OhioEPA
State of Ohio Environmental Protection Agency
Northeast District Office

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Twinsburg, Ohio 44087

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

October 3, 2008

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

CERTIFIED MAIL

Mr. Robert Hollis
Deputy Director of Operations
Summit County
Department of Environmental Services
1019 U.S. Route 30 West
Imperial, PA 15126

Dear Mr. Hollis:

On September 3, 2008, Ohio Environmental Protection Agency (Ohio EPA) inspected the temporary sludge holding basin (holding basin), also known as the sludge landfill, at Summit County, Upper Tuscarawas Wastewater Treatment Plant #36, located at 1100 Loamshire Drive, Springfield, in Summit County. This letter provides a notice of violations and one comment identified by Ohio EPA during the inspection.

The purpose of the inspection was to investigate the property for open dumping of solid wastes as mentioned in a complaint received by Ohio EPA. Present for this inspection were Robert Hollis and Jeff Muckleroy, representing Summit County, Department of Environmental Services (SCDES); and Michael Bolas and I, representing Ohio EPA.

Ohio EPA observed several kinds of sludge materials dumped in the holding basin. You indicated that a gray-colored flowing material was a direct dump from gravity sewers and the rest of the sludge came from clean outs from pump stations and sanitary gravity sewers. In addition, the holding basin may also contain disposed grease, grit, and solids from the wet wells in Summit County's sanitary sewage collection system. The holding basin is 1.4 acres and is approximately 15 feet deep at the center.

The holding basin is not permitted or licensed by Ohio EPA as a solid waste disposal facility as defined in Ohio Administrative Code (OAC) 3745-27-01(S)(24).

VIOLATIONS

1. **OAC 3745-27-05(C)** Open dumping of solid wastes

This rule states in part, *"No person shall conduct, permit, or allow open dumping."*

The landfill contained sludge from the clean outs from pump stations and sanitary gravity sewers. The landfill also contained sludge that was direct dumped from gravity sewers.

The above sludges are considered solid wastes. Please consider the following definitions:

Solid waste is defined in OAC 3745-27-01(S)(23) and states the following, " *"Solid waste" means such unwanted residual solid or semisolid material, including but not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt and debris, as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from combustion of coal, biomass fuels, and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or a hazardous waste."*

Sewage sludge is exempt from the above definition of solid waste, pursuant to OAC 3745-27-03. However, the sludges in the landfill do not meet the sewage sludge definition found in OAC 3745-27-03(8)(b). This rule states in part, "*Sewage sludge is defined as a solid, semi-solid or liquid residue generated during the treatment of sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum and solids removed in primary, secondary or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage."*

Based on the above definitions, the sludges in the holding basin are solid wastes. Therefore, SCDES has violated OAC 3745-27-05(C) due to open dumping of solid wastes in the holding basin.

To achieve compliance, SCDES must remove and properly dispose of all solid wastes at a licensed solid waste disposal facility and provide copies of the disposal receipts to Ohio EPA.

2. **Ohio Revised Code (ORC) 3734.03** Open dumping of solid wastes

This law states in part, *"No person shall dispose of solid wastes by open burning or open dumping...No person shall dispose of treated or untreated infectious waste by open burning or open dumping."*

As stated in Item 1 above, the sludges in the holding basin are solid wastes. Therefore, SCDES has violated ORC 3734.03 due to open dumping of solid wastes in the holding basin.

To achieve compliance, SCDES must remove and properly dispose of all solid wastes at a licensed solid waste disposal facility and provide copies of the disposal receipts to Ohio EPA.

3. **ORC 3734.05(A)(1)** License for a solid waste facility

This law states in part, *"Except as provided in divisions (A)(4), (8), and (9) of this section, no person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located or by the director of environmental protection when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code."*

SCDES has violated ORC 3734.05(A)(1) due to failure to obtain a license prior to operating a solid waste facility.

To achieve compliance, SCDES must remove and properly dispose of all solid wastes at a licensed solid waste disposal facility and provide copies of the disposal receipts to Ohio EPA.

4. **OAC 3745-37-01(A)** License for a solid waste facility

This rule states in part, *"No person shall conduct municipal solid waste landfill, industrial solid waste landfill, residual solid waste landfill, compost facility, transfer facility, infectious waste treatment facility, or solid waste incineration facility operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of the Revised Code and the Administrative Code rules adopted thereunder. Each license shall be obtained from the board of health in the health district in which the facility is located, or by the director, if the director has assumed the licensing function for that health district."*

SCDES has violated OAC 3745-37-01(A) due to failure to obtain a license prior to operating a solid waste facility.

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SCDES has violated OAC 3745-37-01(A) due to failure to obtain a license prior to operating a solid waste facility.

To achieve compliance, SCDES must remove and properly dispose of all solid wastes at a licensed solid waste disposal facility and provide copies of the disposal receipts to Ohio EPA.

To achieve compliance, SCDES must immediately stop operating as a solid waste landfill facility.

5. ORC 3734.05(A)(2) Permit for a solid waste facility

This law states in part, *"Except as provided in divisions (A)(2)(b), (8), and (9) of this section, each person proposing to open a new solid waste facility or to modify an existing solid waste facility shall submit an application for a permit with accompanying detail plans and specifications to the environmental protection agency for required approval under the rules adopted by the director pursuant to division (A) of section 3734.02 of the Revised Code and applicable rules adopted under division (D) of section 3734.12 of the Revised Code at least two hundred seventy days before proposed operation of the facility and shall concurrently make application for the issuance of a license under division (A)(1) of this section with the board of health of the health district in which the proposed facility is to be located."*

SCDES has violated ORC 3734.05(A)(2) due to failure to obtain a permit prior to operating a solid waste facility.

To achieve compliance, SCDES must remove and properly dispose of all solid wastes at a licensed solid waste disposal facility and provide copies of the disposal receipts to Ohio EPA.

6. ORC 3734.02(C) Permit for a solid waste facility

This law states in part, *". . . Except as provided in this division and divisions (N)(2) and (3) of this section, no person shall establish a new solid waste facility or infectious waste treatment facility, or modify an existing solid waste facility or infectious waste treatment facility, without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director.."*

SCDES has violated ORC 3734.02(C) due to failure to obtain a permit prior to operating a solid waste facility.

To achieve compliance, SCDES must remove and properly dispose of all solid wastes at a licensed solid waste disposal facility and provide copies of the disposal receipts to Ohio EPA.

COMMENT

The Summit County website has a 2005 aerial photo of the facility that shows evidence of what appears to be a leachate discharge from the holding basin's leachate collection manhole area located at the northwest perimeter. Please see attached aerial photo. The photo shows a dark green "plume" originating from the northwest perimeter. The darker green vegetation would likely be due to those plants receiving more moisture (leachate) than surrounding vegetation. Ohio EPA did not see evidence of leachate seepage during the September 3, 2008 inspection. Ohio EPA recommends the operator inspect the leachate collection manhole area to determine if any pipes are leaking and allowing leachate to escape. Any leachate seepage would be considered a violation of ORC 6111.04 for allowing leachate to enter waters of the state without a permit issued by Ohio EPA.

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.

Please provide a written response to the above violations within 15 days receipt of this letter. Please include a schedule and description of compliance activities. Should you have any questions, please call me at (330) 963-1286.

Sincerely,

Dave Dysle

Dave Dysle
Environmental Specialist
Division of Solid and Infectious Waste Management

DD:cl

att: 2005 aerial photo

cc: Michael Bolas, DERR, NEDO
Jennifer Bennage, DSW, NEDO
Julie Brown, Akron Health Dept.
File: [Sowers/COUN/Summit County WWTP #36/COR/77]

Summit County, Upper Tuscarawas Wastewater Treatment Plant #36
2005 aerial photo from Summit County website.

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PS Form 3800, August 2006 See Reverse for Instructions