



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Keresko, Director

OH7755312 RICHFIELD DAIRY QUEEN

25 07/07/10 A



NOTICE OF VIOLATION – ACTION REQUIRED

July 7, 2010

**RE: SUMMIT COUNTY
RICHFIELD DAIRY QUEEN
NON-COMMUNITY, TRANSIENT
PWS ID: OH7755312**

Mr. Dan Nason
4815 Brecksville Road
Richfield, OH 44286

**Subject: Failure to Conduct Required Repeat Total Coliform and Failure to Sample
Source Water for Fecal Indicators**

Dear Mr. Nason:

Richfield Dairy Queen is in violation of Federal Code, Rule 141.402 for failure to comply with the Ground Water Rule monitoring for July 2010.

To address this violation, return to compliance, and prevent federal enforcement action, the required source water samples must be collected. Failure to collect the required source water sample(s) may result in enforcement action by the United States Environmental Protection Agency (USEPA). If source water (raw) samples were collected as required, submit the results to the appropriate Ohio EPA District Office as soon as possible. The monitoring violation would be rescinded and a reporting violation given for late submittal of the results. If raw water samples were not collected, they must still be collected and Ohio EPA must receive results to return to compliance and prevent referring this violation to USEPA.

Richfield Dairy Queen is also in violation of monitoring requirements for Total Coliform established by Ohio Administrative Code (OAC), Rule 3745-81-21 for April-June 2010.

Ohio EPA records indicate that a total coliform-positive sample was collected from this water system on 6/22/2010 and the required repeat samples were not collected. To ensure the safety of drinking water provided by your system monitoring with all of the required repeat samples is essential.

IMMEDIATE ACTION REQUIRED:

- 1. Consult with Ohio EPA within 24 hours** regarding sampling and public notice requirements. If you have not already received direction regarding this violation, contact the NEDO at 330-963-1227.
- 2. Issue the enclosed public notices within 24 hours** in accordance with OAC, Rule 3745-81-32 using one or more of the following methods to reach all persons served.

- Hand delivery to persons served by the water system;
- Posting in conspicuous locations, such as bulletin boards, restrooms, drinking fountains, vending areas;
- Send to parents or guardians of children at schools or day care facilities;
- Another delivery method approved in writing by the director;
- Posted notices must remain in place for as long as the violation exists, but in no case for less than seven (7) days (even if the violation is resolved). The language in italics on the enclosed public notice is mandatory and must be included, as written. Do not make changes to the public notice without consulting with Ohio EPA beforehand.

NOTE: Issuance of a Public Notice must be repeated every 30 days for as long as the violation exists, unless directed otherwise by the District Office. A verification form and a copy of the public notice, stating the corrective measures completed to date, must be submitted to the Ohio EPA.

3. **Complete the enclosed verification form, within 10 days of issuing the Public Notices** and mail it to Ohio EPA - NEDO. Include a copy of each notice distributed, published or posted.
4. **Collect a set of four (4) repeat samples, until one set is total coliform-negative to discontinue the Water Use Advisory.** Notify the people served by the water system when the water use advisory is discontinued.
5. **Monitor with at least five (5) routine samples** in the month following a routine total coliform-positive result in accordance with OAC, Rule 3745-81-21(B)(7).

If repeat samples were collected, submit them as soon as possible.

If you have any questions, contact Ursula Musselman at 330-963-1227.

Sincerely,



Nancy N. Rice
Environmental Manager
Division of Drinking and Ground Waters

NNR:dms

enclosures: Tier 1 Public Notification
Tier 3 Public Notification
Public Notice Instructions and Verification Form

cc: Summit County Health Department
Information Management Section, DDAGW, CO
Ursula Musselman, DDAGW, NEDO
Kim Etters, DDAGW, NEDO