

IN THE COURT OF COMMON PLEAS
VINTON COUNTY, OHIO

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

CASE NO. _____

JUDGE _____

PLAINTIFF,

v.

A2Z SANITATION, LLC :
c/o Julie Zuspan, Statutory Agent :
30865 Industrial Park Drive :
McArthur, OH 45651, :

and

WILLIAM TODD ZUSPAN :
423 North Boundary Avenue :
McArthur, OH 45651, :

DEFENDANTS.

COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTY

Defendants A2Z Sanitation, LLC and William Todd Zuspan discharged pollutants to waters of the state, creating risks to the environment and causing a nuisance. Defendants failed to comply with their Land Application Management Plan by overapplying septage, grease, and additional wastes to their land application fields. The overapplication resulted in discharge to waters of the state, including Raccoon Creek.

Twenty years ago, Raccoon Creek was essentially “dead” after being plagued by acid mine runoff. Nearly \$20 Million has been spent over 2 decades to restore the creek, which is now a

warm water habitat, with 40 miles being designated as an exceptional warm water habitat. A2Z Sanitation's careless land application undid much of that work in a short period of time.

Therefore, Plaintiff, State of Ohio ("State"), by and through its counsel, Ohio Attorney General Dave Yost, and at the written request of the Director of the Ohio Environmental Protection Agency ("Ohio EPA"), hereby institutes this action against the Defendants A2Z Sanitation, LLC and William Todd Zuspan to enforce Ohio Revised Code chapters 3767 and 6111, and the rules promulgated thereunder.

Pursuant to Rule 8(A) of the Ohio Rules of Civil Procedure, Plaintiff states that this Complaint seeks civil penalties in excess of twenty-five thousand dollars (\$25,000.00).

GENERAL ALLEGATIONS

A. Defendants

1. Defendants A2Z Sanitation, LLC ("A2Z") and William Todd Zuspan ("Todd Zuspan") are proper parties to this Complaint. Defendants are, and at all times relevant to this Complaint, have been a "person" as that term is defined by R.C. 1.59, R.C. 3767.01(B), and 6111.01(I).

2. Defendant A2Z is an Ohio limited liability company, in good standing, organized under the laws of the State of Ohio. Defendant A2Z has been organized under the laws of the State of Ohio since January 19, 2010, with a principal place of business at 30865 Industrial Park Road, McArthur, Vinton County, Ohio. At all times relevant to this Complaint, Defendant A2Z has operated a septic hauling business.

3. Defendant Todd Zuspan is the owner and sole member of A2Z. By virtue of his position with A2Z, Defendant Todd Zuspan, alone or in conjunction with others, caused, participated in, controlled, and/or ordered the violations of law alleged in this Complaint. In

addition or in the alternative, Defendant Todd Zuspan knew about or should have known about these violations and, by himself or in conjunction with others, had the authority to prevent or stop these violations but failed to exercise his authority to do so. Defendant Todd Zuspan is personally liable for these violations.

B. Ohio's Water Pollution Control Laws

4. Revised Code 6111.04(A) prohibits any person from causing pollution or placing or causing to be placed "any sewage, sludge, sludge materials, industrial wastes or other wastes in a location where they cause pollution of any waters of the state" without a valid, unexpired permit issued by the Director of Ohio EPA.

5. "Waters of the state," as defined in R.C. 6111.01(H) means "all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial...that are situated...within...this state...."

6. "Sewage," as defined in R.C. 6111.01(B) means "any liquid waste containing sludge, sludge materials, or animal or vegetable matter in suspension or solution, and may include household wastes as commonly discharged from residences and from commercial, institutional, or similar facilities."

7. "Industrial waste," as defined in R.C. 6111.01(C) means "any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacture, trade, or business... together with such sewage as is present."

8. "Other wastes," as defined in R.C. 6111.01(D) means "garbage, refuse, decayed wood, sawdust, shavings, bark, and other wood debris, lime, sand, ashes, offal, night soil, oil, tar,

coal dust, dredged or fill material, or silt, other substances that are not sewage, sludge, sludge materials, or industrial waste....”

9. Revised Code 6111.04(D) prohibits any person to whom a permit has been issued from placing on the land or releasing into the air of the state any sludge or sludge materials in excess of the permissive amounts specified under an existing sludge management permit.

10. Revised Code 6111.07(A) prohibits any person from violating any duty imposed by R.C. 6111.01 to 6111.08 or by the provisions of any permit, rule, or order issued or adopted pursuant to such sections by the Director. Each day of violation is a separate offense.

11. Revised Code 6111.07(B) provides, in part, that the Attorney General, upon written request of the Director, shall bring an action for an injunction against any person violating or threatening to violate R.C. Chapter 6111, or who is violating or threatening to violate any order, rule, or condition of a permit issued or adopted by the Director pursuant to R.C. Chapter 6111.

12. Revised Code 6111.09(A) provides that any person who violates R.C. 6111.07 shall pay a civil penalty of not more than ten thousand dollars (\$10,000.00) per day of violation.

C. Ohio's Water Quality Standards

13. Pursuant to Revised Code 6111.041, Ohio has adopted water quality standards applicable to waters of the state in Ohio Adm.Code Chapter 3745-1. The water quality standards include four major components: beneficial use designations which describe existing or potential uses of water bodies; narrative criteria which are general water quality criteria applicable to all surface waters and are located in Ohio Adm. 3745-1-04; numeric criteria which are estimations of chemicals and degree of aquatic life toxicity allowable in a water body without adversely impacting its beneficial uses; and, antidegradation provisions which describe the conditions under which water quality may be lowered in surface waters.

14. Ohio Administrative Code 3745-1-04(A) provides, in part, that “all surface waters of the state” shall be “[f]ree from suspended solids or other substances that enter the waters as a result of human activity and that will settle to form putrescent or otherwise objectionable sludge deposits, or that will adversely affect aquatic life.”

15. Ohio Administrative Code 3745-1-04(B) provides, in part, that “all surface waters of the state” shall be “[f]ree from floating debris, oil, scum and other floating materials entering the waters as a result of human activity in amounts sufficient to be unsightly or cause degradation.”

16. Ohio Administrative Code 3745-1-04(C) provides, in part, that “all surface waters of the state” shall be “[f]ree from materials entering the waters as a result of human activity producing color, odor or other conditions in such a degree as to create a nuisance.”

17. Ohio Administrative Code 3745-1-04(E) provides, in part, that “all surface waters of the state” shall be “[f]ree from nutrients entering the waters as a result of human activity in concentrations that create nuisance growths of aquatic weeds and algae.”

D. Ohio’s Nuisance Laws

18. Revised Code 3767.02(A) provides that “any person, who uses, occupies, establishes, or conducts a nuisance, or aids or abets in the use, occupancy, establishment, or conduct of a nuisance; the owner, agent, or lessee of an interest in any such nuisance; any person who is employed in that nuisance by that owner, agent, or lessee; and any person who is in control of that nuisance is guilty of maintaining a nuisance[.]”

19. Revised Code 3767.02(A) further provides, in part, that any person who establishes or conducts a nuisance; the owner, agent, or lessee of an interest in any such nuisance; and any person who is in control of that nuisance, shall be enjoined as provided in R.C. Chapter 3767.

20. Revised Code 3767.13(B) prohibits any person from causing or allowing offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public.

21. Revised Code 3767.13(C) prohibits any person from corrupting or rendering unwholesome or impure, a watercourse, stream, or water to the injury or prejudice of others.

22. Pursuant to R.C. 3767.03, the Attorney General may bring an action in equity in the name of the State to abate the nuisance and to perpetually enjoin persons from maintaining the nuisance.

FACTUAL BACKGROUND

23. A2Z operates a septic hauling business, picking up grease trap/interceptor waste, sewage sludge, and other wastes. A2Z is authorized to either land apply these products or deposits them into an impoundment or holding tank before eventually land-applying the mixture.

24. Ohio EPA issued permit 0MP00014*DM (“the Land Application Permit”) with an effective date of November 1, 2019. The Land Application Permit authorized A2Z to accept domestic septage and grease trap/interceptor waste, mix them, and land apply them to approved fields. The Land Application Permit limits the amount of screened liquids that may be land applied and the percentage of grease that may be present in land applications.

25. The Land Application Permit further requires that liquids must be injected or incorporated into the soil within six hours of surface application.

26. The Land Application Permit, attached as Exhibit A, includes many special conditions governing the application and management of waste materials. Specifically, the special conditions are outlined in Part I of the Land Application Permit and in the Special Conditions attachment to the Land Application Permit.

27. Ohio EPA issued Permit to Install No. 1079418 (“the Permit to Install”) on June 13, 2017 allowing A2Z to construct a 635,000-gallon earthen impoundment to contain septage and grease trap waste for holding until it can be land applied.

28. The Permit to Install included the following specific 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.

29. On June 6, 2021, Ohio EPA received a complaint about a potential sewage release to Raccoon Creek. Ohio EPA's Division of Emergency Response investigated the complaint and discovered that A2Z had overapplied liquids to its fields located at 27384 State Route 328, New Plymouth, Vinton County, Ohio.

30. In the course of the investigation, Ohio EPA employees observed red grease mats in Raccoon Creek and a roadside ditch along State Route 328, both waters of the state, and in other nearby ditches, which are either waters of the state or discharge to waters of the state.

31. Ohio EPA employees observed bacterial growth, sewage odors, and other evidence of long-term discharge along the bed of Raccoon Creek from the point of the release up to 8 miles

downstream. These observations indicate that the discharge of septage and grease was not a one-time event.

32. A2Z ceased land application from the impoundment on its land application fields on June 9, 2021. Since that time, the soil has continued to discharge septage and grease to a roadside ditch along State Route 328. Additionally, A2Z's field remained soggy and covered with puddles at least two months after land application ceased. As a result, the discharges to waters of the state continue.

33. A2Z's records indicate that it accepted nearly twice the amount of waste authorized to be land applied to the entire site by the Land Application Permit between June 8, 2020 and June 8, 2021. No records were maintained to indicate which fields were used during that time period, although Todd Zuspan verbally indicated that not all of the permitted fields were utilized during that same time period.

34. The 635,000-gallon impoundment is left with less than one foot of freeboard.

35. On July 12, 2021, Ohio EPA employees found that A2Z was applying liquids previously removed from the roadside ditches into a nearby wooded area and an unnamed tributary of Raccoon Creek not approved for land application.

36. On July 15, 2021, Ohio EPA employees found that A2Z had applied liquid waste to a nearby brushy/wooded area not approved for land application.

37. The allegations contained in Paragraphs One through Thirty-Seven are incorporated into each and every claim of this Complaint as if fully rewritten therein.

CLAIMS FOR RELIEF

CLAIM ONE: UNAUTHORIZED DISCHARGE

38. Revised Code 6111.04(A) prohibits any person from causing pollution or placing or causing to be placed “any sewage, sludge, sludge materials, industrial wastes or other wastes in a location where they cause pollution of any waters of the state” without a valid, unexpired permit issued by the Director of Ohio EPA.

39. Since at least June 6, 2020, and continuing to the present, Defendants A2Z and Todd Zuspan placed sewage, sludge, sludge materials, industrial wastes, or other wastes in a location when they caused pollution to Raccoon Creek and other waters of the state.

40. The acts or omissions alleged in Claim One are violations of R.C. 6111.04(A) and (D), for which Defendants are subject to injunctive relief and civil penalties up to ten thousand dollars (\$10,000.00) for each day of violation, including every day of each violation occurring after the filing of this Complaint.

CLAIM TWO: UNAUTHORIZED DISCHARGE

41. Revised Code 6111.04(A) prohibits any person from causing pollution or placing or causing to be placed “any sewage, sludge, sludge materials, industrial wastes or other wastes in a location where they cause pollution of any waters of the state” without a valid, unexpired permit issued by the Director of Ohio EPA.

42. On or about July 12, 2021, Defendants A2Z and Todd Zuspan placed sewage, sludge, sludge materials, industrial wastes, or other wastes in a location when they caused pollution to an unnamed tributary of Raccoon Creek and other waters of the state.

43. The acts or omissions alleged in Claim Two are violations of R.C. 6111.04(A) and (D), for which Defendants are subject to injunctive relief and civil penalties up to ten thousand

dollars (\$10,000.00) for each day of violation, including every day of each violation occurring after the filing of this Complaint.

CLAIM THREE: VIOLATION OF LAND APPLICATION PERMIT TERMS

44. Revised Code 6111.07(A) prohibits any person from violating any duty imposed by R.C. 6111.01 to 6111.08 or by the provisions of any permit, rule, or order issued or adopted pursuant to such sections by the Director.

45. On at least June 6, 2021, and on other dates to be discovered, Defendants A2Z and Todd Zuspan violated the terms of the Land Application Permit, including but not limited to:

- a. Defendants failed to report the unauthorized discharge to Raccoon Creek pursuant to Part I A of the Land Application Permit;
- b. Defendants created a nuisance in violation of Part I C of the Land Application Permit;
- c. Defendants improperly land applied septage and grease trap waste in violation of Part I D of the Land Application Permit;
- d. Defendants failed to maintain a minimum separation distance of 33 feet between the land application area and the grassed water way in violation of Special Conditions Table 3 of the Land Application Permit;
- e. Defendants allowed significant amounts of liquids to pool on the land application field in violation of Special Conditions Section 2.2 of the Land Application Permit;
- f. Defendants failed to complete soil sampling in violation of Special Conditions Section 3 of the Land Application Permit;
- g. Defendants failed to inject or incorporate liquids into the soil in violation of Special Conditions Section 5(a) of the Land Application Permit;

- h. Defendants failed to prevent surface ponding of liquids on the land application fields in violation of Special Conditions Section 5(f) of the Land Application Permit;
- i. Defendants failed to prevent runoff of waste from the land application fields in violation of Special Conditions Section 5(f) and 5(h) of the Land Application Permit;
- j. Defendant failed to maintain adequate records in violation of Special Conditions Section 6 of the Land Application Permit; and
- k. Defendants failed to ensure that grease trap waste composed 25% or less of the liquids that were land applied in violation of Special Conditions Section 7(g) of the Land Application Permit.

46. The acts or omissions alleged in Claim Three are violations of R.C. 6111.07(A) and (D), for which Defendants are subject to injunctive relief and civil penalties up to ten thousand dollars (\$10,000.00) for each day of violation, including every day of each violation occurring after the filing of this Complaint.

CLAIM FOUR: VIOLATION OF PERMIT TO INSTALL TERMS

47. Revised Code 6111.07(A) prohibits any person from violating any duty imposed by R.C. 6111.01 to 6111.08 or by the provisions of any permit, rule, or order issued or adopted pursuant to such sections by the Director.

48. Beginning on or about June 13, 2017, and on other dates to be discovered, Defendants A2Z and Todd Zuspan violated the terms of the Permit to Install including, but not limited to:

- a. Defendants failed to land apply the contents of the impoundment in accordance with the Land Application Permit in violation of Special Conditions Section 1 of the Permit to Install;
- b. Defendants failed to sample the contents of the impoundment at least once each year in violation of Special Conditions Section 3(g) of the Permit to Install;
- c. Defendants failed to maintain at least three feet of freeboard in the impoundment in violation of Special Conditions Section 6 of the Permit to Install;
- d. Defendants failed to sample the nearby residential well in violation of Special Conditions Section 12 of the Permit to Install; and
- e. Defendants failed to install a fence around the impoundment in violation of the Plan Sheets associated with the Permit to Install.
- f. Defendants failed to install a gauge to measure the depth of the impoundment in violation of the Plan Sheets associated with the Permit to Install.

49. The acts or omissions alleged in Claim Four are violations of R.C. 6111.07(A), for which Defendants are subject to injunctive relief and civil penalties up to ten thousand dollars (\$10,000.00) for each day of violation, including every day of each violation occurring after the filing of this Complaint.

CLAIM FIVE: ILLEGAL LAND APPLICATION

50. Revised Code 6111.04(A) prohibits any person from causing pollution or placing or causing to be placed “any sewage, sludge, sludge materials, industrial wastes or other wastes in a location where they cause pollution of any waters of the state” without a valid, unexpired permit issued by the Director of Ohio EPA.

51. Revised Code 6111.04(D) prohibits any person to whom a permit has been issued from placing on the land or releasing into the air of the state any sludge or sludge materials in excess of the permissive amounts specified under an existing sludge management permit.

52. On at least July 12, 2021 and other dates to be discovered, Ohio EPA employees found that A2Z was applying liquids previously removed from the roadside ditches into a nearby wooded area and an unnamed tributary of Raccoon Creek not approved for land application.

53. The acts or omissions alleged in Claim Five are violations of R.C. 6111.04(A) and (D), for which Defendants A2Z and Todd Zuspan are subject to injunctive relief and civil penalties up to ten thousand dollars (\$10,000.00) for each day of violation, including every day of each violation occurring after the filing of this Complaint.

CLAIM SIX: ILLEGAL LAND APPLICATION

54. Revised Code 6111.04(D) prohibits any person to whom a permit has been issued from placing on the land or releasing into the air of the state any sludge or sludge materials in excess of the permissive amounts specified under an existing sludge management permit.

55. On at least July 15, 2021 and other dates to be discovered, Ohio EPA employees found that A2Z had applied liquid waste to a nearby brushy/wooded area not approved for land application.

56. The acts or omissions alleged in Claim Six are violations of R.C. 6111.04(D), for which Defendants A2Z and Todd Zuspan are subject to injunctive relief and civil penalties up to ten thousand dollars (\$10,000.00) for each day of violation, including every day of each violation occurring after the filing of this Complaint.

CLAIM SEVEN: VIOLATION OF OHIO'S WATER QUALITY STANDARDS

57. Revised Code 6111.07(A) prohibits any person from violating any duty imposed by R.C. 6111.01 to 6111.08 or by the provisions of any permit, rule, or order issued or adopted pursuant to such sections by the Director.

58. Ohio Adm.Code Chapter 3745-1 was adopted by the Director pursuant to R.C. 6111.041

59. On at least June 6, 2021, and on other dates to be discovered, Defendants A2Z and Todd Zuspan violated the water quality standards applicable to all surface waters of the state, including Raccoon Creek:

- a. Defendants failed to keep Raccoon Creek free from suspended solids or other substances entering the waters as a result of human activity and settling to form putrescent or otherwise objectionable sludge deposits, or that adversely affected aquatic life, in violation of Ohio Adm.Code 3745-1-04(A);
- b. Defendants failed to keep Raccoon Creek free from floating debris, oil, scum and other floating materials entering the waters as a result of human activity in amounts sufficiently to be unsightly or cause degradation, in violation of Ohio Adm.Code 3745-1-04(B);
- c. Defendants failed to keep Raccoon Creek free from materials entering the waters as a result of human activity producing color, odor or other conditions in such a degree as to produce a nuisance, in violation of Ohio Adm.Code 3745-1-04(C);
- d. Defendants failed to keep Raccoon Creek free from nutrients entering the waters as a result of human activity in concentrations that create nuisance growths of aquatic weeds and algae.

60. On at least July 8 and 12, 2021, and on other dates to be discovered, Defendants A2Z and Todd Zuspan violated the water quality standard for dissolved oxygen in limited resource waters applicable to Raccoon Creek, Ohio Admin. Code 3745-1-35, Table 35-1, Statewide water quality criteria for the protection of aquatic life; Ohio Admin. Code 3745-1-16, Table 16-1, Use designations for water bodies in the southeast Ohio tributaries drainage basin.

61. The acts or omissions alleged in Claim Seven are violations of Ohio Adm.Code Chapter 3745-1 and R.C. 6111.07(A), for which Defendants are subject to injunctive relief and civil penalties up to ten thousand dollars (\$10,000.00) for each day of violation, including every day of each violation occurring after the filing of this Complaint.

CLAIM EIGHT: CREATION OF A STATUTORY NUISANCE

62. Revised Code 3767.02(A) provides that “any person, who uses, occupies, establishes, or conducts a nuisance, or aids or abets in the use, occupancy, establishment, or conduct of a nuisance; the owner, agent, or lessee of an interest in any such nuisance; any person who is employed in that nuisance by that owner, agent, or lessee; and any person who is in control of that nuisance is guilty of maintaining a nuisance[.]”

63. Revised Code 3767.02(A) further provides, in part, that any person who establishes or conducts a nuisance; the owner, agent, or lessee of an interest in any such nuisance; and any person who is in control of that nuisance, shall be enjoined as provided in R.C. Chapter 3767.

64. Revised Code 3767.13(B) prohibits any person from causing or allowing offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public.

65. Revised Code 3767.13(C) prohibits any person from corrupting or rendering unwholesome or impure, a watercourse, stream, or water to the injury or prejudice of others.

66. On at least June 6, 2021, and on other dates to be discovered, Defendants A2Z and Todd Zuspan established and conducted a nuisance in conjunction with their ownership and operation of the land application fields and improper land application of septage and other wastes.

67. The acts and omissions alleged in Claim Eight constitute violations of R.C. 3767.02 and 3767.13, for which the State is entitled to temporary and perpetual relief against Defendants and an order to abate such nuisance, pursuant to R.C. 3767.03, 3767.04, and 3767.05.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court grant relief by ordering the following:

- 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 50,000 gallons per week from the earthen impoundment and provide receipts to Ohio EPA evidencing such removal.
- 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.
- J. Permanently enjoin Defendants to comply with R.C. Chapters 3767, 6111, and all applicable rules and permits issued thereunder.
- K. Pay civil penalties of up to \$10,000 per day for each violation of R.C. 6111 as described in this Complaint, and for each day of each violation occurring after the filing of this Complaint.
- L. Pay the costs of this action, including the State of Ohio's extraordinary enforcement costs and attorney fees.
- M. Grant any other relief this Court deems to be just, equitable, and appropriate in this case.
- N. Retain jurisdiction of this suit for the purpose of making any Order or Decree the Court may deem necessary at any time to enforce Defendants' compliance with, and to carry out, this Court's judgment.

Respectfully submitted,

DAVE YOST
OHIO ATTORNEY GENERAL



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Attorneys for Plaintiff State of Ohio

EXHIBIT A

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

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

FOR AGENCY USE ONLY	
Application Number:	Date Received: / /

General Information

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:		

(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.

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.

A. Treatment and Storage Information

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. Tankage

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

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:

<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)

**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.*

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: Mike B. Bette

Date: 11/24/17

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 ⁽¹⁾

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 ⁽²⁾	3 feet
Depth to seasonally saturated ⁽³⁾ 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.

¹ 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.

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

³ 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) ⁽¹⁾	Surface application	Injection or Immediate Incorporation ⁽²⁾
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)		

¹ 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.

² 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 ¹	1000	1000	1000
Residences	200	200	100
Residential developments	600	600	300
Property boundaries and public roads	10	10	0
Grassed Water Ways ² Slope 0 % to 6%	100	33	33
Slope 6 % to 12%	Not Allowed	33	33

¹ 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.

² 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 ¹
C	Feed, food, or fiber crops that do not touch the soil surface (field corn, sweet corn, hay, flax, etc.)	30 days
D ²	Turf harvest	1 year
E ²	Grazing of animals	30 days
F ^{2,3}	Public access to land	
	High potential for exposure	1 year
	Low potential for exposure	30 days

¹This 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.

²Not required if lime stabilization used for pathogen control.

³Lands 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 14th 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>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</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 (NH₄-N).
Nitrate-Nitrogen (NO₃ -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.

