



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

February 11, 2013

RE: LAKE COUNTY  
KIRTLAND  
TROIS AMIS DBA KIRTLAND CITY TAVERN  
NPDES PERMIT NO. OH0128767  
OEPA PERMIT NO. 3PR00238

**NOTICE OF VIOLATION**

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

Dear Mr. and Mrs. Hutter:

On February 5, 2013, 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 was poor. The following observations were noted:

- The trash trap contained a portable pump that pumped the tank's liquid content through a flexible hose to the aeration tank. The tank's cover was not completely seated because of the flexible hose in the tank. The aeration tank grating had a hole in it to permit the placement of the flexible hose. This method of operation is not a part of the plant's approved design that was authorized by this agency.
- The settling tank wastewater content was turbid. Sludge was observed in the effluent trough. The skimmer was submerged and must be adjusted to the level of the water line.
- Suds were observed in the settling tank. Be advised that pursuant to Ohio Administrative Code (OAC) 3745-1-04, to every extent possible, waters of the state shall be free from materials entering the waters as a result of human activity producing color, odor or other conditions in such a degree as to create a nuisance.
- The wastewater treatment plant has no filtration facilities.
- The plant has no disinfection 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; the tank gratings are not locked. Unauthorized access to the plant is possible.

A review of the Discharge Monitoring Reports (DMRs) covering the period of June 2012 through January 2013 revealed the following effluent limitation:

Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
001	00530	Total Suspended Solids	30D Conc	12	48.	12/1/2012
001	00530	Total Suspended Solids	7D Conc	18	48.	12/1/2012
001	00530	Total Suspended Solids	30D Qty	0.1	.38153	12/1/2012
001	00530	Total Suspended Solids	7D Qty	0.1	.38153	12/1/2012

The DMRs show that no sludge has been wasted for the 2012 calendar year.

Also, the average daily design flow of the wastewater treatment plant (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.

The Operation and Maintenance log books for 2010 through 2012 and the log book for 2013 were provided and reviewed. The log books for 2010 through 2011 do not meet the requirements of Ohio Administrative Code 3745-07. The log book for 2013 had instances where the operator of record time documentation was not complete.

OAC 3745-07-09 (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, hardbound 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.

The NPDES permit expires July 31, 2013. Pursuant to Ohio Administrative Code 3745-33, a renewal application is due 180 days prior to the expiration date of the existing permit. In a letter dated October 2, 2012, Ohio EPA informed you of the need to renew your NPDES permit. This agency has yet to receive a renewal NPDES permit application. NPDES permit applications may be obtained from the Division of Surface Water website at [www.epa.ohio.gov/dsw](http://www.epa.ohio.gov/dsw).

On October 22, 2008, this office received detailed design plans and a Permit-to-Install (PTI) application for the construction of plant improvements. On October 30, 2008, this agency issued a PTI for the construction of flow equalization, two new blowers for the aeration tank, a dosing chamber with dual submersible pumps, an elapsed time meter, surface sand filters, a distribution box, ultraviolet light disinfection, an aerated sampling chamber and sludge storage.

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 have constructed within 5 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, this writer has recommended to the Division of Surface Water Enforcement Unit, escalated enforcement action.

Should you have questions, do not hesitate to contact this office at (330) 963-1183.

Sincerely,



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

MU/cs

cc: Terry Kent, R.S., Lake County General Health District  
David Emerman, Ohio Attorney General Office