



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

CERTIFIED MAIL #91 7108 2133 3932 1838 1720

July 25, 2013

Dan Leavitt, Superintendent
London WWTP
4080 St 56 SE
London, OH 43140

NOTICE OF VIOLATION

**Re London WWTP
NPDES Permit 4PC00003/ OH0023779
Madison County**

Dear Mr. Leavitt:

This correspondence serves as a **Notice of Violation** for the fish kill that occurred in Oak Run due to the toxic ammonia concentrations in your effluent. Below are findings, violations and action items that need to be addressed as determined by a review of the event information you submitted at my request.

Findings

1. On Sunday, July 14, 2013, at approximately 4:00 PM, the Ohio Department of Natural Resources, (ODNR) was notified by a local resident that the fish in Oak Run were dead.
2. ODNR immediately notified the Ohio EPA Emergency Response Section of the fish kill.
3. The City of London police department notified your operator Bill Long at approximately 6:30 PM that a fish kill had occurred in Oak Run and that ODNR and Ohio EPA were at the wastewater treatment plant (WWTP).
4. Bill Long met ODNR and Ohio EPA at the WWTP; he was informed that Oak Run had high in-stream ammonia concentrations up to the WWTP discharge but not upstream of it.
5. Bill Long then called Dan Leavitt, London WWTP Superintendent, and left message for him. Dan call him back. Dan called Bill back and Bill informed him of the fish kill and that the feed of the ammonia-laden industrial wastewater previously received at

the facility from The Scotts Corporation had been stopped on Saturday, July 13, 2013, after Bill noted ammonia levels rising above 3 mg/l within the system. No other significant chemical signature changes in the system were noted at that time.

6. Bill Long was asked by Ohio EPA to aerate Oak Run; he secured seven aeration pumps that stayed in Oak Run until Wednesday, July 17, 2013.
7. Dan Leavitt arrived at the WWTP at approximately 8:00 PM on Sunday July 14, 2013. He stopped the London WWTP from discharging to Oak Run.
8. Dan Leavitt called Sheree Gossett-Johnson at 10:00 PM and reported the fish kill and the steps he was taking to stop discharging.
9. Dan Leavitt treated the ammonia in the plant while not discharging. From Sunday night through Tuesday morning the high ammonia waste was recycled through the WWTP, aerated and stored in the lagoons, then mixed with the incoming wastewater.
10. By 1:00 AM Tuesday, July 16, 2013, the WWTP ammonia levels were below 0.5 mg/L, and the WWTP resumed discharging effluent to Oak Run.

Violations

The London WWTP effluent produced an in-stream ammonia toxicity causing a large fish kill in Oak Run. This violates:

1. **NPDES Permit Part III, 2, D.** – The effluent shall, at all times, be free of substances ... in amounts that either singly or in combination with other substances are toxic to human, animal or aquatic life.
2. **Ohio Administrative Code 3745-1-04 (D)** All surface waters of the state shall be free from substances entering the waters as a result of human activity in concentrations that are toxic or harmful to human, animal or aquatic life and/or are rapidly lethal in the mixing zone;
3. **Ohio Revised Code 6111.04 (C)** No person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit without first receiving a permit from the director to do so.
4. **Ohio Revised Code 6111.07 (A)** No person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term or condition of a permit issued or adopted by the director of environmental protection pursuant to those sections. Each day of violation is a separate offense.

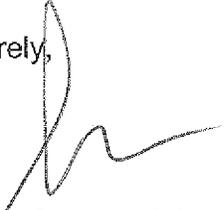
Requested Actions:

In order to address the violations listed above, please amend your pretreatment program to include the following and re-submit for acceptance by Ohio EPA on or before **August 9, 2013**:

1. Contents of any waste load brought to the WWTP shall be sampled and analyzed by a contracted laboratory to confirm the contents quality and concentration prior to allowing the waste to enter the WWTP treatment train.
2. Establish an acceptable target level for each parameter associated with or potentially affected by the contents of any waste load accepted at the WWTP. This target level should be significantly less than the permit limit for that parameter.
3. Develop a protocol for the operator to follow once a pollutant's level has exceeded the acceptable target established for the parameter. This protocol should include testing, notification, and follow up procedures.
4. Evaluate other in-house test methods and/or purchase an ammonia probe, to adequately determine ammonia concentrations.

If future violations occur without appropriate corrective action by the facility, a formal enforcement action will be initiated by Ohio EPA. Please note that the Ohio EPA has the authority to seek civil penalties as provided in section 6111.09 of the Ohio Revised Code (ORC). This letter or information pursuant to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC. The decision on whether or not to seek such penalties will be made by Ohio EPA at a later date

If you have any questions, please contact Sheree.Gossett-Johnson@epa.ohio.gov or 614.728.3847.

Sincerely,


Sheree Gossett-Johnson
Environmental Specialist II
Division of Surface Water
Central District Office

c: Isacc Robinson, CDO Chief
Adam Ward, CDO Assistant Chief
City of London Honorable Mayor Dave Eades