

IN THE COURT OF COMMON PLEAS  
VINTON COUNTY, OHIO

STATE OF OHIO, *ex rel.*  
DAVE YOST  
ATTORNEY GENERAL OF OHIO,  
Environmental Enforcement Section  
30 East Broad Street, 25th Floor  
Columbus, OH 43215

PLAINTIFF,

v.

A2Z SANITATION, LLC  
c/o Julie Zuspan, Statutory Agent  
36065 North Industrial Drive  
McArthur, Ohio 45651

WILLIAM TODD ZUSPAN  
423 North Boundary Avenue  
McArthur, OH 45651

DEFENDANTS.

CASE NO. \_\_\_\_\_

JUDGE \_\_\_\_\_

**ORAL HEARING REQUESTED**

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**THE STATE OF OHIO'S MOTION FOR TEMPORARY RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

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Plaintiff, the State of Ohio, on relation of the Ohio Attorney General Dave Yost ("State"), at the request of the Director of the Ohio Environmental Protection Agency requests this Court, pursuant to R.C. 6111.07(B), R.C. 3767.04 and Civ.R. 65, issue a Temporary Restraining Order and Preliminary Injunction against Defendants A2Z Sanitation, LLC and William Todd Zuspan ("Defendants"). The State seeks to stop Defendants' illegal waste discharges that create a public nuisance and threaten public health, safety, and the environment. The grounds for this Motion are set forth in the attached Memorandum in Support and exhibits. The State requests a hearing at

which witnesses will present evidence of the facts in support of the Motion. A proposed entry and order is attached.

Respectfully submitted,

**DAVE YOST**  
**OHIO ATTORNEY GENERAL**



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*Attorneys for Plaintiff, the State of Ohio*

## MEMORANDUM IN SUPPORT

### I. INTRODUCTION

Defendants' septic hauling and land application business in New Plymouth—whose scale is large enough that the environmental impact of their unlawful activity extends at least eight miles down Raccoon Creek and into Zaleski State Forest—directly threatens public health and safety. The waste material from their septic tank cleaning, portable toilet sanitation, and restaurant and commercial grease trap cleaning operations is fouling the environment due to their violations of the law. Since at least June 6, 2021, Defendants' failure to comply with its land application management plan and its permit to install has caused untreated septic tank waste, grease, and other wastes to discharge into waters of the state, Raccoon Creek.

On August 19, 2021, an employee of the Ohio Environmental Protection Agency ("Ohio EPA") observed that, despite working with Defendants over more than two months, Defendants' waste impoundment that contains the septage and grease mixture is nearly overflowing. The threat of even more septage (untreated septic tank waste), grease, and waste discharges constitute harm to the health and safety of the environment and to the surrounding community.

Because Defendants' violations pose a direct and immediate threat to the public and because Defendants have violated statutes designed to protect public health, safety, and the environment, the State respectfully requests that this Court issue a Temporary Restraining Order and Preliminary Injunction requiring Defendants to take immediate action to prevent further discharges.

## **II. STATEMENT OF FACTS**

### **A. Defendants' septic hauling and land application operation ("the Site")**

Defendants own and operate a septic hauling and land application business at 27384 State Route 328 in New Plymouth, Ohio ("the Site"). *Affidavit of Dustin Tschudy* (attached as Exhibit A) at ¶ 4. Defendants' business accepts grease trap/interceptor waste, sewage sludge, and additional wastes, either land applies these wastes directly on the soil at their Route 328 site or deposits them in an on-site impoundment or holding tank, and then land applies the mixture on the soil.

The Route 328 site located adjacent to Raccoon Creek in the southeastern corner of Swan Township, several miles northwest of Zaleski State Forest, in Vinton County, Ohio. The Site includes a 635,000-gallon earthen impoundment on the 50-acre property. There are a number of ditches at the Route 328 site, including a ditch that runs along State Route 328. These ditches often fill with water and other materials that run off of Defendants' application fields.

### **B. Defendants' violations of Ohio's Water Pollution Laws**

On June 6, 2021, OEPA staff received a complaint about a potential sewage release to Raccoon Creek. OEPA Emergency Response staff investigated and discovered that Defendants had overapplied liquids to its land application fields located at the Site. Red grease mats were observed in Raccoon Creek and roadside ditches along State Route 328. The entire creek bed from the point of the release downstream for at least a couple of miles was completely covered with bacterial growth, indicating the release had been ongoing for a period of time and was not a one-time event. Subsequent investigation found evidence of grease and/or sewage odors up to eight miles downstream in Raccoon Creek. Dissolved oxygen, an indicator vital to the survival of fish and other aquatic species, was as low as 0.85 at one location downstream of the release on July 8.

Defendants were authorized by a Land Application Management Plan permit OMP00014\*DM, issued on October 15, 2019 (“Land Application Permit”) to accept domestic septage and grease trap/interceptor waste, mix them, and land apply them to approved fields. *See* Exhibit B. The Land Application Permit limits the amount of screened liquids that can be land applied and restricts grease trap/interceptor waste to less than 25% by volume of the liquid land applied. In addition, the liquids must be injected or incorporated into the soil within six hours of surface application. Defendants have approval for land application on 50 acres at the Route 328 site.

In 2017, Ohio EPA issued Permit to Install No. 1079418, which allowed Defendants to build a 635,000-gallon earthen impoundment on the Site (“Permit to Install”). *See* Exhibit C. Septage and grease trap waste is deposited in the impoundment by Defendants as well as by other haulers. To remain in compliance with the Land Application Permit, Defendants were authorized to apply a maximum of 1,250,000 gallons/year to the entire 50 acres, without allowing any resting period for the fields. Review of the limited records provided by Defendants indicate that they accepted 2,480,475 gallons of comingled screened liquids between June 8, 2020 and June 8, 2021.

Following receipt of the initial complaint, Ohio EPA discussed remediation with Defendants, including terminating the release of septage and grease to the environment, containment of the released septage and grease, recovery and mitigation of the released liquids from the ditches and creek, and remediation of the application field that was contributing to the offsite release.

While some remediation activities began June 7 or 8, 2021, the effort is far from complete. On August 19, 2021, Ohio EPA inspector Dustin Tschudy discovered that the ditches at the Site have accumulated a large volume of water, with two dams having been overtopped. Exhibit A, ¶

19-20. Additionally, Mr. Tschudy discovered that the impoundment has only about one inch of freeboard at its lowest corner, leaving it dangerously close to overflowing. *Id.* at ¶ 21.

The release into Raccoon Creek of untreated sewage and grease has caused environmental harm to the creek. *Id.* at ¶ 22-24. Floating grease has been found around eight miles downstream. Bacterial deposits covering the creek bed were observed approximately two miles downstream. Ohio EPA has received complaints from residents about the grease and septage in Raccoon Creek.

Due to the significant amount of uncontained waste throughout the Site, chronic waste water discharges into waters of the State are continuing and are imminent during future precipitation events. *Id.* Defendants' failure to significantly lower the wastewater in the 635,000-gallon earthen impoundment creates a risk that the impoundment will overflow and discharge again in the very near future. The significant amounts of uncontained septic waste and grease throughout the Site are creating serious risks to the environment that are exacerbated during rain events.

Accordingly, Plaintiff seeks injunctive relief ordering Defendants to: 1) immediately cease accepting any waste at the Site; 2) immediately cease land applying any waste at the Site, until Defendants receive written approval from Ohio EPA; 3) promptly increase the freeboard in the impoundment at the Site to at least three feet by removing 50,000 gallons per week; 4) promptly submit a plan to Ohio EPA for remediation of the fields at the Site which are saturated with septage and grease and other wastes; 5) promptly submit a plan to Ohio EPA for properly disposing of the excess septage, grease and waste water in the earthen impoundment at the Site; and 6) implement such plans upon approval by Ohio EPA.

### III. LAW AND ARGUMENT

Defendants' actions constitute violations of R.C. 6111.07(A), Defendants' Land Application Permit, and Permit to Install. Revised Code 6111.07(A) creates strict liability for any person who violates a term or condition of a permit issued by Ohio EPA. *See* R.C. 6111.07(A) ("No person shall \* \* \* violate any order, rule, or term or condition of a permit \* \* \* . Each day of violation is a separate offense."). Defendants' actions also constitute a public nuisance, in violation of R.C. 3767.13. Given the nature and extent of septage, grease and waste discharges identified at the Site, together with Defendants' failure to abate the violations documented in Ohio EPA's July 1, 2021 Notice of Violation, additional septage, grease and waste discharges from the Site to waters of the State are imminent. Therefore, a temporary restraining order and preliminary injunction are necessary to prevent further harm to the environment.

**A. A temporary restraining order and preliminary injunction are appropriate when the State presents evidence that a defendant has violated a statute that authorizes injunctive relief.**

Ohio courts have long distinguished private equitable actions for injunctive relief from public statutory injunctions enforceable by the State. Where a statute grants a specific injunctive remedy to the State, the State may obtain an injunction from the court merely by showing that the defendant has violated the statute. *Ackerman v. Tri-City Geriatric & Health Care, Inc.*, 55 Ohio St.2d 51, 57, 378 N.E.2d 145, 149 (1978).

In *Ackerman*, the Director of Health sought to enjoin the operation of an unlicensed nursing home pursuant to a state statute. *Id.* at 56. The Supreme Court of Ohio held that the Director of Health, as a "government agent" seeking to enforce a statute, merely had to show that the nursing home had violated a statute authorizing injunctive relief to obtain such relief. *Id.* at 57-58. The Court held that, "unlike equitable-injunction actions . . . , [statutory violations] proscrib[e] behavior

. . . which the General Assembly has determined not to be in the public interest.” *Id.* at 57. As a result, to obtain injunctive relief, the Director of Health only had to establish “that the conditions which the General Assembly had deemed worthy of injunctive relief exist.” *Id.*

Statutory violations “proscrib[e] behavior which the General Assembly has determined to be against the public interest.” *Ackerman*, 55 Ohio St.2d at 57. Therefore, to obtain injunctive relief, the State only has to establish that the statutory conditions exist because “activities deemed harmful by the General Assembly are not designed primarily to do justice to the parties but to prevent harm to the general public.” *Id.* “It is established law in Ohio that, when a statute grants a specific injunctive remedy \*\*\* to the state, the [state] ‘need not aver and show, as under ordinary rules in equity, that great or irreparable injury is about to be done for which he has no adequate remedy at law.’” *Mid-America Tire, Inc. v. PTZ Trading Ltd.*, 95 Ohio St.3d 367, 768 N.E.2d 619 (2002), citing *Ackerman*, 55 Ohio St.2d at 56 (other quotations and citations omitted).

The principle explained in *Ackerman* has been applied to uphold grants of injunctive relief for various statutory violations. For example, the Attorney General once sought to enjoin unpermitted strip mining activities under R.C. 1513.15(A), which provided injunctive authority similar to that under which the State is proceeding in this case. *State v. Alexander Brothers, Inc.*, 43 Ohio App. 2d 154, 155, 334 N.E.2d 492 (5<sup>th</sup> Dist. 1974). The Court of Appeals held that upon a showing of violations of R.C. Chapter 1513, the trial court should grant the injunctive relief sought by the State, and that it is error for a court to condition such injunctive relief upon a showing of irreparable harm. *Id.* at 156.

Courts have consistently applied the *Ackerman* rule in actions brought to enforce Ohio’s environmental protection laws. *See, e.g., State ex rel. Brown v. Chase Foundry & Manufacturing Co.*, 8 Ohio App. 3d 96, 100-101, 456 N.E.2d 528 (10<sup>th</sup> Dist. 1982) (involving the enforcement



of Ohio's air pollution control laws); *State ex rel. Celebrezze v. Ohio Oil Field Serv.*, 7th Dist. Mahoning App. No. 82 C.A. 95, 1984 Ohio App. LEXIS 10812 (Sept. 1, 1984) (involving the enforcement of Ohio's water pollution laws); *City of Mentor v. Nozik*, 11th Dist. Lake Case No. 89-L-14-080, 1990 Ohio App. LEXIS 5227 (Nov. 30, 1990) (involving the enforcement of Ohio's solid waste laws). Moreover, the rule from *Ackerman* applies to all forms of injunctive relief, including temporary restraining orders, as well as preliminary and permanent injunctions. *See, e.g., State v. Alexander Bros., Inc.*, 43 Ohio App. 2d at 155-156, 334 N.E.2d at 492-493.

As the *Ackerman* Court reasoned, statutory injunctions "which authorize a government agent to sue to enjoin activities deemed harmful by the General Assembly are not designed to do justice to the parties but to prevent harm to the general public." *Ackerman*, 55 Ohio St. 2d at 57, 378 N.E.2d at 149.

#### **B. The State is entitled to injunctive relief under Ohio's Water Pollution Laws.**

Revised Code 6111.07(B) states that the Attorney General "upon written request of the director [of Ohio EPA], shall bring an action for an injunction against any person violating or threatening to violate this chapter or violating or threatening to violate any order, rule, or condition of a permit issued or adopted by the director [of Ohio EPA] pursuant to this chapter." By letter to the Attorney General dated July 22, 2021, the Director of Ohio EPA requested that the Attorney General seek a temporary restraining order and a preliminary injunction if dictated by the facts. Exhibit D.

As *Ackerman* prescribes, to obtain injunctive relief, the State is only required to prove that Defendant violated or threatened to violate R.C. chapter 6111 or any permit issued by the Director pursuant thereto. Revised Code 6111.07(A) states, in pertinent part, that "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 . . . term or condition of a permit issued . . . by the director of environmental protection pursuant to those sections.” The State’s Complaint alleges violations of R.C. 6111.07 as well as Defendant’s Land Application Permit and Permit to Install. Accordingly, pursuant to *Ackerman*, the State only needs to provide evidence that Defendants have violated this statute or these permits to obtain a preliminary injunction in this case.

By letter to Defendants, dated July 1, 2021, Ohio EPA documented 13 violations of R.C. 6111.07(A). Exhibit A-2. Additionally, in the time since that letter, the situation has worsened—the 635,000 gallon impoundment is primed to overflow, and the septage and grease at the Site is still not properly contained.

Therefore, because Defendants have violated and continue to violate R.C. 6111.07(A), the State is entitled to an injunction against Defendants pursuant to R.C. 6111.07(B). Accordingly, this Court should issue a temporary restraining order and preliminary injunction requiring Defendants to take immediate action to prevent further waste water discharges from entering waters of the state.

**C. The State is entitled to injunctive relief under Ohio’s statutory nuisance law.**

Revised Code 3767.03 authorizes the Ohio Attorney General to bring an action in equity in the name of the state to abate a nuisance and to perpetually enjoin the responsible persons from further maintaining the nuisance. “Nuisance” is defined narrowly in R.C. 3767.01, but expanded by R.C. 3767.13, which expressly prohibits any person from:

- “caus[ing] or allow[ing] offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public.”

- “corrupt[ing] or render[ing] unwholesome or impure, a watercourse, stream, or water, or unlawfully divert[ing] such watercourse from its natural course or state to the injury or prejudice of others.”

R.C. 3767.13 (B), (C). With an express prohibition relating to nuisance in R.C. 3767.13 and its connection to the injunction authority in R.C. 3767.03, the same *Ackerman* rule applies: the State need only show “that the conditions which the General Assembly has deemed worthy of injunctive relief exist” for this Court to award the preliminary injunction. *Ackerman*, 55 Ohio St.2d at 57.

The State has shown that Defendants have “cause[d] or allow[ed] offal, filth, or noisome substances to \* \* \* remain in any place to the damage or prejudice of others or the public.” *See* R.C. 3767.13(B). The State has also shown that Defendants have “corrupt[ed] or render[ed] unwholesome or impure, a watercourse, stream, or water, . . . to the injury or prejudice of others.” *See* R.C. 3767.13(C). Thus, this Court should award the requested temporary restraining order and preliminary injunction under R.C. Chapter 3767 for Defendants’ ongoing, odorous waste water discharges to waters of the State.

**D. A temporary restraining order is necessary due to the imminent threat of ongoing septage, grease and waste water discharges into waters of the state.**

Even apart from *Ackerman*, the Court should issue the temporary injunction. Ohio courts generally consider whether four factors are shown by clear and convincing evidence in order to issue a preliminary injunction, including the issuance of a temporary restraining order under Civ.R.65: (1) that the plaintiff is likely to prevail on the merits; (2) that there is likely to be irreparable injury unless relief is granted; (3) that third-parties will not suffer unjustifiable harm if such relief is granted; and (4) that an injunction will be in the public interest. *Procter & Gamble Co. v. Stoneham*, 140 Ohio App.3d 260, 267, 747 N.E.2d 268, 273 (1<sup>st</sup> Dist. 2000). Upon the facts

and evidence presented by the State in this motion and accompanying affidavit, this Court should grant a temporary restraining order and preliminary injunction to immediately enjoin Defendants from causing more environmental harm.

**a. The State is likely to prevail on the merits because Defendants maintain a nuisance that threatens public health and welfare.**

Since at least June 6, 2021, Defendants have continuously demonstrated that they are unable to safely store and manage the septage, grease and other wastes at the Site. Defendants' failure to take measures to properly store and manage septage, grease and other wastes caused a significant discharge of contaminants into waters of the state. This is a serious environmental harm that affects not only the water and surrounding area, but the community at large. The State is prepared to establish, through affidavit, first-hand eyewitness testimony and photos, that Defendants' Site is the source of the discharges into Raccoon Creek. The State has also submitted evidence that Defendant is not complying with R.C 6111.07(A) and its permits. See Exhibit A. As a result, septage, grease and other waste discharges will continue until Defendants act to abate the environmental harm.

Furthermore, under these facts established in the attached affidavit, the State has demonstrated that Defendants are maintaining an operation that is a public nuisance, threatening public health and welfare. Therefore, the State is likely to prevail on the merits of its statutory nuisance claim and its claims under Ohio's Water Pollution laws, and this Court should grant the preliminary injunction.

**b. The public is likely to suffer irreparable injury unless a temporary restraining order is issued.**

Irreparable injury refers to the "degree of wrongs of a repeated and continuing kind which produce hurt, inconvenience or damage" and "can be estimated only by conjecture." *Waste*

*Technologies Industries v. Tri-State Environmental Council*, 7<sup>th</sup> Dist. Columbiana No. 91-C-69, 1992 WL 380296, \*2 (quotations omitted); see also *Mangano v. 1033 Water St., L.L.C.*, 8<sup>th</sup> Dist. Cuyahoga no. 106861, 2018-Ohio-5349, ¶13 (“no plain, adequate, and complete remedy at law”). This means that courts do not need “an accurate standard of measurement” for “the nature of damages” to still impose an injunction. *Waste Technologies*, at \*2; see also *Mangano*, ¶13 (“money damages would be impossible, difficult, or incomplete”).

The public nuisance in this case demonstrably hurts or damages the citizens of Vinton County. As demonstrated herein, septage, grease, and other wastes are expected to continue to run off and discharge from Defendants’ fields to Raccoon Creek, especially during rain events. Without a temporary restraining order, the releases are likely to continue, and the public will remain at risk of exposure to contaminated waters of the state until Defendants abate the harm caused by their failure to properly manage septage, grease, and other wastes at the Site.

Defendants have been aware of the off-Site discharges of their septage, grease, and other waste since at least June 6, 2021. However, even with multiple visits to the Site by Ohio EPA and a Notice of Violation letter (and two Field NOV’s), Defendants have not taken the necessary steps to fully address the environmental problems at the Site. Without this Court’s issuance of a temporary restraining order and preliminary injunction requiring Defendants to take immediate action, the public health and the environment are almost certain to suffer further injury.

**c. Third parties will not suffer unjustifiable harm if the Court issues the temporary restraining order.**

A temporary restraining order that orders Defendants to take immediate action to abate the environmental violations at the Site will not cause unjustifiable harm to third parties. Most citizens of the community will receive a substantial benefit if the temporary restraining order and

preliminary injunction are issued, because it would require Defendants to mitigate the threat of chronic discharges of septage, grease and other wastes from entering Raccoon Creek, a water of the state. Neighboring property owners and community members who live in close proximity to the creek or utilize the creek for recreational purposes will be at risk until Defendants prevent further discharges from the Site.

**d. An injunction will be in the public interest, as it will protect public health and the environment.**

The public nuisance statute, codified in R.C. 3767.02 and 3767.13, provides the Attorney General authority to enjoin activities that threaten or injure the public health and welfare. R.C. 3767.03. Thus, the General Assembly has decided that such an injunction is in the public interest.

Here, as already discussed, Defendants' failure to prevent septage, grease, and other wastes from discharging into waters of the state has resulted in a significant health hazard that is injurious to the health, comfort, and property of the public. A temporary restraining order and preliminary injunction to stop Defendants from further discharging septage, grease and other wastes into waters of the state will protect the public and environment from further harm. An injunction requiring Defendants to properly remove septage, grease and other wastes and lower the impoundment to a safe operating level will ensure that Defendants' Site no longer threatens the environment and public with future discharges into waters of the state.

Therefore, because all four factors weigh in favor of a temporary restraining order and preliminary injunction to immediately abate Defendants' ongoing public nuisance, this Court should grant the State's Motion.

#### **IV. RELIEF REQUESTED**

The State has filed a Complaint against Defendants and ultimately seeks permanent injunctive relief as well as civil penalties against Defendants. Until the Court renders final judgment in this case, the State seeks to end the immediate human health and environmental hazard caused by Defendants' unlawful acts at the Site. Based on the foregoing, the State respectfully requests that the Court issue a temporary restraining order and preliminary injunction, pursuant to Civ.R. 65, R.C. 6111.07(B), and R.C. 3767.04(B), ordering Defendants to:

- A. Immediately enjoin Defendants from accepting additional septage or other wastes until Ohio EPA, in writing, authorizes Defendants to recommence accepting waste.
- B. Immediately enjoin Defendants from land applying any liquids until Ohio EPA, in writing, authorizes Defendants to recommence accepting waste.
- C. Immediately enjoin Defendants to remove and lawfully dispose of 50,000 gallons per week from the earthen impoundment and provide receipts to Ohio EPA evidencing such removal and disposal.
- D. Immediately and permanently enjoin Defendants to maintain at least three feet of freeboard in the earthen impoundment.
- E. Immediately and permanently enjoin Defendants to properly dispose of all waste in the earthen impoundment not suitable for land application.
- F. Immediately enjoin Defendants to maintain grease removal in Raccoon Creek as directed by Ohio EPA.
- G. Immediately enjoin Defendants to remove and properly dispose of all contaminated stormwater and grease from all ditches and application fields and to maintain removal as identified and directed by Ohio EPA.

- H. Immediately enjoin Defendants to restore the roadside ditch associated with State Route 328 to its original design.
- I. Immediately require Defendants to provide an acceptable soil restoration plan for Application Fields 1, 2, and 3 along State Route 328, as well as the hillside application field in order to establish a vegetative cover suitable for land application.

**V. CONCLUSION**

For the above-stated reasons, the State respectfully requests that the Court grant the State's motion and issue a temporary restraining order and preliminary injunction against Defendants.

Respectfully submitted,

**DAVE YOST**  
**OHIO ATTORNEY GENERAL**

  
**AMBER WOOTTON HERTLEIN (0083858)**  
**MARK J. NAVARRE (0013674)**  
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*Attorneys for Plaintiff, the State of Ohio*



Certificate of Service

I hereby certify that a true and accurate copy of the foregoing *Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction* has been served by ordinary U.S. mail, postage prepaid and/or email, on this the 20th day of August, 2021, upon:

Todd Zuspan  
A2Z Sanitation, LLC  
30865 Industrial Park Drive  
McArthur, Ohio 45651

*Defendant*

and

Christine Rideout Schirra  
Bricker & Eckler  
100 S. Third Street  
Columbus, OH

*Counsel for Defendant*

  
Amber Wootton Hertlein  
*Assistant Attorney General*

# **EXHIBIT A**



## 2021.08.20 Tschudy A2Z Affidavit.pdf

DocVerify ID: AA213C14-6ED0-4AD3-A8DB-1750B4087F88  
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### E-Signature Summary

**E-Signature 1: Dustin Tschudy (DT)**

August 20, 2021 07:41:42 -8:00 [A8CCA97A68BC] [65.24.235.168]  
Dustin.Tschudy@epa.ohio.gov (Principal) (ID Verified)

**E-Signature Notary: MacKenzie S. Clayton (msc)**

August 20, 2021 07:41:42 -8:00 [91B182581329] [98.102.110.129]  
MacKenzie.Clayton@OhioAGO.gov  
I, MacKenzie S. Clayton, did witness the participants named above electronically sign this document.



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AFFIDAVIT OF DUSTIN TSCHUDY

STATE OF OHIO )

) ss:

COUNTY OF PERRY )

I, DUSTIN TSCHUDY, being of sound mind, age of majority, and being duly cautioned and sworn in accordance with law, make the following statement based upon personal knowledge:

1. I am an Environmental Specialist II in the Division of Surface Water ("Division") at the Southeast District Office ("SEDO") of the Ohio Environmental protection Agency ("Ohio EPA"). I have a Bachelor of Science degree in Civil Engineering from Ohio University. I have held my current position since 2018. Before my employment with the Division, I worked in the Division of Hazardous Waste Management, the Division of Materials and Waste Management, and the Division of Environmental Response and Revitalization.
2. As an Environmental Specialist II, my job duties include, but are not limited to, the following: the inspection of existing waste treatment and disposal facilities and the review and processing of permit to install applications, general or facility plans, and National Pollution Discharge Elimination System Permits.
3. As part of my job duties with the Division, I conduct complaint investigations and site visits to permitted and unpermitted water pollution discharge sources for compliance with R.C. chapter 6111 and Admin. Code chapter 3745-1.
4. As part of my job duties with the Division, I review, create and access records kept by the Division. All documents and photographs attached to this affidavit are true and accurate copies and were made at or near the time of my visits to the A2Z Sanitation land application site, at 27384 State Route 328 in New Plymouth, Ohio ("Site"). The attached documents and photographs are located in the Division's files, which are kept in the ordinary course of business at the Ohio EPA, and are public records of the Ohio EPA, a state agency.

**June 8, 2021 Investigation of A2Z Sanitation**

5. On June 8, 2021, I met with Ben Harriff, Ohio EPA, to investigate the release of septage, grease and other waste materials from, and observe the remediation activities at the Site. I observed signs of bacterial growth at the confluence of Brushy Creek and Raccoon Creek (Photo 1) (All Photos contained in Exhibit A-1), approximately 2 miles downstream of the area of the release. Raccoon Creek from the area of initial impact to the State Route 328 bridge showed signs of heavy bacterial growth (Photo 2). At the land application Site, A2Z Sanitation crews were continuing the remedial activities from the previous day. A2Z crews were also in

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the process of constructing homemade booms to collect floating grease mats in Racoon Creek. In addition, an A2Z employee was being deployed in a boat to collect grease mats with a skimmer.

6. The land application Site field was heavily saturated and ponded with liquids. The application Site had a strong and unpleasant odor. The impoundment at the Site contained a large amount of grease waste (Photo 3). In the upstream area of Racoon Creek, I observed multiple chubs, darters, bluegill, bass and some crayfish. But I observed no aquatic life in the affected portions of Racoon Creek near the release. Mr. Harriff recommended that A2Z obtain an additional pump to provide additional aeration to the creek.
7. Mr. Harriff and I discussed the situation with Todd Zuspan, A2Z Sanitation, who stated that A2Z started land applying in the current field in December, 2020, then moved to the hill field for a short period, and then came back to the current field a few months ago (no records were kept documenting the timing of rotations). Mr. Zuspan stated that A2Z separated the 50-acre Site into seven smaller fields, which are rotated so that each field can rest seven years between applications, although recently the resting periods have been shortened to 3 years due to the quantity of waste A2Z was receiving. We asked for a map of the Site with the various fields detailed, but Mr. Zuspan stated that he did not have a map showing the requested information.
8. Mr. Zuspan stated that A2Z uses injection, spraying, and dumping for land application; Mr. Zuspan also stated that A2Z does not mix lime prior to injecting but they add lime to the fields to help with general soil health to raise the pH. During the Site visit, Mr. Zuspan stated that he had observed the impacts to Racoon Creek on June 2, 2021 but did not notify Ohio EPA of the release.

### **June 9, 2021 Follow-Up Investigation**

9. On June 9, 2021, I participated in a telephone conference with Ohio EPA staff and Mr. Zuspan during which Harry Kallipolitis, Chief, SEDO, Ohio EPA, detailed the Agency's expectations regarding the release and asked Mr. Zuspan for a verbal commitment to not land apply any additional liquids from the impoundment until Ohio EPA could ensure that the Site was in compliance with its land application management plan ("LAMP"). Mr. Zuspan gave his commitment to stop application, but stated that he would likely need to start land applying within 3 to 4 weeks given the levels of liquids in the impoundment. During the call, Mr. Zuspan stated that he believed the cause of the release was a heavy, localized rainfall that occurred 1 to 2 months ago.
10. I emailed Mr. Zuspan a records request for the records detailed in the LAMP, Permit OMP00014\*DM Special Conditions Section 6. The most recent years' worth of records was requested to be provided by close of business on June 11, 2021.



### **June 10, 2021 Follow-Up Investigation**

11. On June 10, 2021, I conducted a Site visit to observe the remedial activities. Mr. Harriff was also onsite and Ohio EPA staff collected stream samples from the SR 328 bridge overpass area and also upstream of the initial area of the impact in Racoon Creek. The boom that was constructed on June 8, 2021, was placed at the SR 328 bridge overpass. The boom had collected a large amount of grease. Less bacterial growth was observed in the areas of the creek that had the aeration pumps. A2Z crews were still working on the remedial activities. Significant amounts of grease were still present in portions of the roadside ditch nearest the impoundment (Photo 4). Another portion of the roadside ditch had accumulated a significant amount of water that appeared to be primarily composed of rainwater. Mr. Harriff recommended the rainwater be land applied on the fields in the back of the Site to avoid SR 328 becoming flooded in future rain events. The grease impacted ditch was to be vacuumed and material placed in the impoundment.

### **June 23, 2021 Follow-Up Investigation**

12. On June 23, 2021, I participated in a telephone conference with Ohio EPA staff and Mr. Zuspan, who was informed that Ohio EPA is in the process of drafting a notice of violation (NOV) letter for violations of A2Z's LAMP. (Exhibit A-2) The call included questions from Agency staff to Mr. Zuspan regarding facility operations and waste accepted at the Site. Ohio EPA staff requested that Mr. Zuspan submit a detailed plan for how the facility plans to return to compliance with the facility's current permit. Mr. Zuspan agreed to the request and acknowledged that he was overapplying liquids to the fields. Mr. Zuspan also stated that he was not tracking the grease to septage composition in the liquid being applied.

### **July 12 and 15, 2021 Follow-Up Investigation**

13. On July 12, 2021, I conducted a site visit with Kelly Capuzzi. Ben Hariff and Harry Kallipolitis were also present at the site that day. Mr. Hariff noticed multiple areas along that back field that showed where A2Z was directly spraying the loads collected from the ditch lines into the woods/waterway behind the field. This observance was discussed with Todd Zuspan and he stated that the employees would be directed to stay away from wooded area.
14. On July 15, 2021, I conducted a site visit. A2Z employees were working on removing accumulated fluid from the ditches and applying the fluid to the field on the back of the property. I investigated the brushy/wooded area behind the back field because I could smell a strong odor at the back wood line. Upon investigation I observed areas of grease waste and dead vegetation from dumping (Photo 5). Upon questioning the A2Z employees onsite, they initially denied applying any liquid waste to that area. Following some additional questions, it was stated that the employees dumped liquid waste in that area to kill weeds last winter. The booms in Racoon Creek continue to collect floating grease residue.



### July 27 and 30, 2021 Follow-Up Investigation

15. On July 27, 2021, I conducted a site visit. A2Z had brought a bulldozer onsite and cleared brushy/wooded area at the back of the property where the grease dumping had been observed. It was not clear if or how A2Z managed the grease dumps. The storage lagoon level had remained consistent with less than a foot of freeboard remaining. A thin sheen still remained in Raccoon Creek.
16. On July 30, 2021, I conducted a site visit. A2Z employees were disking the fields to promote drying. Trash (feminine products/diaper) was observed along the wood line of the hillside field, indicating potential dumping of septage without screening (Photo 6). The storage lagoon level had remained consistent with less than a foot of freeboard remaining. A thin sheen still remained in Raccoon Creek.

### August 11, 2021 and August 17, 2021 Follow-Up Investigation

17. On August 11, 2021, I conducted a site visit. The disked areas of the fields appeared to be improving (Photo 7). Site workers have indicated that they intend on seeding disked areas once rainfall is expected to aid in germination. The sheen on Raccoon Creek appears to be darkening (Photo 8), this was first noticed on my August 6, 2021 site visit.
18. On August 17, 2021, I conducted a site visit. No workers were onsite at the time of the visit. The aerator in Raccoon Creek was not running. No sheen was observed in Raccoon Creek at the 328 bridge and the 677 bridge. A very light sheen was observed at Creek Road and the Will Tract log jam.

### August 19, 2021 Follow-Up Investigation

19. On August 19, 2021, I arrived at the Site at approximately 8:30 am. One A2Z worker was using the vac truck to pump water from the 328 ditch and haul it to the backfield. The trash pump with the aerator attachment was running in Field Ditch 1. The sprayer was set up approximately 15-20 feet from the ditch. The various ditch lines have accumulated a large quantity of water since my last visit on August 17 (Photo 10). I discussed the use of the sprayer for the ditch water. I mentioned concern over the creation of aerosols and mist from the ditch water (LAMP Part I, F, mentions aerosols and misting) and also mentioned that the water was likely just running back into the ditch. The A2Z employees mentioned that Todd Zuspan had taken the long hose that was previously used to pump the water to the grassy hill behind the house. By the time I left the facility at approximately 10:30 am, they had retrieved the longer hose and started pumping the ditch water to the grassy field.
20. My inspections of the various ditch dams found that the Field Ditch 1 dam had likely overtopped prior to pumping activities. The Field Ditch 2 dam had water flowing over it. The




Field Ditch 3 dam appeared to be functioning okay, and the 328 ditch culvert plug was slowly leaking. The water in the ditches had a sheen and red grease floating on top (Photo 11). The Raccoon Creek booms and Will Tract log jam all had a thick sheen accumulation. During my previous site visit on August 17, I only noticed very light sheens at the Creek Road and Will Tract locations.

21. The lagoon water level has risen to the lowest edge of the impoundment with only about one inch of freeboard (Photo 9). After speaking with an A2Z employee onsite, he seemed unsure when any additional loads of lagoon fluid would be removed. That employee was only scheduled to work until noon today and he was unsure if any additional workers would be coming (they mentioned two workers recently quit).

### ENVIRONMENTAL IMPACT

22. A2Z has over applied comingled screened liquids including grease trap/interceptor waste and septage at the Site. A2Z has also accepted, and land applied industrial wastewater and material at the Site. Untreated wastewater left the Site and impacted roadside ditches and Raccoon Creek. Floating grease collected in a log jam in Raccoon Creek along Will Tract Road, nearly 8 river miles downstream from the initial point of impact (Photo 12). Bacterial deposits on Raccoon Creek's creek bed were observed approximately 2 miles downstream of the initial point of impact (Photo 1).
23. Inadequately treated sewage increases the bacterial counts, nutrients, toxins, and other pollutant loadings (TSS, CBOD, etc.) to waters of the state. This causes excessive aquatic plant growth, aquatic death, alteration of stream channels, downstream deposition in lakes and reservoirs, and decreased light penetration lowering photosynthesis rates and oxygen levels.
24. Continued precipitation in the area will cause the level of septage, grease and other wastes in the impoundment at the Site to rise and likely overflow, potentially re-contaminating the ditch and Raccoon Creek. Based on my personal knowledge and observations, it is my opinion that the septage, grease and other wastes at the Site will continue to discharge and cause serious harm to the environment if the septage, grease and other wastes are not properly removed and disposed of.

Further Affiant Sayeth Not.

  
Signed on 2021/08/20 07:41:42 -8:00

Dustin Tschudy





Sworn to before me and signed in my presence this <sup>20</sup> \_\_\_ day of August, 2021.



*MacKenzie Storm Clayton*

Notary Public



EXHIBIT A-1  
Photographs

Photo 1



Photo 2





Photo 3



Photo 4





Photo 5



Photo 6





Photo 7



Photo 8



Photo 9



Photo 10





Photo 11



Photo 12







Mike DeWine, Governor  
 Jon Husted, Lt. Governor  
 Laurie A. Stevenson, Director

July 1, 2021

**Transmitted Electronically**

Todd Zuspan, Owner  
 A2Z Sanitation, LLC  
 P.O. Box 555  
 McArthur, OH 45651

**Re: A2Z Sanitation  
 Notice of Violation (NOV)  
 NOV  
 NPDES  
 Vinton County  
 OMP00014**

**Subject: Notice of Violation**

Dear Mr. Zuspan:

Ohio EPA, Division of Surface Water (DSW), conducted an inspection of A2Z Sanitation near New Plymouth, Ohio on June 8, 2021 as a result of a complaint. The complaint received indicated possible sewage being present in Racoon Creek near A2Z Sanitation's land application facility. On Scene Coordinator (OSC) Ben Hariff with Ohio EPA's Emergency Response was also present for the inspection. As was discussed, the goal of our inspection was to determine your facility's compliance with Ohio's environmental laws and regulations as found in Chapter 6111 of the Ohio Revised Code (ORC), Chapter 3745 of the Ohio Administrative Code (OAC) and the terms and conditions of A2Z Sanitation's Land Application Management Plan (LAMP) permit OMP00014\*DM issued on October 15, 2019. Our inspection included a review of company operations and written documentation associated with facility operations.

**Violations**

Ohio EPA DSW observed the following thirteen violations of Ohio's environmental laws and regulations and A2Z Sanitation's permit terms and conditions. Ohio EPA DSW recommends you promptly address these violations.

Please pay special attention to the **Violation Description** and **Requested Action** associated with each violation listed below as they describe what exactly is in violation and the requested action to address the violation.

1. **ORC 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.

**Permit OMP00014\*DM Part I A:** Any unauthorized discharges or spills to waters of the state must be reported to Ohio EPA (toll free) by calling 1-800-282-9378 within 2 hours of discovery. The director shall be notified in writing within seven days of the permittee discovering noncompliance with this Land Application Management Plan Permit.

(a) **Violation Description:** A2Z Sanitation failed to report the unauthorized discharge to Racoon Creek to Ohio EPA's spill hotline and failed to submit written notification to the director of the discharge within the required timeframes.

(b) **Requested Action:** Please submit a plan detailing how A2Z Sanitation plans to return to compliance with the terms and conditions of permit number OMP00014\*DM.

2. **ORC 6111.07(A):** See citation above.

**Permit OMP00014\*DM Part I C:** Land application shall be conducted in such a manner that it will not cause a nuisance. Should a nuisance condition develop, or a determination be made by the Ohio EPA that land application at a site is a threat to human health or the environment, the Ohio EPA may order land application to cease at the site and may require remediation of the site.

**Permit OMP00014\*DM Part I D:** The permittee shall not cause pollution or cause to be placed any waste in a location where it causes pollution of any waters of the state, except in accordance with an effective national pollutant discharge elimination system (NPDES) permit.

(a) **Violation Description:** A2Z Sanitation improperly land applied grease trap/interceptor waste from grease traps and septage to the approved land application fields resulting in a discharge to Racoon Creek.

(b) **Requested Action:** Please submit a plan detailing how A2Z Sanitation plans to return to compliance with the terms and conditions of permit number OMP00014\*DM.

3. **ORC 6111.07(A):** See citation above.

**Permit OMP00014\*DM Special Conditions Table 3 Separation Distances:** Minimum separation distance from a grassed water way for liquid wastes applied through injection is 33 feet.

(a) **Violation Description:** A2Z Sanitation failed to maintain a minimum separation distance of 33 feet between the land application area and the grassed water way.

(b) **Requested Action:** Please submit a plan detailing how A2Z Sanitation plans to return to compliance with the terms and conditions of permit number OMP00014\*DM.

4. **ORC 6111.07(A):** See citation above.

**Permit OMP00014\*DM Special Conditions Section 2.2 Vector attraction reduction requirements:** Option 1 – Injection: Liquids must be injected into the soil. No significant amounts of liquids can be present on the soil surface within one hour after injection has taken place.

(a) **Violation Description:** At the time of the inspection, significant amounts of liquids were pooled on the land application field.

(b) **Requested Action:** Please submit a plan detailing how A2Z Sanitation plans to return to compliance with the terms and conditions of permit number OMP00014\*DM.

5. **ORC 6111.07(A):** See citation above.

**Permit OMP00014\*DM Special Conditions Section 3:** Allowable Agronomic Application Rates (AAR) – AARs are based on the nitrogen and phosphorus removal from the harvested portion of the crop and the phosphorus recommendations in the soil fertility test reports.

(a) **Violation Description:** A2Z Sanitation has failed to determine the AARs for the land application site in accordance with Section 3 of the Special Conditions of the permit.

(b) **Additional Information:** In a phone call with Todd Zuspan on 6/22/2021, he indicated that he could not recall when the last soil samples for the site was collected.

(c) **Requested Action:** Please submit a plan detailing how A2Z Sanitation plans to return to compliance with the terms and conditions of permit number OMP00014\*DM.

6. **ORC 6111.07(A):** See citation above.

**Permit OMP00014\*DM Special Conditions Section 5 (a)&(b):** a. Screened septage mixture liquids must be injected or incorporated into the soil within 6 hours of surface application and is limited to a daily application rate of 10,000 gallons/acre/day and an application rate of 25,000 gallons/acre/year unless restricted by management of soil nutrient levels.

b. Application of liquids is not allowed on saturated areas or a site ponded with water or liquids.

(a) **Violation Description:** The facility has failed to maintain records of actual gallons of liquid applied per acre, but through a review of gallons of liquid received at the facility from off-site during the last year, the facility has accepted roughly twice the amount of liquid waste that is allowed to be land applied to the permitted 50-acre land application site. At the time of the inspection, the land application field was ponded from previous applications.

(b) **Additional Information:** The facility owner explained that the 50-acre land application area is divided into 7 fields. The fields are rotated so that only one field is used each year. In recent years the owner acknowledged that he has not been able to allow the fields to rest for the full rotation due to the amount of liquids that the facility was receiving. This indicates that the facility is not using the full 50-acre permitted site annually and that the fields in use over the past year have been significantly over applied with liquid waste.

(c) **Requested Action:** Please submit a plan detailing how A2Z Sanitation plans to return to compliance with the terms and conditions of permit number OMP00014\*DM.

7. **ORC 6111.07(A):** See citation above.

**Permit OMP00014\*DM Special Conditions Section 5 (f):** f. Field conditions must be considered to ensure that the following requirements are met:

- No runoff of waste from application site is allowed.
- No surface ponding of septage mixture screened liquids is allowed after 6 hours from the time of application.
- Minimal movement of screened septage mixture liquids from where it was applied occurs.

(a) **Violation Description:** At the time of the inspection, waste had left the application site and accumulated in the roadside ditch and contaminated Racoon Creek. The application field that was in use was ponded with liquid waste at the time of the inspection.

(b) **Additional Information:** The roadside ditch and Racoon Creek contained large amounts of floating grease deposits and Racoon Creek's entire creek bed near the application fields was covered with a black and white substance from the sewage in the runoff. The impact observed indicates that runoff from the application has been occurring regularly.

(c) **Requested Action:** Please submit a plan detailing how A2Z Sanitation plans to return to compliance with the terms and conditions of permit number OMP00014\*DM.

8. **ORC 6111.07(A):** See citation above.

**Permit OMP00014\*DM Special Conditions Section 5 (h):** h. Measures must be taken to ensure that liquids remain where applied and does not run off and concentrate in low areas of the site or run off the site.

(a) **Violation Description:** At the time of the inspection, land applied liquids had run off the site into roadside ditches and Racoon Creek.

(b) **Requested Action:** Please submit a plan detailing how A2Z Sanitation plans to return to compliance with the terms and conditions of permit number OMP00014\*DM.

9. **ORC 6111.07(A):** See citation above.

**Permit OMP00014\*DM Special Conditions Section 6 Record Keeping Requirements:**  
Please see the attached Special Conditions Section 6 in Appendix A

(a) **Violation Description:** The facility has failed to maintain records in accordance with the requirements detailed in Section 6 of the special conditions.

(b) **Additional Information:** On June 14, 2021, A2Z Sanitation provided a ledger showing the quantities of waste received at the facility for the period of May 21, 2020 to June 8, 2021. The ledger included the name of the facility, type of waste (denoted with a S or G), and the quantity received.

(c) **Requested Action:** Please submit a plan detailing how A2Z Sanitation plans to return to compliance with the terms and conditions of permit number OMP00014\*DM.

10. **ORC 6111.07(A)**: See citation above.

**Permit OMP00014\*DM Special Conditions Section 7 (g)**: g. Grease trap/interceptor pumpings shall only be land applied if the waste is less than 25% by volume of the liquid land applied

- (a) **Violation Description**: A2Z Sanitation has failed to ensure that the grease trap/interceptor pumpings only composes 25% or less of the liquid land applied at any time.
- (b) **Additional Information**: Based on a review of the last two months of the records received from A2Z Sanitation on June 14, 2021, for total amount of waste received at the site, approximately 65% of the waste was identified as grease. Liquid waste taken from the lagoon for land application would not have been able to meet the composition requirement identified in the permit.
- (c) **Requested Action**: Please submit a plan detailing how A2Z Sanitation plans to return to compliance with the terms and conditions of permit number OMP00014\*DM.

11. **ORC 6111.07(A)**: See citation above.

**Permit-to-Install No. 1079418 Special Conditions Section 3 (g), Issued June 13, 2017**: A representative sample of the contents of the impoundment shall be collected and analyzed at least once every calendar year for the pollutants listed in Table of Ohio EPA Rule 3745-51-24. A copy of the analysis results shall be submitted to the Ohio EPA Southeast District Office before January 1 of each year that the impoundment is in operation. The sample shall be collected and analyzed in accordance with an Ohio EPA approved sampling and analysis plan for this specific storage impoundment operation.

- (a) **Violation Description**: Ohio EPA has no records of the annual sampling results being submitted to Ohio EPA before January 1 of each year for the time period of January 2018 through January 2021.
- (b) **Requested Action**: Please submit a plan detailing how A2Z Sanitation plans to return to compliance with the conditions listed in Permit-to-Install No. 1079418.

12. **ORC 6111.07(A)**: See citation above.

**Permit-to-Install No. 1079418 Special Conditions Section 12, Issued June 13, 2017**: Annual monitoring of the nearby residential well on the property shall be performed. The parameters to be tested include the following: e-coli, ammonia, chloride, nitrate, pH, sodium, and specific conductivity. A copy of the analysis results shall be submitted to the Ohio EPA Southeast District Office before January 1 of each year that the impoundment is in operation.

- (a) **Violation Description**: Ohio EPA has no records of the annual sampling results being submitted to Ohio EPA before January 1 of each year for the time period of January 2018 through January 2021.

(b) **Requested Action:** Please submit a plan detailing how A2Z Sanitation plans to return to compliance with the conditions listed in Permit-to-Install No. 1079418.

13. **ORC 6111.07(A)**: See citation above.

**Permit-to-Install No. 1079418 Plan Sheets:** Plan sheets indicate that a fence is to be installed around the lagoon.

(a) **Violation Description:** At the time of the inspection, no fence was present around the lagoon.

(b) **Requested Action:** Please submit a plan detailing how A2Z Sanitation plans to return to compliance with the conditions listed in Permit-to-Install No. 1079418.

### **Conclusion**

**Within 30 days** of receipt of this letter, please provide documentation to Ohio EPA DSW of the actions taken and/or will be taken to resolve the violations cited above. Documentation of steps taken to resolve these violations includes but is not limited to written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to [Dustin.Tschudy@epa.ohio.gov](mailto:Dustin.Tschudy@epa.ohio.gov). If circumstances delay resolution of violations, A2Z Sanitation is requested to contact Ohio EPA DSW to discuss the situation and propose an alternative schedule to resolve the violations in a timely manner.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Chapter 6111.09 of the Ohio Revised Code.

Should you have any questions, please contact me at (740) 380-5251 and/or [Dustin.Tschudy@epa.ohio.gov](mailto:Dustin.Tschudy@epa.ohio.gov).

Sincerely,

*Dustin Tschudy*

Dustin Tschudy  
District Representative  
Division of Surface Water  
Southeast District OfficeSoutheast District Office

DT/cs

ec: Scott Sheerin, DSW, CO

Appendix A - Permit 0MP00014\*DM Special Conditions

## Appendix A

Permit OMP00014\*DM  
Special Conditions

## SPECIAL CONDITIONS FOR LAMP PERMIT OMP00014\*DM LAND APPLICATION OF SCREENED SEPTAGE MIXTURE LIQUIDS

This permit approval only authorizes the land application of screened septage mixture liquids (see definitions) that have been stored/treated in the disposal system approved under PTI No. 817952 and 1079418 or mixtures containing food service grease trap/interceptor pumpings that are directly land applied. The land application shall meet the following requirements.

### 1. Site Suitability Requirements

Screened **septage mixture** liquids, hereinafter referred to as "liquids", or "liquid waste" must only be land applied if the soil conditions in Table 1, slope restrictions in Table 2, and separation distances in Table 3 are met.

Table 1. Required Soil Conditions <sup>(1)</sup>

Characteristic	Minimum requirement
Soil texture	At the zone of application (surface horizon or injection depth) the soil texture must be one of the following: fine sand, loamy sand, sandy loam, loam, silt, silt loam, sandy clay loam, clay loam, sandy clay, silty clay loam, silty clay, or clay
Surface horizon permeability	If 0.2 inches/hour or less, this soil is suitable only for surface application with incorporation within 48 hours or injection.
Depth to bedrock <sup>(2)</sup>	3 feet
Depth to seasonally saturated <sup>(3)</sup> soil	3 feet
Frequency of flooding	Areas subject to recurrent or frequent flooding will be restricted to injection or incorporation as the method of application.

<sup>1</sup> This information can be obtained from the soil surveys published by the Natural Resources Conservation Service (NRCS) or by characterization of the site by a soil scientist or other qualified person.



<sup>2</sup> This depth must be a minimum of 5 feet, if the soil is classified as a "highly permeable soil".

<sup>3</sup> On sites where tile drainage is installed, the depth to tile lines is considered the depth to the seasonally saturated soil. Tiling must be adequate to ensure the separation distance can be maintained.

Table 2. Slope restrictions for application sites where liquids are land applied.

Slope (percent) <sup>(1)</sup>	Surface application	Injection or Immediate Incorporation <sup>(2)</sup>
Summer:		
0 – 6	Allowed	Allowed
> 6 – 12	Not allowed unless 80% of soil is covered with vegetation	Allowed
> 12	Not Allowed	Not Allowed
Winter: There shall be no application in winter. (See definition)		

<sup>1</sup> This information can be obtained from the soil surveys published by the Natural Resources Conservation Service or by characterization of the site by a soil scientist or other qualified person.

<sup>2</sup> Immediate incorporation is mixing of liquids into the soil with some form of tillage within 6 hours of application.

Table 3. Minimum separation distances from the land application site.

Feature	Separation Distances in Feet		
	Surface Applied	Incorporated within six hours	Injected
Private drinking water supply wells	200	200	200
Public drinking water supply wells <sup>1</sup>	1000	1000	1000
Residences	200	200	100
Residential developments	600	600	300
Property boundaries and public roads	10	10	0
Grassed Water Ways <sup>2</sup>	Slope 0 % to 6%	100	33
	Slope 6 % to 12%	Not Allowed	33

<sup>1</sup> No liquids shall be land applied within a ground water source water assessment and protection area or wellhead protection area that has been delineated or endorsed by the director for a community public water system.

<sup>2</sup> Grassed waterways are natural or constructed and seeded to grass as protection against erosion.

Separation distances are from the centerline of grassed waterways. For a grassed waterway which is wider than the separation distances required, application is allowed to the edge of the grass strip.

## **2. Requirements for pathogen control and vector attraction reduction**

All liquids that are land applied must meet the requirements for pathogen control and vector attraction reduction listed below. These requirements are intended to provide protection against transfer of diseases from the application area. This is done by reducing the number of pathogens present, preventing vectors such as flies and rodents from being attracted to the application site, and by following restrictions on site use. The permittee must select from the options presented in this section to ensure that pathogen control and vector attraction reduction requirements are met.

### **2.1 Pathogen control requirements**

One of the following options for pathogen control must be met when liquids are land applied:

**Option 1 - Site restrictions:** The site restrictions A through F in Table 4 must be maintained.

**Option 2 – Lime stabilization with site restrictions:** If septage mixture is lime stabilized in the application vehicle, just prior to land application the pH of the liquids must be raised to 12.0 or greater by alkali addition and without the addition of more alkali, must remain at 12.0 or higher for 30 minutes and the site restrictions A through C in Table 4 must be maintained.

If lime stabilization occurs in a treatment/storage tank or lagoon, the following procedure must be followed: 1) batch treat septage mixture in the tank with lime ( i.e. fill treatment/storage tank with liquid waste mixture and add no additional liquid waste mixture until next treatment cycle); 2) provide sufficient mixing to mix the entire tank contents; 3) add sufficient lime with adequate mixing to bring the pH up to 12 for at least 30 minutes after lime addition has stopped; 4) if pH drops to less than 12 before 30 minutes, add additional lime and retest pH after 30 minutes; 5) if pH is at least 12 after 30 minutes, treatment is completed; 6) test pH on each load removed from the treatment/storage tank and hauled for land application; 7) pH must not be less than 11.0; 8) if pH is less than 11, additional treatment with lime is needed in the application vehicle tank or the treatment/storage tank with adequate mixing to raise pH up to 12 for 30 minutes; 9) Records must be kept of all pH measurements and amounts of lime and times lime added to the storage tank.

**Table 4. Minimum duration between time of liquids application and harvest, grazing, and public access to the site.**

Restriction reference	Restricted activity	Waiting period
A	Food crops whose harvested part may touch the soil / liquids mixture (melons, squash, tomatoes, etc.)	14 months
B	Food crops with harvested parts below the surface (potatoes, carrots, etc.)	38 months <sup>1</sup>
C	Feed, food, or fiber crops that do not touch the soil surface (field corn, sweet corn, hay, flax, etc.)	30 days
D <sup>2</sup>	Turf harvest	1 year
E <sup>2</sup>	Grazing of animals	30 days
F <sup>2,3</sup>	Public access to land	
	High potential for exposure	1 year
	Low potential for exposure	30 days

<sup>1</sup>This can be reduced to 20-month duration between application and harvest when the liquids are surface applied and stays on the soil surface four months or longer prior to incorporation into the soil.

<sup>2</sup>Not required if lime stabilization used for pathogen control.

<sup>3</sup>Lands with high potential for exposure are public contact sites, reclamation sites located in populated areas, turf farms, or plant nurseries. Lands with low potential for exposure are lands with infrequent public use and include areas such as agricultural land, forests, or reclamation sites located in an unpopulated area.

The permittee is responsible for ensuring that farmers or other end users are informed of site use restrictions and that appropriate precautions are taken to prevent access to sites. This may require that some sites be posted with signs informing the public to stay off the site.

## 2.2 Vector attraction reduction requirements

One of the following options for vector attraction reduction must be met when liquids are land applied:

**Option 1 - Injection:** Liquids must be injected into the soil. No significant amount of liquids can be present on the soil surface within one hour after injection has taken place.

**Option 2 - Immediate incorporation:** Liquids must be incorporated by tillage within six hours after surface application.

**Option 3 - Lime stabilization:** Just prior to land application, the pH of the liquids must be raised to 12.0 or greater by alkali addition and without the addition of more alkali must remain at 12.0 or higher for 30 minutes.

If lime stabilization occurs in a treatment/storage tank, the following procedure must be followed: 1) batch treat septage mixture in the tank with lime ( i.e. fill treatment/storage tank with liquid waste mixture and add no additional liquid waste mixture until next treatment cycle); 2) provide sufficient mixing to mix the entire tank contents; 3) add sufficient lime with adequate mixing to bring the pH up to 12 for at least 30 minutes after lime addition has stopped; 4) if pH drops to less than 12 before 30 minutes, add additional lime and retest pH after 30 minutes; 5) if pH is at least 12 after 30 minutes, treatment is completed; 6) test pH on each load removed from the treatment/storage tank and hauled for land application; 7) pH must not be less than 11.0; 8) if pH is less than 11, additional treatment with lime is needed in the application vehicle tank or the treatment/storage tank with adequate mixing to raise pH up to 12 for 30 minutes; 9) Records must be kept of all pH measurements and amounts of lime and times lime added to the storage tank.

**NOTE:** When lime stabilization is used for pathogen control or vector attraction reduction, the temperature of the screened **septage mixture** liquids must be considered when measuring pH. The reading must be taken at the standard temperature of 25° C (77° F), or corrected to 25° C

### 3. Allowable Agronomic Application Rates (AAR)

AARs are based on the nitrogen and phosphorus removal from the harvested portion of the crop and the phosphorus recommendations in soil fertility test reports.

The AAR is usually based on nitrogen because nitrogen is usually the limiting element in crop production compared to phosphorus. The nitrogen applied to soil from the waste will be available to the existing crop, over which it is applied, or to the next crop. When liquid waste is land applied based on nitrogen, it tends to provide more phosphorus than the crop requirement. This may eventually lead to phosphorus accumulation in the soil. Therefore, there is no need to consider supplemental phosphorus addition from other sources such as fertilizers and manure. Proper phosphorus management involves growing high phosphorus removing crops in the rotation with other crops for two to three years.

#### 3.1 Nitrogen AAR

Typically, nitrogen is the nutrient used to determine how much liquids can be applied to an application site. Liquids must be applied at a rate that supplies no more nitrogen than a crop needs. This is referred to as the nitrogen agronomic application rate. For these conditions, the Nitrogen AAR rate is used to calculate the gallons of liquids that can be applied to a site over an entire cropping year. The permittee shall not exceed the AAR rates using this formula:

$$\text{AAR (gal. per acre/year)} = \frac{\text{N Requirement}}{0.0026 \text{ (lbs. N/gallon of liquid)}}$$

The AAR is determined From OSU Extension Ohio Agronomy Guide 472 14<sup>th</sup> Edition or Tri State Bulletin E-2567 for each crop.

This is the same formula USEPA recommended for establishing septage loading rates based on this assumption:

Domestic septage was assumed to contain about 350 mg/kg total available nitrogen and 2.5% solids (about 1.4% total nitrogen on a dry weight basis). Grease trap/interceptor pumpings have less total nitrogen than domestic septage. But portable toilet wastes will have higher nitrogen amounts. Septage applications are more suitable for sites where peak productivity is not a major concern because the equation for calculating application rates is conservative and probably will not provide the full nitrogen requirement of the crop. This is especially the case when pH adjustment is used, resulting in a loss of ammonia.

### Specific nitrogen management requirements:

The nitrogen management requirements in this section were developed to prevent nitrogen from being lost by leaching into groundwater. All the requirements in this section must be followed.

- a. After the last cutting of a hay crop for each year, the liquids application rate must be reduced to supply no more than half of the nitrogen rate for the cropping year.
- b. Liquids cannot be applied on land that remains fallow for the entire cropping year or where a crop will not be removed.
- c. When no crop is grown on the application site during the time period July 1 through August 31 (this generally occurs on sites where early maturing crops such as oats, wheat, sweet corn, or peas have been harvested), the following requirements apply:
  - Applications of liquids are limited to rates that supply no more than 50 pounds of nitrogen per acre (20,000 gallons/acre).
  - All nitrogen applied must be credited to the following cropping year.
  - A crop must be grown the following cropping year.

### 3.2 MANAGEMENT OF SOIL PHOSPHORUS AAR

An initial soil test shall be done for phosphorus for all sites that receive waste. Sampling shall be done every three years after the initial test unless the phosphorus test shows greater than 150 lbs./ac (Bray-Kurtz P 1), then tests shall be done annually until the level is below 150 lbs./ac. Soil sampling shall be a representative composite of the soil in the fields being sampled that have received waste, for example in accordance with OSU Fact Sheet "Soil Sampling to Develop Nutrient Recommendations" AGF-513 at <http://ohioline.osu.edu/factsheet/AGF-513>. Only soils that have received waste the previous 12 months should be sampled.

The Bray-Kurtz PI extraction or Mehlich 3 extraction shall be used to determine the background level unless an alternative method is approved by the director. Unless otherwise approved by the director, the restriction of phosphorus application shall be based on the table below. For soils with soil phosphorus test results greater than one hundred fifty parts per million (three hundred pounds per acre) Bray-Kurtz PI extraction or one hundred seventy parts per million (three hundred forty pounds per acre) Mehlich 3 extraction, the permittee shall not land apply waste unless the permittee demonstrates to the director, using the phosphorus index method as developed by the natural resource conservation service of Ohio, that there is a low relative risk of phosphorus movement to waters of the state at the land application site and the director approves a higher level of soil phosphorus.

TABLE TO DETERMINE AAR for Phosphorus

Level of Soil Phosphorus (Bray-Kurtz PI Extraction lbs. P ac*) from Soil Test Report	Recommended AAR
≥ or = 300 (Maximum Limit)	STOP Waste application not permitted** Grow high phosphorus removal crop
150 - 299 (High Level)	Application rates of phosphorus shall be based on phosphorus crop removal. Adjust the approved Plan to include high phosphorus removal crops.
or = 149 (Low to Medium Level)	Application rates can be based on nitrogen crop removal or phosphorus crop removal.

\* Contact Ohio EPA for equivalent levels of soil phosphorus if soil tests are from the Mehlich 3 extraction procedure

\*\* The permittee shall not land apply waste unless the permittee demonstrates to the director, using the phosphorus index method as developed by the Natural Resource Conservation Service of Ohio, that there is a low relative risk of phosphorus movement to waters of the state at the land application site and the director approves a higher level of soil phosphorus.

#### 4. Liquid Waste Land Application Requirements

The requirements in the table below specifies what can be done with the liquid waste that is lime stabilized and waste that has not been lime stabilized with regard to fallow land and cropped land.

Liquid Waste Not Lime Stabilized	Lime Stabilized Liquid Waste
<p>Can be: Surface applied on fallow land followed by incorporation within <u>6 hours</u>.</p> <p>Cropping to follow within one year after liquid waste application.</p>	<p>Can be: Surface applied on fallow land followed by incorporation within <u>48 hours</u></p> <p>Cropping to follow within one year of liquid waste application.</p>
<p>Can be: Surface applied over scattered weeds or vegetation followed by incorporation within <u>6 hours</u>.</p> <p>Cropping to follow within one year after liquid waste application.</p>	<p>Can be: Surface applied over actively growing forage crops or vegetation without incorporation.</p> <p>Liquid waste can also be applied early where row crops are planted without incorporation.</p>
<p>Can be: Subsurface injected on fallow ground.</p> <p>Cropping to follow within one year of liquid waste application.</p>	<p>Can be: Subsurface injected early where row crops or vegetation are planted.</p>
<p><b>Recommendation: It is always a good practice to keep fallow ground covered, after the end of liquid waste application, with cover crops and/or other control methods to reduce soil erosion before the next cropping</b></p>	

#### 5. The following general site management practices must be followed:

- a. Screened **septage mixture** liquids must be injected or incorporated into the soil within 6 hours of surface application and is limited to a daily application rate of 10,000 gallons/acre/day and an application rate of 25,000 gallons/acre/year unless restricted by management of soil nutrient levels.
- b. Application of liquids is not allowed on saturated areas or a site ponded with water or liquids
- c. Liquids cannot be applied by spraying from public roads or across road right of ways.

- d. The application area must be clearly identified with flags, stakes, or other easily seen markers at the time of application to identify the site boundaries, separation distances, and unsuitable application areas within the site. Where site boundaries can be identified by field roads, fences, etc., identification is not necessary.
- e. All liquids that are land applied must be uniformly distributed over the area of the site used during application.
- f. Field conditions must be considered to ensure that the following requirements are met:
  - No runoff of waste from the application site is allowed.
  - No surface ponding of **septage mixture** screened liquids is allowed after 6 hours from the time of application.
  - Minimal movement of screened **septage mixture** liquids from where it was applied occurs
- g. Unless liquid is injected, a distribution device (splash plate or spreader) is required on the application vehicle so that even application of liquids is possible and application rate limits can be met.
- h. Measures must be taken to ensure that liquids remain where applied and does not run off and concentrate in low areas of the site or run off the site.
- i. The application vehicle must be moving at all times during application.
- j. Crops must be harvested so nitrogen and phosphorus can be properly managed.
- k. Winter application is prohibited (see definition).

## 6. Record Keeping Requirements

The permittee must develop and maintain a record keeping system that provides the information described in this section. These records must be kept for a minimum of five years and presented to Ohio EPA upon request.

1. For each land application site, the following information must be kept:
  - a. Location of each land application site used. This can be recorded as the street address, latitude and longitude of middle of each site, or legal description indicating the quarter section, township coordinate, range coordinate, township name, and county name.
  - b. A map of the land application site with the site boundaries identified. The map must be from a soil survey when available. If not available, another map with comparable information can be used. Any areas of the site which are not used because they are unsuitable should be indicated on the map by coloring or crosshatching.
  - c. Total useable acreage of the site (unsuitable areas should not be included in the site acreage, because application rates are based on the actual area liquids are applied).
  - d. Crop grown on the site and date crops harvested and yield (e.g. tons of hay per acre).
  - e. Maximum allowable nitrogen and phosphorus application rate based on the soil testing and the nutrient needs of the crop.
  - f. Maximum allowable liquid application rate for the cropping year in gallons/acre either based on the nutrient requirements of the crop or other limitations specified in these conditions.
  - g. Running total of gallons of liquids applied on the site each year.
  - h. The results of all liquid sampling analysis and soil testing.

- i. A lime stabilization log. See last page for an example.
2. For liquids applied to a site, the following detailed information must be kept:
- The permittee is responsible for documenting that the application rates authorized by this approval have not been exceeded.
- a. Source(s) of liquids stored in the storage tanks or directly land applied. This would include the facility the liquid was removed from and can be indicated by property owner name, or invoice number. The type of material pumped should be identified (grease trap/interceptor wastes, liquids, portable toilets, trash trap, etc.).
  - b. The source of each load applied to the sites, e.g. from the storage tanks or directly from a pumped out septic tank or grease interceptor.
  - c. The date each load of liquids is applied on the site.
  - d. Total gallons land applied each day.
  - e. Total acres covered each day.

3. A representative sample of the stored waste shall be analyzed for nutrients at least annually and analyzed for:

Total Kjeldahl Nitrogen (TKN).  
Ammonium-Nitrogen (NH<sub>4</sub>-N).  
Nitrate-Nitrogen (NO<sub>3</sub> -N).  
Total phosphorus.  
Potassium.

Soil sampling should be done using OSU Fact Sheet "**Soil Sampling to Develop Nutrient Recommendations**" AGF-513 at <http://ohioline.osu.edu/factsheet/AGF-513>

4. A representative sample of soils at each site analyzed for:

Soil pH.  
Soil nutrient levels of phosphorus, potassium, magnesium, and calcium reported in parts per million (ppm) or pounds per acres (lbs./ac).  
Phosphorus shall be analyzed using the P1 (Bray P1).  
Cation exchange capacity (CEC usually reported in meq/100 g).  
Base saturation (usually reported as percent of exchangeable bases).  
Recommendations for lime.  
Recommendations for nitrogen, phosphorus and potassium.

Soil sampling shall be representative of the soils in each field and the waste application rates, for example in accordance with OSU Fact Sheet "**Soil Sampling to Develop Nutrient Recommendations**" AGF-513 at <http://ohioline.osu.edu/factsheet/AGF-513>. Only soils that have received waste the previous 12 months must be sampled.

See Section 3.2 for soil phosphorus sampling requirements. In some cases, this may only have to be done every three years.



5 Storage Lagoon

- a. Estimated volume of septage placed in the lagoon each day.
- b. Estimated volume of grease trap/interceptor waste placed in the lagoon each day.
- c. Weekly reading of freeboard or depth staff gauge.
- d. A record of when/where all screenings were disposed off site.

7. **Other Requirements:**

- a. Liquids can only be land applied if all requirements of Ohio EPA's Solid Waste Laws and Rules are complied with.
- b. This permit only pertains to land application of screened liquids (see definition).
- c. This permit can be revoked at any time or modified to conform to revised or new state or federal law or revised or new Ohio EPA or USEPA rules.
- d. Liquids cannot be applied to land that has received any other type of waste in the calendar year.
- e. Land application of septage regulated by the local health department shall not be land applied at any site that has received liquid waste from the storage/treatment system or mixtures of septage and grease trap/interceptor pumpings directly land applied. Farm land application sites shall be clearly identified and labeled on maps and written records of land application maintained noting which sites have received liquid waste from storage, mixtures of septage and grease trap/interceptor waste directly land applied and sites that the local health department have permitted for the land application of only septage.
- f. All liquid waste land applied subject to this Land Application Management Plan Permit shall be screened and treated with lime if applicable to meet the conditions of this approval.
- g. Grease trap/interceptor pumpings shall only be land applied if the waste is less than 25% by volume of the liquid land applied.

8. **Restriction to Vinton County**

Liquids from the storage/treatment tanks shall only be applied to land in Vinton County. If the permittee wishes to apply liquids from storage to sites outside the county, another permit must be applied for. This approval only applies to sites submitted with the original Land Application Management Plan Permit application. Before additional sites are used, the permittee shall notify the Ohio EPA in writing that includes a map showing the additional site(s) and before land applying waste, the permittee must first receive written authorization from the Southeast District of Ohio EPA.

## Definitions

**"Screened septage mixture liquids"** includes septage mixed with grease trap/interceptor pumpings, package sewage plant trash trap pumpings, portable toilet and privy pumpings that have been screened prior to land application or storage. The screen shall be ½ inch mesh or less or 3/8-inch slats or less. Grease trap/interceptor pumpings shall not exceed at any time 50% of total volume land applied. Liquids from commercial oil/water separators that contain petroleum products, lubricants, silicones and greases of mineral or synthetic origin or other solids are **NOT** included in this definition.

**"Cover crop"** means a small grain or other close growing vegetation not grown for harvest (e.g. vegetation growing on the land set aside for conservation purposes).

**"Septage"** Septage has the same meaning as domestic septage which is defined in 3718.01 Revised Code. At the time of this permit issuance the definition: "means the liquid or solid material removed from a residential sewage treatment system, portable toilet or type III marine sanitation device as defined in 33 C.F.R. 159.3. "Domestic septage" does not include grease removed from a grease trap or sewage sludge regulated by the Ohio EPA's Sewage Sludge Rules."

**"Fallow land"** means land that is not cropped and kept cultivated throughout a growing season and has a vegetative cover of less than 25 percent. Any land that is not cropped and cultivated during the months of September through May where a crop will be grown the following growing season is not considered fallow land.

**"Frequently flooded"** means a site that has been flooded an average of more than once in two years. Frequently flooded, and the months when flooding is expected, shall be determined by consulting the appropriate "National Cooperative Soil Survey" publication.

**"Grassed waterway"** means a natural or constructed waterway, typically broad and shallow, seeded to grass as protection against erosion and conducts surface water away from cropland. Highly permeable soil means soils whose soil leaching potentials are rated as severe, poor filter for soil pesticide loss, by the Natural Resources Conservation Service using the procedure found in part 620, Soil Interpretation Rating Guides of the United States Department of Agriculture-Natural Resources Conservation Service National Soil Survey Handbook.

**"Permittee"** means an individual or business holding a permit issued by the Ohio EPA to land apply screened **septage mixture** liquids.

**"Public Contact Site"** means land with high potential for contact by the public. This includes, but is not limited to, public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses.

**"Residential development"** means ten or more places of habitation concentrated within ten acres of land. The term also includes schools, churches, hospitals, nursing homes, businesses, offices, and apartment buildings or complexes having ten or more living units.

**"Site"** means a clearly identified land application site or farm field at a location or locations on a parcel of land that the permittee has been authorized by the Ohio EPA to land apply liquid wastes.

**"Winter"** means the time that soils are frozen or snow covered, so that incorporation or injection is not possible. This time period varies from year to year.



# **EXHIBIT B**

Re: Vinton County, Various Townships  
Land Application Management Plan Permit for A2Z Sanitation, LLC  
Modification Application No. 0MP00014\*DM  
Land Application of Comingled Screened Liquids including Grease Trap/Interceptor  
Waste and Septage  
Plan Received: May 31, 2017  
From Todd Zuspan, owner/operator

Issue Date: October 15, 2019  
Effective Date: November 1, 2019  
Expiration Date: October 31, 2024

A2Z Sanitation, L.L.C.  
Attn: Todd Zuspan, Owner/Operator  
P.O. Box 555  
McArthur, Ohio 45651

The Ohio Environmental Protection Agency has reviewed the renewal application for the land application management plan submitted pursuant to Ohio Revised Code Section 6111.45. The plan is approved subject to the condition of compliance with all applicable laws, rules, regulations and all the conditions below and in Part I of this permit and any special conditions.

The applicant is required to submit a revised land application management plan permit application, if the Director of the Ohio EPA deems it necessary.

The director may add, delete, or change any conditions to a land application management plan permit to protect human health or the environment.

This approval is for the land application of comingled screened liquids including grease trap/interceptor waste from grease traps and septage to designated application sites located in Vinton County.

The director of the Ohio Environmental Protection Agency, or his authorized representative(s), may enter upon the premises of the site(s), including the generating facility, authorized for this plan approval for land application of grease at any reasonable time for the purpose of making inspections, conducting tests, examining records, or reports pertaining to the installation, modification, or operation of the land application system.

Issuance of this permit does not relieve you of the duty of complying with all applicable federal, state, and local laws, ordinances, and regulations including USEPA's 503 Sewage Sludge Regulations.

This permit is not an authorization to discharge pollutants to surface waters of the state.

Any unauthorized discharges to waters of the state must be reported to Ohio EPA (toll free) by calling 1-800-282-9378 within 2 hours of discovery. The director shall be notified in writing within seven days of any person discovering noncompliance with a land application management plan or an NPDES permit.

Any expansion of the operation or modification of any land application area must be approved by the Ohio EPA.

This permit shall expire at midnight on the expiration date shown above. In order to receive authorization to continue to land apply beyond the date of expiration, you must submit such information and forms as are required by the Ohio EPA no later than 180 days prior to the above date of expiration.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio" which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission  
77 South High Street, 17th Floor  
Columbus, Ohio 43215

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Laurie A. Stevenson  
Director

cc: Ohio EPA Southeast District Office  
Vinton County Health Department

Part I , LAND APPLICATION REQUIREMENTS AND SPECIAL CONDITIONS

A. Any unauthorized discharges or spills to waters of the state must be reported to Ohio EPA (toll free) by calling 1-800-282-9378 within 2 hours of discovery. The director shall be notified in writing within seven days of the permittee discovering noncompliance with this Land Application Management Plan Permit.

B. The entity shall perform the proposed land application in strict accordance with the attached special conditions in this permit and with the method of operation outlined in the permit application and the land application management plan submitted to the Ohio Environmental Protection Agency. Approval of this Land Application Management Plan Permit does not constitute assurance that the proposed operation will be in compliance with all Ohio or federal laws and regulations.

C. Land application shall be conducted in such a manner that it will not cause a nuisance. Should a nuisance condition develop, or a determination be made by the Ohio EPA that land application at a site is a threat to human health or the environment, the Ohio EPA may order land application to cease at the site and may require remediation of the site.

D. The permittee shall not cause pollution or cause to be placed any waste in a location where it causes pollution of any waters of the state, except in accordance with an effective national pollutant discharge elimination system (NPDES) permit.

E. This permit applies to the land application of comingled screened liquids including grease trap/interceptor waste from grease traps and septage to designated application sites located in Vinton County. Other comingled screened liquids may include trash trap pumpings, port-a-jon pumpings and domestic sanitary wastewaters.

F. Comingled screened liquids shall be land applied so as to minimize direct human contact, and the potential for creating aerosols and mist.

G. A sign shall be installed at the entrance to each land application area, to inform the public that the land is used for land application of comingled screened liquids.

**Signage Requirements:**

- (1) Each sign shall face each public road frontage, within twenty-five feet of the road.
- (2) Each sign shall be within twenty-five feet of any entrance or exit on a public road where the land application site is accessed. The sign shall face the public road. At least one sign shall be placed at each land application site.
- (3) The sign shall include text that is in black capital letters on a white background, where the letters are at least one inch in height.
- (4) The sign shall read: "NOTICE: OHIO EPA AUTHORIZED LAND APPLICATION SITE.
- (5) The sign shall include the name of the permittee and the permittee's telephone number.
- (6) The sign shall be unobstructed from view.
- (7) The permittee shall have signage in place for a minimum of thirty days after the termination of land application activity at the site.
- (8) The permittee shall maintain records of the date when signs were posted and removed from any authorized land application site.

H. The following site is authorized for use for land application of comingled screened liquids: Southwest corner of the intersection of State Route 328 and Mine Hollow Road in Vinton County. The site area is approximately 50 acres.

I. Additional sites can be authorized for land application of grease trap/interceptor waste under this permit provided written authorization is received from Southeast District Office of the Ohio EPA, Division of Surface Water.

J. Landfill Leachates are not permitted for land application under this permit.

K. See the attached additional special conditions.





**Plan Approval**

**Sewage Holding Tank Management Plan**

<b>FOR AGENCY USE ONLY</b>	
Application Number:	Date Received: / /

<b>General Information</b>		
Applicant Name: A2Z Sanitation		
Project Address: 27384 State Route 328		
City: New Plymouth	State: Ohio	Zip: 45654
County: Vinton	Township: Swan	
Is the Applicant for the Sewage Holding Tank Management Plan the Owner of the Facility? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If not, please explain and state who is responsible for monitoring the sewage holding tank:		
<p><i>(Note: This form shall be submitted with a PTI/Plan Approval Application Form A, Form B8 Holding Tanks, and plan approval fee for all proposed sewage holding tanks after the effective date of this rule. Any existing systems prior to the effective date of this rule may require a PTI/Plan Approval Application be submitted with the management plan. Refer to Rule 3745-42-11(E) (G) (H) of the Administrative Code for permit requirements for sewage holding tank management.</i></p>		

**At a minimum, the following items shall be included in the sewage holding tank management plan required by Rule 3745-42-11 of the Administrative Code. Any additional unique features must be described on separate pages and attached to this plan.**

<b>A. Treatment and Storage Information</b>		
Average Daily Design Flow to the Holding Tank:	Based on truck frequency	gpd
Average Actual Flow to the Holding Tank (if existing Holding Tank):	N/A	gpd
Nature of Waste: <input checked="" type="checkbox"/> Domestic Sewage <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Other: Commingled Grease Trap Waste		
Provide justification for the use of the sewage holding tank: Storage of waste material when ground is frozen or too wet for land application.		
Expected date of tank decommissioning (if applicable): N/A		

<b>B. Tankage</b>					
Material	Storage Volume (gallons)*	Storage Volume (days)	Inside Length (ft)	Inside Width (ft)	Inside Height (ft)
1. 40 mm liner	635,000	N/A	160	60	6
2.					
3.					
*Storage Volume should be calculated at 75 percent of tank capacity					

C. Design Basis:				
Type of Establishment	Type of Unit (employee, seats, etc.)	Number of Units	Wastewater Flow (gal/day)	Total (gal/day)
N/A		X		=
		X		=
		X		=
Total Flow (gal/day)				= _____

D. Hauling & Storage:			
Receiving Facility:	Facility NPDES #:		
Address:	City:	State:	Zip:
Licensed Hauler: A2Z Sanitation			
Annual Cost:	<input type="checkbox"/> Actual	<input type="checkbox"/> Estimated	
If applicable, local health department that licensed the waste hauler:			
How often is it to be hauled/emptied:			
How is the alarm set: System manned during use			
Location of the audio/visual alarm: Manual depth gauge			
Location of signs: Adjacent to equipment.			
Emergency name & number on signage: Todd Zuspan (740) 596-8038			
How are spills/run-offs prevented and/or contained: Concrete housekeeping slabs			
Describe the standard filling, operating, and emptying procedures: Pumped from truck to tank and from tank to field spreader.			
Additional Comments:			

E. Record Keeping Requirements			
<i>The owner/operator shall keep the following records at the facility for the time specified and make these records available to the director upon request and maintain the records for a minimum of three years:</i>			
<input checked="" type="checkbox"/>	Copy of permit to install	<input type="checkbox"/>	POTW receiving waste including address
<input checked="" type="checkbox"/>	Volume & description of all sources of waste	<input checked="" type="checkbox"/>	Name of operator
<input checked="" type="checkbox"/>	Copy of construction & installation records	<input checked="" type="checkbox"/>	Licensed hauler information including licensing
<i>The following items shall be attached for the existing sewage holding tank:</i>			
<input checked="" type="checkbox"/>	Licensed hauler information	<input type="checkbox"/>	POTW receiving waste
<input type="checkbox"/>	Contract with hauler (including paid receipt for pumping service)*	<input checked="" type="checkbox"/>	Pumping records (most recent, 2yrs if available)
<i>*If owner changes to a different hauling contractor, records for the new hauling contractor shall be maintained and new receiving wastewater treatment plant if applicable.</i>			

**F. Miscellaneous Information:**

The following items shall be included with this sewage holding tank management plan:

- Letter from the POTW agreeing to accept the waste N/A
- Copy of contract between hauler and the owner of sewage holding tank N/A
- Four copies of this management plan and any attachments.
- Fee check payable to "Treasurer, State of Ohio." (unless this plan is submitted with a PTI for the tank)
- Additional information is included with this form:

**G. Signature: The foregoing data is a true statement of facts pertaining to this proposed plan.**

Plan prepared by: STRATEGIC CONSULTING SERVICES, INC.

Signed: Michelle B. Bette

Date: 1/24/17

## SPECIAL CONDITIONS FOR LAMP PERMIT OMP00014\*DM LAND APPLICATION OF SCREENED SEPTAGE MIXTURE LIQUIDS

This permit approval only authorizes the land application of screened septage mixture liquids (see definitions) that have been stored/treated in the disposal system approved under PTI No. 817952 and 1079418 or mixtures containing food service grease trap/interceptor pumpings that are directly land applied. The land application shall meet the following requirements.

### 1. Site Suitability Requirements

Screened **septage mixture** liquids, hereinafter referred to as "liquids", or "liquid waste" must only be land applied if the soil conditions in Table 1, slope restrictions in Table 2, and separation distances in Table 3 are met.

Table 1: Required Soil Conditions <sup>(1)</sup>

Characteristic	Minimum requirement
Soil texture	At the zone of application (surface horizon or injection depth) the soil texture must be one of the following: fine sand, loamy sand, sandy loam, loam, silt, silt loam, sandy clay loam, clay loam, sandy clay, silty clay loam, silty clay, or clay
Surface horizon permeability	If 0.2 inches/hour or less, this soil is suitable only for surface application with incorporation within 48 hours or injection.
Depth to bedrock <sup>(2)</sup>	3 feet
Depth to seasonally saturated <sup>(3)</sup> soil	3 feet
Frequency of flooding	Areas subject to recurrent or frequent flooding will be restricted to injection or incorporation as the method of application.

<sup>1</sup> This information can be obtained from the soil surveys published by the Natural Resources Conservation Service (NRCS) or by characterization of the site by a soil scientist or other qualified person.

<sup>2</sup> This depth must be a minimum of 5 feet, if the soil is classified as a "highly permeable soil".

<sup>3</sup> On sites where tile drainage is installed, the depth to tile lines is considered the depth to the seasonally saturated soil. Tiling must be adequate to ensure the separation distance can be maintained.

Table 2. Slope restrictions for application sites where liquids are land applied.

Slope (percent) <sup>(1)</sup>	Surface application	Injection or Immediate Incorporation <sup>(2)</sup>
Summer:		
0 – 6	Allowed	Allowed
> 6 – 12	Not allowed unless 80% of soil is covered with vegetation	Allowed
> 12	Not Allowed	Not Allowed
Winter: There shall be no application in winter. (See definition)		

<sup>1</sup> This information can be obtained from the soil surveys published by the Natural Resources Conservation Service or by characterization of the site by a soil scientist or other qualified person.

<sup>2</sup> Immediate incorporation is mixing of liquids into the soil with some form of tillage within 6 hours of application.

Table 3. Minimum separation distances from the land application site.

Feature	Separation Distances in Feet		
	Surface Applied	Incorporated within six hours	Injected
Private drinking water supply wells	200	200	200
Public drinking water supply wells <sup>1</sup>	1000	1000	1000
Residences	200	200	100
Residential developments	600	600	300
Property boundaries and public roads	10	10	0
Grassed Water Ways <sup>2</sup>	Slope 0 % to 6%	100	33
	Slope 6 % to 12%	Not Allowed	33

<sup>1</sup> No liquids shall be land applied within a ground water source water assessment and protection area or wellhead protection area that has been delineated or endorsed by the director for a community public water system.

<sup>2</sup> Grassed waterways are natural or constructed and seeded to grass as protection against erosion.

Separation distances are from the centerline of grassed waterways. For a grassed waterway which is wider than the separation distances required, application is allowed to the edge of the grass strip.

## **2. Requirements for pathogen control and vector attraction reduction**

All liquids that are land applied must meet the requirements for pathogen control and vector attraction reduction listed below. These requirements are intended to provide protection against transfer of diseases from the application area. This is done by reducing the number of pathogens present, preventing vectors such as flies and rodents from being attracted to the application site, and by following restrictions on site use. The permittee must select from the options presented in this section to ensure that pathogen control and vector attraction reduction requirements are met.

### **2.1 Pathogen control requirements**

One of the following options for pathogen control must be met when liquids are land applied:

**Option 1 - Site restrictions:** The site restrictions A through F in Table 4 must be maintained.

**Option 2 – Lime stabilization with site restrictions:** If septage mixture is lime stabilized in the application vehicle, just prior to land application the pH of the liquids must be raised to 12.0 or greater by alkali addition and without the addition of more alkali, must remain at 12.0 or higher for 30 minutes and the site restrictions A through C in Table 4 must be maintained.

If lime stabilization occurs in a treatment/storage tank or lagoon, the following procedure must be followed: 1) batch treat septage mixture in the tank with lime ( i.e. fill treatment/storage tank with liquid waste mixture and add no additional liquid waste mixture until next treatment cycle); 2) provide sufficient mixing to mix the entire tank contents; 3) add sufficient lime with adequate mixing to bring the pH up to 12 for at least 30 minutes after lime addition has stopped; 4) if pH drops to less than 12 before 30 minutes, add additional lime and retest pH after 30 minutes; 5) if pH is at least 12 after 30 minutes, treatment is completed; 6) test pH on each load removed from the treatment/storage tank and hauled for land application; 7) pH must not be less than 11.0; 8) if pH is less than 11, additional treatment with lime is needed in the application vehicle tank or the treatment/storage tank with adequate mixing to raise pH up to 12 for 30 minutes; 9) Records must be kept of all pH measurements and amounts of lime and times lime added to the storage tank.

**Table 4. Minimum duration between time of liquids application and harvest, grazing, and public access to the site.**

Restriction reference	Restricted activity	Waiting period
A	Food crops whose harvested part may touch the soil / liquids mixture (melons, squash, tomatoes, etc.)	14 months
B	Food crops with harvested parts below the surface (potatoes, carrots, etc.)	38 months <sup>1</sup>
C	Feed, food, or fiber crops that do not touch the soil surface (field corn, sweet corn, hay, flax, etc.)	30 days
D <sup>2</sup>	Turf harvest	1 year
E <sup>2</sup>	Grazing of animals	30 days
F <sup>2,3</sup>	Public access to land	
	High potential for exposure	1 year
	Low potential for exposure	30 days

<sup>1</sup>This can be reduced to 20-month duration between application and harvest when the liquids are surface applied and stays on the soil surface four months or longer prior to incorporation into the soil.

<sup>2</sup>Not required if lime stabilization used for pathogen control.

<sup>3</sup>Lands with high potential for exposure are public contact sites, reclamation sites located in populated areas, turf farms, or plant nurseries. Lands with low potential for exposure are lands with infrequent public use and include areas such as agricultural land, forests, or reclamation sites located in an unpopulated area.

The permittee is responsible for ensuring that farmers or other end users are informed of site use restrictions and that appropriate precautions are taken to prevent access to sites. This may require that some sites be posted with signs informing the public to stay off the site.

## 2.2 Vector attraction reduction requirements

One of the following options for vector attraction reduction must be met when liquids are land applied:

**Option 1 - Injection:** Liquids must be injected into the soil. No significant amount of liquids can be present on the soil surface within one hour after injection has taken place.

**Option 2 - Immediate incorporation:** Liquids must be incorporated by tillage within six hours after surface application.

**Option 3 - Lime stabilization:** Just prior to land application, the pH of the liquids must be raised to 12.0 or greater by alkali addition and without the addition of more alkali must remain at 12.0 or higher for 30 minutes.

If lime stabilization occurs in a treatment/storage tank, the following procedure must be followed: 1) batch treat septage mixture in the tank with lime ( i.e. fill treatment/storage tank with liquid waste mixture and add no additional liquid waste mixture until next treatment cycle); 2) provide sufficient mixing to mix the entire tank contents; 3) add sufficient lime with adequate mixing to bring the pH up to 12 for at least 30 minutes after lime addition has stopped; 4) if pH drops to less than 12 before 30 minutes, add additional lime and retest pH after 30 minutes; 5) if pH is at least 12 after 30 minutes, treatment is completed; 6) test pH on each load removed from the treatment/storage tank and hauled for land application; 7) pH must not be less than 11.0; 8) if pH is less than 11, additional treatment with lime is needed in the application vehicle tank or the treatment/storage tank with adequate mixing to raise pH up to 12 for 30 minutes; 9) Records must be kept of all pH measurements and amounts of lime and times lime added to the storage tank.

**NOTE:** When lime stabilization is used for pathogen control or vector attraction reduction, the temperature of the screened **septage mixture** liquids must be considered when measuring pH. The reading must be taken at the standard temperature of 25° C (77° F), or corrected to 25° C

### 3. Allowable Agronomic Application Rates (AAR)

AARs are based on the nitrogen and phosphorus removal from the harvested portion of the crop and the phosphorus recommendations in soil fertility test reports.

The AAR is usually based on nitrogen because nitrogen is usually the limiting element in crop production compared to phosphorus. The nitrogen applied to soil from the waste will be available to the existing crop, over which it is applied, or to the next crop. When liquid waste is land applied based on nitrogen, it tends to provide more phosphorus than the crop requirement. This may eventually lead to phosphorus accumulation in the soil. Therefore, there is no need to consider supplemental phosphorus addition from other sources such as fertilizers and manure. Proper phosphorus management involves growing high phosphorus removing crops in the rotation with other crops for two to three years.

#### 3.1 Nitrogen AAR

Typically, nitrogen is the nutrient used to determine how much liquids can be applied to an application site. Liquids must be applied at a rate that supplies no more nitrogen than a crop needs. This is referred to as the nitrogen agronomic application rate. For these conditions, the Nitrogen AAR rate is used to calculate the gallons of liquids that can be applied to a site over an entire cropping year. The permittee shall not exceed the AAR rates using this formula:

$$\text{AAR (gal. per acre/year)} = \frac{\text{N Requirement}}{0.0026 \text{ (lbs. N/gallon of liquid)}}$$

The AAR is determined From OSU Extension Ohio Agronomy Guide 472 14<sup>th</sup> Edition or Tri State Bulletin E-2567 for each crop.

This is the same formula USEPA recommended for establishing septage loading rates based on this assumption:

Domestic septage was assumed to contain about 350 mg/kg total available nitrogen and 2.5% solids (about 1.4% total nitrogen on a dry weight basis). Grease trap/interceptor pumpings have less total nitrogen than domestic septage. But portable toilet wastes will have higher nitrogen amounts. Septage applications are more suitable for sites where peak productivity is not a major concern because the equation for calculating application rates is conservative and probably will not provide the full nitrogen requirement of the crop. This is especially the case when pH adjustment is used, resulting in a loss of ammonia.



**Specific nitrogen management requirements:**

The nitrogen management requirements in this section were developed to prevent nitrogen from being lost by leaching into groundwater. All the requirements in this section must be followed.

- a. After the last cutting of a hay crop for each year, the liquids application rate must be reduced to supply no more than half of the nitrogen rate for the cropping year.
- b. Liquids cannot be applied on land that remains fallow for the entire cropping year or where a crop will not be removed.
- c. When no crop is grown on the application site during the time period July 1 through August 31 (this generally occurs on sites where early maturing crops such as oats, wheat, sweet corn, or peas have been harvested), the following requirements apply:
  - Applications of liquids are limited to rates that supply no more than 50 pounds of nitrogen per acre (20,000 gallons/acre).
  - All nitrogen applied must be credited to the following cropping year.
  - A crop must be grown the following cropping year.

**3.2 MANAGEMENT OF SOIL PHOSPHORUS AAR**

An initial soil test shall be done for phosphorus for all sites that receive waste. Sampling shall be done every three years after the initial test unless the phosphorus test shows greater than 150 lbs./ac (Bray-Kurtz P 1), then tests shall be done annually until the level is below 150 lbs./ac. Soil sampling shall be a representative composite of the soil in the fields being sampled that have received waste, for example in accordance with OSU Fact Sheet "Soil Sampling to Develop Nutrient Recommendations" AGF-513 at <http://ohioline.osu.edu/factsheet/AGF-513>. Only soils that have received waste the previous 12 months should be sampled.

The Bray-Kurtz PI extraction or Mehlich 3 extraction shall be used to determine the background level unless an alternative method is approved by the director. Unless otherwise approved by the director, the restriction of phosphorus application shall be based on the table below. For soils with soil phosphorus test results greater than one hundred fifty parts per million (three hundred pounds per acre) Bray-Kurtz PI extraction or one hundred seventy parts per million (three hundred forty pounds per acre) Mehlich 3 extraction, the permittee shall not land apply waste unless the permittee demonstrates to the director, using the phosphorus index method as developed by the natural resource conservation service of Ohio, that there is a low relative risk of phosphorus movement to waters of the state at the land application site and the director approves a higher level of soil phosphorus.

**TABLE TO DETERMINE AAR for Phosphorus**

Level of Soil Phosphorus (Bray-Kurtz PI Extraction lbs. P/ac*) from Soil Test Report	Recommended AAR
or = 300 (Maximum Limit)	STOP Waste application not permitted** Grow high phosphorus removal crop
150 - 299 (High Level)	Application rates of phosphorus shall be based on phosphorus crop removal. Adjust the approved Plan to include high phosphorus removal crops.
or = 149 (Low to Medium Level)	Application rates can be based on nitrogen crop removal or phosphorus crop removal.

\* Contact Ohio EPA for equivalent levels of soil phosphorus if soil tests are from the Mehlich 3 extraction procedure

\*\* The permittee shall not land apply waste unless the permittee demonstrates to the director, using the phosphorus index method as developed by the Natural Resource Conservation Service of Ohio, that there is a low relative risk of phosphorus movement to waters of the state at the land application site and the director approves a higher level of soil phosphorus.

#### 4. Liquid Waste Land Application Requirements

The requirements in the table below specifies what can be done with the liquid waste that is lime stabilized and waste that has not been lime stabilized with regard to fallow land and cropped land.

Liquid Waste Not Lime Stabilized	Lime Stabilized Liquid Waste
<p>Can be: Surface applied on fallow land followed by incorporation within <u>6 hours</u>.</p> <p>Cropping to follow within one year after liquid waste application.</p>	<p>Can be: Surface applied on fallow land followed by incorporation within <u>48 hours</u>.</p> <p>Cropping to follow within one year of liquid waste application.</p>
<p>Can be: Surface applied over scattered weeds or vegetation followed by incorporation within <u>6 hours</u>.</p> <p>Cropping to follow within one year after liquid waste application.</p>	<p>Can be: Surface applied over actively growing forage crops or vegetation without incorporation.</p> <p>Liquid waste can also be applied early where row crops are planted without incorporation.</p>
<p>Can be: Subsurface injected on fallow ground.</p> <p>Cropping to follow within one year of liquid waste application.</p>	<p>Can be: Subsurface injected early where row crops or vegetation are planted.</p>
<p><b>Recommendation: It is always a good practice to keep fallow ground covered, after the end of liquid waste application, with cover crops and/or other control methods to reduce soil erosion before the next cropping</b></p>	

#### 5. The following general site management practices must be followed:

- a. Screened **septage mixture** liquids must be injected or incorporated into the soil within 6 hours of surface application and is limited to a daily application rate of 10,000 gallons/acre/day and an application rate of 25,000 gallons/acre/year unless restricted by management of soil nutrient levels.
- b. Application of liquids is not allowed on saturated areas or a site ponded with water or liquids
- c. Liquids cannot be applied by spraying from public roads or across road right of ways.

- d. The application area must be clearly identified with flags, stakes, or other easily seen markers at the time of application to identify the site boundaries, separation distances, and unsuitable application areas within the site. Where site boundaries can be identified by field roads, fences, etc., identification is not necessary.
- e. All liquids that are land applied must be uniformly distributed over the area of the site used during application.
- f. Field conditions must be considered to ensure that the following requirements are met:
  - No runoff of waste from the application site is allowed.
  - No surface ponding of **septage mixture** screened liquids is allowed after 6 hours from the time of application.
  - Minimal movement of screened **septage mixture** liquids from where it was applied occurs
- g. Unless liquid is injected, a distribution device (splash plate or spreader) is required on the application vehicle so that even application of liquids is possible and application rate limits can be met.
- h. Measures must be taken to ensure that liquids remain where applied and does not run off and concentrate in low areas of the site or run off the site.
- i. The application vehicle must be moving at all times during application.
- j. Crops must be harvested so nitrogen and phosphorus can be properly managed.
- k. Winter application is prohibited (see definition).

## 6. Record Keeping Requirements

The permittee must develop and maintain a record keeping system that provides the information described in this section. These records must be kept for a minimum of five years and presented to Ohio EPA upon request.

1. For each land application site, the following information must be kept:
  - a. Location of each land application site used. This can be recorded as the street address, latitude and longitude of middle of each site, or legal description indicating the quarter section, township coordinate, range coordinate, township name, and county name.
  - b. A map of the land application site with the site boundaries identified. The map must be from a soil survey when available. If not available, another map with comparable information can be used. Any areas of the site which are not used because they are unsuitable should be indicated on the map by coloring or crosshatching.
  - c. Total useable acreage of the site (unsuitable areas should not be included in the site acreage, because application rates are based on the actual area liquids are applied).
  - d. Crop grown on the site and date crops harvested and yield (e.g. tons of hay per acre).
  - e. Maximum allowable nitrogen and phosphorus application rate based on the soil testing and the nutrient needs of the crop.
  - f. Maximum allowable liquid application rate for the cropping year in gallons/acre either based on the nutrient requirements of the crop or other limitations specified in these conditions.
  - g. Running total of gallons of liquids applied on the site each year.
  - h. The results of all liquid sampling analysis and soil testing.

- i. A lime stabilization log. See last page for an example.
2. For liquids applied to a site, the following detailed information must be kept:

The permittee is responsible for documenting that the application rates authorized by this approval have not been exceeded.

  - a. Source(s) of liquids stored in the storage tanks or directly land applied. This would include the facility the liquid was removed from and can be indicated by property owner name, or invoice number. The type of material pumped should be identified (grease trap/interceptor wastes, liquids, portable toilets, trash trap, etc.).
  - b. The source of each load applied to the sites, e.g. from the storage tanks or directly from a pumped out septic tank or grease interceptor.
  - c. The date each load of liquids is applied on the site.
  - d. Total gallons land applied each day.
  - e. Total acres covered each day.

3. A representative sample of the stored waste shall be analyzed for nutrients at least annually and analyzed for:

Total Kjeldahl Nitrogen (TKN).  
Ammonium-Nitrogen (NH<sub>4</sub>-N).  
Nitrate-Nitrogen (NO<sub>3</sub> -N).  
Total phosphorus.  
Potassium.

Soil sampling should be done using OSU Fact Sheet "**Soil Sampling to Develop Nutrient Recommendations**" AGF-513 at <http://ohioline.osu.edu/factsheet/AGF-513>

4. A representative sample of soils at each site analyzed for:

Soil pH.  
Soil nutrient levels of phosphorus, potassium, magnesium, and calcium reported in parts per million (ppm) or pounds per acres (lbs./ac).  
Phosphorus shall be analyzed using the P1 (Bray P1).  
Cation exchange capacity (CEC usually reported in meq/100 g).  
Base saturation (usually reported as percent of exchangeable bases).  
Recommendations for lime.  
Recommendations for nitrogen, phosphorus and potassium.

Soil sampling shall be representative of the soils in each field and the waste application rates, for example in accordance with OSU Fact Sheet "**Soil Sampling to Develop Nutrient Recommendations**" AGF-513 at <http://ohioline.osu.edu/factsheet/AGF-513>. Only soils that have received waste the previous 12 months must be sampled.

See Section 3.2 for soil phosphorus sampling requirements. In some cases, this may only have to be done every three years.

5 Storage Lagoon

- a Estimated volume of septage placed in the lagoon each day.
- b Estimated volume of grease trap/interceptor waste placed in the lagoon each day.
- c Weekly reading of freeboard or depth staff gauge.
- d A record of when/where all screenings were disposed off site.

**7. Other Requirements:**

- a Liquids can only be land applied if all requirements of Ohio EPA's Solid Waste Laws and Rules are complied with.
- b This permit only pertains to land application of screened liquids (see definition).
- c This permit can be revoked at any time or modified to conform to revised or new state or federal law or revised or new Ohio EPA or USEPA rules.
- d Liquids cannot be applied to land that has received any other type of waste in the calendar year.
- e Land application of septage regulated by the local health department shall not be land applied at any site that has received liquid waste from the storage/treatment system or mixtures of septage and grease trap/interceptor pumpings directly land applied. Farm land application sites shall be clearly identified and labeled on maps and written records of land application sites maintained noting which sites have received liquid waste from storage, mixtures of septage and grease trap/interceptor waste directly land applied and sites that the local health department have permitted for the land application of only septage.
- f All liquid waste land applied subject to this Land Application Management Plan Permit shall be screened and treated with lime if applicable to meet the conditions of this approval.
- g Grease trap/interceptor pumpings shall only be land applied if the waste is less than 25% by volume of the liquid land applied.

**8. Restriction to Vinton County**

Liquids from the storage/treatment tanks shall only be applied to land in Vinton County. If the permittee wishes to apply liquids from storage to sites outside the county, another permit must be applied for. This approval only applies to sites submitted with the original Land Application Management Plan Permit application. Before additional sites are used, the permittee shall notify the Ohio EPA in writing that includes a map showing the additional site(s) and before land applying waste, the permittee must first receive written authorization from the Southeast District of Ohio EPA.

## Definitions

**"Screened septage mixture liquids"** includes septage mixed with grease trap/interceptor pumpings, package sewage plant trash trap pumpings, portable toilet and privy pumpings that have been screened prior to land application or storage. The screen shall be ½ inch mesh or less or 3/8-inch slats or less. Grease trap/interceptor pumpings shall not exceed at any time 50% of total volume land applied. Liquids from commercial oil/water separators that contain petroleum products, lubricants, silicones and greases of mineral or synthetic origin or other solids are **NOT** included in this definition.

**"Cover crop"** means a small grain or other close growing vegetation not grown for harvest (e.g. vegetation growing on the land set aside for conservation purposes).

**"Septage"** Septage has the same meaning as domestic septage which is defined in 3718.01 Revised Code. At the time of this permit issuance the definition: "means the liquid or solid material removed from a residential sewage treatment system, portable toilet or type III marine sanitation device as defined in 33 C.F.R. 159.3. "Domestic septage" does not include grease removed from a grease trap or sewage sludge regulated by the Ohio EPA's Sewage Sludge Rules."

**"Fallow land"** means land that is not cropped and kept cultivated throughout a growing season and has a vegetative cover of less than 25 percent. Any land that is not cropped and cultivated during the months of September through May where a crop will be grown the following growing season is not considered fallow land.

**"Frequently flooded"** means a site that has been flooded an average of more than once in two years. Frequently flooded, and the months when flooding is expected, shall be determined by consulting the appropriate "National Cooperative Soil Survey" publication.

**"Grassed waterway"** means a natural or constructed waterway, typically broad and shallow, seeded to grass as protection against erosion and conducts surface water away from cropland. Highly permeable soil means soils whose soil leaching potentials are rated as severe, poor filter for soil pesticide loss, by the Natural Resources Conservation Service using the procedure found in part 620, Soil Interpretation Rating Guides of the United States Department of Agriculture-Natural Resources Conservation Service National Soil Survey Handbook.

**"Permittee"** means an individual or business holding a permit issued by the Ohio EPA to land apply screened **septage mixture** liquids.

**"Public Contact Site"** means land with high potential for contact by the public. This includes, but is not limited to, public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses.

**"Residential development"** means ten or more places of habitation concentrated within ten acres of land. The term also includes schools, churches, hospitals, nursing homes, businesses, offices, and apartment buildings or complexes having ten or more living units.

**"Site"** means a clearly identified land application site or farm field at a location or locations on a parcel of land that the permittee has been authorized by the Ohio EPA to land apply liquid wastes.

**"Winter"** means the time that soils are frozen or snow covered, so that incorporation or injection is not possible. This time period varies from year to year.



# EXHIBIT C





John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

June 13, 2017

A2Z Sanitation  
Attn: Todd Zuspan  
30860 N. Industrial Park Drive  
McArthur, OH 45651

RE: A2Z Sanitation  
Permit-Long Term  
Approval  
Surface Water Permit to Install  
Vinton County  
DSWPT11079418

Subject: Domestic and Commercial Septage Waste Storage Facility - Installation of a waste storage earthen impoundment at 27384 State Route 328, Swan Twp.  
Plans Received on January 28, 2016  
Revised Plans Received May 9, 2017  
From: Stantec Consulting Service, Inc.

Ladies and Gentlemen:

Enclosed is an approved Ohio EPA Permit to Install. This permit contains several conditions and restrictions; I urge you to read it carefully. A general condition of your permit states that issuance of the permit does not relieve you of the duty of complying with all applicable federal, state, and local laws, ordinances, and regulations. You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Ohio Treasurer Josh Mandel", which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address: Environmental Review Appeals Commission, 30 East Broad Street, 4<sup>th</sup> Floor, Columbus, OH 43215. If you have any questions, please contact the Ohio EPA District Office.

Ohio EPA has developed a customer service survey to get feedback from regulated entities that have contacted Ohio EPA for regulatory assistance, or worked with the Agency to obtain a permit, license or other authorization. Ohio EPA's goal is to provide our customers with the best possible customer service, and your feedback is important to us in meeting this goal. Please take a few minutes to complete this survey and share your experience with us at <http://www.surveymonkey.com/s/ohioepacustomersurvey>. If you have any questions, please contact the Ohio EPA district office to which you submitted your application.

Sincerely,

Kevin J. Fowler, Supervisor  
Permit Processing Unit, Division of Surface Water

KJF/sg

Enclosure

**CERTIFIED MAIL** 91 7199 9991 7036 6196 7674

cc: Southeast District Office  
Stantec Consulting Service, Inc.  
Vinton County Health Department

50 West Town Street • Suite 700 • P.O. Box 1049 • Columbus, OH 43216-1049  
epa.ohio.gov • (614) 644-3020 • (614) 644-3184 (fax)

# Ohio Environmental Protection Agency

Ohio EPA JUN 13 '17  
Entered Directors Journal

## Permit to Install

Application No: 1079418

Applicant Name: A2Z Sanitation  
Address: 30860 N. Industrial Park Drive  
City: McArthur  
State Zip: OH 45651

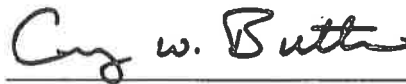
Person to Contact: Todd Zuspan  
Telephone: 740-596-0896

Description of Proposed Source: Domestic and Commercial Septage Waste Storage Facility -  
Installation of a waste storage earthen impoundment at 27384 State  
Route 328, Swan Twp., Vinton County

Issuance Date: June 13, 2017  
Effective Date: June 13, 2017

The above named entity is hereby granted a permit to install for the above described source pursuant to Chapter 3745-42 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source of environmental pollutants will operate in compliance with applicable state and federal laws and regulations. Issuance of this permit does not constitute expressed or implied assurance that, if constructed or modified in accordance with those plans and specifications, the above described source of pollutants will be granted the necessary operating permits. This permit is granted subject to the following conditions attached hereto.

Ohio Environmental Protection Agency



Craig W. Butler  
Director  
P.O. Box 1049  
50 West Town Street, Suite 700  
Columbus, OH 43216-1049

This permit shall expire if construction has not been initiated by the applicant within eighteen months of the effective date of this permit. By accepting this permit, the applicant acknowledges that this eighteen month period shall not be considered or construed as extending or having any effect whatsoever on any compliance schedule or deadline set forth in any administrative or court order issued to or binding upon the permit applicant, and the applicant shall abide by such compliance schedules or deadlines to avoid the initiation of additional legal action by the Ohio EPA.

The director of the Ohio Environmental Protection Agency, or his authorized representatives, may enter upon the premises of the above named applicant during construction and operation at any reasonable time for the purpose of making inspections, conducting tests, examining records, or reports pertaining to the construction, modification, or installation of the above described source of environmental pollutants.

Issuance of this permit does not relieve you of the duty of complying with all applicable federal, state, and local laws, ordinances, and regulations.

Any well, well point, pit or other device installed for the purpose of lowering the ground water level to facilitate construction of this project shall be properly abandoned in accordance with the provisions of Section 3745-9-10 of the Ohio Administrative Code or in accordance with the provisions of this plan or as directed by the Director or his representative. For more information please contact: Division of Drinking and Ground Water - Lazarus Government Center, 50 West Town Street, Suite 700, Columbus, Ohio 43215 (614) 644-2752.

Any person installing any well, well point, pit or other device used for the purpose of removing ground water from an aquifer shall complete and file a Well Log and Drilling Report form with the Ohio Department of Natural Resources, Division of Water, within 30 days of the well completion in accordance with the Ohio Revised code Section 1521.01 and 1521.05. In addition, any such facility that has a capacity to withdraw waters of the state in an amount greater than 100,000 gallons per day from all sources shall be registered by the owner with the chief of the Division of Water, Ohio Department of Natural Resources, within three months after the facility is completed in accordance with Section 1521.16 of the Ohio Revised Code. For copies of the necessary well log, drilling report, or registration forms, please contact:

Ohio Department of Natural Resources  
2045 Morse Road Bldg. E  
Columbus, OH 43229-6693  
(614) 265-6717

1. The proposed wastewater storage impoundment shall be constructed in strict accordance with the plans and application approved by the director of the Ohio Environmental Protection Agency. There shall be no deviation from these plans without the prior express, written approval of the agency. Any deviations from these plans or the above conditions may lead to such sanctions and penalties as provided for under Ohio law. Approval of these plans and issuance of this permit does not constitute an assurance by the Ohio Environmental Protection Agency that the proposed facilities will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed sources are inadequate or cannot meet applicable standards.

2. If the construction area for this project is one acre or more, or is part of a larger development that is one acre or more, the applicant must submit a Notice of Intent (NOI) for coverage under the general construction stormwater permit to Ohio EPA at least 21 days prior to the start of construction of this project.

3. The owner shall be responsible for proper operation and maintenance of the wastewater storage impoundment.
4. This permit to install applies only to the wastewater storage impoundment listed above. The installation of drinking water supplies, air contaminant sources, or solid waste disposal facilities will require the submittal of a separate application to the director.
5. This permit applies only to the proposed wastewater storage impoundment. All other aspects of the proposed projects must be approved by the Ohio Department of Health, the local health department, and/or other state and local agencies.
6. No liquids, sludges, or toxic or hazardous substances other than those set forth in the approved permit shall be accepted for disposal without the prior written approval of the Ohio Environmental Protection Agency.
7. The sanitary control of the area shall be maintained within a 300 foot radius of each water supply well.
8. The permit to install is not an authorization to discharge pollutants to waters of the state. Pursuant to Chapter 6111 of the Ohio Revised Code, the applicant shall apply for a permit to discharge (NPDES) 180 days prior to any discharge of pollutants to waters of the state.

**Special Conditions:**

- 1) All contents of the storage impoundment shall be land applied in accordance with the Ohio EPA approved land application management plan # OMP00014.
- 2) Any spill or overflow that has reached or may reach surface waters of the state must be immediately reported to the Ohio EPA Southeast District Office and Ohio EPA Spill Response at 800-282-9378.
- 3) Written records of all waste placed into the storage impoundment must be maintained and be made available for review by the Ohio EPA when requested. The records shall include:
  - a) Records of the location of the specific sources of all waste and type of waste from each source and date received at the storage impoundment and estimated total volume of waste placed into the storage impoundment each day.
  - b) Daily records of volumes of waste removed from the impoundment each day for land application.
  - c) Daily records of all chemicals/materials, including the weight or volumes of chemicals/materials added to the impoundment for odor control or pathogen reduction.
  - d) Daily records of any monitoring of impoundment contents, e.g. pH measurements.
  - e) Records of any impoundment/equipment overflows and spills onto the ground and a description of action taken to clean up the spill/overflow.
  - f) Records of any odor complaints received.
  - g) A representative sample of the contents of the impoundment shall be collected and analyzed at least once every calendar year for the pollutants listed in the Table of Ohio EPA Rule 3745-51-24. A copy of the analysis results shall be submitted to the Ohio EPA Southeast District Office before January 1 of each year that the impoundment is in operation. The sample shall be collected and analyzed in accordance with an Ohio EPA approved sampling and analysis plan for this specific storage impoundment operation.

- 4) All records shall be maintained for five years.
- 5) The outlet piping/valve for the tank shall be equipped with a means to keep the valve secured and closed against unauthorized opening, e.g. vandalism.
- 6) At least three (3) feet of freeboard shall be maintained in the impoundment at all times.
- 7) Photographs of the impoundment during each phase of construction and the installed equipment and shall be submitted to the Southeast District of Ohio EPA within 3 months of completion of construction.
- 8) The screening unit shall be the Mega-Screen manufactured by Screen Co. as detailed in the approved plans unless an alternative screen is approved by the Ohio EPA.
- 9) Prior to placing domestic or commercial septage into the storage impoundment, the permittee shall have a registered professional engineer, preferably the same engineer who stamped the detailed engineering plans, inspect the installation and certify in writing that the impoundment was constructed according to the approved plans and can be put into use. If changes to the design were made during construction, the engineer shall note the changes on revised engineering drawings and the revised drawings and the certification shall be submitted to the Southeast District Office of Ohio EPA.
- 10) If the permittee becomes aware of any structural defect or problem with the storage impoundment, the permittee shall contact the Ohio EPA Southeast District within 24 hours of discovery. If directed by Ohio EPA, the permittee shall immediately take steps to empty the storage impoundment contents and make necessary repairs and not refill the storage impoundment until a registered professional engineer signs off on the repairs and authorization of the Ohio EPA is received to continue use of the impoundment.
- 11) The water hydrant at the impoundment shall be equipped with an approved backflow prevention device.
- 12) Annual monitoring of the nearby residential well on the property shall be performed. The parameters to be tested include the following: e-coli, ammonia, chloride, nitrate, pH, sodium, and specific conductivity. A copy of the analysis results shall be submitted to the Ohio EPA Southeast District Office before January 1 of each year that the impoundment is in operation.

# **EXHIBIT D**



Mike DeWine, Governor  
Jon Husted, Lt. Governor  
Laurie A. Stevenson, Director

July 22, 2021

The Honorable Dave Yost  
Attorney General of Ohio  
Environmental Enforcement Section  
State Office Tower, 25<sup>th</sup> Floor  
30 East Broad Street  
Columbus, Ohio 43215

**Re: A2Z Sanitation, LLC**

Dear Mr. Yost:

Pursuant to Sections 6111.07 and 6111.09 of the Ohio Revised Code, I hereby request that you initiate civil proceedings including all necessary legal and/or equitable actions, and seek appropriate relief, including civil penalties, against A2Z Sanitation, LLC and/or any other appropriate parties, for violations of Chapter 6111 of the Ohio Revised Code and the administrative rules adopted thereunder.

Because of ongoing environmental harm to waters of the state, I respectfully request that this referral result in the filing of a request for a temporary restraining order if the facts meet requirements for a TRO and, if they do not, a civil complaint for a preliminary injunction as quickly as possible without allowing time for negotiation of a settlement prior to filing. Rachel DeMuth, Division of Surface Water, and Martha Horvitz, Ohio EPA, Legal, should be kept apprised of the status of this matter. Please coordinate all negotiations and any resolution of this matter with Ms. DeMuth and Ms. Horvitz.

If you have any questions or need additional information, please contact Rachel DeMuth, Ohio EPA, Division of Surface Water, or Martha Horvitz, Ohio EPA, Legal.

Sincerely,

A handwritten signature in blue ink that reads "Laurie A. Stevenson". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Laurie A. Stevenson  
Director

cc: Rachel DeMuth, DSW, CO  
Martha Horvitz, Ohio EPA Legal