



**Environmental
Protection Agency**

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

CERTIFIED MAIL

October 1, 2012

City of Alliance
Water Treatment Plant
12251 Rockhill Avenue, NE
Alliance, OH 44601

**Re: Director's Final Findings and Orders
City of Alliance, Police Shooting Range**

Dear Sir or Madam:

Transmitted herewith are Final Findings & Orders of the Director concerning the matter indicated.

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". The Commission, in its discretion, may reduce it 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, OH 43215

Sincerely,

Georgia Frakes, Management Analyst
Division of Materials and Waste Management

Enclosure

cc: Peter Ferron, DMWM, CO
Scott Hester, DMWM, CO
Mary Helen Smith, Mahoning Co. HD

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

By: Joseph Lassiter Date: 10-1-12

Issuance Date: October 1, 2012

Effective Date: October 1, 2012

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

OHIO E.P.A.
OCT - 1 2012
REGISTERED DIRECTOR'S JOURNAL

In the Matter of:

City of Alliance
Water Treatment Plant
12251 Rockhill Avenue, NE : Director's Final Finding and Orders
Alliance, Ohio 44601 :

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are hereby issued to the City of Alliance (City), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Section 3734.02(G) and Ohio Administrative Code ("OAC") Chapter 3745-27.

II. PARTIES BOUND

These Orders shall apply to and be binding upon the City and successors in interest liable under Ohio law. No changes in ownership of any property used under this authorization shall in any way alter the obligations of the City under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in ORC Chapter 3734 and the rules promulgated thereunder. Unless otherwise stated, all OAC citations shall refer to rules in effect on the date of these Orders.

IV. FINDINGS

The Director of Ohio EPA ("Director") has determined the following findings:

1. The City, Ohio is a municipal corporation in Stark and Mahoning Counties, Ohio.
2. The City is owner/operator of the water treatment plant and the police shooting range, both located at 122251 Rockhill Avenue, NE, Alliance, Ohio.
3. On May 24, 2012, Dr. Dean Reynolds, Superintendent of Water Treatment for the Alliance Water Treatment Plant, representing the City, Ohio, submitted a request (Request) to Ohio EPA to allow the beneficial use of dewatered alum

- sludge generated at the Alliance Water Treatment Plant as engineered fill material at the Alliance Police Shooting Range, both properties owned by the City.
4. ORC Section 3734.01(E) defines "solid wastes" in pertinent part to mean "...such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations...."
 5. ORC Section 3734.01(F) defines "disposal" in pertinent part to mean "...the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid waste... into or on any land or ground or surface water or into the air...."
 6. ORC Section 3734.01(N) defines "facility" in pertinent part to mean "...any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes"
 7. The activities described in Finding 3 of these Orders and in the Request constitute the disposal of solid waste at a facility.
 8. ORC Sections 3734.02(C) and 3734.05(A)(1) and (2), and OAC Chapters 3745-27 and 3745-37 require that a permit and license be obtained prior to the establishment or modification of a solid waste facility.
 9. The activities described in Finding 3 of these Orders and in the Request constitute the establishment or modification of a facility and require that a permit and license be obtained prior to initiation of the proposed activities.
 10. OAC Rule 3745-27-05(A) specifies the methods of solid waste disposal which are authorized in Ohio. This rule authorizes sanitary landfilling, incineration, and composting as acceptable disposal methods. In addition, OAC Rule 3745-27-05(A)(4) states that solid wastes may be disposed as engineered fill or by land application, provided the Director determines that such alternative methods will not create a nuisance or harm human health or the environment and are capable of complying with other applicable laws.
 11. The proposed disposal method, described in Finding 3 of these Orders and in the Request, is a method of disposal other than sanitary landfilling, incineration, or composting and, therefore, requires authorization from the Director pursuant to OAC Rule 3745-27-05(A)(4).
 12. The disposal of solid waste by the method described in Finding 3 of these Orders and in the Request can be performed without creating a nuisance or harming

human health or the environment, and in compliance with other applicable laws, provided it is performed in accordance with the Request, as received on May 25, 2012, and the Orders specified below.

13. Pursuant to ORC Section 3734.02(G) the Director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes or hazardous waste, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a registration certificate, permit, or license or comply with the manifest system or other requirements of ORC Chapter 3734.
14. Based upon a review of the Request from May 24, 2012, issuing the City an exemption, pursuant to ORC Section 3734.02(G), from the requirement to obtain a permit and a license to establish and operate a solid waste facility, as specified in Finding 8 of these Orders, is unlikely to adversely affect the public health or safety or the environment, provided the City performs the activities in accordance with the Request and these Orders.
15. Pursuant to ORC Section 3734.57(A), the owner or operator of a solid waste disposal facility must collect and remit to the state a disposal fee for each ton of solid waste disposed at the facility. However, pursuant to ORC Section 3734.57(D)(1)(a), the fees levied under ORC Section 3734.57(A) do not apply to the disposal of solid wastes that are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on the premises where the wastes are generated. The City is the generator of the alum sludge and is the owner of the property where the waste will be disposed. Therefore, this fee is not applicable.
16. Pursuant to ORC Section 3734.57(B), the solid waste management policy committee of a single or joint solid waste management district is authorized to levy a disposal fee on solid wastes disposed at solid waste disposal facilities located within the solid waste management district. The Stark-Tuscarawas-Wayne and Mahoning Counties Solid Waste Management Districts have levied disposal fees. However, pursuant to ORC Section 3734.57(D)(1), the fee levied under ORC Section 3734.57(B) does not apply to the disposal of solid wastes that are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on

the premises where the wastes are generated. The City is the generator of the alum sludge and is the owner of the property where the waste will be disposed. Therefore, these fees are not applicable.

V. ORDERS

1. Pursuant to OAC Rule 3745-27-05(A)(4), the City is hereby authorized to beneficially use 600 cubic feet of alum sludge generated at the Alliance Water Treatment Plant as engineered fill at the Alliance Police Shooting Range as specified in Finding 3 of these Orders and in the May 24, 2012, Request as an alternative disposal method.
2. Pursuant to ORC Section 3734.02(G), the City is hereby exempted from any applicable requirements of ORC Chapter 3734 and any rules promulgated thereunder specific to the use of alum sludge generated at the Alliance Water Treatment Plant and used in accordance with this authorization.
3. The alum sludge shall be used only on property owned by the City. Alum sludge shall not be beneficially used on property owned by a party other than the City unless separate specific authorization has been provided by the Director.
4. Only alum sludge that has been tested for contaminants can be used as engineered fill.
5. Alum sludge may not be stored, processed, or beneficially used in a source water protection area.
6. Nothing in these Orders shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations except as specified herein. These Orders shall not be interpreted to release the City from responsibility under ORC Chapters 3704, 3714, 3734, and 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.
7. The Director may revoke these Orders for any reason, including but not limited to the City failing to comply with any of these Orders or a determination that the activities of the City threaten or adversely affect public health or safety or the environment.

8. Dewatered alum sludge not used for engineered fill at the police shooting range in the City shall be managed in accordance with ORC Chapter 3734 and ORC Chapter 6111 and OAC Chapter 3745-27.

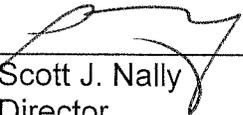
VI. OTHER APPLICABLE LAWS

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

VII. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against the City for noncompliance with these Orders. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require the City to perform additional activities pursuant to ORC Chapters 3734 or 6111 or any other applicable law in the future. Nothing herein shall restrict the right of the City to raise any administrative, legal, or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of the City. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations that may occur at the City property.

IT IS SO ORDERED:



Scott J. Nally
Director
Ohio Environmental Protection Agency