



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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

April 7, 2008

RE: TRUMBULL COUNTY
JOHNSTON TOWNSHIP
SONNY'S FAMILY RESTAURANT
6211 YOUNGSTOWN-KINGSVILLE ROAD
NPDES PERMIT NO.OH0126373
OHIO EPA PERMIT NO. 3PR00216

Mr. Sonny Kuzmick
Sonny's Family Restaurant
6211 Youngstown-Kingsville Road (SR 193)
Cortland, OH 44410

Dear Mr. Kuzmick:

An inspection was conducted by Mr. Steve Kramer of the Trumbull County Health Department and the undersigned of the sanitary wastewater treatment plant serving the above referenced facility on March 25, 2008. The purpose of the inspection was to evaluate the facility's compliance status with respect to the terms and conditions of the above-referenced National Pollutant Discharge Elimination System (NPDES) permit.

Inspection Findings/Compliance Status

The current 2,000 gallon/day treatment system consists of a grease trap, trash trap, flow equalization basin, extended aeration activated sludge "package" plant, final settling tank, slow surface sand filtration, sludge holding, and effluent disinfection.

At the time of the inspection, the following observation and comments were discussed with you:

1. The operation and maintenance of the treatment system appeared to be satisfactory. The final effluent was clear with no visual evidence of adverse impact in the downstream segment of the receiving stream.
2. A permanent fence should be installed around the system as soon as practicable. In the interim, temporary construction fence should be utilized to deter unauthorized access to the facility.
3. Please ensure that the dechlorination unit is installed and operational prior to the onset of the disinfection season. Wastewater disinfection is required from May 1 through October 31.

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4. Final "as-built" drawings, documenting the changes made to the approved design, must be submitted by your engineer, J. Robert Lyden, to this office and the Health Department as soon as practicable.

5. Ohio EPA has created a Limited Class A certificate for existing owners/operators of small wastewater treatment systems. Class A certification allows an individual to serve as the Operator of Record for the specific facility. Owners/operators meeting the eligibility requirements contained in Ohio Administrative Code (OAC) 3745-7-08 may apply for the certificate by no later than December 21, 2008.

A review of the facility's monthly operating reports received by Ohio EPA for the period January 2007 through February 2008 indicate violations of the terms and conditions of the NPDES permit. The specific instances of noncompliance are as follows:

3PR00216*BD Numeric Effluent Violations **Period: 1/1/2007- 2/29/2008**

Report Period	Station	Parameter	Limit Type	Limit	Reported Value	Violation Date
Jun 2007	001	Dissolved Oxygen	1D Conc	6.0	3.4	6/14/2007
Aug 2007	001	Dissolved Oxygen	1D Conc	6.0	2.	8/2/2007
Dec 2007	001	Dissolved Oxygen	1D Conc	6.0	3.5	12/13/2007
Dec 2007	001	Total Suspended Solids	30D Qty	0.09	.43906	12/1/2007
Dec 2007	001	Total Suspended Solids	30D Conc	12	58.	12/1/2007
Dec 2007	001	Total Suspended Solids	1D Qty	0.14	.43906	12/13/2007
Dec 2007	001	Total Suspended Solids	1D Conc	18	58.	12/13/2007
Aug 2007	001	Nitrogen, Ammonia (NH3)	30D Qty	0.015	.03732	8/1/2007
Aug 2007	001	Nitrogen, Ammonia (NH3)	30D Conc	2.0	4.93	8/1/2007
Aug 2007	001	Nitrogen, Ammonia (NH3)	1D Qty	0.023	.03732	8/2/2007
Aug 2007	001	Nitrogen, Ammonia (NH3)	1D Conc	3.0	4.93	8/2/2007
Dec 2007	001	CBOD 5 day	30D Qty	0.076	.17411	12/1/2007
Dec 2007	001	CBOD 5 day	30D Conc	10	23.	12/1/2007
Dec 2007	001	CBOD 5 day	1D Conc	15	23.	12/13/2007
Dec 2007	001	CBOD 5 day	1D Qty	0.11	.17411	12/13/2007

3PR00216*BD Monitoring/Reporting Violations **Period: 1/1/2007- 2/29/2008**

Reporting Period	Violation Date	Station	Parameter	Sample Frequency	Expected	Reported
March 2007	3/1/2007	001	Color, Severity	1/Week	1	0
March 2007	3/15/2007	001	Color, Severity	1/Week	1	0
March 2007	3/22/2007	001	Color, Severity	1/Week	1	0
August 2007	8/8/2007	001	Color, Severity	1/Week	1	0
August	8/15/2007	001	Color, Severity	1/Week	1	0
August 2007	8/22/2007	001	Color, Severity	1/Week	1	0
September 2007	9/1/2007	001	Color, Severity	1/Week	1	0
September 2007	9/8/2007	001	Color, Severity	1/Week	1	0

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3PR00216*BD Monitoring/Reporting Violations Period: 1/1/2007- 2/29/2008

Reporting Period	Violation Date	Station	Parameter	Sample Frequency	Expected	Reported
September 2007	9/15/2007	001	Color, Severity	1/Week	1	0
September 2007	9/22/2007	001	Color, Severity	1/Week	1	0
October 2007	10/1/2007	001	Color, Severity	1/Week	1	0
October 2007	10/8/2007	001	Color, Severity	1/Week	1	0
October 2007	10/15/2007	001	Color, Severity	1/Week	1	0
October 2007	10/22/2007	001	Color, Severity	1/Week	1	0
December 2007	12/1/2007	001	Color, Severity	1/Week	1	0
December 2007	12/15/2007	001	Color, Severity	1/Week	1	0
December 2007	12/22/2007	001	Color, Severity	1/Week	1	0
January 2008	1/1/2008	001	Color, Severity	1/Week	1	0
January 2008	1/8/2008	001	Color, Severity	1/Week	1	0
January 2008	1/15/2008	001	Color, Severity	1/Week	1	0
January 2008	1/22/2008	001	Color, Severity	1/Week	1	0
March 2007	3/1/2007	001	Odor, Severity	1/Week	1	0
March 2007	3/15/2007	001	Odor, Severity	1/Week	1	0
March 2007	3/22/2007	001	Odor, Severity	1/Week	1	0
August 2007	8/8/2007	001	Odor, Severity	1/Week	1	0
August 2007	8/15/2007	001	Odor, Severity	1/Week	1	0
August 2007	8/22/2007	001	Odor, Severity	1/Week	1	0
September 2007	9/1/2007	001	Odor, Severity	1/Week	1	0
September 2007	9/8/2007	001	Odor, Severity	1/Week	1	0
September 2007	9/15/2007	001	Odor, Severity	1/Week	1	0
September 2007	9/22/2007	001	Odor, Severity	1/Week	1	0
October 2007	10/1/2007	001	Odor, Severity	1/Week	1	0
October 2007	10/8/2007	001	Odor, Severity	1/Week	1	0
October 2007	10/15/2007	001	Odor, Severity	1/Week	1	0
October 2007	10/22/2007	001	Odor, Severity	1/Week	1	0
December 2007	12/1/2007	001	Odor, Severity	1/Week	1	0
December 2007	12/15/2007	001	Odor, Severity	1/Week	1	0
December 2007	12/22/2007	001	Odor, Severity	1/Week	1	0
January 2008	1/1/2008	001	Odor, Severity	1/Week	1	0
January 2008	1/8/2008	001	Odor, Severity	1/Week	1	0
January 2008	1/15/2008	001	Odor, Severity	1/Week	1	0
January 2008	1/22/2008	001	Odor, Severity	1/Week	1	0
March 2007	3/1/2007	001	Turbidity, Severity	1/Week	1	0
March 2007	3/15/2007	001	Turbidity, Severity	1/Week	1	0
March 2007	3/22/2007	001	Turbidity, Severity	1/Week	1	0
August 2007	8/8/2007	001	Turbidity, Severity	1/Week	1	0
August 2007	8/15/2007	001	Turbidity, Severity	1/Week	1	0
August 2007	8/22/2007	001	Turbidity, Severity	1/Week	1	0
September 2007	9/1/2007	001	Turbidity, Severity	1/Week	1	0
September 2007	9/8/2007	001	Turbidity, Severity	1/Week	1	0
September 2007	9/15/2007	001	Turbidity, Severity	1/Week	1	0

3PR00216*BD Monitoring/Reporting Violations

Period: 1/1/2007- 2/29/2008

Reporting Period	Violation Date	Station	Parameter	Sample Frequency	Expected	Reported
September 2007	9/22/2007	001	Turbidity, Severity	1/Week	1	0
October 2007	10/1/2007	001	Turbidity, Severity	1/Week	1	0
October 2007	10/8/2007	001	Turbidity, Severity	1/Week	1	0
October 2007	10/15/2007	001	Turbidity, Severity	1/Week	1	0
October 2007	10/22/2007	001	Turbidity, Severity	1/Week	1	0
December 2007	12/1/2007	001	Turbidity, Severity	1/Week	1	0
December 2007	12/15/2007	001	Turbidity, Severity	1/Week	1	0
December 2007	12/22/2007	001	Turbidity, Severity	1/Week	1	0
January 2008	1/1/2008	001	Turbidity, Severity	1/Week	1	0
January 2008	1/8/2008	001	Turbidity, Severity	1/Week	1	0
January 2008	1/15/2008	001	Turbidity, Severity	1/Week	1	0
January 2008	1/22/2008	001	Turbidity, Severity	1/Week	1	0

In addition to the above, our review of the facility's data reporting procedures noted the following:

1. We understand that Valley Environmental Labs, Inc. has been routinely submitting monthly operating reports for the facility. Pursuant to Part III of the NPDES permit, all reports submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR 122.22. As such, reports can only be signed and certified by a corporate officer, general partner, proprietor, or by a duly authorized representative of said individual. Pursuant to 40 CFR 122.22 (b):

A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in paragraph (a) of this section;***
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,***
- (3) The written authorization is submitted to the Director.***

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2. Pursuant to Ohio Administrative Code (OAC) 3745-7- 02, you are required to have a contract with your certified operator. At a minimum, the contract shall specify that the certified operator be available to respond to emergencies and provide the daily services (i.e. **inspection, monitoring, maintenance, and supervision**) necessary to maintain the reliable operation of the wastewater works. Signatory authority required pursuant to 40 CFR 122.22 (b) may be addressed under the terms of the contract for submission of Monthly Operating Reports.

Summary/Conclusion

Please be advised that failure to comply with the terms and conditions of your NPDES permit may be subject to enforcement actions pursuant to Chapter 6111 of the Ohio Revised Code. Such actions can result in fines of up to \$10,000 per day of violation. Please inform this office, in writing, within 10 days of receipt of this notification as to the actions taken or proposed to address the above violation and/or deficiencies. Your response **shall** include specific dates for completion of the actions. Please be advised that past or present issues of noncompliance can continue as subjects of future enforcement actions by Ohio EPA.

Should you have any questions or comments regarding this letter, please contact this office.

Respectfully,



Ermelindo Gomes
Environmental Engineer
Division of Surface Water

EG/mt

cc: Steve Kramer, Trumbull County Health Department
Valley Environmental Labs, Inc.