



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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

December 4, 2008

RE: ALPINE ALPA RESTAURANT
NPDES PERMIT NO. 3PR00207
WASTEWATER TREATMENT

Ms Ann DeHass, Owner
1504 S.R. 62
Wilmington, OH 44689

Dear Ms DeHass:

On November 5, 2008, this writer, along with Dean Stoll of this office, conducted a Compliance Evaluation Inspection (CEI) of the wastewater treatment plant for the Alpine Alpa Restaurant. The intent of the inspection was to determine the condition of the treatment system, to inspect the receiving stream, and to evaluate compliance relative to NPDES Permit No. 3PR00207. Representing the restaurant during the inspection was Kevin Dean who operates and maintains the plant. On November 4, 2008, Mr. Dean was notified of the inspection so that he could be present to discuss ongoing violations for the limit on phosphorus, and to discuss the course of action that will be taken to bring the package plant into compliance with the NPDES Permit.

Observations

At the time of the inspection, the condition of the treatment plant appeared satisfactory except that the system was not removing phosphorus as required by the NPDES Permit. Following are observations regarding the condition of the treatment plant during the inspection.

1. The aeration tank had good color indicating the presence of microbes necessary for treatment of wastewater.
2. The clarifiers were satisfactory. The effluent troughs were clean and free of sludge deposition.
3. The sand filters were free of sludge deposits and weeds.
4. At the time of the inspection, disinfection of the wastewater was not required. Therefore, the disinfection system was not inspected.
5. All pumps and blowers appeared to be operational at the time of the inspection.

Compliance Review

The Monthly Operating Reports submitted each month by the Alpine Alpa Restaurant were reviewed for compliance with the NPDES Permit. The period of review was December 2007 though November 2008. Following is a list of limit violations identified during the review period.

Reporting Period	Parameter	Limit Type	Limit	Reported Value	Violation Date
December 2007	Phosphorus, Total (P)	30D Conc.	1.0	1.74	12/1/2007
January 2008	Phosphorus, Total (P)	30D Conc.	1.0	1.21	1/1/2008
February 2008	Phosphorus, Total (P)	30D Conc.	1.0	2.39	2/1/2008
February 2008	pH	1D Conc.	9.0	9.04	2/6/2008
February 2008	pH	1D Conc.	9.0	9.64	2/8/2008

Reporting Period	Parameter	Limit Type	Limit	Reported Value	Violation Date
February 2008	pH	1D Conc.	9.0	9.05	2/18/2008
February 2008	pH	1D Conc.	9.0	9.19	2/25/2008
March 2008	Phosphorus, Total (P)	30D Conc.	1.0	4.13	3/1/2008
March 2008	pH	1D Conc.	9.0	9.45	3/3/2008
March 2008	pH	1D Conc.	9.0	9.48	3/12/2008
March 2008	pH	1D Conc.	9.0	9.1	3/19/2008
March 2008	pH	1D Conc.	9.0	9.44	3/24/2008
April 2008	Phosphorus, Total (P)	30D Conc.	1.0	5.67	4/1/2008
May 2008	Phosphorus, Total (P)	30D Conc.	1.0	9.49	5/1/2008
May 2008	Chlorine, Total Residu	1D Conc.	0.019	8.94	5/22/2008
June 2008	Phosphorus, Total (P)	30D Conc.	1.0	8.45	6/1/2008
July 2008	Phosphorus, Total (P)	30D Conc.	1.0	9.1	7/1/2008
August 2008	Phosphorus, Total (P)	30D Conc.	1.0	11.	8/1/2008
September 2008	Phosphorus, Total (P)	30D Conc.	1.0	12.	9/1/2008
October 2008	Phosphorus, Total (P)	30D Conc.	1.0	4.87	10/1/2008
November 2008	Phosphorus, Total (P)	30D Conc.	1.0	3.52	11/1/2008

In addition to the limit violations noted above, frequency violations were identified for failing to properly report in accordance with the NPDES Permit. The frequency violations are contained in Attachment 1.

It is the understanding of this writer that the restaurant has been temporarily shut down. It is also understood that the NPDES Permit will be maintained for future use if the restaurant re-opens. In the event the restaurant is re-opened, be advised that the violations of the NPDES Permit noted above represent violations of Ohio Revised Code 6111.07 and are subject to enforcement action. Before the restaurant is re-opened, you will need to address the violations for phosphorus by modifying the plant to achieve phosphorus removal.

In addition to the limit and frequency violations noted above, the Alpine Alpa Restaurant has been in violation of the NPDES Permit compliance schedule. Such violations are also subject to enforcement actions including fines of up to \$10,000.00 per day per violation.

A review of the annual inspection reports dating back to 2005 showed that these same issues were identified during previous inspection reports. Previous inspection reports were sent to Daryl Miller who was listed as the owner of the restaurant.

As part of SFY 2008 inspection report, the following actions were proposed by this office to prevent enforcement action against the Alpine Alpa Restaurant. The observed responses from Mr. Miller are identified in italic print.

1. Immediately report in accordance with the frequency established in the NPDES permit. The Alpine Alpa Restaurant must immediately eliminate all reporting frequency violations. *(In response, it appears that the Alpine Alpa Restaurant did begin to report at the proper frequency required by the NPDES Permit in February 2008.)*

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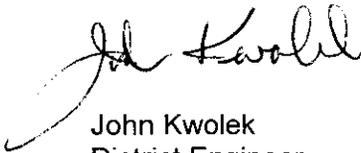
2. Within 10 days of receiving the November 13, 2007 letter, contact this writer to arrange for a meeting at this office to discuss violations and possible corrective actions to eliminate violations. The meeting was also to include the treatment plant operator. *(The Alpine Alpa Restaurant did not make contact with this office to discuss corrective actions necessary to bring the package plant into compliance with the NPDES Permit.)*
3. Within 45 days of receiving the November 13, 2007 letter, the restaurant has to submit to this office a plan of action and implementation schedule to bring the system into consistent compliance with the limits in the NPDES Permit. The schedule was not to extend beyond six months from the date of this letter. *(The Alpine Alpa Restaurant did not submit a plan of action to this office.)*
4. Implement the plan of action and bring the treatment system into consistent compliance with the NPDES Permit in accordance with the schedule provided by the restaurant. *(As stated above, the Alpine Alpa Restaurant remains in Significant Noncompliance with the NPDES Permit).*

In the event the restaurant reopens in the future, it is recommended that you contact this writer at (330) 963-1251 to schedule a meeting. The meeting is necessary to discuss actions that will be taken to achieve full compliance with the NPDES Permit No. 3PR00207 before reopening.

Be advised that any installation of chemical feed equipment for phosphorus removal requires that a permit-to-install application be submitted to this office per Ohio Administrative Code 3745-42. The application must be accompanied by detailed plans for the installation of the chemical feed equipment. Access to the permit-to-install application forms can be found at the following Web address:

<http://www.epa.state.oh.us/dsw/pti/index.html>

Respectfully,



John Kwolek
District Engineer
Division of Surface Water

JK/mt

cc: Kevin Dean, President, Dean's Backflow Services, LLC

File: Semi-Public/Holmes Co./Paint Twp./Alpine Alpa Restaurant

Attachment 1

Frequency Violations

Reporting Period	Parameter	Sample Frequency	Expected	Reported	Violation Date
December 2007	Color, Severity	1/Day	1	0	12/01/2007
December 2007	Odor, Severity	1/Day	1	0	12/01/2007
December 2007	Turbidity, Severity	1/Day	1	0	12/01/2007
December 2007	Color, Severity	1/Day	1	0	12/02/2007
December 2007	Odor, Severity	1/Day	1	0	12/02/2007
December 2007	Turbidity, Severity	1/Day	1	0	12/02/2007
December 2007	Color, Severity	1/Day	1	0	12/04/2007
December 2007	Odor, Severity	1/Day	1	0	12/04/2007
December 2007	Turbidity, Severity	1/Day	1	0	12/04/2007
December 2007	Color, Severity	1/Day	1	0	12/07/2007
December 2007	Odor, Severity	1/Day	1	0	12/07/2007
December 2007	Turbidity, Severity	1/Day	1	0	12/07/2007
December 2007	Color, Severity	1/Day	1	0	12/08/2007
December 2007	Odor, Severity	1/Day	1	0	12/08/2007
December 2007	Turbidity, Severity	1/Day	1	0	12/08/2007
December 2007	Color, Severity	1/Day	1	0	12/09/2007
December 2007	Odor, Severity	1/Day	1	0	12/09/2007
December 2007	Turbidity, Severity	1/Day	1	0	12/09/2007
December 2007	Color, Severity	1/Day	1	0	12/11/2007
December 2007	Odor, Severity	1/Day	1	0	12/11/2007
December 2007	Turbidity, Severity	1/Day	1	0	12/11/2007
December 2007	Color, Severity	1/Day	1	0	12/13/2007
December 2007	Odor, Severity	1/Day	1	0	12/13/2007
December 2007	Turbidity, Severity	1/Day	1	0	12/13/2007
December 2007	Color, Severity	1/Day	1	0	12/14/2007
December 2007	Odor, Severity	1/Day	1	0	12/14/2007
December 2007	Turbidity, Severity	1/Day	1	0	12/14/2007
December 2007	Color, Severity	1/Day	1	0	12/15/2007
December 2007	Odor, Severity	1/Day	1	0	12/15/2007
December 2007	Turbidity, Severity	1/Day	1	0	12/15/2007
December 2007	Color, Severity	1/Day	1	0	12/16/2007
December 2007	Odor, Severity	1/Day	1	0	12/16/2007
December 2007	Turbidity, Severity	1/Day	1	0	12/16/2007
December 2007	Color, Severity	1/Day	1	0	12/17/2007
December 2007	Odor, Severity	1/Day	1	0	12/17/2007
December 2007	Turbidity, Severity	1/Day	1	0	12/17/2007
December 2007	Color, Severity	1/Day	1	0	12/19/2007
December 2007	Odor, Severity	1/Day	1	0	12/19/2007
December 2007	Turbidity, Severity	1/Day	1	0	12/19/2007
December 2007	Color, Severity	1/Day	1	0	12/21/2007
December 2007	Odor, Severity	1/Day	1	0	12/21/2007

Reporting Period	Parameter	Sample Frequency	Expected	Reported	Violation Date
December 2007	Turbidity, Severity	1/Day	1	0	12/21/2007
December 2007	Color, Severity	1/Day	1	0	12/22/2007
December 2007	Odor, Severity	1/Day	1	0	12/22/2007
December 2007	Turbidity, Severity	1/Day	1	0	12/22/2007
December 2007	Color, Severity	1/Day	1	0	12/23/2007
December 2007	Odor, Severity	1/Day	1	0	12/23/2007
December 2007	Turbidity, Severity	1/Day	1	0	12/23/2007
December 2007	Color, Severity	1/Day	1	0	12/25/2007
December 2007	Odor, Severity	1/Day	1	0	12/25/2007
December 2007	Turbidity, Severity	1/Day	1	0	12/25/2007
December 2007	Color, Severity	1/Day	1	0	12/27/2007
December 2007	Odor, Severity	1/Day	1	0	12/27/2007
December 2007	Turbidity, Severity	1/Day	1	0	12/27/2007
December 2007	Color, Severity	1/Day	1	0	12/28/2007
December 2007	Odor, Severity	1/Day	1	0	12/28/2007
December 2007	Turbidity, Severity	1/Day	1	0	12/28/2007
December 2007	Color, Severity	1/Day	1	0	12/29/2007
December 2007	Odor, Severity	1/Day	1	0	12/29/2007
December 2007	Turbidity, Severity	1/Day	1	0	12/29/2007
December 2007	Color, Severity	1/Day	1	0	12/30/2007
December 2007	Odor, Severity	1/Day	1	0	12/30/2007
December 2007	Turbidity, Severity	1/Day	1	0	12/30/2007
January 2008	Color, Severity	1/Day	1	0	01/01/2008
January 2008	Turbidity, Severity	1/Day	1	0	01/01/2008
January 2008	Odor, Severity	1/Day	1	0	01/01/2008
January 2008	Color, Severity	1/Day	1	0	01/03/2008
January 2008	Turbidity, Severity	1/Day	1	0	01/03/2008
January 2008	Odor, Severity	1/Day	1	0	01/03/2008
January 2008	Color, Severity	1/Day	1	0	01/04/2008
January 2008	Turbidity, Severity	1/Day	1	0	01/04/2008
January 2008	Odor, Severity	1/Day	1	0	01/04/2008
January 2008	Color, Severity	1/Day	1	0	01/05/2008
January 2008	Turbidity, Severity	1/Day	1	0	01/05/2008
January 2008	Odor, Severity	1/Day	1	0	01/05/2008
January 2008	Color, Severity	1/Day	1	0	01/06/2008
January 2008	Turbidity, Severity	1/Day	1	0	01/06/2008
January 2008	Odor, Severity	1/Day	1	0	01/06/2008
January 2008	Color, Severity	1/Day	1	0	01/08/2008
January 2008	Turbidity, Severity	1/Day	1	0	01/08/2008
January 2008	Odor, Severity	1/Day	1	0	01/08/2008
January 2008	Color, Severity	1/Day	1	0	01/10/2008
January 2008	Turbidity, Severity	1/Day	1	0	01/10/2008
January 2008	Odor, Severity	1/Day	1	0	01/10/2008
January 2008	Color, Severity	1/Day	1	0	01/11/2008
January 2008	Turbidity, Severity	1/Day	1	0	01/11/2008

Reporting Period	Parameter	Sample Frequency	Expected	Reported	Violation Date
January 2008	Odor, Severity	1/Day	1	0	01/11/2008
January 2008	Color, Severity	1/Day	1	0	01/12/2008
January 2008	Turbidity, Severity	1/Day	1	0	01/12/2008
January 2008	Odor, Severity	1/Day	1	0	01/12/2008
January 2008	Color, Severity	1/Day	1	0	01/13/2008
January 2008	Turbidity, Severity	1/Day	1	0	01/13/2008
January 2008	Odor, Severity	1/Day	1	0	01/13/2008
January 2008	Turbidity, Severity	1/Day	1	0	01/15/2008
January 2008	Color, Severity	1/Day	1	0	01/15/2008
January 2008	Odor, Severity	1/Day	1	0	01/15/2008
January 2008	Turbidity, Severity	1/Day	1	0	01/17/2008
January 2008	Color, Severity	1/Day	1	0	01/17/2008
January 2008	Odor, Severity	1/Day	1	0	01/17/2008
January 2008	Turbidity, Severity	1/Day	1	0	01/18/2008
January 2008	Color, Severity	1/Day	1	0	01/18/2008
January 2008	Odor, Severity	1/Day	1	0	01/18/2008
January 2008	Turbidity, Severity	1/Day	1	0	01/19/2008
January 2008	Color, Severity	1/Day	1	0	01/19/2008
January 2008	Odor, Severity	1/Day	1	0	01/19/2008
January 2008	Turbidity, Severity	1/Day	1	0	01/20/2008
January 2008	Color, Severity	1/Day	1	0	01/20/2008
January 2008	Odor, Severity	1/Day	1	0	01/20/2008
January 2008	Turbidity, Severity	1/Day	1	0	01/23/2008
January 2008	Color, Severity	1/Day	1	0	01/23/2008
January 2008	Odor, Severity	1/Day	1	0	01/23/2008
January 2008	Turbidity, Severity	1/Day	1	0	01/25/2008
January 2008	Color, Severity	1/Day	1	0	01/25/2008
January 2008	Odor, Severity	1/Day	1	0	01/25/2008
January 2008	Turbidity, Severity	1/Day	1	0	01/26/2008
January 2008	Color, Severity	1/Day	1	0	01/26/2008
January 2008	Odor, Severity	1/Day	1	0	01/26/2008
January 2008	Turbidity, Severity	1/Day	1	0	01/27/2008
January 2008	Color, Severity	1/Day	1	0	01/27/2008
January 2008	Odor, Severity	1/Day	1	0	01/27/2008
January 2008	Turbidity, Severity	1/Day	1	0	01/29/2008
January 2008	Color, Severity	1/Day	1	0	01/29/2008
January 2008	Odor, Severity	1/Day	1	0	01/29/2008
February 2008	Water Temperature	1/Week	1	0	02/08/2008
July 2008	Water Temperature	1/Week	1	0	07/15/2008
July 2008	Dissolved Oxygen	1/Week	1	0	07/15/2008
November 2008	Sludge Weight	1/Day	1	0	11/01/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/01/2008
November 2008	Sludge Weight	1/Day	1	0	11/02/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/02/2008
November 2008	Sludge Weight	1/Day	1	0	11/03/2008

Reporting Period	Parameter	Sample Frequency	Expected	Reported	Violation Date
November 2008	Sludge Solids, Percent	1/Day	1	0	11/03/2008
November 2008	Sludge Weight	1/Day	1	0	11/04/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/04/2008
November 2008	Sludge Weight	1/Day	1	0	11/05/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/05/2008
November 2008	Sludge Weight	1/Day	1	0	11/06/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/06/2008
November 2008	Sludge Weight	1/Day	1	0	11/07/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/07/2008
November 2008	Sludge Weight	1/Day	1	0	11/08/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/08/2008
November 2008	Sludge Weight	1/Day	1	0	11/09/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/09/2008
November 2008	Sludge Weight	1/Day	1	0	11/10/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/10/2008
November 2008	Sludge Weight	1/Day	1	0	11/11/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/11/2008
November 2008	Sludge Weight	1/Day	1	0	11/12/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/12/2008
November 2008	Sludge Weight	1/Day	1	0	11/13/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/13/2008
November 2008	Sludge Weight	1/Day	1	0	11/14/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/14/2008
November 2008	Water Temperature	1/Week	1	0	11/15/2008
November 2008	Dissolved Oxygen	1/Week	1	0	11/15/2008
November 2008	Sludge Weight	1/Day	1	0	11/15/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/15/2008
November 2008	Sludge Weight	1/Day	1	0	11/16/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/16/2008
November 2008	Sludge Weight	1/Day	1	0	11/18/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/18/2008
November 2008	Sludge Weight	1/Day	1	0	11/19/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/19/2008
November 2008	Sludge Weight	1/Day	1	0	11/20/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/20/2008
November 2008	Sludge Weight	1/Day	1	0	11/21/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/21/2008
November 2008	Water Temperature	1/Week	1	0	11/22/2008
November 2008	Dissolved Oxygen	1/Week	1	0	11/22/2008
November 2008	Sludge Weight	1/Day	1	0	11/22/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/22/2008
November 2008	Sludge Weight	1/Day	1	0	11/23/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/23/2008
November 2008	Sludge Weight	1/Day	1	0	11/24/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/24/2008

Reporting Period	Parameter	Sample Frequency	Expected	Reported	Violation Date
November 2008	Sludge Weight	1/Day	1	0	11/25/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/25/2008
November 2008	Sludge Weight	1/Day	1	0	11/26/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/26/2008
November 2008	Sludge Weight	1/Day	1	0	11/27/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/27/2008
November 2008	Sludge Weight	1/Day	1	0	11/28/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/28/2008
November 2008	Sludge Weight	1/Day	1	0	11/29/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/29/2008
November 2008	Sludge Weight	1/Day	1	0	11/30/2008
November 2008	Sludge Solids, Percent	1/Day	1	0	11/30/2008