



Indiana Department of Environmental Management

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Eric J. Holcomb
Governor

Brian Rockensuess
Commissioner

June 28, 2024

Via Email to: katie@joehubers.com

Ms. Katie Huber, President
Joe Huber Family Restaurant, Inc.
2421 Engle Rd
Borden, Indiana 47106

Dear Ms. Huber:

Re: Inspection Summary/ Noncompliance Letter
Huber Family Restaurant
NPDES Permit No. IN0055794
Borden, Clark County

An inspection of the above-referenced facility or location was conducted by a representative of the Indiana Department of Environmental Management, Southeast Regional Office, pursuant to IC 13-18-3-9. A summary of the inspection is provided below:

Date(s) of Inspection: June 25, 2024
Type of Inspection: Compliance Evaluation Inspection
Inspection Results: Violations were observed.

The following concerns were noted:

The Effluent Limits Compliance area was rated unsatisfactory due to the following self-reported violations of the limits detailed in Part I. A. of the NPDES Permit:

Month	Year	Outfall	Parameter	Number
August	2023	001	CBOD	5
September	2023	001	CBOD	2
September	2023	001	Ammonia Nitrogen	4
October	2023	001	CBOD	4
October	2023	001	Ammonia Nitrogen	4
December	2023	001	TSS	4
December	2023	001	Oil & Grease	2
December	2023	001	Ammonia Nitrogen	5
January	2024	001	TSS	2
January	2024	001	Oil & Grease	2
January	2024	001	Ammonia Nitrogen	6
February	2024	001	pH	2

March	2024	001	Oil & Grease	2
March	2024	001	TSS	5
April	2024	001	Ammonia Nitrogen	4
May	2024	001	Ammonia Nitrogen	3

Within 30 days of receipt of this letter, a written detailed response documenting correction of the concerns listed above and/or a plan for assuring future compliance must be submitted to this office. Failure to respond adequately to this letter may result in formal enforcement action. Please direct your response to this letter to our letterhead address or via email to wwViolationResponse@idem.IN.gov. Any questions should be directed to Andrew Dryden at 812-530-0429 or by email to adryden@idem.IN.gov. Thank you for your attention to this matter.

Sincerely,



Mark A. Amick, Director
Southeast Regional Office

Enclosure

Permit:

- S 1. Did the facility have a copy of the current permit available for reference.
- N 2. If the permit expires within 180 days, has a renewal application been submitted?
- S 3. Receiving waters are accurately described in the permit.
- S 4. The permit has been properly transferred if there is a new owner.
- N 5. The NPDES Permit Schedule of Compliance monitoring and reporting milestones have been met.

Comments:

The Permit evaluation generated a satisfactory rating. The facility has a valid permit.

Facility/Site:

- N 1. The facility was found to have standby power or equivalent provision, If required.
- S 2. An adequate alarm or notification system for power or equipment failure was available for the treatment facility.
- S 3. Safe and adequate access was provided for inspection of all treatment units and outfalls.
- N 4. Facilities and equipment did not appear beyond their useful life.
- 5. List any safety concerns noted during the inspection in the box below:

Comments:

The Facility/Site evaluation generated a satisfactory rating. The treatment system consists of a septic tank that discharges to a flow through lagoon system. The facility grounds are well maintained.

Operation:

- M 1. All facilities and systems necessary for achieving compliance with the terms and conditions of the permit were operated efficiently, including an anticipated bypass report for steps of treatment taken out of service.
- S 2. An adequate, qualified operating staff was found to be provided to carry out the operation of the facility, including:
 - a. Certified Operator's on-site attendance and/or qualified operations personnel attendance was adequate.
 - b. Adequate documentation of operational activities, including system monitoring and cleaning.
 - c. Adequate funding to ensure proper operation.
- S 3. Solids handling procedures were adequate.
- S 4. Documentation of solids removal, handling, and disposal was adequate.

Comments:

The Operation evaluation generated a marginal rating due the facility experiencing 56 effluent limitation violations in the last 12 months. The facility is currently trending downwards in effluent exceedances after fixing aeration issues and using a WTA for algae. It was noted that the flow totals for the facility are relatively large when taken into consideration with the actual effluent flow totals. The Briefing Memo of the permit states the facility has an average discharge of 0.0065 MGD. In March 2024, the facility experienced 8 effluent limit exceedances. The effluent flow totals (MGD) for March 2024 are:

March 4: 0.019 MGD (15.8 times average flow)
 March 7: 0.007 MGD (1.07 times average flow)
 March 11: 0.026 MGD (4 times average flow)
 March 16: 0.084 MGD (12.9 times average flow)

If effluent exceedances are still issues after July, the facility may want to investigate reducing sheet flow into the lagoon to increase residence time of the wastewater to allow for longer treatment.

Maintenance:

- S 1. A maintenance record system has been established and includes maintenance/repair history and preventative maintenance plan.
- S 2. Facility maintenance activities appeared adequate.

Comments:

The Maintenance evaluation generated a satisfactory rating. The facility has a preventative maintenance plan and maintenance records are retained on site.

Sludge:

- S 1. Sludges, screenings, and slurries were found to be handled and disposed of properly.

Comments:

The Sludge evaluation generated a satisfactory rating. Solids are removed from the septic tank and grease trap twice per year. In the last 12 months, approximately 7500 gallons of solids/grease were removed from the system by Losson Septic and Longbottom Harsaw.

Self-Monitoring:

- S 1. Samples were found to be taken at pre-designated locations and were found to be representative.
- N 2. Flow-proportioned samples were found to be obtained where needed.

- S 3. The facility was found to conduct sampling of all waste streams, including type and frequency, as required in the permit.
- S 4. Sample collection procedures, including automatic sampling, include:
 - a. Samples refrigerated during compositing.
 - b. Proper preservation techniques used.
 - c. Containers and holding times conform to 40 CFR 136.3.
- S 5. Sample documentation was adequate and includes:
 - a. Dates, times, and locations of sampling.
 - b. Name of individual performing sampling.
 - c. Instantaneous flow for flow-weighted aliquots.
 - d. Chain of Custody records.
- N 6. NPDES Permit Total Toxic Organic (TTO) requirements were being met.
- N 7. NPDES Permit Whole Effluent Toxicity (WET) testing requirements were being met.

Comments:

The Self Monitoring evaluation generated a satisfactory rating. All sampling practices are conducted accurately and at the frequency required by the permit.

Flow Measurement:

- S 1. Flow was found to be properly monitored as required by the permit.
- S 2. Flow data and calibration records were available for review, and document that monitoring equipment has been calibrated at the frequency required in the permit.

Comments:

The Flow Measurement evaluation generated a satisfactory rating. The facility's flow measurement program, including all documentation, is adequate and representative. The effluent flow meter was last calibrated December 12, 2023 by Gripp.

Laboratory:

The following laboratory records were reviewed:

- Chain-of-Custody Contract Lab Reports D. O. Bench Sheets
- D. O. Calibration Sheets

- S 1. The laboratory practices and protocol reviewed were adequate, including:
 - a. A written laboratory QA/QC manual was available.
 - b. Samples were found to be properly stored.
 - c. Approved analytical methods were used.
 - d. Calibration and maintenance of instruments was adequate.
 - e. QA/QC procedures were adequate.
 - f. Dates of analyses (and times, where required) were recorded.
 - g. Name of person performing analyses was recorded.
- S 2. Review of lab records and/or on-site field testing equipment and protocols was found to be adequate.

Contract Lab Information

Astbury Water Technology

Comments:

The Laboratory evaluation generated a satisfactory rating. The facility performs analyses of D. O. All other parameters are performed by a contract lab.

Records/Reports:

The following records/reports were reviewed:

DMRs for the period of June 2023 to May 2024 were reviewed as part of the inspection.

- S 1. All facility records for the period including the previous three years were available for review.
- M 2. DMRs and MMRs were completed properly and accurately including:
 - a. "No Ex" column was accurate.
 - b. Signatory requirements were met.
 - c. Reports were prepared by or under the direction of a certified operator.
- N 3. Bypass and Noncompliance reporting are adequate.

Comments:

The Records/Reports evaluation generated a marginal rating for inaccurate counts of exceedances for December

2023, January, March, and May 2024. The facility must correct and resubmit the DMRs. The correct counts are noted in the Effluent Limits Compliance section of this inspection report.

Enforcement:

S 1. Agreed Order compliance milestones have been met.

2018-25862-W

Tessa Scalzo, TScalzo@IDEM.in.gov, 317-233-5975

Comments:

The Enforcement evaluation generated a satisfactory rating. The facility is current with all milestones in the Agreed Order.

Effluent Limits Compliance:

Yes 1. Were DMRs reviewed as part of the inspection?

DMRs for the period of June 2023 to May 2024 were reviewed as part of the inspection.

Yes 2. Were violations noted during the review of DMRs?

The Effluent Limits Compliance area was rated unsatisfactory due to the following self-reported violations of the limits detailed in Part I. A. of the NPDES Permit:

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October	2023	001	Ammonia Nitrogen	4
December	2023	001	TSS	4
December	2023	001	Oil & Grease	2
December	2023	001	Ammonia Nitrogen	5
January	2024	001	TSS	2
January	2024	001	Oil & Grease	2
January	2024	001	Ammonia Nitrogen	6
February	2024	001	pH	2
March	2024	001	Oil & Grease	2
March	2024	001	TSS	5
April	2024	001	Ammonia Nitrogen	4
May	2024	001	Ammonia Nitrogen	3

Comments:

IDEM REPRESENTATIVE

Inspector Name:

Andrew Dryden

Email:

adryden@idem.IN.gov

Phone Number:

812-530-0429

Other staff participating in the inspection:

Name(s)

Tessa Scalzo

Samantha Clements

Phone Number(s)

317-233-5975

317-232-8767

IDEM MANAGER REVIEW

IDEM Manager:

Mark A. Amick

Date:

6/27/2024