

**Environmental  
Protection Agency**

Ted Strickland, Governor  
Deborah C. Fritch, Lt. Governor  
Cynthia A. Frisk, Director

May 27, 2010

RE: TIMES SQUARE RESTAURANT  
PERMIT NO. 3PR00294  
TRUMBULL COUNTY

**CERTIFIED MAIL**

Mr. Dick Thompson, Owner  
8078 Main Street NE  
Kinsman, Ohio 44428

Dear Mr. Thompson:

On April 27, 2010, an inspection of the above referenced facility's wastewater treatment system was conducted. No one was present during the inspection. The purpose of the inspection was to evaluate the operation and maintenance of the treatment system along with the facility's compliance status with respect to the terms and conditions of the above referenced National Pollutant Discharge Elimination System (NPDES) permit.

During the inspection the following items were noted:

1. The existing settling tank has been discharging. See Figures 1 & 2. The area where the settling tank discharges was black and septic.
2. No wastewater treatment plant upgrades have been initiated since the last inspection on November 14, 2008. The facility's NPDES permit contains a schedule of compliance which requires Times Square Restaurant to upgrade its wastewater treatment system. **Construction was scheduled to be completed by March 1, 2003. This places the facility in Significant Non-Compliance with the terms and conditions of the NPDES permit**
3. Mr. Michael Gentile from MS Consultants submitted a letter to this office dated July 12, 2005. This letter requested input regarding the selection of a wastewater treatment system prior to proceeding to the design phase of a system. Mr. Gomes', Ohio EPA representative, response letter, dated August 3, 2005, stated that Ohio EPA did not have any objection to the preferred alternative identified in Mr. Gentile's letter. To date, no detail plans or any correspondence have been submitted to this office for review.
4. As an alternative to construction of an extended aeration treatment system, the existing system can be converted to a holding tank with no discharge. The holding tank would be permitted to be operated until sanitary sewers become available. Once sanitary sewers become available, Times Square Restaurant would be required to tie into the sanitary sewers. A permit-to-install application would be required to be submitted to this office for construction of a holding tank.

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This office has recently reviewed your self-monitoring reports covering the period November 1, 2008 through April 30, 2010 for the referenced facility. Our review indicates that Times Square Restaurant has not submitted monthly discharge monitoring reports since November 1, 2008. **This places the facility in Significant Non-Compliance with the terms and conditions of the above referenced NPDES permit. All past monthly discharge monitoring reports shall be submitted immediately. The data should be electronically submitted through Ohio EPA's Surface Water Information Management System.**

Please be advised that such instances of noncompliance may be cause for enforcement actions pursuant to the Ohio Revised Code, Chapter 6111.

**Please notify this office in writing within 15 days receipt of this letter your intent to address the above referenced violations of the facility's NPDES permit along with your intent to construct additional treatment. The response shall include dates either actual or proposed.**

Should you have any comments or questions concerning this letter, please feel free to call me at (330) 963-1143.

Respectfully,



Michael W. Stevens  
Environmental Engineer  
Division of surface Water

MWS/mt



Figure 1



Figure 2

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<p>1. Article Addressed to:</p> <p><i>Dick Thompson 8078 Main St NE Kinsman OH 44428</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number          (Transfer from service label) <i>7009 1680 0001 9552 0687 (Stevens 5/27/10)</i></p>	

PS Form 3811, February 2004

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