



Environmental Protection Agency

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

OHIO E.P.A.

AUG 10 2012

ENTERED DIRECTOR'S JOURNAL

August 10, 2012

Re: Alum Sludge Soil Amendment

City of Akron (Land Application) Management Plan For Sludge or Industrial Byproducts other than Treated Sewage

Request dated July 20, 2012

Issue Date: August 10, 2012

Effective Date: August 10, 2012

Expiration Date: August 10, 2017

This is an accurate copy of the original document in the records of the Ohio Environmental Protection Agency.

By: Kelly Marshall Date: 8-10-12

The City of Akron
Attn: Jeffrey Bronowski, Acting Water Supply Bureau Manager
1570 Ravenna Road
Kent, Ohio 44240

Dear Mr. Bronowski:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed the City of Akron's July 20, 2012, land application management plan (LAMP) request submitted pursuant to Chapters 6111 and 3734 of the Ohio Revised Code (ORC). The submitted LAMP request proposes to beneficially use alum sludge (aka conditioned alum residuals, or CAR) as a soil amendment for wholesale and retail distribution. The alum sludge is created through treating water influent at the City of Akron's drinking water treatment plant located in Kent, Ohio. Additionally, the LAMP request includes bringing alum sludge from "other" facilities to Akron. The only other facility Ohio EPA is aware of for this proposal is Cleveland's Crown water treatment plant. Pursuant to the authority of the Director of Ohio EPA (Director) under ORC Chapter 6111 and 3734, this LAMP request for the City of Akron is approved subject to compliance with all applicable laws, rules, regulations, and the conditions below. Ohio EPA originally authorized a sludge management plan for the City of Akron water treatment plant by letter dated October 16, 1995. This action supersedes Ohio EPA's October 16, 1995, letter and attachment.

Pursuant to ORC Section 3734.02(G), the Director hereby exempts the City of Akron and any recipient of soil amended with Akron's or Cleveland/Crown's CAR under this LAMP approval from the applicable solid waste provisions of ORC Chapter 3734 and rules adopted thereunder specific to the land application of CAR as authorized in this approval. The Director has determined that granting an exemption from the applicable solid waste provisions of ORC Chapter 3734 to use CAR in the quantities and under the circumstances specifically authorized

in this LAMP approval is unlikely to adversely affect the public health and safety or the environment.

This approval authorizes CAR from Akron or Cleveland/Crown drinking water plants to be used as a soil amendment. All other beneficial uses must be separately authorized. Only CAR from Akron and Cleveland/Crown drinking water treatment plants are authorized for beneficial use as a soil amendment under this approval. The Director, or his authorized representatives(s), may enter upon the premises of the City of Akron's drinking water treatment plant or any site where CAR/soil amending takes place, at any reasonable time, for the purpose of making inspections, collecting samples of CAR and soils amended with CAR, conducting tests, or examining records or reports pertaining to the soil amending processes of the City of Akron.

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

The following records shall be maintained by The City of Akron for a minimum of five years and be made available to Ohio EPA upon request:

- 1) The name, address, and telephone number of all companies receiving CAR from the City of Akron for soils blending.
- 2) A description of the process, including raw materials, used to generate the CAR and soils amended with CAR.
- 3) Records of the annual volume of CAR and CAR-amended soil that is designated for beneficial use under this authorization.
- 4) A sampling plan detailing where samples of CAR and/or CAR-amended soil are to be collected, how those samples are to be collected and how frequently, and for what parameters the samples are to be characterized.
- 5) All laboratory reports of all characterizations of the City of Akron's CAR.
- 6) A statement authorizing Ohio EPA staff to conduct inspections, collect samples, conduct tests, or examine records pertaining to the generation of CAR and CAR-amended soil.

By January 31st of each calendar year a report shall be submitted to Ohio EPA identifying the materials characterization and beneficial use options of sludge management chosen and performed for the previous calendar year. At a minimum, the annual report shall include the beneficial use option identified (soil blending) along with the dry tons used for that option and analytical results for the most recent year's materials characterization. Under no circumstances is CAR characterized as hazardous waste to be beneficially used under this authorization.

The annual report shall be accompanied by the following annual certification statement:

"I certify, under penalty of law, that the information that will be used to determine compliance with the requirements contained in Chapters 3734 and 6111 of the Ohio Revised Code, and all rules thereunder, for the period beginning (insert date of last certification statement) and ending (insert current certification statement date) was prepared under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

The first annual certification statement shall encompass the period beginning on the effective date of this approval to the end of the year. The certification statements shall be signed by either a principal executive officer or ranking elected official with the City of Akron or its drinking water treatment facility.

The annual reports shall be sent to the following address:

The Ohio Environmental Protection Agency
Division of Materials and Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049

This approval 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, the City of Akron shall submit such information and forms as are required by Ohio EPA no later than 180 days prior to the above date of expiration.

The applicant is required to submit a revised LAMP request if the Director deems it necessary.

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 ORC. 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 30 days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 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 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

The City of Akron
Jeffrey Bronowski, Acting Water Supply Bureau Mgr
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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

Sincerely,



Scott J. Nally
Director

SJN/DH:jm

ec: Lynn Sowers, DMWM, NEDO
Virginia Wilson, DSW, NEDO
John Schierberl, DMWM, CO
Jacob Howdysshell, DSW, CO