



State of Ohio Environmental Protection Agency

Northeast District Office

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

November 20, 2008

RE: SUMMIT COUNTY
BATH TOWNSHIP
ANTHE'S RESTAURANT
4315 MANCHESTER ROAD
COMPLIANCE EVALUATION INSPECTION
OHIO EPA NO. 3PR00315

Mr. James Pulk, RJ 93 Properties, LLC
Anthe's Restaurant
4315 Manchester Road
Akron, OH 44319

Dear Mr. Pulk:

On November 19, 2008, a Compliance Evaluation Inspection was conducted at the wastewater treatment plant serving Anthe's Restaurant. Present during the inspection was a prospective buyer, Mr. John Bahas. At the inspection, Mr. Bahas was given a copy of the restaurant's National Pollutant Discharge Elimination System (NPDES) permit, a copy of the original permit-to-install (PTI) for construction of the wastewater treatment plant, and a copy of the 2008 PTI for the proposed plant upgrade.

According to our files, the existing wastewater treatment system consists of a 916 gallon trash trap, 18,000 gpd extended aeration plant, 1000 gallon dosing chamber, 770 square foot surface sand filter, 1125 gallon chlorination/dechlorination tank, and a 1330 gallon aerated sludge holding tank. The plant discharges into a roadside ditch along Manchester Road. The plant's basis of design was 257 restaurant seats @ 35 gpd/seat = 9000 gpd (hydraulic flow); 18,000 (organic flow).

During the inspection, the plant was running. The mixed liquor in the extended aeration tank was the appropriate chocolate brown color, and the return lines appeared to be working. The surface sand filters were clean, but there were some solids on the ground around the surface sand filters. All dried solids removed from the sand filters should be placed in a dumpster and removed with the trash which is taken to a permitted solid waste landfill. Also, as was mentioned in a 2006 inspection letter from this office, it is strongly recommended a six foot high locked fence be installed around the plant for safety/liability reasons.

Review of the self monitoring reports from October 2006 through October 2008 revealed the following numeric effluent violations:

Mr. James Pulk
 Anthe's Restaurant
 November 20, 2008
 Page 2

Reporting Period	Parameter	Limit Type	Limit	Reported Value	Violation Date
March 2007	Total Suspended Solids	30D Conc	12	110.	3/1/2007
March 2007	Total Suspended Solids	7D Conc	18	110.	3/15/2007
March 2007	Total Suspended Solids	30D Qty	0.41	1.45723	3/1/2007
March 2007	Total Suspended Solids	7D Qty	0.61	1.45723	3/15/2007
March 2007	CBOD 5 day	30D Conc	10	34.	3/1/2007
March 2007	CBOD 5 day	7D Conc	15	34.	3/15/2007
March 2007	CBOD 5 day	30D Qty	0.34	.45042	3/1/2007
March 2007	Dissolved Oxygen	1D Conc	6.0	5.6	3/21/2007
December 2006	CBOD 5 day	30D Conc	10	11.	12/1/2006
August 2007	Fecal Coliform	30D Conc	200	320.	8/1/2007
August 2007	Dissolved Oxygen	1D Conc	6.0	5.6	8/28/2007
June 2007	Total Suspended Solids	30D Conc	12	13.	6/1/2007
June 2007	Fecal Coliform	1D Conc	400	2900.	6/13/2007
June 2007	Fecal Coliform	30D Conc	200	2900.	6/1/2007
August 2008	Nitrogen, Ammonia (NH3)	30D Conc	2.0	2.48	8/1/2008
August 2008	CBOD 5 day	1D Conc	15	28.	8/27/2008
August 2008	CBOD 5 day	30D Conc	10	28.	8/1/2008
December 2007	Total Suspended Solids	1D Conc	18	20.	12/18/2007
December 2007	Total Suspended Solids	30D Conc	12	20.	12/1/2007

Please be advised such instances of noncompliance are subject to enforcement pursuant to Ohio Revised Code 6111. It is directed your technical operator, Denny White, provide written explanations for the violations and the plan of action to obtain compliance.

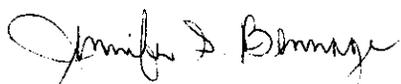
As you know, a permit-to-install was issued by this office on January 3, 2008 for an upgrade to the wastewater treatment plant. The upgrade is to consist of a 5000 gallon aerated flow equalization tank and elapsed time meters on the dosing station. During the recent inspection, it was noted that the upgrade has not been constructed. Please be aware that the PTI for the upgrade is good for 18 months. Thereby, construction of the upgrade must take place within the 18 months.

In conclusion, it's understood that the restaurant and its wastewater treatment plant may be sold. The Summit County Health Department has been approached concerning transfer of the food service license. This office has no objection to such a food service license transfer as long as we are guaranteed that construction of the proposed plant upgrade will be completed. Because construction may not be possible until Spring 2009, this office would accept a copy of a signed contract with a contractor, along with a proposed schedule.

Mr. James Pulk
Anthe's Restaurant
November 20, 2008
Page 3

Furthermore, enclosed with this inspection letter is *Instructions for Applying to Transfer an Ohio EPA Individual NPDES Permit*, along with the actual *NPDES Application for Transfer*. If the restaurant and its wastewater treatment plant are sold, the NPDES permit shall be transferred to the new owner. If you have any questions concerning this letter, please contact this office at (330) 963-1151.

Sincerely,



Jennifer S. Bennage
Environmental Engineer
Division of Surface Water

JSB/mt

Enclosures

cc: John Bahas, Anthe's Restaurant
Denny White, Technical Operator
Tom LaPlante, Summit County Health Dept.