



**Environmental
Protection Agency**

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

September 2, 2010

RE: STARK COUNTY
NIMISHILLEN TOWNSHIP
BUD'S CORNER
5750 COLUMBUS RD.
3PR00497*AD

CERTIFIED MAIL

Mr. Jeff Zucal
Bud's Corner
52 Group Inc.
5750 Columbus Road
Louisville, OH 44641

Dear Zucal:

On August 26, 2010 this writer conducted an inspection of the wastewater treatment system serving the above referenced facility. The property is presently the site of a bar, apartments, and a residential dwelling.

The existing sewage treatment system consists of a 3,000 gallon per day extended aeration treatment plant consisting of an aeration tank and a settling tank. The system discharges to an unnamed tributary to the East Branch Nimishillen Creek.

The treatment system is still in operation as you have not yet connected to the available sanitary sewers. The sewers are present approximately 100 feet south of your property on the same side of Broadway Avenue. Your NPDES permit, 3PR00497*AD, went effective July 1, 2009. It contained a schedule of compliance to abandon and connect the existing package plant to the sanitary sewer no later than July 1, 2011. An application for a Permit to Install was to be submitted to this Agency no later than July 1, 2010 for the sanitary sewer extension. To date, we have no record of you submitting this application. You are in violation of your NPDES permit for the following:

- 1) Violation of your NPDES permit for failure to meet the milestone listed in Part I, C, Item a.
- 2) A review of your monthly reports indicates that you have not been testing for Fecal Coliform for August 2009, March 2010, and August 2010. Failure to submit this monitoring data is a separate violation for each of the three dates.
- 3) In accordance with the NPDES Permit Part II, Other Requirements, you have not placed a permanent marker at the outfall.

You are requested to submit the following information to this office:

Mr. Jeff Zucal
Bud's Corner
September 2, 2010
Page 2

- 1) You are reporting AH for temperature, which is a code specifying no sample was taken. This has been reported every week since July 1, 2009. Please provide an explanation as to why this test is not being done.
- 2) Your existing treatment plant is classified as a Class I facility. As such it is to be under the supervision of a Class I Operator. Please provide the name and the license number of this individual.
- 3) We note that you are reporting a flow value of 650 gallons per day every week. The flow value is to be a 24 hour total estimate for each day flow is evaluated. Please explain how the estimate is done.

You are directed to submit a written response to this office no later than September 17, 2010 with an explanation for the above listed violations and what you will be doing to come into compliance. By the same aforementioned date, submit in writing a response to the above listed three questions. Please be advised that failure to respond or continuing to violate the conditions of your NPDES permit may result in an enforcement action to seek civil and monetary penalties allowed under Ohio Revised Code 6111.99. If you should have any questions, feel free to contact this writer at (330) 963-1136.

Sincerely,



Philip P. Rhodes, P.E.
Environmental Specialist II
Division of Surface Water

PPR/mt

cc: Todd Ascani, Stark County Health Department
Dean Stoll, Enforcement Coordinator, Ohio EPA, DSW, NEDO

File: Semi-Public/Bud's Corner

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Rhodes

Sent To: Mr. Jeff Zucal, Bud's Corner
 Street Apt No.: 52 Group, Inc.
 or PO Box No. 5750 Columbus Road
 City, State, ZIP+4 Louisville, OH 44641

PS Form 3800, August 2005. See Reverse for Instructions.

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