



5/28//2024

AAA Wastewater Services, Inc  
Attn: Timothy DeHart, President  
3677 Anthony Lane  
Franklin, Ohio 45005

RE: DFFO  
NPDES  
Warren  
11M00014

Ladies and Gentlemen:

Transmitted herewith is one copy of the Director's Final Findings & Orders in the referenced matter.

Sincerely,

Tyler Liston, Manager  
Permits Processing  
Division of Surface Water

TL/jj

Enclosure

**CERTIFIED MAIL**

ec: L. Reeder, DSW  
R. Demuth, DSW  
J. Hamilton, DSW  
D. Turner, DSW  
J. Miller, SWDO, DSW  
P. Simcic, Legal  
B. Fischbein, Legal  
Journal Room  
File

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**In the Matter of:**

<b>AAA Wastewater Services, Inc.</b>	:	<b><u>Director's Final Findings</u></b>
<b>3677 Anthony Lane</b>	:	<b><u>and Orders</u></b>
<b>Franklin, Ohio 45005</b>	:	

**Respondent.**

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to AAA Wastewater Services, Inc. ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 6111.03 and 3745.01.

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in the composition of Respondent, or the ownership or operation of the Site (as defined herein), shall in any way alter Respondent's obligations under these Orders.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 6111 and the rules adopted thereunder.

**IV. FINDINGS**

The Director of Ohio EPA has made the following findings:

1. Respondent owns a septage and grease trap waste treatment facility in Warren County located at 3677 Anthony Lane, Franklin, Ohio in Warren County ("the Facility".)
2. In 1995, Ohio EPA approved a Permit to Install ("PTI") for the installation of a treatment system for the septage and grease trap waste. Another PTI (1031705) was issued to Respondent on May 1, 2015. The PTI indicated that the installed system would consist of screening, grit removal, two anaerobic sludge digestion tanks (Tanks B and C), two anaerobic sludge digestion tanks (Tanks D and E) and a 500,000-gallon sludge holding tank (Tank A).

3. A National Pollutant Discharge Elimination System ("NPDES") permit was first issued to Respondent in 2011 and was renewed in 2016 and 2021 allowing for the land application of biosolids.
4. Until approximately April 2021, Respondent operated a treatment system that consisted of screening, grit removal and inadequate digestion. Liquid waste generated by this system was pumped to Tank A and then land applied to agricultural land.
5. Ohio EPA performed a site inspection on March 30, 2021, resulting in a June 16, 2021 Notice of Violation ("NOV") letter from Ohio EPA. The NOV found that 1) Respondent failed to appropriately sample and monitor for parameters other than fecal coliform for the year 2020, 2) Tank A had a hole in the side and was leaking wastewater onto the ground which was ultimately draining into a nearby unnamed tributary to Clear Creek, and 3) sampling for fecal coliform in December 2020 was above the NPDES permit limit of 2,000,000 cfu/gram (3,204,973 cfu/gram reported.) Shortly after the inspection, Respondent discontinued use of the dilapidated treatment/storage system and began hauling all incoming septage and grease trap waste to publicly-owned treatment works.
6. Because of logistical challenges associated with serving customers (pumping septic tanks and grease traps) and having places to haul waste to, Respondent began using 20,000-gallon frac tanks to store wastes until a facility became available to haul the waste to for treatment or disposal. At one time, approximately 20 frac tanks were on Respondent's property.
7. On January 25, 2022, Ohio EPA issued a NOV documenting that Respondent had failed to meet items contained in a compliance schedule set forth in Respondent's NPDES permit. Specifically, Respondent failed to meet the January 1, 2022 deadline for submitting a detailed description and evaluation by a professional engineer of the current components for receiving, treating, storing septage, sewage, sewage sludge and grease trap wastewater and any improvements that would be necessary for the system to maintain compliance with the NPDES permit. A response was submitted on February 4, 2022 and a Resolution of Violation letter was issued to Respondent on February 16, 2022.
8. Respondent started a pilot system for treating septage and grease trap waste using a proprietary microbiologic product (bioaugmentation) and solids separation using geobags. This process was used to improve the quality of the waste hauled to off-site facilities with solids hauled to a sanitary landfill. The pilot system utilized frac tanks, portable pumps and flexible hoses.

9. In March 2022, Respondent submitted a Permit to Install ("PTI") application for a new septage and grease trap waste treatment system. On April 16, 2024, PTI 1478726 was issued for the new system.
10. In July of 2022, Respondent was awarded a \$195,000 Recycling and Litter Prevention Grant from Ohio EPA for the new grease waste system (known as "Greasezilla".) At an undetermined point, the Greasezilla system was installed.
11. Ohio EPA performed an inspection on December 7, 2022, which revealed significant concerns with the treatment system currently in use. The December 30, 2022 NOV addressed the observed conditions along with significant sampling and other reporting issues.
12. Pursuant to ORC 6111.04(C), no person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit without first receiving a permit from the director to do so.
13. Pursuant to ORC 6111.07(A), no person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term or condition of a permit issued or adopted by the director of environmental protection pursuant to those sections. Each day of violation is a separate offense.
14. The Director has given consideration to, and based her 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 R.C. Chapter 6111.

## **V. ORDERS**

### **Current Treatment System**

1. Respondent shall begin construction of the uninstalled components of the approved treatment system, approved by PTI 1478726 on April 16, 2024, no later than thirty (30) days from the date of issuance of the approved PTI.
2. As soon as possible, but not later than ninety (90) days from the date of issuance of the approved

PTI, Respondent shall complete construction of the approved treatment system.

3. As soon as possible, but not later than thirty (30) days from the effective date of these Orders, Respondent shall submit through the Ohio EPA eBusiness Center an application for modification of its NPDES permit to allow land application of filtrate. The modification application shall include via Form C1, a Land Application Management Plan (LAMP) pursuant to the requirements of Ohio Adm. Code 3745-42-13. Upon approval of the permit modification that includes the LAMP requirements by Ohio EPA, Respondent shall implement the LAMP to land apply filtrate for beneficial use.

**Abandoned Treatment System:**

4. As soon as possible, but not later than sixty (60) days from the effective date of these Orders, Respondent shall provide a profile of the contents of Tanks A, B, C, D and E with a characterization of each distinct layer identified. Specifically, Respondent shall describe the method and means for conducting the profile of each tank and Respondent shall collect a representative sample of each tank's contents. Respondent shall analyze for all parameters listed in AAA's NPDES permit that pertain to the land application of Class B biosolids. Respondent shall also collect a representative sample from each of the other components (tanks and pits) of the abandoned treatment system or, if tank contents are determined to be very similar, a representative composite sample of those tank contents.
5. Based upon the sampling results provided to Ohio EPA, Respondent shall continue to recirculate the contents of Tank A, B, C, D, and E with bioaugmentation until such time as Respondent can either appropriately land apply the contents of Tanks A through E or treat the contents through the new treatment system once the PTI for the system is approved. Respondent shall dispose at a sanitary landfill any remaining solids from Tanks A through E that cannot be land applied. All disposal records and land application records shall be provided to Ohio EPA at the time of disposal or land application.
6. Until such time as Respondent finishes emptying Tanks A, B, C, D and E, Respondent shall restrict the amount of waste being brought onsite to 20,000 gallons per day, in order to facilitate the emptying of Tanks A through E.
7. All tanks shall be emptied and processed as soon as practical, but no later than one (1) year from the effective date of these Orders.
8. Should Respondent determine that it will continue to utilize Tanks A, B, C, D or E for other

purposes, Respondent shall submit a report to Ohio EPA regarding the structural integrity and for what purpose the tank(s) will be utilized for, if any. Any repurposing of the tanks into the current treatment system will require a PTI from Ohio EPA.

9. Respondents shall pay the amount of Six Thousand dollars (\$6,000.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6111. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for the total amount. The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying Respondents and the site, to:

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

A copy of the check shall be sent to Larry Reeder, Environmental Manager, Enforcement Section, or his successor, at the following address:

Ohio EPA  
Division of Surface Water  
P.O. Box 1049  
Columbus, Ohio 43216-1049

## **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate when Respondent certify in writing and demonstrate to the satisfaction of Ohio EPA that Respondent have performed all obligations under these Orders and 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 Respondent.

#### **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 the Site.

#### **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, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency,  
Southwest District Office  
401 East Fifth Street  
Dayton, Ohio 45402  
Division of Surface Water  
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, through the date of 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**

E-SIGNED by Anne Vogel  
on 2024-05-28 13:13:49 GMT

\_\_\_\_\_  
Anne M. Vogel  
Director

\_\_\_\_\_  
Date

**IT IS SO AGREED:**

**AAA Wastewater Services, Inc.**

By Timothy E. DeHart

Timothy E. DeHart  
Printed or Typed Name

President  
Title

5/9/24  
Date