Ohio EPA
40 years and moving forward

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

April 11, 2013

RE: TRUMBULL COUNTY
VIENNA TWP
BROTHERS PIZZA
PERMIT NO. 3GV0005
EXPIRATION DATE: 12/31/2009

Robert Elser Jr.
Brothers Pizza
4357 Warren Sharon Rd.
Vienna, OH 44473

Dear Mr. Elser:

It has come to the attention of this office that your National Pollutant Discharge Elimination System (NPDES) permit referenced above has expired. To date, our office does not have on file a renewal application. The NPDES permit is required for a discharge of wastewater to 'waters of the state'. Pursuant to Ohio Revised Code (ORC) Section 6111.04.

"No person shall cause pollution or place or cause to be placed any sewage, industrial waste, or other wastes in a location where they cause pollution of any waters of the state... except in such cases where the director of environmental protection has issued a valid and unexpired permit..."

Furthermore, the Ohio Administrative Code (OAC) 3745-33-04 states that *"no person may discharge any pollutant....without applying for and obtaining an Ohio NPDES permit..."*

Sanitary and industrial wastewater treatment system discharges and non-contact/contact cooling water discharges are examples of projects subject to the referenced rules and regulations. The completed NPDES permit renewal application with the application fee was due 180 days prior to permit expiration. Failure to submit a completed application prior to expiration of the permit results in an unauthorized discharge of pollutants subject to enforcement action pursuant to ORC 6111.

Due to the continued non-compliance, you are to submit for an individual NPDES permit using General Form 1 and the appropriate supporting application form 2E may be obtained from our office or downloaded from our Web page at:

http://www.epa.ohio.gov/dsw/permits/npdesform.aspx

Additionally, an Antidegradation Addendum must accompany the application.

The aforementioned forms are to be submitted to our office within 15 days with the $200 application fee, checks made payable to 'Treasurer, State of Ohio'. Unauthorized discharges are subject to enforcement penalties outlined in ORC 6111.99.

Should you have any questions or comments regarding this letter, please contact our office at (330) 963-1200.

Respectfully,

Richard D. Blasick
Environmental Manager
Division of Surface Water

RDB/cl