



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

June 3, 2009

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

NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. Richard Fisher, G.M.
Fishers Café and Pub
1391 Boston Mills Road
Peninsula, OH 44264

Dear Mr. Fisher:

On May 12, 2009, an Operation and Maintenance Inspection was conducted at the wastewater treatment plant serving Fishers Café and Pub. During the inspection, the plant was still in poor condition.

During the recent inspection, it appeared that the surface sand filters still were not draining properly, and there was evidence that the filters had overflowed. It is recommended you continue to pump the grease traps/trash traps at least twice per month; unfortunately you may need to pump them weekly. It is also directed that a septic company pump the partially treated effluent off the sand filters, and clean up the sewage solids from the plant's grounds. As we discussed, once all the sewage solids and weeds are removed, you may want to install gravel around the entire plant grounds for esthetics purposes.

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.



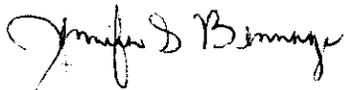
Mr. Richard Fisher, G.M.
Fishers Café and Pub
June 3, 2009
Page 2

As was previously mentioned in the June 17, 2008 and February 26, 2009 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. After discussing your treatment plant problems with Ohio EPA Central Office, it was also determined that a larger grease trap may be needed, as well as elapsed time meters on your dosing pumps. Central Office believes that with the upgrade of the plant and better process control by you and your operator, the clogging of the sand filter will be halted.

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
Richard Fisher, Sr.



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

June 15, 2009

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

NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. Richard Fisher, G.M.
Fishers Café and Pub
1391 Boston Mills Road
Peninsula, OH 44264

Dear Mr. Fisher:

This letter serves as an addendum to the June 3, 2009 Notice of Violation letter sent by this office. The June 3rd correspondence incorrectly mentioned submitting monthly wastewater treatment plant effluent data through SWIMware. Monitoring data required by this permit shall now be submitted on Ohio EPA 4500 Discharge Monitoring Report (DMR) forms using the electronic DMR (e-DMR) Internet application. e-DMR allows permitted facilities to enter, sign, and submit DMRs on the Internet. It is accessed from the Ohio EPA eBusiness Center. The eBusiness Center is found on the following Web page:

<http://www.epa.state.oh.us/dsw/swims/eDMR/eDMR.html>

For e-DMR, the person signing and submitting the DMR will need to obtain an eBusiness Center account and personal Identification Number (PIN). For questions pertaining to e-DMRs and obtaining a PIN, please contact Mr. Jamie Roberts of Division of Surface Water at (614) 644-2054. Enclosed are Fact Sheets pertaining to Ohio EPA's eBusiness Center.

If you have any questions concerning this letter, please contact me at (330) 963-1151. Sorry for the confusion.

Sincerely,

Jennifer S. Bennage
Environmental Engineer
Division of Surface Water

JSB/mt

Enclosures

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



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PS Form 3800, June 2004 Instructions