



State of Ohio Environmental Protection Agency

Northeast District Office

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

November 2, 2007

RE: TRUMBULL COUNTY  
KINSMAN TOWNSHIP  
KINSMAN PIZZA  
6442 KINSMAN NICKERSON ROAD  
NPDES PERMIT NO. OH0133116  
OHIO EPA PERMIT NO. 3PR00330

**CERTIFIED MAIL**

Mr. Terrence Evans  
2898 Fallehn Drive  
Cortland, OH 44410

Dear Mr. Evans:

On October 18, 2007, 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 commercial building. The facility was represented by Ms. Chris Fretwell, Manager – Kinsman Pizza. I subsequently spoke with you via telephone on October 19<sup>th</sup>.

The inspection was prompted by your continued failure, despite numerous notifications from Ohio EPA, to submit Monthly Operating Reports (MORS) as required by the National Pollutant Discharge Elimination System (NPDES) permit. Our review noted that no MORS have been filed since the permit was issued to you on October 1, 2002.

The current 750-gallons/day treatment system consists of a trash trap, extended aeration activated sludge “package” plant, final settling tank, dual-unit slow surface sand filtration, and chlorination/dechlorination tank. The system discharges to Pymatuning Creek.

At the time of the inspection, the operation and maintenance of the facility was rated as unsatisfactory. We understand that the facility has never been under the responsible charge of a certified operator as required by the NPDES permit. Additionally, no analytical testing of the plant discharge has been performed to date.

In addition to the above, our review noted that the NPDES permit expired on September 30, 2007. Pursuant to the permit conditions, “in order to receive authorization to discharge beyond” the expiration date, a permit renewal application must be submitted no later than 180 days prior to the date of expiration. Ohio Administrative Code (OAC) 3745-33-02(A) stipulates that “No person may discharge any pollutant or cause, permit, or allow a discharge of any pollutant without applying for and obtaining an Ohio NPDES permit...” Our records indicate that a complete application has not been filed. As such, your facility is considered to be in significant violation of the terms and conditions of its NPDES permit as well as the requirements contained in Ohio Administrative Code (OAC) Chapter 3745-33 and Ohio Revised Code (ORC) Chapter 6111.

Mr. Terrence Evans  
Kinsman Pizza  
November 2, 2007  
Page 2

In light of the present situation, the following actions must be immediately taken:

- Begin monitoring the system and submitting MORs to Ohio EPA.
- Submit a copy of a contract with a State-certified Operator to oversee operation and maintenance of the treatment system.
- The NPDES application forms (Form 1, 2E, and antidegradation addendum) must be completed and filed with this office. Pursuant to Ohio Revised Code 3745.11, a non-refundable \$200.00 application fee, payable to "Treasurer, State of Ohio", must accompany the completed application.

It is recommended that you fully review the terms and conditions of the NPDES permit, preferably with the assistance of your legal counsel. If there are requirements that you do not understand, it is strongly recommended that you contact this office for additional guidance.

Based on the above information, the facility is considered to be in **significant noncompliance** with the terms and conditions of the NPDES permit and, therefore, 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 as well as the formal revocation of the NPDES permit. In addition, failure to address the deficiencies will result in this office requesting that the Trumbull County Health Department suspend and/or revoke the Food Service License for the establishment.

Please inform this office, in writing, as to the actions that have been or will be taken to correct the above violations and/or deficiencies. Your response should include the dates that the actions will be completed. Please be advised that past or present issues of noncompliance can continue as subjects of future enforcement actions by Ohio EPA.

If there are any questions or comments regarding this notification, please contact this office.

Respectfully,



Ermelindo Gomes  
Environmental Engineer  
Division of Surface Water

EG/mt

cc: Chris Fretwell, Kinsman Pizza  
Steve Kramer, Trumbull County Health Department

File: Semipublic/Trumbull County/Kinsman Twp./Kinsman Pizza

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