Ohio | Environmental Protection Agency
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

November 16, 2011

RE: SCOOTERS RESTAURANT
OHIO EPA PERMIT 3PR00428
ANDOVER TWP, ASHTABULA COUNTY

NOTICE OF VIOLATION

Mr. Jeff McWilliams, Owner
Scooters Restaurant
6669 State Route 85
Andover, OH 44003

Dear Mr. McWilliams:

On November 1, 2011, a limited scope site records inspection was conducted at the above referenced facility at 6669 State Route 85, Andover Township, Ashtabula County. The inspection was conducted by John Schmidt of this office, and you represented Scooters Restaurant during the inspection. The purpose of the inspection was to evaluate the facility's operations and maintenance records with respect to the terms and conditions of the facility's National Pollutant Discharge Elimination System (NPDES) permit and Ohio Administrative Code (OAC) Rule 3745-7-09 for the time period of September 4, 2011 through September 17, 2011. You identified Roger Osborn as the Operator of record (ORC) that regularly visits this facility.

The inspection revealed that records required pursuant to OAC 3745-7-09(A)(3) are not being maintained at the facility and were not available for inspection as required by rule. The records must be accessible onsite for twenty-four hour inspection by agency or emergency response personnel as prescribed by OAC 3745-7-9(A)(2). The facility Owner and Operator are both responsible to make sure that the log book is available and maintained on site for 24-hour access by Ohio EPA and emergency response personnel. The log must include inspection dates with time in and time out, clearly identify who is logging time at the facility, and list all activities being performed during the visit. In addition to the log book, a copy of the contract with your ORC must be maintained at the site. You and your ORC must also submit an ORC notification form to Ohio EPA's Operator Certification Unit as indicated on the form which must include all ORCs who inspect this facility. As a courtesy, please provide a copy of the revisedORC form to this office for our records.

Based upon a lack of a log book to document visits by your ORC, Scooters Restaurant is in violation of OAC 3745-7-04 for not meeting minimum staffing hour requirements, OAC 3745-7-02 for not listing all ORCs, OAC 3745-7-09 for not maintaining a facility log book, and OAC 3745-33 for not meeting permit conditions, specifically Part II, Item A, that requires that this facility be overseen by an ORC.

Please inform this office, in writing, within 14 days of the date of this letter as to the actions we discussed that have been or will be taken to correct the above noncompliance or explanations if you believe the noncompliance issues noted are in error. Your response to this letter should include the dates that the actions have been or will be completed. Please be advised that past or present issues of noncompliance can continue as subjects of future enforcement actions by Ohio EPA.

Northeast District Office
2110 East Aurora Road
Twinsburg, OH 44087-1924

330 | 963 1200
330 | 487 0769 (fax)
www.epa.ohio.gov

If you have any questions or comments regarding this inspection, please feel free to contact me at (330) 963-1175.

Respectively,

John M. Schmidt P.E., R.S.
Environmental Engineer
Division of Surface Water

JMS:bo

pc: Daniel Kopec, DSW CO
Dustin Lewis, Lewis Wastewater Management

File: Semipublic/Ashtabula/Andover Twp/Scooters Restaurant (3PR00428)