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4PX00052c

State of Ohio Environmental Protection Agency

STREET ADDRESS:

Central District Office

MAILING ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 728-3778 FAX: (614) 728-3898
www.epa.state.oh.us

P.O. Box 1049
Columbus, OH 43216-1049

Certified Mail #91 7108 2133 3932 4449 9772

March 24, 2009

Mr. Tom Clark
P.O. Box 223
Jacksontown, OH 43030

**Re: Discharge Monitoring Report Violations
Clark's Dining Room WWTP
Licking County
Ohio EPA Permit No.: 4PX00052
NPDES Permit No.: OH0136450**

Dear Mr. Clark:

This is a Notice of Violation for non-submittal of wastewater discharge monitoring reports for the above referenced facility during the period of time extending from October 1, 2007 through February 1, 2009.

Please advise this office in writing by April 6, 2009 regarding the name, telephone number and address of the wastewater certified operator responsible for oversight of the wastewater treatment plant (WWTP) serving your apartments. Please inform me, in writing by April 6, 2009 as to the reasons for the above referenced violations, as well as a description of actions taken or proposed to prevent any further violations. Your response should include dates, either actual or proposed, for completion of the actions.

Be advised that failure to comply with effluent limitations or to satisfy monitoring or reporting requirements of your NPDES permit may be cause for enforcement action pursuant to the Ohio Revised Code Chapter 6111.

If you have any questions and/or would like to meet for further discussion of this matter please let me know. I can be reached by telephone at (614) 728-3850 or by e-mail at: jan.rice@epa.state.oh.us.

Sincerely,



Jan A. Rice
Environmental Specialist
Division of Surface Water
Central District Office

JAR/nsm Clarks dining Room 3-23-09 NOV

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





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P.O. Box 1049
Columbus, OH 43216-1049

November 6, 2009

Mr. Tom Clark
Clark's Dining Room
6811 National Toad
Jacksonstown, OH 43030

Dear Mr. Clark:

Attached is a report for a Reconnaissance Inspection that Anthony Hanes and I from this office performed October 20, 2009 at the wastewater treatment plant (WWTP) serving your facility. Please read the report carefully since there are several items requiring attention.

If there are questions I can be reached by telephone at 614-728-3850 or by e-mail at jan.rice@epa.state.oh.us.

Sincerely,

Jan Rice
Environmental Specialist
Field Operations Unit
Division of Surface Water
Central District Office

Enclosure

JR/nsm Clarks Restaurant 10-20-09

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





NPDES
Compliance Inspection Report

A. NATIONAL DATA SYSTEM CODING

Permit No.	NPDES No.	Date	Inspection Type	Inspector	Facility Type
4PX00052*AD	OH013450	10/20/09	R	S	2

B. FACILITY DATA

Name and Location of Facility Inspected	Entry Time	Permit Effective Date
Tom Clark d.b.a. Clark's Dining Room 6811 National Road SE Jacksontown, Ohio 43030	11:30 A.M.	10/1/07
	Exit Time	Permit Expiration Date
	11:45 A.M.	9/30/12

Name(s) and Title(s) of On-Site Representative(s)	Phone Number(s)
Scott Phillips, General Manager	740-323-3874
Name(s) Address and Title(s) of Operator of Record	Phone Number(s)
Scott Phillips, General Manager (Class A Wastewater) 6811 National Road, Jacksontown, Ohio 43030	740-323-3874
Name, Address and Title of Responsible Official	Phone Number
Tom Clark, Owner, 6811 National Road, Jacksontown, Ohio 43030	740-323-3874

C. AREAS EVALUATED DURING INSPECTION (S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

N	Permit
N/U	Records/Reports - discharge monitoring reports not submitted until July, 2009.
N	Operations & Maintenance
N	Facility Site Review
N	Collection System
N	Flow Measurement
N	Laboratory
M/N	Effluent/Receiving Waters - effluent limitation violation listed in Attachment "A".
N/N	Sludge Storage/Disposal
None	Pretreatment
U	Compliance Schedules - compliance schedule deadline was not met on time as listed in Attachment "A".
M	Self-Monitoring Program - monitoring frequency violations are listed in Attachment "A" of this report.

D. SUMMARY OF FINDINGS/COMMENTS Clark's Dining Room closed November 1, 2009. This will drastically reduce, but not totally eliminate, the volume of wastewater routed into the WWTP. A private residence immediately south of the WWTP remains connected into the WWTP. Monthly discharge monitoring reports must continue to be submitted as required by the wastewater discharge permit even though discharge may now be infrequent. The permittee must provide this office in writing with the name, telephone number and wastewater certification of the operator in responsible charge now that the restaurant is closed.

If the permittee wishes to terminate this permit it should review information available at <http://www.epa.state.oh.us/dsw/permits/termination.aspx> . If the permittee wishes to transfer this permit to another entity it should review information available at http://www.epa.state.oh.us/portals/35/permits/NPDESTransferForm_fis.pdf .

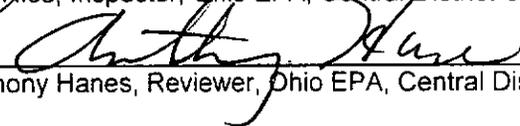
Part I, C - Schedule of Compliance, contains requirements applicable as long as this permit remains in effect.

Compliance history at this facility has been unacceptable. Discharge monitoring report submittal did not begin until July, 2009 and the WWTP was not overseen by a certified wastewater operator until sometime in 2009. The permittee must provide this office in writing the date upon which the operator in responsible charge obtained the Class "A" limited wastewater certification.

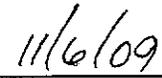
Discharge monitoring report review indicates the permittee's reason for not submitting final effluent ammonia data was because the permittee does not have a device to measure ammonia. The reason for non submittal of dissolved oxygen data was because the permittee does not have a dissolved oxygen meter. These reasons for data non submittal are unacceptable. The permittee must make necessary arrangements to ensure compliance with the wastewater discharge permit sampling requirements.



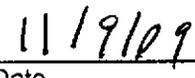
Jan Rice, Inspector, Ohio EPA, Central District Office



Anthony Hanes, Reviewer, Ohio EPA, Central District Office



Date



Date

Attachment "A"

Clark's Dining Room

Effluent Limitation Violations

10/1/07 - 9/30/09 (the permittee failed to submit discharge monitoring reports until July, 2009)

Permit No	Reporting Period	Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
4PX00052*AD	July 2009	001	50060	Chlorine, Total Residu	1D Conc	0.5	1.67	7/21/2009

Frequency Monitoring Violations

Permit No	Reporting Period	Station	Reporting Code	Parameter	Sample Frequency	Expected	Reported	Violation Date
4PX00052*AD	September 2009	001	80082	CBOD 5 day	1/Month	1	0	09/01/2009
4PX00052*AD	September 2009	001	00056	Flow Rate	1/Day	1	0	09/05/2009
4PX00052*AD	September 2009	001	00056	Flow Rate	1/Day	1	0	09/06/2009
4PX00052*AD	September 2009	001	00083	Color, Severity	1/Week	1	0	09/08/2009
4PX00052*AD	September 2009	001	01330	Odor, Severity	1/Week	1	0	09/08/2009
4PX00052*AD	September 2009	001	01350	Turbidity, Severity	1/Week	1	0	09/08/2009
4PX00052*AD	September 2009	001	00056	Flow Rate	1/Day	1	0	09/12/2009
4PX00052*AD	September 2009	001	00056	Flow Rate	1/Day	1	0	09/13/2009
4PX00052*AD	September 2009	001	00056	Flow Rate	1/Day	1	0	09/19/2009
4PX00052*AD	September 2009	001	00056	Flow Rate	1/Day	1	0	09/20/2009
4PX00052*AD	September 2009	001	00056	Flow Rate	1/Day	1	0	09/26/2009
4PX00052*AD	September 2009	001	00056	Flow Rate	1/Day	1	0	09/27/2009

Compliance Schedule Violation

Facility	Permit No	App No	Permit Effective Date	Permit Expiration Date	Schedule Due Date	Completion Date	Event Code	Schedule Type	Schedule Milestone
Clarks Dining Room	4PX00052*AD	OH0136450	10/1/2007	9/30/2012	12/1/2007		59299	Oper & Maint	Hire Certified Operator

