

**Environmental  
Protection Agency**

GOVERNOR  
Lt. Governor  
Director

March 7, 2012

RE: ASHTABULA COUNTY  
AMERICAN ORGANIC-PLUS, INC.  
NPDES PERMIT NO. OH0140554  
OHIO EPA PERMIT NO. 3IN00358\*AD  
SEWAGE SLUDGE INSPECTION

**NOTICE OF VIOLATION**

**CERTIFIED MAIL**

Thomas Yuhasz  
American Organic-Plus, Inc.  
8549 State Route 46 South  
Orwell, OH 44076

Dear Mr. Yuhasz:

On February 15, 2012, Ohio EPA received a complaint alleging that the beneficial use of biosolids was not being properly managed and was causing nuisance odors to be generated.

On February 23, 2012, Ohio EPA conducted a complaint inspection of the beneficial use site and American Organic-Plus, Inc (AOPI). At the time of the inspection of the beneficial use site, weather conditions were overcast, approximately forty degrees, and a wind from the southwest. A slight odor was present on the beneficial use site. You and Danny Aulizia represented AOPI during the complaint inspection.

**Pathogen Reduction**

Ohio EPA and AOPI records detail that pathogen reduction alternative (PR) P-9, high temperature and pH, is to be satisfied to generate an exceptional quality biosolid. Ohio Administrative Code Chapter (OAC) 3745-40-04(B)(9)(a) establishes the following requirements for achieving PR P-9:

- (i) Ensuring that the pH of the sewage sludge is raised to above twelve and remains above twelve for at least seventy-two hours;
- (ii) Sufficient mixing to ensure that the entire mass of sewage sludge comes into contact with the lime and achieves the minimum pH of twelve. The pH shall be measured at several locations to ensure that the pH is raised throughout the sewage sludge;
- (iii) Ensuring that the temperature of the sewage sludge is above fifty-two degrees Celsius (one hundred twenty five and six tenths degrees Fahrenheit) for at least twelve hours during the period that the pH is above twelve; and

- (iv) Ensuring that at the end of the seventy-two hour period during which the pH of the sewage sludge is above twelve, that the sewage sludge is air dried to a per cent solids of greater than fifty per cent.

Records provided within the 2011 annual sewage sludge report (Form 4229) and at AOPI provide that the temperature of the sewage sludge failed to satisfy the 126.6° F requirement on the following dates:

Date	Recorded Temperature (°F)	Required Temperature (°F)
June 27, 2011	106	126.6
	100	
	92	
July 5, 2011	102	126.6
	91	
July 21, 2011	119	126.6
	106	
	102	
	101	
August 10, 2011	108	126.6
	102	
	96	
September 18, 2011	109	126.6
	82	
	78	
October 31, 2011	122	126.6
	106	
	84	
	81	
November 30, 2011	84	126.6
	75	
January 9, 2012	97	126.6
	88	
	78	
February 14, 2012	97	126.6
	90	
	90	
	86	

U.S. EPA's Environmental Regulations and Technology Control of Pathogens and Vector Attraction in Sewage Sludge guidance document provides the following information regarding PR for exceptional quality (i.e. Class A) biosolids:

- Page 30 states "...the elevated pH and temperature regimes must be met by the entire sewage sludge mass..."
- Page 85 states "are you out of compliance for Class A if you take more than one sample, and one result is over the limit?"

*Yes, In order to meet Class A standards, all material must meet pathogen standards. Although Class B pathogen standards are based on a geometric mean of analytical results, geometric (or arithmetic) means are not acceptable for compliance with Class A standards. Therefore, if several samples are submitted for analysis during one monitoring event, and one sample is found to be out of compliance with Class A pathogen standards, the entire batch must be considered Class B (assuming it meets Class B standards.)"*

For your convenience, U.S. EPA's "Control of Pathogens and Vector Attraction in Sewage Sludge" guidance document can be obtained from the following website:

[http://water.epa.gov/scitech/wastetech/biosolids/upload/2007\\_05\\_31\\_625r92013\\_625R92013.pdf](http://water.epa.gov/scitech/wastetech/biosolids/upload/2007_05_31_625r92013_625R92013.pdf)

**The failure to satisfy PR prior to beneficial use, constitute violations of Ohio Revised Code Chapter (ORC) 6111.07(A), OAC 3745-40-03(A)(2), OAC 3745-40-09(B)(3), and Part II(D) of the NPDES permit.**

#### Surface Disposal

OAC 3745-40-02(E)(1) establishes that "the surface disposal of sewage sludge or biosolids is prohibited." Since AOPI failed to generate a Class B or exceptional quality biosolid for beneficial use and land-application of sewage sludge occurred, AOPI performed the surface disposal.

**The surface disposal of sewage sludge constitutes violations of ORC 6111.07(A), OAC 3745-40-02(E)(1), and Part II(D) of the NPDES permit.**

#### Falsified Information

On the 2011 annual sewage sludge report (Form 4229), the Station 584 exceptional quality biosolids certification statement was signed despite a PR not being performed.

ORC 2921.13 (A) establishes that no person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when the statement is in writing on or in connection with a report or return that is required or authorized by law and the statement is made on an account, form, record, stamp, label, or other writing that is required by law.

The falsification of certification statements constitute violations of ORC 2921.13(A)(7) and ORC 2921.13(A)(11).

Isolation Distances

The complaint inspection documented that the surface disposal of sewage sludge occurred within the following isolation distances:

	<b>*Measured Isolation Distance</b>	<b>Required Isolation Distance for Class B and Bulk EQ Biosolids</b>
Surface Waters of the State	Biosolids located within stream  12 feet from Route 46 roadside ditch	33 feet
Complainant's Residential Home	170 feet west of home  89 feet south of home	300 feet
Complainant's Potable Water Source	123 feet	300 feet

\*Determined utilizing a measuring wheel at the time of the complaint inspection.

OAC 3745-40-08(C)(1) establishes that AOPI shall not beneficially use Class B or bulk exceptional quality biosolids within the above isolation distances that area applicable to the beneficial use site. ORC 6111.04(A)(1) requires that "no person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state."

The complaint inspection documented that sewage sludge had entered "waters of the State." You and Mr. Aulizia confirmed that sewage sludge had entered an onsite stream. **The discharge of sewage sludge to "waters of the state" constitutes violations of ORC 6111.04(A)(1) and OAC 3745-1-04(A).**

Permit to Install (PTI)

During the inspection, you mentioned that AOPI would like to transition from the current sewage sludge treatment works to a treatment works that is similar to the one currently permitted from the Department of Agriculture for generating hog feed from off spec dog food. Please be aware that if a new treatment works is expected to be utilized for treating sewage sludge, a PTI application and applicable application fee must be submitted to Ohio EPA in order to obtain approval prior to the initiation of construction. Please note that the same PTI forms utilized for PTI No. 710684 would be applicable. For your convenience, the PTI forms can be obtained from the following website:

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

### Screening Requirements

Please be aware that OAC 3745-40-02(C)(3)(a) will require screening to be performed in one of the following methods starting July 1, 2015:

- (i) *Screening influent wastewater and influent septage through a bar screen with a maximum aperture of five-eighths inch (1.59 centimeters) designed to screen the average daily design flow;*
- (ii) *Screening all biosolids through a bar screen with a maximum aperture of five-eighths inch (1.59 centimeters) prior to beneficial use; or*
- (iii) *Obtaining approval from the director for an alternative method that achieves a removal rate equal to or greater than that achieved by the screening standards in paragraph (C)(3)(a)(i) or (C)(3)(a)(ii) of this rule.*

Currently, AOPI does not have any screening process for the generated biosolids. AOPI should begin evaluating screening alternatives in order for the beneficial use of biosolids to continue after July 1, 2015. Please be aware that a PTI application may be required to be submitted for Ohio EPA approval prior to the installation of any upgrades to the treatment works.

### Corrective Action

The following corrective actions must immediately be performed:

- AOPI failed to satisfy a pathogen reduction alternative and as a result the beneficial use of biosolids was prohibited. AOPI must immediately cease the surface disposal of sewage sludge and the discharge of sewage sludge into "waters of the state;"
- AOPI must immediately incorporate all of the sewage sludge that has failed to satisfy a PR and has been surfaced applied to any surface disposal site; and
- Beneficial use of biosolids must not occur until such time as either a Class B or Exceptional Quality biosolid has been generated, which includes satisfying all of the applicable requirements established within OAC 3745-40.

AOPI's sewage sludge program was in violation of OAC 3745-40. In order to address the violations, detailed above, a report must be submitted that provides the corrective action(s) that will be implemented to address each violation and the new procedures that will be established to ensure that these violations will not occur in the future. The

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report must also include the dates when each corrective action will be implemented and completed. The report must be submitted to Ohio EPA within ten days of receiving this notice of violation.

Should you have any questions regarding the sewage sludge inspection, please contact me at your earliest convenience at (330) 963-1118 or via e-mail at [chris.moody@epa.ohio.gov](mailto:chris.moody@epa.ohio.gov).

Sincerely,



Chris Moody  
Environmental Specialist II  
Division of Surface Water

CM:bo

ec: Andrew Gall, DSW-NWDO  
Jacob Howdyshell, DSW-CO

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Street, Apt. No. or PO Box No. <i>Environmental Organic</i>	
City, State, ZIP+4 <i>Pino, Ohio</i>	
PS Form 3800, August 2006 See Reverse for Instructions	