

IN THE COURT OF COMMON PLEAS
MIAMI COUNTY, OHIO

STATE OF OHIO, ex rel)
BETTY D. MONTGOMERY,)
ATTORNEY GENERAL OF OHIO,)
)
Plaintiff,)
)
vs.)
)
BOARD OF COMMISSIONERS)
OF MIAMI COUNTY, OHIO,)
)
Defendant.)

CASE NO. 88-195
JUDGE ROBERT J. LINDEMAN

FILED
MONTGOMERY
JAN A. HOTTINGER
CLERK OF COURTS
AUG 26 PM 2:48

MODIFIED CONSENT ORDER

On or about July 1, 1988, a Complaint in the above-captioned cause was filed with the Miami County Court of Common Pleas, and Plaintiff, State of Ohio, upon relation of its then Attorney General, Anthony Celebreeze, and the Defendant, Board of Commissioners of Miami County ("Miami County"), consented to the entry of a Consent Order. On July 5, 1988, the Court entered a Consent Order for injunctive and other relief in the above-captioned cause enjoining Miami County to operate certain of its waste water treatment plants and sewer systems in compliance with Ohio Revised Code ("O.R.C.") Chapter 6111. and the rules promulgated thereunder. Plaintiff, State of Ohio, upon relation of its Attorney General, Betty D. Montgomery ("Plaintiff"), alleges that Miami County has failed to comply with, and is in contempt of the July 5, 1988 Consent Order of this Court.

Plaintiff further alleges that since the entry of the July 5, 1988 Consent Order, Miami County has violated O.R.C. Chapter 6111. and the rules promulgated thereunder at three (3) waste water treatment plants which were not a subject of the July 1, 1988 Complaint nor of the July 5, 1988 Consent Order.

Miami County denies Plaintiff's allegations and does not herein admit any violations of the July 5, 1988 Consent Order or liability to Plaintiff arising out of the allegations described herein or in the Complaint. Miami County's participation in the settlement of this case shall not be considered an admission of liability for any purpose.

In order to resolve Miami County's alleged violations of the July 5, 1988 Consent Order and in order to resolve Miami County's exposure to civil liability as a result of alleged violations of Chapter 6111. and the rules promulgated thereunder at three (3) of its waste water treatment plants which were not a subject of the July 1, 1988 Complaint nor of the July 5, 1988 Consent Order, Miami County shall comply with the terms of this Modified Consent Order, and shall pay the civil penalty contained herein.

The terms of this Modified Consent Order shall supersede and replace the July 5, 1988 Consent Order of this Court. Plaintiff, Miami County, and the members of the Miami County Board of Commissioners have consented to the entry of this Modified Consent Order.

NOW, THEREFORE, without trial of any issue of fact or law, and upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

I. JURISDICTION AND VENUE

1. The Court has jurisdiction over the parties and the subject matter of this case. The Complaint states a claim upon which relief can be granted against Miami County under O.R.C. Chapter 6111. and venue is proper in this Court.

II. PARTIES

2. The provisions of this Modified Consent Order shall apply to and be binding upon the parties to this action, their officers, agents, servants, employees, assigns, successors in interest, and those persons in active concert or participation

with the parties to this action who receive actual notice of this Modified Consent Order, whether by personal service or otherwise. Miami County shall provide a copy of this Modified Consent Order to any consultants and/or contractors who will perform any work pursuant to this Modified Consent Order.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleged in its July 1, 1988 Complaint that Miami County operated its sewer systems and six (6) of its waste water treatment plants ("WWTPs"), to wit: Dettmer Hospital, Evanston Estates, Country Estates, Meadowview-Woodlawn, Broken Woods-Merrimont, and Creekwood, in such a manner as to result in violations of the NPDES permits issued to it by the Director of the Ohio Environmental Protection Agency ("Director"), in violation of Director's Final Findings and Orders ("F&Os"), and in violation of the water pollution laws of the State of Ohio. In addition, Plaintiff alleged in its July 1, 1988 Complaint that Miami County failed to submit certain plans to the Director in violation of Director's F&Os, and in violation of the water pollution laws of the State of Ohio. Plaintiff further alleges that Miami County has failed to comply with the Consent Order issued by the Court on July 5, 1988 to resolve the claims contained in the Complaint.

4. Plaintiff further alleges that from July 1, 1988 to March 31, 1994, Miami County operated its sewer system and Deer Cliff Run WWTP, from July 1, 1988 to July 6, 1994, Miami County operated its sewer system and Shenandoah WWTP, and from July 1, 1988 to the present, Miami County operated its sewer system and Monnin Estates WWTP in such a manner as to result in violations of the NPDES permits issued to it by the Director for those WWTPs and in violation of the water pollution laws of the State of Ohio.

5. Except as otherwise provided in this Modified Consent Order, full compliance with the terms and conditions of this Modified Consent Order shall constitute full satisfaction of any civil liability of Defendant Miami County to Plaintiff for:

- a). all claims alleged in the July 1, 1988 Complaint;
- b). any contempt sanctions for alleged past non-compliance with the July 5, 1988 Consent Order through the effective date of this Modified Consent Order;
- c). any violations of O.R.C. Chapter 6111. and the regulations adopted thereunder noted in Miami County's MORs submitted to the Ohio Environmental Protection Agency between July 1, 1988 and the effective date of this Modified Consent Order at the Deer Cliff Run, Monnin Estates and Shenandoah waste water treatment plants;
- d). any costs the State has incurred in investigating, negotiating, prosecuting and resolving herein any of the allegations set out in Paragraph 5(a) through (c), above.

6. Nothing in this Modified Consent Order shall be construed to limit the authority of the State of Ohio to:

- a). seek relief for claims or conditions not alleged in the Complaint or Modified Consent Order; and
- b). to seek relief for violations which occur at the Monnin Estates WWTP after the effective date of this Modified Consent Order.

IV. PERMANENT INJUNCTION

7. Defendant Miami County is hereby enjoined and ordered to immediately comply with the requirements of O.R.C. Chapter 6111. and the terms and conditions of the rules and regulations adopted under that Chapter, with Miami County's currently effective NPDES permit for the Monnin Estates WWTP and any renewals or modifications thereto, and with the terms and conditions of Attachment A when applicable (see Section V. Paragraph 10). As a result of the fact that Miami County failed to submit a renewal application its NPDES Permit No. 1PG00058*CD ("*CD permit") for the Monnin Estates WWTP on or before 180 days from the date of

expiration of its *CD permit¹, the renewal permit will not be issued prior to the expiration of the *CD permit.² However, on condition that Defendant Miami County fully complies with the terms and conditions of this Modified Consent Order and fully complies with the terms and conditions of its *CD permit until the renewal thereof (NPDES Permit No. 1PG00058*DD, the “*DD permit”) is issued, Plaintiff hereby agrees to refrain from pursuing a separate enforcement action against Defendant Miami County for violating O.R.C §6111.04, O.A.C. Rule 3745-33-04(D)(1) and the language of the *CD permit. Defendant Miami County shall immediately comply with the *DD permit upon its issuance. The interim effluent limitations contained in Appendix A do not constitute an NPDES permit nor modification of any existing NPDES permit.

8. This Modified Consent Order does not constitute authorization or approval for the construction of any physical structure or facilities, nor for the modification of any existing treatment works or sewer system. Approval for any such construction or modification shall be by permit issued by the Director of the Ohio Environmental Protection Agency or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

V. CONSTRUCTION SCHEDULE

9. Defendant Miami County is enjoined and ordered to complete construction of the improvements to its Monnin Estates waste water treatment plant necessary to insure compliance with the final effluent limitations of its currently effective NPDES permit and any renewals or modifications thereto, in accordance with the following schedule:

1 On or before November 15, 1995.

2 The *CD permit is set to expire on May 12, 1996.

Task

Completion Date

- a) Submit a Permit To Install ("PTI") for blower installation and piping rearrangements to the Ohio EPA's Southwest District Office by; July 31, 1996
- b) Complete installation of blower and rearrangement of piping; within two (2) months from the date the Director issues the PTI
- c) Submit structural inspection plans to the Ohio EPA's Southwest District Office by; August 31, 1996
- d) If the structural inspections plans referenced above will require the modification, as defined by O.A.C. Rule 3745-31-01(J)(1)(c), of Defendant's waste water treatment works, submit a PTI for the structural inspection plans to the Ohio EPA's Southwest District Office by; August 31, 1996
- e) Complete the work detailed in the structural inspection plans by; December 31, 1996 or within two (2) months from the date the Director issues the PTI, if required
- f) Submit an Operation and Maintenance Plan to the Ohio EPA's Southwest District Office which, among the other requirements, includes an explanation of the required operations and maintenance of the plant and the dates and times the plant will be operated on a regular basis; completed
- g) Submit trash/trap screening plans to the Ohio EPA's Southwest District Office; June 30, 1997

Task

Completion Date

- h) If the trash/trap screening plans referenced above will require the modification, as defined by O.A.C. Rule 3745-31-01(J)(1)(c), of Defendant's waste water treatment works, submit a PTI for the trash/trap screening plans to the Ohio EPA's Southwest District Office by;

June 30, 1997
- i) Complete the work detailed in the trash/trap screening plans by;

September 30, 1997
or within two (2)
months from the
date the Director
issues the PTI, if
required
- j) Install generator hook-up and auto dialer by;

September 30, 1997
- k) Complete structural repairs by;

December 31, 1997
or within two (2)
months from the
date the Director
issues the final
required PTI, if any

10. Defendant Miami County may ask for authorization to discharge effluent from the Monnin Estates waste water treatment plant pursuant to the terms and conditions of Attachment A. If Defendant Miami County makes such a request, it must do so in the following manner:

- a) 14 days prior to the anticipated desire for authority to discharge pursuant to the terms and conditions of Attachment A, a written request for authorization to so discharge, for a specific time frame, must be submitted to the Ohio EPA's Southwest District Office, Division of Surface Water Enforcement Leader, Martyn G. Burt or his successor or to Group Leader, Jim Simpson or his successor. This request shall contain, at a minimum, the following information:

- 1) A schedule, including commencement and completion dates certain, for the work for which authorization to discharge pursuant to the terms and conditions of Attachment A is being sought;
 - 2) A description of the type and scope of the work.
- b) In order to obtain authorization to discharge effluent pursuant to the terms and conditions of Attachment A, for a specific time frame, Defendant Miami County must first receive written authorization to so discharge from the Ohio EPA's Southwest District Office, Division of Surface Water Enforcement Leader, Martyn G. Burt or his successor or to Group Leader, Jim Simpson or his successor, prior to commencement of the discharge for which such authorization is being sought. Whether or not to so authorize a particular discharge is within the sole discretion of Martyn G. Burt, Jim Simpson or their successors.

VI. STIPULATED PENALTIES

11. In the event that Defendant Miami County fails to meet any of the requirements set forth in Paragraphs 7, 9, and 10 and with Attachment A of this Modified Consent Order, Miami County shall immediately and automatically be liable for and shall pay a stipulated penalty according to the following payment schedule:

- | | |
|--|--|
| <ul style="list-style-type: none"> • First 30 violations which occur after the effective date of this Modified Consent Order | <p>\$250 per each violation of each effluent and/or loading limitation and/or monitoring and/or reporting requirement;</p> |
| <ul style="list-style-type: none"> • From the 31st to the 60th violation which occurs after the effective date of this Modified Consent Order | <p>\$500 per each violation of each effluent and/or loading limitation and/or monitoring and/or reporting requirement;</p> |
| <ul style="list-style-type: none"> • From the 61st to the 90th violation which occurs after the effective date of this Modified Consent Order | <p>\$750 per each violation of each effluent and/or loading limitation and/or monitoring and/or reporting requirement;</p> |

• From the 91st violation which occurs after the effective date of this Modified Consent Order

\$1000 per each violation of each effluent and/or loading limitation and/or monitoring and/or reporting requirement;

12. For the purpose of calculating stipulated penalties under the provisions of this Modified Consent Order only, Plaintiff agrees to treat each 7-day effluent limitation or loading limitation violation as one violation only, and each 30-day effluent limitation or loading limitation violation as one violation only.

VII. PAYMENT OF STIPULATED PENALTIES

13. Any stipulated penalty required to be paid pursuant to the provisions of Section VI, Paragraph 11 and/or 12 of this Modified Consent Order, shall be made by delivering a certified check or checks for the appropriate amounts, made out to "Treasurer, State of Ohio", within forty-five (45) days from the date of the failure to comply with Section IV, Paragraph 7 of this Modified Consent Order. Said check shall be mailed to the following address:

State of Ohio Attorney General's Office
State Office Tower
30 E. Broad Street, 25th Floor
Environmental Enforcement Section
Columbus, Ohio 43215 - 3428
Attention: Administrative Assistant

VIII. CIVIL PENALTIES

14. Defendant Miami County shall pay to the State of Ohio a civil penalty of one-hundred and thirty-thousand dollars (\$130,000). Forty-thousand dollars (\$40,000) of this total amount shall be paid to Plaintiff, in cash, in two installments according to the following schedule:

<u>Date</u>	<u>Amount</u>
The first installment shall be due six (6) months from the effective date of this Modified Consent Order	\$20,000
The second installment shall be due twelve (12) months from the effective date of this Modified Consent Order	\$20,000

The remaining ninety-thousand dollars (\$90,000) shall be suspended if Defendant Miami County fully complies with the requirements of Section IX of this Modified Consent Order. Should Defendant Miami County fail to fully and completely comply with the requirements of Section IX of this Modified Consent Order by the dates specified therein, then any and all monies required by Section IX to be spent which have not been so spent by the dates specified therein, up to a maximum total amount of ninety-thousand dollars (\$90,000), shall be paid to Plaintiff, in cash, by no later than twelve (12) months from the dates on which the projects described in Section IX were required to be completed.

15. All penalties required to be paid by Paragraph 14 of this Modified Consent Order shall be made by delivering to "Administrative Assistant", a certified check for the appropriate amount, made payable to the order of "Treasurer, State of Ohio", to the address listed in Paragraph 13.

IX. SUPPLEMENTAL ENVIRONMENTAL PROJECTS

16. In addition to the civil penalty set forth in Section VIII, Paragraph 14 of this Modified Consent Order, and in furtherance of the mutual objectives of the State of Ohio and Miami County, Ohio in improving the environment, Miami County agrees to and is hereby ordered to spend a total of ninety-thousand dollars (\$90,000) in the following manner:

a). By no later than six (6) months from the effective date of this Modified Consent Order, Miami County shall fund an additional position in its soil and water conservation program for a technician to work on projects related to education, land use, and sewer and water planning issues. This position shall be funded at approximately thirty-five thousand dollars (\$35,000) per year and shall be extant for a period of two (2) years. Thus, Miami County shall expend a total of seventy-thousand dollars (\$70,000) on this position, and Plaintiff will suspend Miami County's obligation to pay, on a dollar for dollar basis for this expenditure, up to seventy-thousand dollars (\$70,000) of the remaining civil penalty of ninety-thousand dollars (\$90,000);

b). Plaintiff will suspend Miami County's obligation to pay twenty-thousand dollars (\$20,000) of the remaining civil penalty of ninety-thousand dollars (\$90,000) if Miami County fully and completely complies with the following:

1). By no later than May 1, 1997, Miami County shall enter into a forty-thousand dollar (\$40,000) contract for the development of "preliminary" plans for Bethel and Union/Monroe Townships' sewer and water systems. Miami County shall provide the requests for proposal of this plan to the Ohio EPA for its review and comment; and

2). By no later than six (6) months from the effective date of this Modified Consent Order, Miami County shall enter into a thirty-thousand dollar (\$30,000) contract for a comprehensive land use plan for Miami County. Miami County shall provide the requests for proposal of this plan to the Ohio EPA for its review and comment.

17. Until Miami County has fully complied with Section IX, Paragraph 16, Miami County shall report its progress on a quarterly basis, in writing, to the Ohio EPA. The first such quarterly report shall include an itemized summary of the money expended to date to accomplish any portions of such SEPs that are currently underway. The subsequent quarterly reports shall include an itemized summary of the money expended in the quarter to accomplish the projects. All reports required to be submitted to the Ohio EPA pursuant to this paragraph shall be sent to the following address:

The Ohio Environmental Protection Agency
Southwest District Office
401 East 5th Street
Dayton, Ohio 45402
Attn: Bruce Smith or his successor

18. When Miami County has fully complied with Section IX, Paragraph 16 of this Modified Consent Order, or when Miami County has determined that full compliance therewith is not possible, and by no later than two (2) years from the effective date of this Modified Consent Order, Miami County shall notify the Ohio EPA of same and shall include therewith a final itemized summary of the money expended in compliance with Section IX, Paragraph 16.

19. In the event that Miami County was not able to fully comply with Section IX, Paragraph 16(a) of this Modified Consent Order, Miami County shall pay to Plaintiff, in cash, the difference between seventy-thousand dollars (\$70,000) and the total found in the final itemized summary of the money expended in compliance with Section IX, Paragraph 16(a). Such payment shall be made pursuant to and in compliance with Section VIII, Paragraphs 14 and 15 of this Modified Consent Order.

20. In the event that Miami County was not able to fully comply with Section IX, Paragraph 16(b) of this Modified Consent Order, Miami County shall pay to Plaintiff, in cash, an amount of money calculated by employing the following formula:

$$\$70,000 / \text{the total found in the final itemized summary of the money expended in compliance with Section IX, Paragraph 16(b)} = X$$

then

$$\$20,000 - (\$20,000 / X) = \text{the amount of money due to Plaintiff pursuant to this Paragraph.}$$

Such payment shall be made pursuant to and in compliance with Section VIII, Paragraphs 14 and 1 of this Modified Consent Order.

X. POTENTIAL FORCE MAJEURE

21. If any event occurs which causes or may cause a delay of any requirement of this Modified Consent Order, Defendant Miami County shall notify the Ohio EPA, in writing, within ten (10) days of the event, describing in detail the anticipated length of the delay, the precise cause or causes of the delay, the measures taken and to be taken by Miami County to prevent or minimize the delay, and the timetable by which measures will be implemented. Defendant Miami County will adopt all reasonable measures to avoid or minimize any such delay.

22. In any action by the Plaintiff to enforce any of the provisions of this Modified Consent Order, Miami County may raise whether it is entitled to a defense that its conduct was caused by reasons entirely beyond its control such as, by way of example and not limitation, acts of God, strikes, acts of war or civil disturbances. While Plaintiff does not agree that such a defense exists, it is, however, hereby agreed upon by Defendant and Plaintiff that it is premature at this time to raise and adjudicate the existence of such a defense and that the appropriate point at which to adjudicate the existence of such a defense is at the time that an enforcement action, if any, is recommended by Plaintiff. At that time, the burden of proving that any delay was or will be caused by circumstances entirely beyond the control of Miami County shall rest with Defendant. Unanticipated or increased costs associated with the implementation of any action required by this Modified Consent Order, or changed financial circumstances, shall not constitute circumstances entirely beyond the control of Defendant, or serve as a basis for an extension of time under this Modified Consent Order. Failure by Defendant Miami County to comply with the notice requirements of Paragraph 21 shall render this Paragraph void and of no force and effect as to the particular incident involved and shall constitute a waiver of Defendant's right to adjudicate the existence of a force majeure defense or to request an extension of its obligations under this Modified Consent Order as to the particular incident involved. An extension of one compliance date based on a particular incident does not mean that Miami County qualifies for an extension of a

subsequent compliance date or dates. Defendant Miami County must make an individual showing or proof regarding each incremental step or other requirement for which an extension is sought.

XI. MODIFIED CONSENT ORDER

23. This Modified Consent Order, entered into between the parties, represents the entire understandings between the parties and supersedes any earlier verbal or written communications regarding same. This Modified Consent Order will supersede the Consent Order entered into and filed on July 5, 1988.

XII. COMPLIANCE NOT DEPENDANT ON GRANTS OR LOANS

24. Performance of the terms of this Modified Consent Order by Miami County is not conditioned on the receipt of any Federal or State grant or loan funds. In addition, Miami County's performance is not excused by the failure to obtain or shortfall of any Federal or state grant or loan funds, or by the processing of any applications for the same.

XIII. RETENTION OF JURISDICTION

25. The Court will retain jurisdiction of this action for the purpose of making any order or decree which it deems appropriate to carry out this Modified Consent Order.

XIV. TERMINATION OF STIPULATED PENALTIES

26. The provisions of this Consent Order, set forth in Section VI Paragraphs 11, and 12, and Section VII Paragraph 13, requiring payment of stipulated penalties, shall terminate if Defendant Miami County has:

- a) completed all construction to the Monnin Estates WWTP and sewer system as is required under Section V, Paragraph 9 of this Modified Consent Order;

- b) achieved and maintained compliance with the final effluent limitations contained in its currently effective NPDES permit or any renewals or modifications thereof, for any and all discharges from its Monnin Estates WWTP, for a period of one (1) year;
- c) has conducted all required monitoring and sent all required monitoring reports to the Ohio EPA for a period of one year; and
- d) has paid all penalties, both civil and stipulated, required to be paid pursuant to this Modified Consent Order.

27. The provisions of this Modified Consent Order requiring payment of stipulated penalties, set forth in Section VI Paragraphs 11, and 12, and Section VII Paragraph 13, shall be terminated either by:

- a) order of the Court, upon application by any Party, upon a determination of the Court that all four (4) provisions required under Section XIV Paragraph 26 have been satisfied; or
- b) Upon the filing of a Joint Motion for Termination by the Parties.

XV. RESERVATION OF RIGHTS

28. Miami County does not waive any rights or remedies it has under federal or state laws or regulations to comment on, contest or seek any change in federal or state laws, rules or regulations, to seek modification of its NPDES permit or any related laws, rules or regulations, or to challenge any terms, conditions or effluent limitations in any subsequently issued NPDES permit or findings and orders, with the exception of those rights waived in Paragraphs 21 and 22 of this Modified Consent Order. Miami County reserves and does not waive any and all legal and equitable rights, remedies and defenses that may be available for violation or enforcement of this Modified Consent Order, with the exception of those rights waived in Paragraphs 21 and 22 of this Modified Consent Order.

XVI. COSTS

29. Defendant Miami County is hereby ordered to pay the costs of this action.

XVII. CLERK'S ENTRY OF MODIFIED CONSENT ORDER
AND FINAL JUDGMENT

30. Pursuant to Rule 58 of the Ohio Rules of Civil Procedure, upon the signing of this Modified Consent Order by the Court, the clerk is hereby directed to enter it upon the journal. Within three (3) days of entering the judgment upon the journal, the clerk is hereby directed to serve upon all parties notice of the judgment and its date of entry upon the journal in the manner prescribed by Rule 5(B) of the Ohio Rules of Civil Procedure and note the service in the appearance docket.

IT IS SO ORDERED:

Date

ROBERT J. LINDEMAN, JUDGE
JUDGE ROBERT J. LINDEMAN

APPROVED:

STATE OF OHIO, ex rel.
BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO

BY: Lauren Angell 8/22/96
LAUREN C. ANGELL (0042615)
Assistant Attorney General
Environmental Enforcement Section
30 East Broad Street, 25th Floor
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Telephone: (614) 466-2766

Joseph A. Gregg 8/14/96
JOSEPH A. GREGG (0023931)
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P. O. Box 10032
Toledo, Ohio 43699-0032
Telephone: (419) 241-6000
Joseph A. Gregg 8/14/96
Authorized Representative of
The County of Miami, Ohio

ATTACHMENT A

Part I, A. TEMPORARY EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR AUTHORIZED PERIODS ONLY

1. Beginning on June 1, 1996, and lasting until September 30, 1997, during periods of construction activity for which a written request to be subject to temporary effluent limitations has been submitted to the Ohio EPA pursuant to the terms and conditions of the Modified Consent Order, where such written request has been subsequently approved, the permittee is authorized to discharge in accordance with the following temporary effluent limitations and monitoring requirements in lieu of Part I, A of its currently effective permit and any and all modifications or renewals thereto. The location of effluent sampling shall be at outfall 001.

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
			Concentration		Loading kg/day		Meas Freq	Sample Type
Reporting Code	UNITS	PARAMETER	30 day	7 day	30 day	7 day		
00010	°C	Temperature	-	-	-	-	Daily	Continuous (Max. Ind. Therm.)
00083	Units	Color, Severity (2)	-	-	-	-	Daily	Estimate
00530	mg/l	Suspended Solids	-	-	-	-	Daily	Composite
00610	mg/l	Ammonia (N)	-	-	-	-	Daily	Composite
01330	Units	Odor, Severity (2)	-	-	-	-	Daily	Estimate
01350	Units	Turbidity, Severity (2)	-	-	-	-	Daily	Estimate
31616	Count	Fecal Coliform /100ml (Summer only)	-	-	-	-	Daily	Grab
50050	MGD	Flow	-	-	-	-	Daily	Continuous
80082	mg/l	CBOD ₅	-	-	-	-	Daily	Composite

2. The pH (Reporting Code 00400) shall be monitored daily by grab sample.
3. If the entity uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be monitored daily by grab sample. (Summer only)**
4. The Dissolved Oxygen (Reporting Code 00300) shall be monitored daily by grab sample.

** See Part II, Item I.

RESOLUTION NO. 96-08-1221

**RESOLUTION TO AUTHORIZE AND APPROVE A MODIFIED CONSENT ORDER IN
CASE NUMBER 88-195, AND AUTHORIZE ITS EXECUTION BY COUNSEL**

Mr. Adams introduced the following resolution and moved it be adopted:

WHEREAS, the parties in Case Number 88-195 in Miami County Common Pleas Court have reached an accord which is fair and equitable and in the best interest of the County;

now therefore be it

RESOLVED by the Board of Miami County Commissioners that:

- 1. The final recommended modified consent order in Case Number 88-195 in Miami County Common Pleas Court is hereby authorized and approved.**
- 2. Execution of said modified consent order is hereby authorized to be by the designated and retained counsel, Joseph A. Gregg on behalf of the County, and forwarded to the Ohio EPA for signature**

Mr. Haddad seconded the motion and the Board voted as follows upon roll call:

Mr. Adams, YEa; Mr. Haddad, Yea; Mrs. Baird, YEa

DATED: August 13, 1996