



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

December 29, 2011

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

Fishers Café and Pub
Attn: Mr. Richard Fisher, G.M.
P.O. Box 176
Peninsula, OH 44264

Dear Mr. Fisher:

On December 20, 2011, a Compliance Evaluation Inspection (CEI) was conducted at the wastewater treatment plant (WWTP) serving Fishers Café and Pub. You were present during this unannounced inspection.

During the inspection, the following observations were made: The plant was running and contained adequate air supply. The mixed liquor in the extended aeration tank was the appropriate chocolate brown color, and the sludge return lines were working. The clarifier contained some solids, and the skimmer appeared too high in elevation compared to the water level. A new distribution pipe had been installed to the surface sand filter's distribution box. One half of the surface sand filter was flooded a few inches and was slowly draining. The disinfection tank contained a new tablet feeder.

The plant had no objectionable odor, and the esthetics around the plant have improved. The effluent in the disinfection tank appeared to be clear of visible solids. In conclusion, operation and maintenance of the plant has improved and appears satisfactory.

Review of the electronic Discharge Monitoring Reports (eDMRs) submitted for your plant from November 2010 through November 2011 revealed the following numeric effluent violations:

Reporting Period	Parameter	Limit Type	Limit	Reported Value	Violation Date
June 2011	Total Suspended Solids	30D Conc	12	29.	6/1/2011
June 2011	Total Suspended Solids	7D Conc	18	29.	6/1/2011
June 2011	Nitrogen, Ammonia (NH3)	30D Conc	1.0	12.	6/1/2011
June 2011	Nitrogen, Ammonia (NH3)	7D Conc	1.5	12.	6/1/2011
June 2011	CBOD 5 day	30D Conc	10	16.7	6/1/2011
June 2011	CBOD 5 day	7D Conc	15	16.7	6/1/2011
June 2011	Dissolved Oxygen	1D Conc	6.0	.1	6/6/2011
August 2011	Nitrogen, Ammonia (NH3)	30D Conc	1.0	6.55	8/1/2011
August 2011	Nitrogen, Ammonia (NH3)	7D Conc	1.5	6.55	8/8/2011
August 2011	Dissolved Oxygen	1D Conc	6.0	3.5	8/8/2011

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Please be advised such instances of noncompliance are subject to enforcement pursuant to Ohio Revised Code (ORC) 6111.

After reviewing the reported sampling data, it was noted that AH (Sample Not Taken) is being reported for the required daily flow monitoring. Your National Pollutant Discharge Elimination System (NPDES) permit requires that the plant's discharge be reported daily. Acceptable methods of estimating flow are elapsed time meters on sand filter dosing pumps, elapsed time meters on influent pumps, and water use records. It is required that you immediately have elapsed time meters installed on the dosing chamber.

According to you, AKE Laboratories has been visiting your WWTP three times per week. Fortunately, the operations and maintenance of your treatment plant has improved. But unfortunately, according to Steve Howe of AKE Laboratories, he is no longer going to be your operator of record because you are delinquent on paying for services rendered.

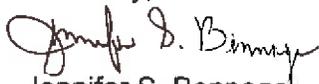
Please be aware that your NPDES permit requires you to have a contract with a WWTP operator holding at least a Class I Wastewater Certification. That Class I Operator shall, at a minimum, be physically present at your treatment works three days per week for a minimum of one and a half hours per week. Within three days of a change in an operator of record, the permittee shall notify the Director of Ohio EPA of any such change on a form acceptable to Ohio EPA. The appropriate form can be found at the following website:

<http://www.epa.ohio.gov/ddagw/opcert.aspx>.

According to Mr. Howe of AKE Laboratories, although the performance of the treatment plant has improved, the Ohio EPA's required plant upgrades are still necessary. As you know, you're current NPDES permit contains a schedule of compliance for necessary treatment plant upgrades consisting of flow equalization, sludge holding, additional aeration and new sand. Construction of this upgrade was to be completed by February 1, 2009. To date, these upgrades have not been constructed. Therefore, you remain in violation of your NPDES permit requirements.

It is directed you contact this office within 14 days, to schedule a meeting, to discuss your intentions regarding returning to compliance. Failure to schedule a meeting will result in immediate referral of this situation to our legal department for escalated enforcement. To schedule the meeting, please contact this office at (330) 963-1151.

Sincerely,



Jennifer S. Bennage
Environmental Engineer
Division of Surface Water

JSB/cs

cc: Dean Stoll, Enforcement Coordinator, Ohio EPA, DSW, NEDO
Larry Reeder, Enforcement Supervisor, Ohio EPA, DSW, CO
Tom LaPlante, Summit County Health Dept.