



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

November 5, 2012

RE: TRUMBULL COUNTY
JOHNSTON TOWNSHIP
SONNY'S FAMILY RESTAURANT
6211 YOUNGSTOWN-KINGSVILLE ROAD
NPDES PERMIT NO. OH0126373
OHIO EPA PERMIT NO. 3PR00216

Mr. Sonny Kuzmick
Sonny's Family Restaurant
6211 Youngstown-Kingsville Road (SR 193)
Cortland, OH 44410

CERTIFIED MAIL

Mr. Kuzmick:

Ohio EPA and the Trumbull County Health Department performed a compliance evaluation inspection of the wastewater treatment works serving the above-referenced facility on October 25, 2012. Ms. Vicki Kuzmick represented the facility, Mr. Steve Kramer represented the Trumbull County Health Department, and Mr. Chris Moody and the undersigned represented Ohio EPA. The inspection was conducted to evaluate the operation and maintenance of the treatment works, and determine the facility's overall compliance with the terms and conditions of its National Pollutant Discharge Elimination System (NPDES) permit.

The current 2,000 gallon/day treatment system consists of a grease trap, trash trap, flow equalization basin, extended aeration activated sludge package plant, final settling tank, slow surface sand filtration, sludge holding, and effluent disinfection. Treated effluent is discharged to an unnamed tributary of Berry Creek.

During the inspection, the following observations and/or deficiencies were noted:

1. The overall operation and maintenance of the treatment works appeared to be marginal.
2. Please ensure that a key to access the treatment plant is maintained on site at all times.
3. One of the flow equalization (EQ) basin pumps did not appear to be functional. Please ensure the pump is serviced, and returned to working order.
4. A strong, septic odor was noted at the flow EQ basin.
5. The mixed liquor in the aeration tank was grey, which could be indicative of a low organic load coming into the plant.
6. Foaming was observed in the aeration tank.

7. A bound and numbered logbook was not observed at the facility. Please ensure that a bound and numbered logbook is maintained on site, and used to document all operation and maintenance activities at the treatment plant. At a minimum, plant operation and maintenance personnel should log their time in and out, the date, a brief description of the work performed, and their initials.
8. The clarifier tank and weir trough had a large amount of pines needles. This problem can be alleviated by installing a fine mesh screening material on the underside of the tank grates.
9. The sand filter distribution box was quite leaky, and needs to be repaired.
10. The sand filter pump control panel box needs to be cleaned. Additionally, there was no switch for pump 1. Please make sure the control panel box is cleaned, and a new switch is installed for pump 1. Both pumps should be functional at all times.
11. The sand filters had a heavy amount of accumulated leaf litter and pine needles. This problem can be alleviated by installing some type of framed, mesh screen over the filters.
12. Disinfection tablets were not observed in the feed tubes.
13. The final effluent appeared to be relatively clear.
14. This office understands that Mr. Ed Kuzmick is the designated operator responsible for operation and maintenance of the plant. However, Ohio EPA has no documentation on file that indicates this. Please complete and submit the enclosed Operator of Record Notification (ORC) form to meet this requirement. Please note that the new permit will require submittal of the ORC form.
15. The outfall marker does not contain the necessary information. Outfall markers should be 2' x 2', and contain, at a minimum, the name of the establishment, a contact telephone number, the Ohio EPA NPDES permit number, and the outfall number. Additionally, the marker shall be a minimum of three feet above ground level, and shall face the receiving stream.

A review of the facility's monthly electronic Discharge Monitoring Reports (eDMRs) received by Ohio EPA for the period March 2011 - October 2012 indicated violations of the terms and conditions contained in the NPDES permit. The specific instances of noncompliance include:

Reporting Period	Station	Reporting Code	Parameter	Sample Frequency	Expected	Reported	Violation Date
August 2011	001	00010	Water Temperature	1/Quarter	1	0	08/01/2011
August 2011	001	00530	Total Suspended Solids	1/Quarter	1	0	08/01/2011
August 2011	001	00610	Nitrogen, Ammonia (NH3)	1/Quarter	1	0	08/01/2011
August 2011	001	31616	Fecal Coliform	1/Quarter	1	0	08/01/2011
August 2011	001	80082	CBOD 5 day	1/Quarter	1	0	08/01/2011
August 2011	001	50060	Chlorine, Total Residu	1/Quarter	1	0	08/01/2011
August 2011	001	00300	Dissolved Oxygen	1/Quarter	1	0	08/01/2011

March	2012	001	00010	Water Temperature	1/Quarter	1	0	03/01/2012
March	2012	001	00530	Total Suspended Solids	1/Quarter	1	0	03/01/2012
March	2012	001	00610	Nitrogen, Ammonia (NH3)	1/Quarter	1	0	03/01/2012
March	2012	001	80082	CBOD 5 day	1/Quarter	1	0	03/01/2012
March	2012	001	00300	Dissolved Oxygen	1/Quarter	1	0	03/01/2012
April	2012	001	00083	Color, Severity	1/Week	1	0	04/22/2012
April	2012	001	01330	Odor, Severity	1/Week	1	0	04/22/2012
April	2012	001	01350	Turbidity, Severity	1/Week	1	0	04/22/2012

The eDMR data review indicated that there is a large amount of missing data. In addition to the review period indicated above, there is also a large amount of data missing since March 2008, as was indicated in correspondence from this office to you dated April 8, 2011. This office had a meeting with you on May 21, 2012 to discuss the repeated failure to submit eDMR data. During the meeting, it was agreed that you would go through your records to locate the missing laboratory reports, and then electronically submit the required reporting data. To date, this office has no indication that this has occurred. Please note that failure to submit eDMR data as required by the NPDES permit is a violation of the terms and conditions of the permit.

Ohio EPA has processed your NPDES renewal application, and will soon public notice a renewal draft permit. Comments on the draft permit should be made in writing, and submitted to Ohio EPA within 30 days of the public notice date. If comments are received, Ohio EPA will address them prior to issuing the permit as a final action.

Once the NPDES permit is issued as a final action, this office suggests that you read through it carefully, as a number of changes have been made. One such change is that the new permit will be phasing out fecal coliform monitoring limits, and replacing them with *Escherichia coli* (*E. coli*) monitoring limits. The permittee will be given a one year conversion period to transition from meeting fecal coliform limits to meeting *E. coli* limits. Monitoring requirements for *E. coli*, and all other new parameters, will be described in the new permit.

Please see to it that the missing laboratory data is located, and submitted to Ohio EPA (electronically) immediately. Additionally, please ensure that you begin reporting the required data in accordance with the monitoring frequencies described in the NPDES permit. Failure to immediately address these issues will result in this matter being referred to Ohio EPA's legal section for appropriate enforcement action.

Such enforcement actions can result in fines of up to \$10,000 per day of violation. Please be advised that past or present issues of noncompliance can also continue as subjects of future enforcement actions by Ohio EPA. Additionally, this office will also make a recommendation to the Trumbull County Health Department to have the facility's food service license revoked/suspended until all NPDES permit issues have been satisfactorily addressed.

Please inform this office, in writing, within 14 days' receipt of this notification, as to the actions that have been taken, or proposed, to address the above-referenced violations and/or deficiencies. Your response shall include specific dates for the initiation and completion of this action plan.

Should you have any questions or comments regarding this letter, please contact this office at (330) 963-1120.

Respectfully,

Tomás Parry

Tomás Parry, P.E.
Environmental Engineer
Division of Surface Water

TP/cs

Attachments: Photos
Operator of Record Notification Form

cc: Steve Kramer, R.S., Trumbull County Health Department
Frank Migliozi, R.S., Trumbull County Health Department

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p><i>Tomás Parry</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>Frank Migliozi</i></p>
1. Article Addressed to:	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No
2. Article Number- (Transfer from service label)	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
PS Form 3811, February 2004	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes

Mr. Sonny Kuzmick
Sonny's Family Restaurant
6211 Youngstown-Kingsville Road (SR 193)
Cortland, OH 44410

7012 1010 000 9467 5564 DSW 11/5/12

102595-02-iv1-1540



