.C. 6117.34 corrective action?

Because the Miami County Commissioners and Miami County Sanitary Engineer's Department (MSCE) have proposed to address the unsanitary conditions in the Brandt area in a timely manner, Ohio EPA has not mandated a correction action as yet. As you know, the Brandt sewer project has been delayed from the initial schedule due to the need to alter the design of the proposed solution. Since this delay was outside of the control of MSCE and the County Commissioners, Ohio EPA is willing to allow additional time to complete this project. If the sewer project does not proceed in a timely manner, however, Ohio EPA will be forced to proceed with a referral for enforcement action.

5. Why is Clark County involved in this matter?

Clark County Southwest Regional is the Designated Management Agency (DMA) for the portion of Bethel Township that includes the hamlet of Brandt. As such, Clark County Southwest Regional has the lead authority to provide for collection and treatment of wastewater in this area. Designated Management Agencies are authorized under Section 208 of the Clean Water Act.

6. Is the previously proposed package treatment plant for Brandt an option, why or why not?

Ohio Revised Code Chapter 6111.03 (j), "Water pollution control powers of the director of environmental protection", (2) states that "An application for a permit or renewal there of shall be denied if ... (b) the directors determines the proposed discharge or source would conflict with an areawide waste treatment management plan adopted in accordance with section 208 of the Federal Water Pollution Control Act". During the initial review of the Brandt sewer project it was determined that the DMA, Clark County Southwest Regional is willing to provide sewer service to Brandt. Provided the DMA is willing to provide sewer service, the approval of a package plant for Brandt is not an option.

Brandt - Bethel Township

July 14, 2009

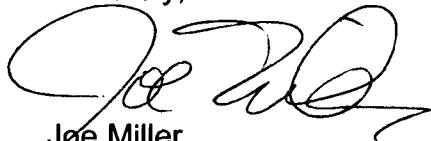
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7. Based on any Ohio and/or federal law(s), do the Trustees have any authority to dictate what sewer option is utilized to mitigate the problem associated with Brandt?

In those instances where a Township Board of Trustees is the Designated Management Agency, this authority would exist. In lieu of this designation, township officials can provide comment during the public comment period of any agency action.

I hope these responses clarify Ohio EPA's position with regards to unsewered areas with unsanitary conditions and the hamlet of Brandt. Please note that the results of sampling conducted by Miami County in July 2007 indicate a widespread wastewater issue. Ohio EPA is committed to ensuring the residents of Brandt are provided with a safe and effective means of wastewater collection and treatment to resolve the unsanitary conditions in this area. Do not hesitate to contact me should you have any additional questions. I can be reached by email at joe.miller@epa.state.oh.us or by telephone at (937) 285-6109.

Sincerely,



Joe Miller

Division of Surface Water

ec: Miami County Health Department
Pat Turnbull, Miami County Sanitary Engineer
CC: Miami County Commissioners