

4PU00004 C



State of Ohio Environmental Protection Agency

FILE COPY

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P.O. Box 1049
Columbus, OH 43216-1049

June 24, 2010

Mr. Tony Vogel
Director of Utilities
Fairfield County Utilities Department
210 East Main Street (Room 302)
Lancaster, OH 43130-3854

Dear Mr. Vogel:

Attached is a report for a Compliance Evaluation Inspection that John Owen and I from this office performed June 14, 2010 at the Tussing Road wastewater treatment plant (WWTP). During the inspection we met with Brandon Fox and Don Sherman of your staff.

The major issue involved with this facility focuses on the schedule of compliance contained in the wastewater discharge permit. Our office as well as yours is awaiting the Ohio Environmental Review Appeals Commission (ERAC) decision regarding your appeal of that schedule. Once a decision is provided, interaction between our offices will continue in response to the decision.

After the ERAC decision is known and compliance issues are resolved then this office will continue processing the permit renewal application that Fairfield County has submitted to this office for the Tussing Road WWTP. Until the permit is renewed the existing permit remains in effect.

If you have questions regarding this report I may be contacted by telephone at 614-728-3850 or by e-mail at jan.rice@epa.ohio.gov.

Sincerely,

Jan A. Rice
Environmental Specialist
Field Operations Unit
Division of Surface Water
Central District Office

c: Brandon Fox, Chief Operator

JAR/nsm Tussing Road 6-14-10 CEIcovltr

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



Jan Rice

Jan Rice, Inspector, Ohio EPA, Central District Office

6/28/10

Date

Erin Sherer

Erin Sherer, Reviewer, Ohio EPA, Central District Office

6-28-10

Date

Sections E through K: Complete on all inspections as appropriate (N/A = Not Applicable N/E = Not Evaluated)

E. PERMIT VERIFICATION

Inspection Observations Verify the Permit	Yes	No	N/A	N/E
a. Correct name and mailing address of permittee	X			
b. Correct name and location of receiving waters	X			
c. Product(s) and production rates conform with permit application (industries)			X	
d. Flows and loadings conform with NPDES permit	X			
e. Treatment processes are as described in permit application/briefing memo	X			
f. New treatment process(es) added since last inspection		X		
g. Notification given to state of new, different, or increased discharges		X		
h. All discharges are permitted	X			
i. Number and location of discharge points are as described in permit	X			

F. COMPLIANCE SCHEDULES/VIOLATIONS

	Yes	No	N/A	N/E
a. Any significant violations since the last inspection (last inspection was 11/20/08)	*X			
b. Permittee is taking actions to resolve violations		*X		
c. Permittee has compliance schedule	X			
d. Compliance schedule contained in: Permit	X			
e. Permittee is meeting compliance schedule		*X		

Comments: *a. - effluent limitation and monitoring frequency violations are listed in Attachment "A", Tables 1 and 2 of this report.

b. - the permittee has decided that, prior to resolving total dissolved solids and phosphorus effluent limitations violations, it will await the ERAC decision regarding those parameters.

The permittee is evaluating whether or not to implement a Fats Oil and Grease (FOG) program to help minimize such discharge into its sanitary sewer collection system and WWTP. The monitoring frequency violations have been resolved by the permittee.

e. - the permittee's appeal to ERAC did not inactivate the compliance schedule. The schedule requires that the permittee comply with the final effluent limitation for total dissolved solids and phosphorus by August 1, 2009. This has not yet occurred. Noncompliance with schedule dates is listed in Attachment "A", Table 3 in this report.

NPDES
Compliance Inspection Report

A. NATIONAL DATA SYSTEM CODING

Permit No.	NPDES No.	Date	Inspection Type	Inspector	Facility Type
4PU00004*HD	OH0054305	6/14/10	CEI	S	1

B. FACILITY DATA

Name and Location of Facility Inspected	Entry Time	Permit Effective Date
Board of Commissioners Fairfield County Tussing Road Wastewater Treatment Plant (WWTP) 10955 Tussing Road Pickerington, Ohio 43147	8:30 A.M.	8/1/06
	Exit Time	Permit Expiration Date
	11:25 A.M.	7/31/10

Name(s) and Title(s) of On-Site Representative(s)	Phone Number(s)
Brandon Fox, Chief Operator Don Sherman, Deputy Director of Utilities	614-322-5208 614-322-5200
Name(s) Address and Title(s) of Operator of Record	Phone Number(s)
Larry Stadwick, Operator of Record, 10955 Tussing Road, Pickerington, Ohio 43147	614-322-5200
Name, Address and Title of Responsible Official	Phone Number
Tony Vogel, Director of Utilities, Fairfield County Utilities Department 210 East Main Street (Room 302), Lancaster, Ohio 43130-3854	740-652-7120

C. AREAS EVALUATED DURING INSPECTION (S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

<u>S</u>	Permit
<u>S/S</u>	Records/Reports
<u>S/S</u>	Operations & Maintenance
<u>S</u>	Facility Site Review
<u>S</u>	Collection System - rated satisfactory knowing that the permittee is continuing efforts to minimize inflow/infiltration into its sanitary sewer collection system.
<u>S</u>	Flow Measurement
<u>S</u>	Laboratory
<u>M/S</u>	Effluent/Receiving Waters - effluent limitation violations are listed in Attachment "A".
<u>S/S</u>	Sludge Storage/Disposal
<u>N</u>	Pretreatment
<u>U</u>	Compliance Schedules - compliance schedule violations are listed in Attachment "A".
<u>S</u>	Self-Monitoring Program

D. SUMMARY OF FINDINGS/COMMENTS: The permittee and this office are awaiting outcome of the Ohio Environmental Review Appeals Commission (ERAC) review of the permittee's 7/27/06 wastewater discharge permit appeal (Case No. 235929). Since the appeal did not invalidate the permit, the permittee is in noncompliance with the permit compliance schedule. A copy of the appeal is included as Attachment "B" of this report.

Aside from issues involved with the permit appeal, the permittee has continued efforts to provide consistent wastewater discharge permit compliance. The permittee has submitted its application for permit renewal but this office will not proceed with the renewal until after the ERAC decision is known and noncompliance issues are addressed.

G. OPERATION AND MAINTENANCE

Treatment Facility Properly Operated and Maintained	Yes	No	N/A	N/E
a. Standby power available: Diesel Generator - (tested every Tuesday)	X			
b. Adequate alarm system available for power or equipment failures (SCADA/autodialers)	X			
c. All treatment units in service other than backup units	*X			
d. Sufficient operating staff provided: #of shifts: 1, 5 Days/Week with weekend/holiday checks	X			
e. Operator holds unexpired license of class required by permit Class: III	X			
f. Routine and preventive maintenance schedule/performed on time	X			
g. Any major equipment breakdown since last inspection	*X			
h. Operation and maintenance manual provided and maintained	X			
i. Any plant bypasses since last inspection		X		
j. Regulatory agency notified of bypasses _____ on MORS _____ 800 Number			X	
k. Any hydraulic and/or organic overloads experienced since last inspection	X			

Comments: *c. - only one of the two clarifiers is necessary for use during low flow periods of time. At the time of this inspection the south clarifier was not in service but is available for use if needed.

g. - one aeration tank blower is out of service and is being repaired. Staff will begin repairing the #1 disc aerator shaft by July 1, 2010.

Collection System	Yes	No	N/A	N/E
a. Percent combined system: 0 %				
b. Any collection system overflows since last inspection (CSO ___ SSO <u>X</u>)	*X			
c. Regulatory agency notified of overflow (SSOs)	X			
d. CSO O and M plan provided and implemented			X	
e. CSOs monitored and reported in accordance with permit			X	
f. Portable pumps used to relieve system		X		
g. Lift station alarm systems provided and maintained (SCADA for all lift stations)	X			
h. Are lift stations equipped with permanent standby power or equivalent	X			
i. Is there an inflow/infiltration problem (separate sewer system), or were there any major repairs to collection system since last inspection	*X			
j. Any complaints received since last inspection of basement flooding		X		
k. Are any portions of the sewer system at or near capacity		X		

Comments: *b. - on 4/3/09 an overflow report was submitted for an overflow from the WWTP sludge holding tank. The overflow was due to a drain valve that had been left open while the tank was being filled. On 5/7/10 an overflow report was submitted for an overflow from a manhole (Manhole E) east of the sludge thickening tanks. The overflow was due to debris/grease in the sewer line.

i. - manhole relining work has occurred at various locations. The permittee has an I/I control report for Mingo Estates and will be working to implement report recommendations.

Part 2 - Sampling	Yes	No	N/A	N/E
a. Sampling location(s) are as specified by permit	X			
b. Parameters and sampling frequency agree with permit	X			
c. Permittee uses required sampling method	X			
d. Sample collection procedures are adequate	X			
i. Samples refrigerated during compositing	X			
ii. Proper preservation techniques used	X			
iii Containers and sample holding times prior to analyses conform with 40 CFR 136.3	X			
e. Monitoring records (e.g., flow, pH, D.O., etc.) maintained for a minimum of three years including all original strip chart recordings (e.g., continuous monitoring instrumentation, calibration, and maintenance records)	X			
f. Adequate records maintained of sampling date, time, exact location, etc.	X			

Part 3, Laboratory - General	Yes	No	N/A	N/E
a. EPA approved analytical testing procedures used (40 CFR 136.3)	X			
b. If alternate analytical procedures are used, proper approval has been obtained			X	
c. Analyses being performed more frequently than required by permit		X		
d. If (c) is yes, are results reported in permittee's self-monitoring report			X	
e. Commercial laboratory used				
1. Parameters analyzed by commercial lab: Metals, O&G, sludge parameters, Mercury				
2. Lab name: MASI, Ginosko (Mercury)	X			

Part 3, Laboratory - Quality Control/Quality Assurance	Yes	No	N/A	N/E
f. Quality assurance manual provided and maintained	*X			
g. Satisfactory calibration and maintenance of instruments and equipment	X			
h. Adequate records maintained	X			
i. Results of latest U.S. EPA quality assurance performance sampling program: DMRQA 29				
Date: 9/20/09 X Satisfactory				
_____ Marginal				
_____ Unsatisfactory				

Comments: f. - QA/QC documentation is attached to monthly analyses. The permittee is doing additional (3/year) laboratory analyses checks.

A copy of the Ohio EPA General Lab Criteria checklist was provided to the permittee for use in comparison of existing lab procedures with information contained in the checklist.

J. EFFLUENT/RECEIVING WATER OBSERVATIONS

Outfall #	Oil Sheen	Grease	Turbidity	Visible Foam	Visible Float Solids	Color	Other
1	None	None	None	Slight	None	Clear	

K. MULTIMEDIA OBSERVATIONS

	Yes	No	N/A	N/E
a. Are there indications of sloppy housekeeping or poor maintenance in work and storage areas or laboratories		X		
b. Do you notice staining or discoloration of soils, pavement, or floors		X		
c. Do you notice distressed (unhealthy, discolored, dead) vegetation		X		
d. Do you see unidentified dark smoke or dustclouds coming from sources		X		
e. Do you notice any unusual odors or strong chemical smells		X		
f. Do you see any open or unmarked drums, unsecured liquids, or damaged containment facilities		X		

Attachment "A"

Tussing Road WWTP
 Effluent Limitation Violations
 11/1/08 - 5/31/10

Permit No	Reporting Period	Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
4PU00004*HD	February 2009	001	00552	Oil and Grease, Hexane	1D Conc	10	12.27	2/5/2009
4PU00004*HD	August 2009	001	00515	Residue, Total Dissolv	30D Conc	1646	1976.66	8/1/2009
4PU00004*HD	September 2009	001	00665	Phosphorus, Total (P)	30D Conc	1.0	1.1025	9/1/2009
4PU00004*HD	September 2009	001	00515	Residue, Total Dissolv	30D Conc	1646	1967.5	9/1/2009
4PU00004*HD	October 2009	001	00515	Residue, Total Dissolv	30D Conc	1646	1665.83	10/1/2009
4PU00004*HD	December 2009	001	00665	Phosphorus, Total (P)	30D Conc	1.0	1.0625	12/1/2009
4PU00004*HD	January 2010	001	00665	Phosphorus, Total (P)	30D Conc	1.0	1.15	1/1/2010
4PU00004*HD	February 2010	001	00665	Phosphorus, Total (P)	30D Conc	1.0	1.6175	2/1/2010
4PU00004*HD	February 2010	001	00665	Phosphorus, Total (P)	30D Qty	11.4	12.4710	2/1/2010
4PU00004*HD	March 2010	001	00665	Phosphorus, Total (P)	30D Conc	1.0	1.4625	3/1/2010
4PU00004*HD	March 2010	001	00665	Phosphorus, Total (P)	30D Qty	11.4	13.4263	3/1/2010

Table 1.

Tussing Road WWTP
 Monitoring Frequency Violations
 11/1/08 - 5/31/10

Permit No	Reporting Period	Station	Reporting Code	Parameter	Sample Frequency	Expected	Reported	Violation Date
4PU00004*HD	December 2009	001	00530	Total Suspended Solids	3/Week	3	2	12/22/2009
4PU00004*HD	December 2009	001	00610	Nitrogen, Ammonia (NH3)	3/Week	3	2	12/22/2009
4PU00004*HD	December 2009	001	80082	CBOD 5 day	3/Week	3	2	12/22/2009
4PU00004*HD	December 2009	001	00515	Residue, Total Dissolv	3/Week	3	2	12/22/2009
4PU00004*HD	December 2009	601	00530	Total Suspended Solids	3/Week	3	2	12/22/2009
4PU00004*HD	December 2009	601	80082	CBOD 5 day	3/Week	3	2	12/22/2009

Table 2.

Attachment "A" (cont.)

Compliance Schedule Violations

Permit No.	App No	Permit Effective Date	Permit Expiration Date	Schedule Due Date	Completion Date	Event Code	Schedule Type	Schedule Milestone
4PU00004*HD	OH0054305	8/1/2006	7/31/2010	2/1/2007	Incomplete	95999	Other	Status Report
4PU00004*HD	OH0054305	8/1/2006	7/31/2010	8/1/2007	Incomplete	1299	Construction	Final Plan Submitted
4PU00004*HD	OH0054305	8/1/2006	7/31/2010	8/1/2007	Incomplete	95999	Other	Status Report
4PU00004*HD	OH0054305	8/1/2006	7/31/2010	8/1/2008	Incomplete	95999	Other	Status Report
4PU00004*HD	OH0054305	8/1/2006	7/31/2010	8/1/2009	Incomplete	5699	Construction	Final Compliance w/ Eff Limits
4PU00004*HD	OH0054305	8/1/2006	7/31/2010	8/1/2009	Incomplete	5699	Construction	Final Compliance w/ Eff Limits

Table 3.

BEFORE THE ENVIRONMENTAL REVIEW APPEALS COMMISSION
STATE OF OHIO

RECEIVED BY
ENVIRONMENTAL REVIEW
APPEALS COMMISSION

2006 JUL 27 AM 1:53

BOARD OF COMMISSIONERS OF)
FAIRFIELD COUNTY)
210 East Main Street)
Lancaster, Ohio 43130)
Phone # (614) 833-0884)

Appellant,

v.

JOSEPH KONCELIK, DIRECTOR OF)
ENVIRONMENTAL PROTECTION)
Lazarus Government Center)
122 S. Front Street)
P.O. Box 1049)
Columbus, OH 43216-1049)

Appellee.

Case No. 235929

RECEIVED
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11:21 AM

NOTICE OF APPEAL

Pursuant to R.C. §3745.04, notice is hereby given of Fairfield County's appeal to the Environmental Review Appeals Commission ("ERAC") from the June 30, 2006 final action of the Director of the Ohio Environmental Protection Agency ("Director"), issuing an National Pollutant Discharge Elimination System permit ("NPDES"), Ohio EPA Permit No. 4PU00004*HD ("Permit"), to Fairfield County, a copy of which is attached as Exhibit A.

Appellant assigns as error the following items, reserving its right to amend or supplement the assignments of error as further information becomes available to it.

1. The discharge limitations on Total Dissolved Residue (Solids) ("TDS") are unreasonable and unlawful.
2. The discharge limitations on Total Phosphorus are unreasonable and unlawful.
3. The schedule of compliance for TDS is unreasonable and unlawful.

(H0712026)

