



State of Ohio Environmental Protection Agency

Northeast District Office

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

September 3, 2009

RE: ASHTABULA COUNTY
VILLAGE OF GENEVA-ON-THE-LAKE
SEWAGE SLUDGE INSPECTION

NOTICE OF VIOLATION

CERTIFIED MAIL

Mayor and Council
Village of Geneva-on-the Lake
4964 South Spencer Drive
Geneva-on-the-Lake, Ohio 44041

Mr. Ralph Janson
2349 Mechanicsville Road
Rock Creek, Ohio 44084-9510

Dear Mayor, Council, and Mr. Janson:

During a June 23, 2009 sewage sludge inspection conducted at the Geneva-on-the-Lake wastewater treatment plant (WWTP), I requested information regarding the sewage sludge contractor and records regarding the land application of sewage sludge. While the information was not available at the WWTP regarding the land application of sewage sludge, Vic Quinones, Superintendent, later faxed some sewage sludge records to Ohio EPA on August 4, 2009 and August 31, 2009. Unfortunately, the information provided is incomplete. I have attempted to contact Mr. Janson on numerous attempts in order to obtain additional information.

Ohio EPA records indicate that the following sites have been authorized to the WWTP for sewage sludge land application:

Ohio EPA I.D.	Field I.D.	Acreage
4-0001	Ralph Janson #01	10
4-0002	Ralph Janson #02	20
4-0003	Ralph Janson #03	3
4-0004	Ralph Janson #04	4
4-0005	Ralph Janson #05	1
4-0006	Ralph Janson #06	12

According to an August 13, 2009 Penn State Agricultural Analytical Services Laboratory report, the phosphorus soil test for a twenty acre site was 334 parts per million. Ohio

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Administrative Code (OAC) Chapter 3745-40-04(F) requires that "for soils with soil phosphorus test results greater than one hundred fifty parts per million (three hundred pounds per acre) Bray-Kurtz P1 extraction or one hundred seventy parts per million (three hundred forty pounds per acre) Mehlich 3 extraction, land application of bulk sewage sludge shall either:

- Cease until such time that soil phosphorus test results are less than or equal to one hundred fifty parts per million (three hundred pounds per acre) Bray-Kurtz P1 extraction or one hundred seventy parts per million (three hundred forty pounds per acre) Mehlich 3 extraction; or
- Continue when it has been demonstrated to the division, using a phosphorus index, that a low relative risk of phosphorus movement to waters of the state exists at the authorized site."

Land application is prohibited on all of the authorized fields that exceed a soil phosphorus level of one hundred fifty parts per million (three hundred pounds per acre) Bray-Kurtz P1 extraction or one hundred seventy parts per million (three hundred forty pounds per acre) Mehlich 3 extraction until one of the two options, detailed above, are performed.

In addition, OAC Chapter 3745-40-06(J) requires "the person who land applies bulk sewage sludge shall develop the following information, shall retain the information for five years, and shall make the information available to the division upon request:

- A description of how the land application agronomic management requirements of rule 3745-40-04 of the Administrative Code are met for each site on which bulk sewage sludge is applied;
- For class B sewage sludge, a description of how the site restrictions of rule 3745-40-05 of the Administrative Code are met for each site on which bulk sewage sludge is applied;
- When applicable, a description of how the vector attraction reduction requirements in paragraphs (Q)(9) to (Q)(10) of rule 3745-40-05 of the Administrative Code are met for each site on which bulk sewage sludge is applied;

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- *The agronomic rate calculations used to determine the bulk sewage sludge loading rate in dry tons per acre for each site on which bulk sewage sludge is applied;*
- *The following certification statement signed by the person who land applies bulk sewage sludge:*

"I certify, under penalty of law, that the information that will be used to determine compliance with the land application agronomic management requirements of rule 3745-40-04 of the Administrative Code was prepared under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment.";

- *When applicable, the following certification statement signed by the person who land applies bulk sewage sludge:*

"I certify, under penalty of law, that the information that will be used to determine compliance with the site restrictions in rule 3745-40-05 of the Administrative Code was prepared under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."; and

- *When applicable, the following certification statement signed by the person who land applies bulk sewage sludge:*

"I certify, under penalty of law, that the information that will be used to determine compliance with vector attraction reduction requirement (insert one of the vector attraction reduction requirements in paragraphs (Q)(9) to (Q)(10) of rule 3745-40-05 of the Administrative Code) was prepared under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

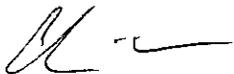
Ohio EPA formally requests copies of all soil analytical results (i.e. pH and phosphorus) for all land application sites where sewage sludge application has occurred in the previous five years (2005 to current date). Ohio EPA also formally requests copies of all

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the information required to be maintained in accordance with OAC Chapter 3745-40-06(F) for the previous five years (2005 to current date). **Should the WWTP and/or JR Trucking land apply sewage sludge that fails to satisfy OAC Chapter 3745-40, Ohio EPA will pursue the WWTP and/or JR Trucking through enforcement, whereby violations of ORC Chapter 6111 are punishable by fines up to \$10,000 a day per violation.** Within fourteen (14) days of receiving this Notice of Violation letter, a written response must be submitted to Ohio EPA that includes the above requested information and a summary of the volume of sewage sludge land applied and the location where each land application event occurred over the previous five years (2005 to current date).

Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1118.

Sincerely,



Chris Moody
Environmental Specialist
Division of Surface Water

CM/mt

cc: Vic Quinones