



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

February 25, 2013

RE: PTI APPLICATION 923610
PRETREATMENT SYSTEM ADDITIONS
SHEARER'S MILLENNIUM PLANT
MASSILLON
STARK COUNTY

NOTICE OF VIOLATION

Mr. Scott Weyandt
Shearer's Foods, Inc.
692 Wabash Avenue North
Brewster, OH 44613

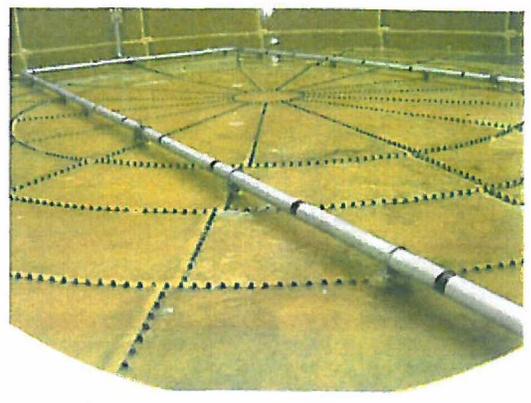
Dear Mr. Weyandt:

This office conducted an inspection of the Massillon facility, located at 4100 Millennium Blvd. SE, on February 14, 2013. Part of the reason for the inspection was that City of Massillon personnel had indicated that construction of the pretreatment system modifications and additions had started.

You had met with representatives of this office a number of times to discuss the addition of a second anaerobic digester and other equipment to the existing pretreatment system, and we discussed permit-to-install (PTI) application requirements. We also discussed the work that could be completed prior to receiving PTI approval; these activities are discussed in OAC 3745-42-02. In particular, we did not object to pouring concrete for foundations and similar work that needed to be accomplished before weather conditions would interfere.

On January 28, 2013, a PTI application was submitted to this office without the City of Massillon discharge authorization letter and without the applicable fee. You indicated that the application was being submitted to the City concurrently, and that the fee check was being processed. This office informed you on February 6, 11, and 14 that the check was required in order to make a formal application for PTI review. The fee check was received on February 21, 2013, almost one month after the incomplete application was submitted.

The January 28 PTI application Form A stated that the construction start date would be February 15, 2013. However, the February 14 inspection showed that construction of the project had begun without PTI approval or receipt of a formal application.



As shown in the pictures above, construction of the second bioreactor and SO (odor control) tanks have been completed, and the aeration piping has been placed in the SO tank. You indicated that the second bioreactor had been filled with water for leak testing; the cover, insulation, and piping had not been installed.



The picture on the left above shows that the line directing flow to the second reactor has been installed. The picture on the right shows that much of the piping has not been connected, and you stated that there were no connections to the existing sump or effluent line. Nonetheless, a significant amount of treatment system construction has been completed before the receipt of a formal application. Installation of a wastewater disposal system without an approved PTI, including detailed plans, from the Director of the Ohio EPA is a violation of the Ohio Administrative Code 3745-42 and the Ohio Revised Code 6111.45, and may be subject to an enforcement action.

SHEARER'S MILLENNIUM PLANT
FEBRUARY 25, 2013
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Continued construction on the pretreatment system modifications should cease until PTI approval is obtained. This office will continue working with you in order to finalize and expedite the processing of the PTI application. Please note that the Massillon discharge authorization letter has not been submitted. If you have any questions or comments, please contact me at (330) 963-1285 or at donna.kniss@epa.ohio.gov.

Sincerely,



Donna J. Kniss
District Engineer
Division of Surface Water
Northeast District Office

DJK/cs

cc: Dawn Casten, Massillon WWTP