

**Environmental
Protection Agency**

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

August 30, 2011

**RE: SUMMIT COUNTY WWTP #36
TEMPORARY SLUDGE HOLDING BASIN
CHARACTERIZATION PLAN
NOTICE OF VIOLATION**

CERTIFIED MAIL

Mr. Robert Hollis
Deputy Director of Operations
Summit County, Dept. of Environmental Services
1100 Loamshire
Akron, Ohio 44319

Dear Mr. Hollis:

This letter provides a response to an extension request, a notice of violation, and a notice of deficiency regarding the revised characterization plan (work plan) for Summit County Upper Tuscarawas Wastewater Treatment Plant #36 (WWTP 36) and compliance with the Director's Final Findings and Orders, effective February 24, 2011 (February 2011 Orders).

The revised work plan is regarding the waste removal at the temporary sludge holding basin (holding basin) at the Summit County WWTP 36, located at 1100 Loamshire Drive, Springfield, in Summit County. The characterization plan responds to Order No. 3 of the February 2011 Orders.

The holding basin is 1.4 acres and is approximately 15 feet deep at the center. The basin contains sludge materials. The basin also contains grease, grit, and solids from the wet wells in Summit County's sanitary sewage collection system which are considered solid waste.

Extension Request

The revised work plan was received in an email from Bev McDaniel, Summit County, Department of Environmental Services, dated August 4, 2011. The email also requested an extension of the deadline for completing the waste characterization from August 23, 2011, to October 18, 2011. Ohio EPA will not grant a change to the Director's Final Findings and Orders, effective February 24, 2011 (February 2011 Orders).

Order 4 of the February 2011 Orders states,

"Within one hundred and eighty days (180) days after the effective date of these Orders, Respondent shall complete the characterization of the waste, within the Temporary Sludge Storage Area and submit a sampling and analysis report to Ohio EPA."

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The email requested changing the completion date for waste characterization from August 23, 2011 (180 days after the Orders effective date of February 24, 2011) to October 18, 2011. Ohio EPA has considered the request and concludes that a modification to an intermediate step would not be efficient. The more important deadlines are contained in Orders 5 and 6 that pertain to the beginning and completion of the waste removal.

Your email stated that the waste removal will begin on February 24, 2011, as required by Order 5, and the waste removal will be completed by October 1, 2015, as required by Order 6. Ohio EPA has enforcement discretion and as long as Summit County complies with Orders 5 and 6, Ohio EPA is unlikely to add the Order 4 violation for penalty consideration.

Violation

The waste characterization was not completed within 180 days of the effective date of the February 2011 Orders. Order 4 of the February 2011 Orders states,

“Within one hundred and eighty days (180) days after the effective date of these Orders, Respondent shall complete the characterization of the waste, within the Temporary Sludge Storage Area and submit a sampling and analysis report to Ohio EPA.”

The completed characterization and submittal of the sampling and analysis report was due on August 23, 2011, pursuant to Order No. 4.

You indicated that Summit County will still begin the waste removal by February 24, 2012, and completed the work by October 1, 2015, pursuant to Orders 5 and 6.

Deficiency regarding the Revised Work Plan

Ohio EPA Original Comment

Sample results should be evaluated, both within layers and between layers, to determine if the material was sampled adequately. If there is a significant amount of variability, if sample results are close to TCLP regulatory limits, or if sample results are both above and below hazardous levels, then additional sampling may be necessary.

Hull's Revision

Section 4.0

“Evaluation of the data will be conducted in accordance with the procedures described by Chapter Nine of U.S. EPA's SW-846 – Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, Strategy for Determining if Chemical Contaminants of Solid Wastes are Present at Hazardous Levels – Stratified Random Sampling (Box 2).

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If the sampling results suggest significant variability, or potentially anomalous values are identified, then additional confirmation sampling (or laboratory reanalysis) of the lagoon contents may be completed. This letter report will include a summary of the analytical results and provide recommendations for material management in a responsible manner consistent with applicable laws and regulations. The report will also include attachments consisting of a sampling location map, the test pit/boring logs, and the analytical results from the laboratory.”

Ohio EPA's Comment

The above section should be revised as follows:

Hull will compile a letter report that summarizes the methods and findings of the lagoon characterization. Evaluation of the data will be conducted in accordance with the procedures described by Chapter Nine of U.S. EPA's SW-846 – Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, Strategy for Determining if Chemical Contaminants of Solid Wastes are Present at Hazardous Levels – Stratified Random Sampling (Box 2). Hull will determine if the appropriate number of samples were collected and analyzed in accordance with Chapter Nine of U.S. EPA's SW-846. If the appropriate number of samples were not collected, Hull shall either submit an amendment to the approved plan for collecting additional samples, or present justification as to why additional sampling may not be necessary. This letter report will include a summary of the analytical results and provide the results for the determination if the adequate number of samples were collected. The report will also include attachments consisting of a sample location map, the test pit/borings logs, and the analytical results from the laboratory, including quality control data. Enough quality control data shall be provided to conduct an Ohio EPA Tier I Data Validation. Ohio EPA's Tier I Check List can be found at the following address:
<http://epa.ohio.gov/portals/32/pdf/AppendixIIChecklist.pdf>.

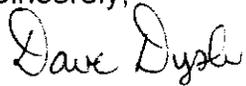
Please revise the work plan as described above.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release Summit County, Department of Environmental Services and others from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts for remedying conditions resulting from any release of contaminants to the environment.

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Please provide a written response to the above deficiencies as soon as possible. Should you have any questions, please call me at (330) 963-1286.

Sincerely,



Dave Dysle
Environmental Specialist
Division of Materials and Waste Management

DD/cl

cc: Melinda Berry, DMWM, CO
Janine Maney, DMWM Legal, CO
Cathy Alexander, DSW, CO
Jennifer Bennage, DSW, NEDO
Michael Bolas, DERR, NEDO
Bill Lutz, DERR, NEDO
Darrick Willis, Summit County Health Department
File: [Sowers/COUN/Summit County WWTP #36/COR/77]