



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

August 9, 2012

RE: LAKE COUNTY  
KIRTLAND, CITY OF  
TROIS AMIS DBA KIRTLAND CITY TAVERN  
NPDES PERMIT NO. OH0128767  
OHIO EPA PERMIT NO. 3PR00238  
EXPIRATION DATE JULY 31, 2013

**NOTICE OF VIOLATION**

Maureen Hutter and Michael Hutter  
Kirtland City Tavern  
10015 Chillicothe Road  
Kirtland, OH 44094

Dear Mr. and Mrs. Hutter:

On August 7, 2012, this writer conducted a compliance evaluation inspection of the sewage treatment plant serving the Kirtland City Tavern. The purpose of the inspection was to evaluate the facility's compliance status with respect to the terms and conditions of the National Pollutant Discharge Elimination System (NPDES) permit and Director's Final Findings and Orders (DFFOs).

At the time of the inspection, operation and maintenance of the wastewater treatment plant (WWTP) was poor. The following observations were noted:

- The covers of the external grease traps are cracked and should be repaired to permanently prevent water from entering the tanks. Currently, a picnic table has been placed over the location of the grease trap tanks.



- The trash trap contained a portable pump that pumped the tank contents through a flexible hose to the aeration tank. As stated in this writer's letter dated December 2, 2009, this method of operation is not a part of the plant's approved design that was authorized by this agency.



- The aeration tank blower was in operation, providing air to the aeration tank. The mixed liquor suspended solids was brown in color, as was the return sludge line discharge. The skimmer discharge line was in operation.
- The settling tank wastewater content was very turbid. Sludge was floating on the water surface. The skimmer line was submerged and should be adjusted to the water surface level.



- The plant has no disinfection facilities and no filtration facilities.



- The antiquated plant, constructed in 1964, is in a state of disrepair, and is unsafe. The trash trap cover is not seated securely because of the presence of the hose in the tank. The aeration tank gratings are not seated properly. The plant is not fenced in and unauthorized access to the plant is possible.

A review of the Discharge Monitoring Reports (DMR) covering the period of November 2009 through June 2012 revealed the following violations:

Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
001	00300	Dissolved Oxygen	1D Conc	6.0	4.74	8/2/2011
001	00530	Total Suspended Solids	30D Conc	12	165.	12/1/2011
001	00530	Total Suspended Solids	30D Qty	0.1	1.3115	12/1/2011
001	80082	CBOD 5 day	30D Conc	10	12.	12/1/2011
001	00530	Total Suspended Solids	7D Conc	18	165.	12/22/2011
001	00530	Total Suspended Solids	7D Qty	0.1	1.3115	12/22/2011
001	00530	Total Suspended Solids	30D Conc	12	35.	3/1/2012
001	00530	Total Suspended Solids	30D Qty	0.1	.2782	3/1/2012
001	00530	Total Suspended Solids	7D Conc	18	35.	3/22/2012
001	00530	Total Suspended Solids	7D Qty	0.1	.2782	3/22/2012

The June 2012 DMR reveals that AK data substitution code, "too numerous to count", was used for fecal coliform concentration. This is not acceptable. When the effluent sample has a fecal coliform concentration that is too numerous to count, the sample should be diluted, then analyzed, and the result adjusted accordingly.

The average daily design flow of the WWTP (2,100 gpd) continues to be reported for the plant discharge flows. This is not acceptable. Acceptable methods for estimating flow, in order of preference include: 1) elapsed time meters on sand filter dosing pumps; 2) elapsed time meters on influent pumps; 3) water use records. Since this facility has no sand filter dosing pumps or influent pumps at this time, water use records should be used for estimating daily flow.

Ohio EPA records reveal that Mr. Dustin Lewis is the Operator of Record for Kirtland City Tavern. Ohio Administrative Code (OAC) 3745-7-04 (C) states that the minimum staffing requirement for WWTPs with a design flow of less than 0.025 MGD is two days per week for a minimum of one hour per week. Furthermore, OAC 3745-7-09 (A) requires the owner and operator of record of the treatment works to maintain or cause to be maintained operation and maintenance records for each public wastewater treatment facility. Some of the formats in which the records may be maintained include, but are not limited to, hard bound books with consecutive page numbering, time cards, separate operation and maintenance records, or well-organized computer logs. The records shall be accessible onsite for twenty-four hour inspection by agency or emergency response personnel. The records shall be housed and maintained in such a manner as to be protected from weather damage and guarantee the authenticity and accuracy of the records contained within.

At a minimum, the following information must be recorded:

1. Identification of the sewage treatment works;
2. Date and times of arrival and departure for the operator of record and any other operator required by this chapter;
3. Specific operation and maintenance activities that affect or have the potential to affect the quality or quantity of sewage conveyed or effluent produced;
4. Results of tests performed and samples taken, unless documented on a laboratory sheet;

5. Performance of preventative maintenance and repairs or requests for repair of the equipment that affect or have the potential to affect the quality or quantity of sewage conveyed, effluent produced; and
6. Identification of the persons making entries.

Be advised that Ohio EPA has commenced referencing the requirements of OAC 3745-7 in all new and renewal NPDES permits. The operation and maintenance log book for Kirtland City Tavern was located at the aeration tank control box and consists of a spiral notebook. The log book must be hardbound with consecutive page numbering. The last page of the book has entries dated 1/19/12, 1/25/12, 1/26/12. There were no other entries since January 2012 documenting the staffing requirements of the code. The log book recordkeeping requirements and the staffing requirements of the administrative code are not currently being met.

Director's Final Findings and Orders (DFFOs), in the matter involving Trois Amis, Inc. and the Director of the Ohio Environmental Protection Agency, were journalized on May 8, 2008. Pursuant to Order 1b, Respondent, Trois Amis, Inc., was to construct within five months of the effective date of the Orders (i.e. by October 7, 2008) disinfection facilities for the wastewater treatment. Pursuant to Order 1c, Respondent was to have constructed within 12 months of the effective date of the orders (i.e. by May 8, 2009) a dosing chamber and surface sand filters. Construction of disinfection facilities, a dosing chamber and surface sand filters has not occurred. Trois Amis, Inc. is currently in violation of the DFFOs.

Because of your failure to meet the requirements of the DFFOs, Ohio EPA has implemented escalated enforcement action, referring the case to the Office of the Attorney General.

Should you have questions regarding this letter, please contact the undersigned at (330) 963-1183.

Sincerely,



Marie Underwood, P.E.  
Environmental Engineer  
Division of Surface Water

MU/cs

cc: Larry Reeder, Ohio EPA, DSW, CO  
Karen A. Winters, Squire, Sanders & Dempsey, LLP