



**Environmental
Protection Agency**

Ed Fitzmaurice, Governor
Lee Fisher, Lt. Governor
Chris Tolleson, Director

April 19, 2010

RE: TRUMBULL COUNTY
CITY OF WARREN
BENEFICIAL USE PROPOSAL

The Honorable Michael O'Brien, Mayor
391 Mahoning Avenue, NW
Warren, Ohio 44483

Dear Mayor O'Brien:

On March 5, 2010, Ohio EPA received the City of Warren's response (response letter) to Ohio EPA's request for additional information via January 11, 2009 and January 12, 2009 e-mails. This letter serves to provide clarification regarding the City of Warren's incinerator ash beneficial use proposal (IABUP).

1. While the City of Warren did provide some limited analytical data regarding the incinerator ash, Ohio EPA requested additional information to be submitted that is necessary in order to evaluate the IABUP. In order to establish a consistent review for IABUPs until such time as Ohio EPA's beneficial use rules are finalized, the Division of Surface Water (DSW) established a list of parameters that must be submitted to ensure that both human health and the environment are protected. As of the date of this letter, Ohio EPA has not yet received the complete list of analytical data collected via a representative sampling plan, as detailed and requested within Ohio EPA's January 11, 2009 and January 12, 2009 e-mails. For additional information regarding this matter, please refer to attachments A-5 and A-6 of the City of Warren's response letter;
2. Again, to reiterate, in order to establish a consistent review for IABUPs until such time as Ohio EPA's beneficial use rules are finalized, beneficial use projects are to be authorized via the use of a land application management plan through a Permit to Install (PTI). Since the City of Warren would like to pursue the IABUP, the PTI must be submitted with the appropriate fee in accordance with the PTI instructions. Specifically, the IABUP PTI must be submitted with Form A and Form C1. For your convenience, the PTI forms can be located from the following Web page:

<http://www.epa.ohio.gov/dsw/pti/PTIForms.aspx>

3. The City of Warren details that the Willoughby-Eastlake wastewater treatment plant (WWTP) has been utilizing incinerator ash since 1994. Unfortunately, the Willoughby-Eastlake WWTP's IABUP was authorized under a rescinded policy. On April 30, 2003, Ohio EPA removed what was then referred to as Ohio EPA

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Policy DSW-0400.007 from use. As a result of the removal, the sewage sludge incinerator ash generated by Willoughby-Eastlake is now classified as a solid waste and has to be disposed of appropriately (i.e. within a landfill) or have the proper approvals for the beneficial use of the material. On March 25, 2010, Ohio EPA received a complete PTI application, including the required analytical data. DSW is currently reviewing the PTI; and

4. The City of Warren details that Ohio EPA has not addressed the City of Warren's incinerator ash issue for approximately seventeen years and cites an Ohio EPA letter dated June 10, 1991 and a City of Warren letter dated July 31, 1991 to document the lack of response. However, the City of Warren provided numerous attachments within a letter dated August 28, 2008 that included a copy of an ordinance, No. 10323/91 entitled "an ordinance for the purpose of authorizing the director of public service and safety to advertise for bids and enter into contract for the removal and disposal of incinerated sludge ash from the city of warren Water Pollution Control Center to an EPA approved landfill on and after January 1, 1992 and declaring it an emergency." According to City of Warren records, it appears that this communication issue was resolved as the emergency ordinance passed council November 25, 1991, was signed by the Mayor November 25, 1991, and Section 4 specifically states "...the removal should begin January 1, 1992 to meet the EPA compliance schedule."

All future correspondences regarding this matter should be addressed to Katharina Snyder of the Division of Solid and Infectious Waste. For your convenience, Ms. Snyder can be contacted at (330) 963-1257.

Sincerely,



Chris Moody
Environmental Specialist
Division of Surface Water

CM/mt

cc: Thomas Angelo, Director, City of Warren

ec: Virginia Wilson, Ohio EPA, DSW, NEDO
Katharina Synder, Ohio EPA, DSIWM, NEDO
Andrew Gall, Ohio EPA, DSW, NWDO
Jacob Howdyshell, Ohio EPA, DSW, CO