



State of Ohio Environmental Protection Agency

Northeast District Office

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

April 15, 2010

RE: HARASSMENTS BAR AND GRILLE
OHIO EPA PERMIT 3PR00438
JEFFERSON TWP, ASHTABULA COUNTY
COMPLIANCE INSPECTION EVALUATION

Mr. Terry G. Schley
Harassment's Bar & Grille
4502 Anderson road
Pierpont, Ohio 44082

Dear Mr. Schley:

On April 8, 2010, a site inspection was conducted at the above referenced facility at 900 North Market Street, Jefferson Township, Ashtabula County. The inspection was conducted by John Schmidt of this office, and while Ohio EPA did notify the bar manager, no one represented Harassment's Bar and Grille during the inspection. The purpose of the inspection was to evaluate the facility's compliance status with respect to the terms and conditions of the facility's National Pollutant Discharge Elimination System (NPDES) permit. The last compliance inspection was conducted on November 19, 2008.

The system consists of a trash trap, flow equalization, extended aeration system with clarifier, dosing chamber, rapid sand filtration, chlorine disinfection, and dechlorination. Sludge management of sludge removal from an aerated sludge holding tank when needed to another POTW. The facility discharges to an unnamed tributary to Mill Creek adjacent to the south side of the facility. No backup power is provided to the facility, and the facility is provided with alarms.

Observations

The following observations were made during the inspection.

1. The design flow of the extended aeration plant is 1,750 gallons per day. The plant operates on a timer, and was not operating at the time of the inspection.
2. The content of the aeration tank had a slight septic odor, light grey color with no mixing. The blowers were not running and the plant was not receiving any aeration. A medium brown color is more typical for the aeration tank.
3. The surface of the clarifier was clear. Effluent channels were clean.
4. Rapid sand filters were reasonably clean and operable, with filters having a small accumulation of leaves, which should be removed. No discharge to the sand filters was observed during the inspection.
5. The final discharge at Mill Creek could not be observed due to lack of flow.

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6. It is unknown who operates the plant on behalf of Harassment's Bar and Grille. Per this office's recent discussions with you, you successfully passed the written examination for a "Class 1" wastewater treatment plant (WWTP) operator, but lacked the required experience to obtain a "Class 1" WWTP Operator's License. Harassment's Bar must obtain the services of a licensed "Class 1" WWTP Operator or higher to operate the plant and report required data to Ohio EPA's electronic discharge monitoring report (e-DMR) system.
7. It is unknown if the onsite wastewater treatment system (septic tank and associated piping) that served the establishment prior to construction of the current system was properly abandoned.

NPDES Permit Compliance Review

Harassment's Bar and Grille operates under Permit 3PR00438*AD. A review of the electronic discharge self-monitoring reports (eDMRs) received by Ohio EPA for the period November 1, 2008 through March 1, 2010 indicates apparent noncompliance of the terms and conditions of your NPDES permit as identified below:

Limit Violations

No violations were noted for the period reviewed; however it is noted that data was last reported on July 1, 2008. Data reported from December 1, 2006 through July 1, 2008 were reported as code "AL" indicating no flow from the WWTP during this period.

Reporting Violations

A review of the eDMR reports for this facility indicates that data was last reported for this facility on July 1, 2008 utilizing the reporting code "AL" for no discharge reported. A review of your permit for Outfall 001 (final outfall) indicates that some parameters (flow rate) are to be reported daily, while other parameters (color, odor, turbidity) are to be reported weekly, while remaining parameters (DO, TSS, NH3, Fecal Coliform, and CBOD) are to be reported quarterly. Sludge monitoring (Outfall 588) applies when discharging (removing sludge). Sample collection should be scheduled when the plant is actually discharging, and daily readings recorded, with "AL" noted if the plant did not discharge that day. Many owners defer reporting on their behalf to their licensed WWTP operators.

Compliance Schedule Violations

Based upon a review of Ohio EPA's files, the following is a compliance schedule summary as specified by your permit:

<u>Permit Effective Date</u>	<u>Permit Expiration Date</u>	<u>Schedule Due Date</u>	<u>Completion Date</u>	<u>Event Code</u>	<u>Schedule Type</u>	<u>Schedule Milestone</u>
09/01/2006	08/31/2011	11/01/2006	Unknown	03099	Construction	Commence Construction
09/01/2006	08/31/2011	05/01/2007	Unknown	04599	Construction	Complete Construction
09/01/2006	08/31/2011	06/01/2007	Unknown	05599	Operational	Attain Operational Level

From further examination of Ohio EPA's files, construction commenced and was completed sometime between February 22, 2008 and September 15, 2008. As all data submitted to

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the e-DMR indicates reporting code "AL" was used denoting that the plant was not discharging, it is unclear to Ohio EPA if the plant has achieved its operational level as specified by your NPDES permit.

Please provide Ohio EPA the actual dates that construction commenced and was complete and operational levels attained for the new WWTP as prescribed by your NPDES permit.

Other Violations

1. Failure to Submit Discharge Monitoring Reports - Pursuant to Part III, Item 4 of your NPDES permit, Harassment's Bar is required to submit the required DMR data as prescribed by your NPDES permit. Ohio EPA has not received any data on this facility since July, 2008.

If you need assistance in establishing an eDMR account to submit the required data electronically to Ohio EPA, please go to <http://epa.ohio.gov/dsw/edmr/eDMR.aspx>. Ohio EPA's eDMR support staff may also be available to assist you in this matter. E-mailing questions to James.Roberts@epa.state.oh.us is the quickest way to get a response if you have a specific question with the eDMR program.

Please provide evidence that you have submitted the missing eDMR information or provide a rationale as to why the required information has not been submitted.

2. Failure to Contract with a Licensed Wastewater Plant Operator - Pursuant to Part II, Item A of your NPDES permit, the wastewater treatment works must be under the supervision of a Class I State Certified Operator as required by OAC 3745-7-02. Harassment's Bar may enter into a contract for the technical services of an appropriately certified operator to inspect, monitor, and supervise the operation thereof provided that a renewable contract, describing the duties and responsibilities of said certified operator, is submitted to and approved by Ohio EPA. To-date, Ohio EPA has not received a contract with an appropriately certified operator. For your reference, I have attached a list of certified contract operators.

Please provide evidence that you have contracted with an appropriately certified operator to operate your WWTP.

3. Abandonment of Outdated Onsite Wastewater System: It is unclear to Ohio EPA if the septic tank and associated piping with the onsite wastewater treatment system that served the bar prior to construction of the 2008 system was properly abandoned. Once the new plant was constructed, the existing plant was to be properly abandoned and documentation of the abandonment furnished to Ohio EPA.

Please provide evidence that you have properly abandoned the septic tank and associated piping with the old onsite treatment system.

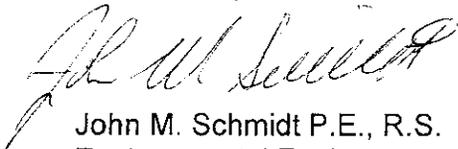
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Reporting violations continue to occur monthly. The current permit must be reviewed so that all parameters are reported at the proper frequency. Please be advised that failure to submit DMRs, failure to comply with the compliance schedule prescribed in your NPDES permit, and failure to adequately operate and maintain your wastewater treatment plant is cause for an enforcement action pursuant to chapter 6111 of the Ohio Revised Code. Based on the above information, Harassment's Bar is considered to be in significant noncompliance with the terms and conditions of the NPDES permit and, therefore, subject to enforcement actions pursuant to Chapter 6111 of the Ohio Revised Code. Such actions can result in fines of up to \$10,000 per day of violation.

Please inform this office, in writing, within 30 days of the date of this letter as to the actions we discussed that have been or will be taken to correct the above noncompliance or explanations if you believe the noncompliance issues noted are in error. Your response to this letter should include the dates that the actions have been or will be completed. Please be advised that past or present issues of noncompliance can continue as subjects of future enforcement actions by Ohio EPA.

If you have any questions or comments regarding this inspection, please feel free to contact me at (330) 963-1175.

Respectively,



John M. Schmidt P.E., R.S.
Environmental Engineer
Division of Surface Water

JMS/mt

Att: List of Contract Water and Wastewater Operators, revised March 19, 2010

File: Harassment's Bar (Jefferson Twp) Ashtabula Co./Semipublic P/C