

**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director



September 10, 2010

**RE: GEAUGA COUNTY
 PIZZA HUT - CHESTERLAND
 TRANSIENT WATER SYSTEM
 PWS ID # OH2854612
 STU ID # 2854458**

CERTIFIED

Mr. Dan Wright
Pizza Hut - Chesterland
P.O. Box 370
Kent, OH 44240

Subject: Notice of Violation for Failure to Respond to a Significant Deficiency

Dear Mr. Wright:

This letter is notification that the Pizza Hut – Chesterland has not complied with requirements issued during this Agency's last survey performed on January 12, 2010, in violation of 3745-81-60 of the Ohio Administrative Code. The original survey letter was dated January 21, 2010, and included forms and instructions for detail plan approval. These were re-sent at the request of Pizza Hut - Chesterland on April 12, 2010. The sanitary survey letter was e-mailed again on July 27, 2010. There has been no response since the July 27 e-mail, and no progress towards addressing the survey comments from the January 21, 2010 letter.

The public water system was notified in correspondence dated January 21, 2010 to respond in writing no later than 45 days, with time frames for:

1. Using NSF Approved Chemicals – Salt

Ohio Administrative Code 3745-83-01(D) requires that all chemicals, substances and materials,

- added to or brought in contact with the water, or
- intended to be used for the purpose of treating, conditioning, altering or modifying the characteristics of such water,

shall

- be shown by either the manufacturer, distributor, or purveyor to be non-toxic and harmless to humans, and
- conform with "American National Standards Institute/National Sanitation Foundation" (ANSI/NSF) standard 60 Drinking Water Treatment Chemicals.

During the survey, it could not be determined whether the salt you were using was ANSI/NSF standard 60 approved. **Please ensure the salt you are using meets the requirement outlined above.** The manufacturer should be able to provide a certificate showing the product is NSF Standard 60-approved. The Website <http://www.nsf.org/Certified/PwsChemicals/> also may be of assistance in determining whether the salt you are using is NSF Standard 60-approved.

2. Creating an Air Gap Separation

OAC 3745-95-05(A)(1) requires that an acceptable air gap be provided where a public water system may be contaminated with substances that could cause a severe health hazard. **An acceptable air gap is needed between the water softening backwash line and the floor drain.** This air gap is required to prevent any possible wastewater contamination from entering the drinking water supply via backflow. This air gap must be at least twice the diameter of the backwash line or one inch, whichever is greater. We discussed raising the end of the backwash line above the level of the floor. Feel free to contact me if you have any questions.

3. Obtaining Detail Plan Approval

During the survey, the need for detail plan approval upon making changes to the water system was discussed. Please be advised that the Ohio Administrative Code, OAC Rule 3745-91-02, requires detail plan approval by Ohio EPA for significant alterations of public water systems prior to construction, installation or substantial changes. Substantial changes include adding or removing treatment equipment from your water system, or changing the size of your current equipment, and drilling a new well.

The four softeners and the carbon/cartridge filter currently part of the water system were not included in the Director's original detail plan approval letter of December 19, 2003. According to personnel at the Pizza Hut – Chesterland facility, these were installed at the time the water treatment system approved by the Director's letter was installed. The sanitary survey letter dated December 6, 2004, required detail plan approval for the extra equipment. Detail plans for the softeners and filters were never received by Ohio EPA.

Please find attached forms and instructions for detail plan approval. You must fill these out for the softener and carbon/cartridge filter and submit them as required by OAC Rule 3745-91-02. Should you desire to make any additional changes to your water system, please first call this office for forms and instructions.

4. Conducting VOC Testing

In 1988, VOCs were detected in the shallow aquifer. In 2003, the current well which supplies Pizza Hut - Chesterland was drilled into the deep aquifer. The VOC scan for the complete well analysis showed the presence of 1,2-Dichloroethane in the deep aquifer. Condition #3 of the Detail Plan Approval for application No. 314929ws dated December 19, 2003 required Pizza Hut – Chesterland to perform additional VOC testing the week of June 20, 2004 and December 19, 2004. These VOC results were never received by Ohio EPA.

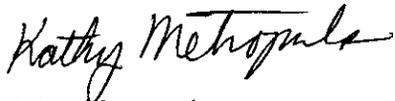
Ohio EPA had requested that samples be collected **the third week of June 2010, and the third week of December 2010, to fulfill the detail plan requirement. If samples have not been collected in June 2010, they will need to be collected in June 2011.** If you have already fulfilled the sampling requirements of the detail plan conditions, please forward the VOC sample results to this office within 45 days of the date of this letter.

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The water system must respond in writing within 15 days from the date of this letter with the required information. Failure to comply may result in further enforcement action.

If you have any questions, please contact me at 330-963-1149.

Sincerely,



Kathy Metropulos
Environmental Specialist
Division of Drinking and Ground Waters

KM:ds

cc: Geauga County Health Dept.
Central Office, DDAGW

ec: Stivo DiFranco, Environmental Supervisor, DDAGW, NEDO
Kathy Metropulos, Environmental Specialist, DDAGW, NEDO