



State of Ohio Environmental Protection Agency

**Northwest District Office**

347 North Dunbridge Road  
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468  
www.epa.state.oh.us

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

Re: Notice of Violation  
Van Wert County  
Boyd Theaters  
Ohio EPA Permit No. 2PR00213  
NPDES Permit No. OH0135992

March 5, 2009

Mr. James Boyd, Owner  
Boyd Theaters  
10721 W. Ridge Road  
Van Wert, Ohio 45891

Dear Mr. Boyd:

We are in receipt of your self-monitoring report covering the months of October 2008, through December 2008, for the referenced facility. Our review indicates violations of the conditions of your NPDES permit. The specific instances of noncompliance are attached on a separate sheet. Further review of your self-monitoring reports for the previous six months, ending in December 2008, indicates that you are in significant non-compliance (SNC) with two effluent limitations contained in your NPDES permit. The specific instances of SNC are attached on a separate sheet.

Please inform this office in writing as to the reasons for the above referenced violations, as well as a description of the actions taken or proposed to prevent any further violations. Your response should include the dates, either actual or proposed, for completion of the actions.

Please be advised that failure to comply with the effluent limitations and/or monitoring requirements, including adequate laboratory controls, appropriate quality assurance procedures, and records retention, as specified in your Part III-General conditions of your NPDES permit may be cause for enforcement action pursuant to Ohio Revised Code, Chapter 6111. If these violations continue to occur and if satisfactory progress is not made, it may be necessary to initiate enforcement action to achieve compliance.

The Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For those wastes or pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner.

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You can benefit economically, help preserve the environment, and improve your public image by implementing pollution prevention programs. For more information about pollution prevention, including fact sheets or U. S. EPA's *"Facility Pollution Prevention Guide"* (EPA/600/R-92.008), please contact the Ohio EPA Pollution Prevention Section at (614) 644-3469.

If there are any questions, feel free to contact me at (419) 373-3022.

Sincerely,



Justin A. Williams  
Division of Surface Water

/llr

Enclosure

[pc:w/enclosure:DSW-NWDO File](#)

Get New Data

Boyd Theaters violations for October - December 2008

Permit No.	Reporting Period	Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
2PR00213*AD	December 2008	001	00530	Total Suspended Solids	30D Conc	12	19.	12/11/2008
2PR00213*AD	December 2008	001	80082	CBOD 5 day	30D Conc	10	82.	12/11/2008
2PR00213*AD	December 2008	001	80082	CBOD 5 day	30D Qty	0.08	.10242	12/11/2008
2PR00213*AD	December 2008	001	00530	Total Suspended Solids	1D Conc	18	19.	12/11/2008
2PR00213*AD	December 2008	001	80082	CBOD 5 day	1D Conc	15	82.	12/11/2008

Get New Data

Get Detail for Selected Permit

### Facilities in Significant Non-Compliance \*\*

Period: Jul-08 Dec-08

County	Permit #	Facility Name	Major	Station Code	Param Code	Parameter Name	Max % Exceed	# Months Signif Exceed (1)**	# Months Exceed (2)**
Van Wert	2PR00213	Boyd Theatres		1	00530	Total Suspended Solids	116.7	2	2
Van Wert	2PR00213	Boyd Theatres		1	80082	CBOD 5 day	720	2	2

## Footnotes

### for Significant NonCompliance

\*\* Significant non-compliance with effluent limits occurred if one or more pollutants met the following conditions:

1. During 2 or more months, the reported effluent concentration (or computed load) for a parameter exceeded an effluent limit by:
  - a. 40% for Group 1 pollutants **plus Fecal Coliform**
  - b. 20% for Group 2 pollutants **plus pH, Temperature, whole effluent toxicity**
 -- or --
2. During 4 or more months, the reported concentration (or computed load) exceeded the limit by > 1%.

Note: This method differs from USEPA Significant Non-compliance (SNC) method in the following ways:

- USEPA only evaluates SNC for average limits. In above analyses, maximum and weekly limits were also considered.