

*A. Century*

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

JAN 16 2008

In the Matter of: :  
:  
Salineville, Village of :  
34 Washington Street :  
Salineville, OH 43945 :  
:  
Respondent :

Director's Final Findings  
and Orders

ENTERED DIRECTOR'S JOURNAL

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

PREAMBLE

It is agreed by the parties hereto as follows:

By: *[Signature]* Date: 1-16-08

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the Village of Salineville ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 6111.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in the composition of Respondent or the ownership or operation of the wastewater treatment plant and sewer system, ("WWTP"), shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 6111. and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent is an incorporated village in Columbiana County, with a population at the 2000 census of 1,397. There are 535 households and 365 families.
2. Respondent owns and operates a WWTP which consists of a comminutor (with bar screen by-pass), influent pumping, aeration, clarification, and chlorination/dechlorination.
3. The WWTP discharges to the north fork of Yellow Creek, a high quality stream and a waters of the state, pursuant Ohio National Pollution Discharge Elimination System Permit No. 3PB00026-DD, ("NPDES permit"), which expired on February 28, 2005. A renewal application was received by Ohio EPA on February 26, 2006.

4. OAC Rule 3745-33-04(C)(1) provides that an NPDES permit holder who wishes to continue to discharge after the expiration date of its NPDES permit must file for reissuance of the permit at least one hundred eighty days prior to the permit's expiration.
5. OAC Rule 3745-33-04(C)(2) provides that an NPDES permit shall not be renewed unless the Director determines that the permittee is making satisfactory progress toward the achievement of all applicable limitations and has complied with the terms and conditions of the existing permit.
6. Respondent did not make a timely application for a renewal of the NPDES permit and is discharging pollutants to waters of the state in violation of ORC §§ 6111.04 and 6111.07.
7. On January 4, 2006, Ohio EPA inspected the WWTP and observed that:
  - a. The comminutor was not in service, with screenings from the by-pass bar screen lying on the concrete. The walls of the chamber indicated recent flooding of more than half way up the wall height;
  - b. The influent pump seals were leaking and water was pouring across the ground and running into the sump pump. A portable pump was suspended by the overhead wench and a discharge hose was running out the window to the influent line to the plant. The room exhibited signs of flooding;
  - c. One of the blowers was off-line, with the air line outside of the building making a sound that indicated an air leak;
  - d. One of the clarifiers was out of service; with the other clarifier overloaded. There was scum on top of the clarifier and behind the weir. Solids were flowing into the effluent weir. The clarifiers needed cleaning and repair;
  - e. The chlorine contact tank was filled with sludge and scum, with a steady flow of visible solids from the tank to the creek. The tank required cleaning;
  - f. No monthly operating reports were submitted since February, 2004; and
  - g. Respondent was not performing the required sampling or record keeping.
8. On January 11, 2006, a Notice of Violation letter was sent to Respondent setting forth the violations observed at the inspection.
9. On February 9, 2006, Respondent responded to the January 11, 2006 letter as follows:

- a. The comminutor that was not in service was repaired as of January 19, 2006;
  - b. The sump pump was hard wired. Two pumps were operational as of January 18, 2006, and the third pump was to be repaired;
  - c. Adjustment were made to the air supply to the aeration tanks;
  - d. The number 2 blower that was off line was repaired as of January 16, 2006;
  - e. New gears and bearings arrived for the clarifier that was out of service, with the clarifier to be placed back in service by the end of the month; and
  - f. Tanks have been cleaned and returns turned up to prevent solids overflow.
10. On February 23, 2006, Ohio EPA inspected the WWTP and observed that:
- a. The influent pumps had failed and the head works to the WWTP and the influent pump room were under water. Patch work piping to the aeration tank released raw influent into the floodplain adjacent to the creek;
  - b. An influent pump was leaking, the comminutor motor was burned out and the influent sampler was not operational; and
  - c. Solids were going over the weir.
11. On March 2, 2006, Ohio EPA inspected the WWTP and observed that:
- a. One influent pump was jammed and needed repaired, the other influent pump was leaking with the seal requiring replacement;
  - b. The comminutor required repair;
  - c. The clarifiers has grease and scum floating on top, with pin floc going over the weir; and
  - d. Grease balls were floating in the chlorine tank.
12. On June 27, 2006, Ohio EPA inspected the WWTP and observed that:
- a. One of the influent pumps was out of service and at least one of the seals was leaking, with water on the floor from the seals;
  - b. The comminutor was out of service for approximately three weeks;
  - c. The screenings pulled off by the by-pass bar screen were being placed on the floor, rather than in a bucket drain and then in a dumpster for disposal;

- d. The aeration tanks were covered with foam, with high solids inventory in the system;
  - e. The final clarifiers were covered in foam with pin floc going over the weirs. The skimmers were not correctly positioned on the top of the tank and as a result were ineffective at removing the scum. The sludge return lines were also filled with foam. There was scum build up behind the effluent baffle next to the weirs;
  - f. The influent sampler was not operational and required replacement. The flow meter was not operating correctly; and
  - g. There were sampling and reporting violations.
13. On August 15, 2006, Ohio EPA inspected the WWTP and observed that:
- a. Upon arrival, the influent pumps to the WWTP were not operational and the first manhole upstream of the WWTP was overflowing. Wastewater was ponding in the floodplain, with grey raw sewage approaching within 100 feet of the creek before temporary pumps halted the overflow;
  - b. The WWTP was not operational. Respondent indicated that during the week of August 7, 2006, the bolts holding the housing to the pump stripped and came apart. This resulted in two of the influent pumps being inoperable. The influent works and the chamber containing the influent pumps flooded and shorted out the new electrical panel;
  - c. The flexible piping being used to connect the portable pumps to the WWTP was leaking and created an unauthorized release on the WWTP grounds;
  - d. The comminutor was inoperable;
  - e. The sludge holding tank was empty. Respondent stated the when the sludge was decanting, the sump pump was inadvertently left on and the entire tank was pumped back to the aeration tank. From the aeration tank the solids passed through the clarifiers to the chlorine tank and into the creek. The portable sump was being used, as the decant valve in the sludge holding tank was plugged and efforts to remove the plug were not successful;
  - f. The final clarifiers were not receiving any flow with the influent pumps inoperable. The clarifiers were covered in foam and there were signs that the sludge had gone over the weirs;
  - g. No sampling or reporting of the sampling results for the WWTP were completed during the month of July; and
  - h. The WWTP was releasing solids to the north fork of Yellow Creek.

14. Notice of Violation letters of March 9, 2006, August 4, 2006 and September 6, 2006, requested that Respondent inform Ohio EPA as to how the violations specified therein would be addressed and remedied. The Village did not respond.
15. OAC Chapter 3745-40 and the NPDES permit require Respondent to monitor sewage sludge semi-annually and sets forth requirements for the administration of sludge generated by the WWTP.
16. On December 8, 2005, Ohio EPA inspected the WWTP for compliance with the sewage sludge rules and the NPDES permit, and observed that:
  - a. Sewage sludge from the WWTP was being land applied to agricultural fields that were not approved by Ohio EPA;
  - b. WWTP Station 581 was not monitored;
  - c. Suspended solids were discharging from the WWTP;
  - d. Respondent failed to submit the 2005 Annual Sewage Sludge Report; and
  - e. The WWTP did not have adequate records to verify that the land application agronomic management requirements, site restrictions, and the pathogen reduction and vector attraction reduction requirements were being met.
17. On December 23, 2005, a Notice of Violation letter was mailed to Respondent to document the December 8, 2005 inspection violations. The letter required a response from Respondent within fourteen days of receiving the letter. No response was forthcoming.
18. On December 29, 2005, Ohio EPA observed that a large sewage sludge spill occurred at the WWTP, with the spill reaching a neighboring riparian area, approaching within 75 feet of the north fork of Yellow Creek.
19. On January 4, 2006, representatives of Ohio EPA and Respondent met, with the following sewage sludge issues discussed and actions agreed:
  - a. Sewage sludge spill remedial actions would be completed by January 5, 2006;
  - b. The sewage sludge site authorization packet would be submitted by January 13, 2006;
  - c. The 2005 Annual Sewage Sludge Report would be submitted by January 31, 2006; and

- d. Respondent would immediately begin monitoring the pathogen reduction and vector attraction reduction requirements and the metal parameters of the NPDES permit.
20. On January 20, 2006, Respondent notified Ohio EPA that the sewage sludge site authorization packet would be mailed on January 23, 2006.
  21. On February 1, 2006, Respondent notified Ohio EPA that the 2005 Annual Sewage Sludge Report and sewage sludge site authorization packet would be mailed by February 10, 2006.
  22. On February 9, 2006, Respondent notified Ohio EPA that the sewage sludge site authorization packet was mailed on February 3, 2006 and that the 2005 Annual Sewage Sludge Report is being delayed as Respondent is awaiting information from the laboratory it utilizes.
  23. The sewage sludge site authorization packet and the 2005 Annual Sewage Sludge Report have not been received by Ohio EPA.
  24. On February 14, 2006, Ohio EPA inspected the WWTP and observed that:
    - a. A second sewage sludge spill occurred and was not properly reported; and
    - b. Monitoring for the NPDES permit parameters did not commence.
  25. On April 6, 2006, Ohio EPA inspected the WWTP and observed that:
    - a. A third sewage sludge spill occurred, with Respondent failing to properly notify Ohio EPA;
    - b. A sanitary sewer overflow occurred at the manhole located just west of the WWTP, with Respondent failing to report the event; and
    - c. Respondent had not submitted the required sewage sludge storage capacity document to Ohio EPA.
  26. On August 15, 2006, Ohio EPA inspected the WWTP and observed:
    - a. A sanitary sewer overflow was occurring at the manhole located just west of the WWTP. No visual or audio alarms were present;
    - b. No effluent was being discharged from the WWTP;
    - c. The sewage sludge holding tank had been nearly emptied since the April 6, 2006 inspection. Respondent stated that they utilized a small submersible electric pump to decant wastewater from the sewage sludge holding tank.

It appeared that the sewage sludge was pumped into the aeration tanks, which eventually flowed into two clarifiers. During the inspection, one clarifier was not functional. In the functional clarifier, the returned activated sludge line was broken, preventing sewage sludge from being returned to the aeration tanks. The clarifier appeared to be filled with sewage sludge to the point where sewage sludge was discharged to the final chlorine contact tank, as documented by the large accumulation of sewage sludge, and ultimately discharged to the north fork of Yellow Creek; and

- d. Respondent failed to monitor sewage sludge in accordance with the NPDES permit and OAC Chapter 3745-40.
27. On August 29, 2006, it was confirmed that the certification of the WWTP's operator expired in December 2004, resulting in the WWTP being operated in 2005 and 2006 by a non certified operator.
28. Respondent has not achieved compliance with its NPDES permit nor ORC Chapter 6111. and the rules adopted thereunder.
29. ORC § 6111.04 prohibits any person from causing pollution or causing any sewerage, industrial waste or other waste to be placed in any location where they cause pollution to waters of the state, except if such discharges occur in accordance with an NPDES permit issued by the Director.
30. ORC § 6111.07(A) prohibits any person from violating, or failing to perform, any duty imposed by ORC §§ 6111.01 to 6111.08, or violating any order, rule, or term or condition of a permit issued by the Director pursuant to those sections. Each day of violation represents a separate violation.
31. ~~The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purpose of ORC Chapter 6111.~~

#### V. ORDERS

1. Respondent shall achieve compliance with ORC Chapter 6111, the rules adopted thereunder and Respondent's NPDES permit as soon as possible, but not later than the following compliance schedule:
  - a Respondent shall within fourteen (14) days of the effective date of these Orders place signage at any authorized sewage sludge site that Respondent uses for land application. The signs shall read "NOTICE: CLASS B SEWAGE SLUDGE HAS BEEN APPLIED TO THIS SITE" and include the

name of the permittee and the permittee's telephone number. The text shall be in black capital letters on a white background and the letters shall be one inch in height. Respondent shall notify Ohio EPA, in accordance with Section X of these Orders with documentation that the appropriate signage has been used;

- b. Respondent shall within thirty (30) days of the effective date of these Orders submit to Ohio EPA, in accordance with Section X of these Orders, a complete sludge site authorization packet for non-EQ sewage sludge;
- c. Respondent shall within thirty (30) days of the effective date of these Orders collect and analyze sewage sludge samples for the following parameters: Arsenic, Cadmium, Copper, Fecal Coliform, Lead, Mercury, Molybdenum, Nickel, Selenium, and Zinc. The results of the sewage sludge sampling shall be reported in mg/kg to Ohio EPA on the monthly operating report (Form 4500) for the month that the samples were collected and notify Ohio EPA of the analytical results in accordance with Section X of these Orders.
- d. Respondent shall within thirty (30) days of the effective date of these Orders notify Ohio EPA, in accordance with Section X of these orders, the amount of facility storage of sewage sludge, in days, that is available at the WWTP. In the event that the WWTP does not have the required one hundred-twenty days of onsite storage capacity, Respondent shall select and perform one of the following options:
  - i. Upgrade the WWTP with sludge stabilization units (digesters), separate tanks, sewage sludge treatment lagoons, drying beds, dewatered sewage sludge storage pad areas, or other means to store either liquid or dewatered sewage sludge to provide for one hundred-twenty days onsite sewage sludge storage capacity;
  - ii. Obtain a contract in effect with an approved sanitary landfill and sufficient transportation to dispose of sewage sludge that cannot be otherwise managed through facility storage of sewage sludge or other means of use or disposal;
  - iii. Obtain a contract in effect with another permitted facility and sufficient transportation to transfer sewage sludge that cannot be otherwise managed through facility storage of sewage sludge or other means of use or disposal; or
  - iv. By ownership or leasing of, or contracts in effect with, an approved regional sewage sludge storage facility and sufficient transportation to transfer sewage sludge that cannot be otherwise managed through facility storage of sewage sludge or other means of use or disposal.

2. Within fourteen (14) days from the effective date of these Orders Respondent shall employ the services of an Ohio EPA certified WWTP operator with at least a Class II certification to operate the WWTP at a minimum of twenty (20) hours a week with one (1) visit per day for seven (7) consecutive days per week. The Class II operator shall operate the WWTP in accordance with the NPDES permit and all subsequent NPDES permits. Additionally, Respondent shall provide Ohio EPA, Division of Surface Waters, within fourteen (14) days of the effective date of these Orders with a copy of the signed contract employing an Ohio EPA certified WWTP operator with at least a Class II certification to be in responsible charge of its WWTP.
  
3. Respondent shall pay to Ohio EPA the amount of four thousand dollars (\$4,000.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6111. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" for the full amount within thirty (30) days of the effective date of these Orders, to the following address: Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent and the Site.

A photocopy of the check shall be sent to Ohio EPA Northeast District Office, at the address set forth in Section X.

#### **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Surface Water acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of the Respondent. For purposes of these Orders, a responsible official is as defined in OAC Rule 3745-33-03(D)(4) for a municipal, state, or other public facility.

#### **VII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to activities occurring on or at the Facility.

### **VIII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

### **IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

### **X. NOTICE**

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087  
Attn: Enforcement Supervisor, Division of Surface  
Water

### **XI. RESERVATION OF RIGHTS**

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, ~~except as specifically waived in Section XII of these Orders.~~

### **XII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

**XIII. EFFECTIVE DATE**

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**XIV. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**IT IS SO ORDERED AND AGREED:**  
**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Chris Korleski  
Director

1/14/08  
Date

**IT IS SO AGREED:**  
**Village of Salineville**

  
\_\_\_\_\_  
Signature  
  
Linda Beadnell  
\_\_\_\_\_  
Printed or Typed Name  
  
Mayor  
\_\_\_\_\_  
Title

12.3.07  
Date