

Respondent has a Land Application Management Plan ("LAMP") authorizing the land application of both wastewater and sludge. (Sanitary waste from Respondent is treated in an onsite septic system and is not an issue.)

Land Application

2. In 2008, Respondent was cited by the Ohio EPA Division of Surface Water ("DSW") through a September 10, 2008 Notice of Violation ("NOV") that land application of wastewater was exceeding the maximum application rate, the average daily hydraulic flow, and the hydraulic capacity for the soil as approved in Respondent's LAMP. The NOV letter required Respondent to evaluate the wastewater holding capacity at the facility based on current land application rates and daily hydraulic flow. The submittal of a new PTI and revisions to management plan were also required due to the change in wastewater characteristics.
3. However, in 2010, the Coshocton County Commissioners were awarded funding to sewer the Village of Fresno and to allow connection of the Facility to the nearby West Lafayette publicly owned treatment works ("POTW.") Monies awarded consisted of \$100,000 through Ohio Public Works Commission, \$600,000 through a Community Development Block Grant, and over \$3.3 million through the American Recovery and Reinvestment Act funding.
4. Respondent was issued a Permit-to-install for the Facility's wastewater pretreatment system and was issued an Indirect Discharge Permit ("IDP") to discharge to the Village of West Lafayette's wastewater treatment plant. In January 2011, construction of Respondent's wastewater pretreatment system was completed and Respondent began discharging to the Village of West Lafayette POTW. Respondent maintained the land application permit to dispose of sludge and wastewater when necessary.

Effluent Violations, Clogs and Upsets to West Lafayette POTW

5. Since installation of the wastewater plant, the Facility has had a number of violations caused by the failure to properly operate and maintain the wastewater pretreatment plant, which, in some cases, has resulted in releases of inadequately treated wastewater to West Lafayette's POTW or to waters of the state.
6. Respondent, during a meeting with Ohio EPA on July 26, 2016, stated that alleged violations in these Findings in large part were caused by factors outside its control, including design and installation errors and omissions of the waste water pretreatment plant vendor and consultant, weather conditions, sewer line maintenance issues by the receiving POTW, and absences of its certified operators from time to time due to life threatening health conditions.
7. Respondent also stated to Ohio EPA that the current waste water pretreatment system is likely to be upgraded or replaced by a new system as a result of an expected

significant plant expansion at a cost of approximately \$500,000. Respondent expects to make a final decision on the expansion and waste water pretreatment system during the third or fourth quarters of 2016 and that the system will be designed and installed in 2017 if the decision to proceed is made.

8. On March 1, 2012, DSW-SEDO performed a compliance pretreatment inspection. A compliance inspection letter dated March 22, 2012, was mailed to Pearl Valley Cheese notifying them of six reported effluent limit violations in 2011.
9. By spring 2012, it was suspected that Respondent may be contributing to the total suspended solids ("TSS") effluent limit violations at the West Lafayette WWTP. During spring and early summer of 2012, final polishing to remove TSS in the effluent from Respondent was causing wastewater treatment interruptions to develop at the West Lafayette POTW. The polymer prevented proper settling in the final clarifiers and resulted in the TSS violations at the POTW. An investigation identified the use of the polymer and coagulant combination used by Respondent was the contributing factor to the settling problems at the POTW. After multiple trials, Respondent was successful in identifying a polymer and feed rate that enabled solids removal at the Facility without hindering settling at the POTW.
10. On October 18, 2012, the Village of West Lafayette reported an upset they discovered coming from Respondent due to the polymer feed line clogging. On October 19, 2012, Ohio EPA sent a request to Respondent to review operations for the polymer feed. Respondent failed to provide proper notification to the Village of West Lafayette. On October 25, 2012, Ohio EPA recommended Respondent install an alarm at their wastewater plant and to ensure proper notification is made to the West Lafayette WWTP per requirements of their indirect discharge permit ("IDP") # ODP00058. On November 23, 2012, Respondent sent a response that they only intended to provide monitoring by staff and did not see the feasibility of installing alarms or automatic feed rates for the polymer feeds. On January 8, 2013, the Facility had another upset due to a malfunctioning polymer pump.
11. Ohio EPA conducted a compliance pretreatment inspection on April 12, 2013. On May 1, 2013, an NOV letter was mailed to Respondent notifying them of the 27 effluent limit violations for TSS and flow rates during 2012. Ohio EPA also recommended installation of an automated system to detect and to notify staff quickly in the event of a polymer system failure. In addition, Respondent was informed of the notification requirements to West Lafayette in the event of any slug loading to the POTW.
12. On February 17, 2015, the pH in the low rate anaerobic digester led to a slug loading of wastewater to the West Lafayette WWTP. Respondent did not notify West Lafayette until February 19, 2015 and did not submit a report to Ohio EPA. Additional exceedances of the maximum discharge load occurred on February 20 and February 25, 2015. Respondent did not notify Ohio EPA or West Lafayette of these exceedance as well. On March 4, 2015, Respondent contacted Ohio EPA to report another

digester upset at the Facility.

13. On March 12, 2015, Ohio EPA performed a compliance pretreatment inspection at the Facility. During the inspection, Respondent submitted an incomplete report for the slug loading events which were reported to Ohio EPA on March 4, 2015. At the time of inspection, a number of violations were noted and discussed with the owner and operator. The violations discussed included: improper immediate notification to POTW of discharge problems, improper record keeping of effluent BOD samples, improper sample collection of wastewater effluent for CBOD, and improper notification to Ohio EPA for daily maximum discharge limit exceedance. These violations are set forth in an NOV sent to Respondent on May 15, 2015.
14. On March 16, 2015, Respondent had a sludge pump failure and a polymer failure in the secondary Dissolved Air Flotation ("DAF") tank.
15. On March 17, 2015, Ohio EPA was informed the pumps at the Fresno lift station were out of service due to sewer line blockage. DSW-SEDO emailed Respondent a link for Ohio EPA's Compliance Assistance and Pollution Prevention Division to determine if any technical assistance could be provided.

Discharge to Waters of the State

16. On March 27, 2015, Respondent reported to DSW a release from the wastewater pretreatment plant which resulted in an illegal discharge of wastewater into White Eyes Creek. The release was caused by back siphoning on the digester overflow line which discharged from the influent pump station and onto the surface of the ground because the waste water pretreatment system vendor did not install an airbrake to prevent siphoning. This omission was corrected by Respondent. Ohio EPA's Division of Environmental Response and Revitalization responded to the wastewater release. The release totaled between 15,000 to 26,000 gallons, with an unknown amount being released into the creek. The initial pollution incident report indicated that approximately one mile of White Eyes Creek had been impacted, but a follow up report received on March 31, 2015 indicated no flow intrusion was evident to the eye. The release was documented in an NOV issued to Respondent on May 15, 2015.

Additional Land Application Violations

17. On April 6, 2015, an inspection was performed at the Facility in response to a complaint that Respondent was land applying wastewater to already saturated fields adjacent to the Facility. At the time of the inspection, DSW observed field saturation at sites D and E, which are closest to White Eyes Creek. DSW was informed the wastewater was being taken directly from the cheese processing plant and being land applied. Furthermore, Respondent was land applying without testing the soil for pH prior to application, as required by the LAMP. On June 23, 2015, an NOV letter was sent to Respondent for the LAMP violations.

18. Respondent also did not submit a "Land Application of Process Waste" report for years 2012, 2013, or 2014 as required in the management plan due to Respondent's stated misunderstanding of the reporting requirements after operation of the waste water pretreatment plant began in 2011. Section C of the approved Waste Management Plan for Process Waste Information states, "The Ohio EPA will receive an annual report (within 90 days of completion of the annual sludge application) summarizing soil analysis, sludge analyses and land application activity for that year."

More Clogs and Failure to Submit Reports

19. Ohio EPA was informed of more clogs that occurred on March 17, March 30 and April 17, 2015 between the Facility and the Village of Fresno. The June 23, 2015 NOV noted that the clogs were in violation of Respondent's IDP for introducing solid or viscous pollutants in amounts that cause obstruction to flow in sewers, or other interference with the operation of a POTW.

20. Another slug load to West Lafayette occurred on May 1, 2015 due to a plugged line at the Facility's WWTP. Neither the Village of West Lafayette nor Ohio EPA was timely notified as required by Respondent's IDP permit. A written report describing the discharge was submitted to Ohio EPA on May 5, 2015, but was deemed incomplete.

21. The NOV also indicated that Respondent failed to submit the March 2015 effluent data to the Village of West Lafayette as required by the indirect discharge permit.

22. A slug load also occurred on May 28, 2015 due to a power outage that led to high TSS values at the West Lafayette WWTP.

23. ORC § 6111.04 prohibits any person from causing pollution or causing any sewage, industrial waste or other waste to be placed in any location where they cause pollution to waters of the state, except if such discharges occur in accordance with an NPDES permit issued by the Director.

24. Pursuant to OAC Rule 3745-3-04(A), pollutants introduced into a POTW by an industrial user shall not pass through the POTW or interfere with the operation or performance of the POTW.

25. Pursuant to OAC Rule 3745-3-04 (B)(3), solid or viscous pollutants in amounts that will cause obstruction to the flow in sewers, or other interference with the operation of the POTW shall not be introduced.

26. Pursuant to OAC Rule 3745-3-04 (B)(4), any pollutant, including oxygen demanding pollutants, released in a discharge at a flow rate or pollutant concentration as to cause interference with the POTW shall not be introduced.
27. Pursuant to OAC Rule 3745-3-05 (A)(2), it is a failure to notify a POTW immediately of any discharges that could cause problems to the POTW, including any slug loading, along with the following:
 - (a) A description of the discharge and the cause of the slug loading;
 - (b) The period of slug loading including exact dates and times and, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) The steps taken or planned to reduce, eliminate and prevent recurrence of the slug loading.
28. Pursuant to OAC Rule 3745-3-05 (A)(3), a written report containing the information required by this rule shall be filed with the POTW and the appropriate district office of the Ohio EPA within five business days of the day when the slug loading occurred.
29. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purpose of ORC Chapter 6111.

V. ORDERS

1. As soon as possible, but not later than three (3) months from the effective date of these Orders, Respondent shall submit to Ohio EPA for approval a general plan for the installation of a new wastewater pretreatment system. The plan shall include an implementation schedule for submitting a complete permit-to-install ("PTI") application and approvable detail plans, the anticipated start date and completion date of construction, and when the system will commence operating.
2. Upon Ohio EPA's approval of the general plan, Respondent shall implement the general plan in accordance with schedule as set forth in Order No. 1.
3. If within three (3) months of the effective date of these Orders, the installation of a new wastewater pretreatment system is determined to be unfeasible at the Facility, then Respondent shall alternatively perform the requirements set forth in Orders 4 through 7 below. Otherwise Orders 4 through 7 do not have to be performed by Respondent.

4. As soon as possible, but not later than four (4) months from the effective date of these Orders, Respondent shall review all critical operating parameters with its WWTP operators and increase process control monitoring and recordkeeping to reduce the probability of future upsets. Respondent shall submit documentation of the training provided to employees to Ohio EPA.
5. As soon as possible, but not later than four (4) months from the effective date of these Orders, Respondent shall conduct an engineering performance evaluation of the WWTP.
6. As soon as possible, but not later than two (2) months from the completion of the engineering performance evaluation referenced in Order 5, Respondent shall submit an approvable facility specific operation and maintenance manual for the WWTP with a critical spare parts inventory and submit corresponding maintenance reports to Ohio EPA.
7. As soon as possible, but not later than one (1) year from the effective date of these Orders, Respondent shall submit a schedule to complete all modifications/additions identified in the engineering report to provide proper controls and alarms needed at the WWTP and obtain a PTI for such modifications where needed.
8. Within thirty (30) days from the effective date of these Orders, Respondent shall pay the amount of twelve thousand five hundred dollars (\$12,500.00), in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6111. Payments to Ohio EPA shall be made by official checks made payable to "Treasurer, State of Ohio." The official checks shall be submitted to Carol Butler, or her successor, together with a letter identifying the Respondent at:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

A copy of the check shall be sent to Mark Mann, Environmental Manager, Enforcement Section, or his successor, at the above address.

VI. TERMINATION

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

shall have an opportunity to address any such deficiencies and seek termination as described above.

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

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of the Respondent. For purposes of these Orders, a responsible official is as defined in OAC Rule 3745-33-03.

VII. OTHER CLAIMS

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

VIII. OTHER APPLICABLE LAWS

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

IX. MODIFICATIONS

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

X. NOTICE

Unless otherwise specified herein, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Division of Surface Water
Southeast District Office
2195 Front Street
Logan, Ohio 43138
(ATTN: Enforcement Supervisor)

XI. RESERVATION OF RIGHTS

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

XII. WAIVER

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

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

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

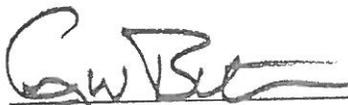
XIII. EFFECTIVE DATE

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

XIV. SIGNATORY AUTHORITY

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

IT IS SO ORDERED AND AGREED:
Ohio Environmental Protection Agency



Craig W. Butler
Director

9/12/16
Date

IT IS SO AGREED:
Pearl Valley Cheese, Inc.



Signature

8-29-16
Date

W. Charles Ellis

Printed or Typed Name

President

Title