



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

April 8, 2013

RE: TRUMBULL COUNTY
VIENNA TOWNSHIP
YANKEE KITCHEN RESTAURANT
NPDES PERMIT NO. OH0117625
OHIO EPA PERMIT NO. 3PR00165

Parashos Giourgalis and Nick Raptis
Yankee Kitchen Restaurant
484 Youngstown-Kingsville Road
Vienna, Ohio 44473

Messrs. Giourgalis and Raptis:

Ohio EPA performed a compliance evaluation inspection of the wastewater treatment works serving the above-referenced facility on March 27, 2013. The inspection was conducted to evaluate the overall operation and maintenance of the treatment works, and determine the facility's compliance with the terms and conditions of the National Pollutant Discharge Elimination System (NPDES) discharge permit.

The current 2,800-gpd treatment system consists of a flow equalization basin, extended aeration activated sludge treatment process, final settling tank, slow surface sand filtration, and chlorination/dechlorination. Waste activated sludge is stored in an aerated sludge holding tank until it is hauled away for final disposal. Treated effluent is discharged to a nearby roadside ditch that is tributary to Squaw 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 satisfactory. All treatment units appeared to be in operation.
2. Each entry in the operation and maintenance logbook must contain, at a minimum, the date, time in/out, a description of the work performed, and the initials of the individual logging in the entry.
3. The rusty tank grates must be replaced.
4. The mixed liquor was a chocolate brown color, indicative of a healthy bacterial population.
5. Foaming was observed in the aeration tank.
6. Floating sludge was observed in the clarifier.
7. The weir trough must be cleaned.

8. Sludge deposits were observed in the sand filters. Better settling in the clarifier will reduce the amount of sludge being carried through to the sand filters.
9. Repairs need to be made to the block retaining wall around the disinfection chamber.
10. The final effluent appeared to be relatively clear, and did not appear to be causing any immediately-noticeable, adverse impacts to the receiving stream.

A review of the facility's electronic Discharge Monitoring Reports (eDMRs) received by Ohio EPA for the period September 2010 – March 2013 indicated violations of the terms and conditions contained in the NPDES permit. The specific instances of noncompliance include:

Permit No	Reporting Period	Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
3PR00165*ED	July 2011	001	31616	Fecal Coliform	30D Conc	1000	1700	7/1/2011
3PR00165*ED	December 2011	001	00530	Total Suspended Solids	30D Conc	12	13	12/1/2011
3PR00165*ED	July 2012	001	00530	Total Suspended Solids	30D Conc	12	17	7/1/2012
3PR00165*ED	January 2013	001	00530	Total Suspended Solids	30D Conc	12	22	1/1/2013
3PR00165*ED	January 2013	001	00530	Total Suspended Solids	7D Conc	18	22	1/22/2013

In addition to the eDMR review, this office also noted that Mr. Scott Mascioli has been routinely submitting the facility's eDMR data. Pursuant to Part III, Item 28 of the NPDES permit, "all reports submitted to the Director shall be signed and certified in accordance with the requirements of 40 Code of Federal Regulations (CFR) 122.22". 40 CFR 122.22 explains that reports or any other information requested by the Director must be signed and certified by an individual having authority to sign permit applications as described in 40 CFR 122.22 (a), or by a duly authorized representative.

As explained in this section:

A person is a duly authorized representative if:

- (1) *The authorization is made in writing by a person described in paragraph (a) of this section;*
- (2) *The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,*
- (3) *The written authorization is submitted to the Director.*

This office has no documentation on file indicating that Mr. Mascioli has been officially designated as the facility's operator of record. As such, and based on the requirements outlined in 40 CFR 122.22, Mr. Mascioli may not submit eDMR data on behalf of Yankee Kitchen Restaurant. To designate an operator of record, please complete and submit to Ohio EPA, the enclosed Operator of Record Notification (ORC) form.

Please note that the facility's treatment works has been designated as a Class "A" treatment works in accordance with Ohio Administrative Code 3742-7-04. Class "A" treatment works must have the operator physically present at the site a minimum of twice a week for an hour total. A review of the operation and maintenance logbook indicated that an operator had only been visiting the treatment works approximately once a week, with no entries noted for March 2013 (up until the date of the inspection).

In addition to the inspection findings and the eDMR review, you were also required to submit to this office, within six months of the effective date of the NPDES permit, a report evaluating the ability of the existing treatment works to meet the Escherichia coli (E. coli) monitoring limits that became effective twelve months after the effective date of the NPDES permit, which was May 1, 2011. To date, this office has not received the required E. coli status report. While the eDMR review indicated there have been no issues with meeting the E. coli limits, the report is still necessary.

Part II, K of the facility's NPDES permit requires that an outfall sign be erected at the outfall point by no later than four months from the effective date of the permit, which was May 1, 2011. No such sign was observed during the inspection. Please refer to the above-referenced part of the NPDES permit for specific requirements regarding the sizing, positioning, and what information must be displayed on the sign.

Please be advised that failure to comply with the terms and conditions of your NPDES permit may be subject to enforcement actions pursuant to Chapter 6111 of the Ohio Revised Code. Additionally, past or current acts of noncompliance can continue as subjects of future enforcement actions. Such enforcement actions can result in fines of up to \$10,000 per day of violation.

Please submit to Ohio EPA, within 14 days' receipt of this notification, written documentation describing the course of action that will be taken, or has been taken, to address the deficiencies identified in this letter. 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, P.E.
Environmental Engineer
Division of Surface Water

TP/cs

Attachments: ORC form
Photos

cc: Richard Curl, R.S., Trumbull County Board of Health
Scott Mascioli



