



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

February 26, 2009

RE: SUMMIT COUNTY
VILLAGE OF PENINSULA
FISHERS CAFÉ AND PUB
1607 MAIN STREET
OHIO EPA NO. 3PR00299
COMPLIANCE EVALUATION INSPECTION

NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. Richard Fisher, G.M.
Fishers Café and Pub
P.O. Box 176
Peninsula, OH 44264

Dear Mr. Fisher:

On February 26, 2009, a Compliance Evaluation Inspection was conducted at the wastewater treatment plant serving Fishers Café and Pub. During the inspection, the plant was in extremely poor condition and was quite odorous.

During the recent inspection, one side of the surface sand filter was flooded almost to the top of the walls. Also, it appeared that wastewater is either leaking out from the dosing chamber or that the surface sand filters had overflowed. As has occurred in the past, it appeared that some partially treated wastewater had overflowed to the next door property.

On a positive note, it was observed that brand new grating and a new surface sand filter distribution box had been installed.

Upon review of your Discharge Monitoring Reports (DMRs), it was noticed that no DMRs have been electronically submitted to Ohio EPA's Central Office since October 2007.

Failure to submit this effluent quality data constitutes a violation of the terms and conditions of your NPDES permit, and therefore is subject to enforcement actions. Such actions can result in fines of up to \$10,000 per day of violation. Ohio EPA would like to resolve these violations prior to commencing an enforcement action.

Please submit the necessary information via SWIMware or hard copy if you are not using SWIMware within 14 days. If you would like additional information about SWIMware, please call the Help Line at (614) 644-2050, and support staff will return your call as soon as possible.

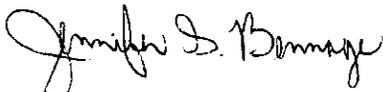
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As was previously mentioned in the June 17, 2008 correspondence from this office, you are also in non-compliance with your NPDES permit's compliance schedule. By August 1, 2008, a paid permit-to-install (PTI) application and detail engineering plans were to be submitted to this office. The detail plans were to include, at a minimum, an appropriately sized flow equalization tank, aerated sludge holding tank, additional air supply in the aeration tanks, and new surface sand filter sand.

Please be advised that failure to submit your DMRs, failure to comply with the compliance schedule 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. If enforcement proceeds, not only would the plant upgrade still be required, but a civil monetary penalty usually is required.

It is directed that you send Ohio EPA's Northeast District Office a written explanation to the reasons for non-submittal violations, a proposed time-frame to submit the PTI and detail plans for the plant upgrade, and processes implemented to prevent further instances of non-compliance. Should you have questions concerning this letter, please contact this office at (330) 963-1151.

Sincerely,



Jennifer S. Bennage
Environmental Engineer
Division of Surface Water

JSB/mt

cc: Village of Peninsula
Tom LaPlante, Summit County Health Department
Ken Lott, Certified WWTP Operator

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