

IN THE COURT OF COMMON PLEAS  
SCIOTO COUNTY, OHIO

SCIOTO COUNTY

89 OCT 13 AM 9:16

STATE OF OHIO, ex rel  
ANTHONY J. CELEBREZZE, JR.  
ATTORNEY GENERAL OF OHIO

CASE NO. 89 CT 313

JUDGE CLERK'S COURTS

Plaintiff,

CONSENT ORDER

vs.

BOARD OF COUNTY COMMISSIONERS  
OF SCIOTO COUNTY, OHIO

Defendant.

89 OCT 11 PM 2:05  
CLERK'S COURTS  
SCIOTO COUNTY

The Complaint in the above-captioned matter having been filed herein, and the Plaintiff State of Ohio by its Attorney General Anthony J. Celebrezze, Jr. (hereinafter "Plaintiff") and Defendant Board of County Commissioners of Scioto County, Ohio (hereinafter "Scioto County") having consented to the entry of this 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 Defendant under Chapter 6111 of the Ohio Revised Code, and venue is proper in this Court.

## II. PARTIES

2. The provisions of this Consent Order shall apply and be binding upon the parties to this action, their agents, officers, employees, assigns, successors in interest and any person acting in concert or privity with any of them. Defendant Scioto County shall provide a copy of this Consent Order to each contractor it employs to perform work itemized herein, and each general contractor shall provide a copy of this Consent Order to each of its subcontractors for such work.

## III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint that Defendant has operated its wastewater treatment plant and sewer system in such a manner as to result in numerous violations of the discharge limitations and monitoring requirements of the NPDES Permit issued to it by the Director of Ohio EPA and in violation of the water pollution laws of the State of Ohio. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendant for all claims under such laws alleged in the Complaint. Nothing in this Order shall be construed to limit the authority of the State of Ohio to seek relief for claims or conditions not alleged in the Complaint, including violations which occur after the filing of the Complaint.

#### IV. COMPLIANCE SCHEDULE

4. Defendant Scioto County is hereby enjoined and ordered to immediately comply with the requirements of Chapter 6111 of the Ohio Revised Code and the terms and conditions of the rules and regulations adopted under that Chapter and its currently effective NPDES Permit, and any renewals or modifications thereof, except for the final effluent limitations set forth in said permit. Between the effective date of this Consent Order and the date for final compliance established in paragraph 5(i), 5(ii), 5(iii), 5(iv), 5(v), 5(vi), 5(vii) and 5(viii), Defendant is enjoined to comply with the interim effluent limitations set forth in Appendix "A", "B", "C", "D", "E", "F", "G" and "H" attached hereto. The interim effluent limits contained in Appendix "A", "B", "C", "D", "E", "F", "G" and "H" do not constitute an NPDES permit or a modification of any existing permit. After the dates set for final compliance in paragraphs 5, Defendant Scioto County is enjoined to meet the final effluent standards set forth in its NPDES permit Nos. OPH00009\*AD, W502\*BD, OPG00046\*AD, OPH00010\*AD, K501\*AD, W504\*BD, and H501\*AD, and any renewals or modifications thereof. Scioto County is hereby ordered and enjoined to properly operate and maintain its wastewater treatment plants and any associated equipment and structures. Scioto County is hereby ordered and enjoined to submit an approvable interim sludge management plan for all (8) eight Scioto County

Scioto County wastewater treatment plants subject to this Consent Order to the Ohio EPA within sixty days after filing of this Consent Order with the Court.

V. CONSTRUCTION SCHEDULE

5(i) Portsmouth Industrial Park

Defendant Scioto County is enjoined and ordered to eliminate discharges from overflows and bypasses from its sanitary sewer system and to complete construction of the improvements to its wastewater treatment plant described in the Municipal Compliance Plan submitted to Ohio EPA on March 22, 1989 and to attain compliance with the final effluent limitations of NPDES permit No. OPH00009\*AD and any modifications or renewals thereof in accordance with the following schedule:

<u>TASK</u>	<u>COMPLETION DATE</u>
(a) Initiation of Project Design Work	October 1, 1989
(b) Submittal of Approvable Plans and Specifications to Ohio EPA	December 1, 1990
(c) Advertisement of Building Bids	March 1, 1991
(d) Execution of Building Contracts	May 1, 1991
(e) Initiation of Construction	June 1, 1991
(f) Completion of construction of sufficient wetstream treatment facilities to ensure compliance with final effluent limits and the elimination of bypasses and	

overflows. Submittal of operation and maintenance manual for the wastewater treatment plant to Ohio EPA.

September 1, 1992

(g) Attain compliance with final effluent limitations, and eliminate overflows and bypasses.

October 1, 1992

(h) Submittal of an approvable final sludge management plan for wastewater treatment plant to Ohio EPA.

March 1, 1992

Within seven days from each completion date listed above, Defendant Scioto County shall submit a written report stating whether or not Scioto County has performed the action set forth therein to Ohio EPA's South Eastern District Office.

This Consent Order does not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Approval for any such construction or modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

5(ii) Purtee Acres

Defendant Scioto County is enjoined and ordered to eliminate discharges from overflows and bypasses from its sanitary sewer system and to complete construction of the improvements to its wastewater treatment plant described in the Municipal Compliance Plan submitted to Ohio EPA on February 7, 1989 and to attain compliance with the final effluent limitations of NPDES permit No. W502\*BD and any modifications or renewals thereof in accordance with the following schedule:

TASK

COMPLETION DATE

- |  |                   |
|--|-------------------|
| (a) Initiation of Project Design Work  | September 1, 1989 |
| (b) Submittal of Approvable Plans and Specifications to Ohio EPA   | June 1, 1990      |
| (c) Advertisement of Building Bids   | September 1, 1990 |
| (d) Execution of Building Contracts  | November 1, 1990  |
| (e) Initiation of Construction   | December 1, 1990  |
| (f) Completion of construction of sufficient wetstream treatment facilities to ensure compliance with final effluent limits and the elimination of bypasses and overflows. Submittal of operation and maintenance manual for the wastewater treatment plant to Ohio EPA. | August 1, 1991    |
| (g) Attain compliance with final effluent limitations, and eliminate overflows and bypasses.   | September 1, 1991 |
| (h) Submittal of an approvable final sludge management plan for wastewater treatment plant to Ohio EPA.  | March 1, 1992     |

Within seven days from each completion date listed above, Defendant Scioto County shall submit a written report stating whether or not Scioto County has performed the action set forth therein to Ohio EPA's South Eastern District Office.

This Consent Order does not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Approval for any such construction or modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

5(iii) Scaff-Starrett Subdivision

Defendant Scioto County is enjoined and ordered to eliminate discharges from overflows and bypasses from its sanitary sewer system and to complete construction of the improvements to its wastewater treatment plant described in the Municipal Compliance Plan submitted to Ohio EPA on February 7, 1989 and to attain compliance with the final effluent limitations of NPDES permit No. OPG00046\*AD and any modifications or renewals thereof in accordance with the following schedule:

<u>TASK</u>	<u>COMPLETION DATE</u>
(a) Initiation of Project Design Work	September 1, 1989
(b) Submittal of Approvable Plans and Specifications to Ohio EPA	May 1, 1990
(c) Advertisement of Building Bids	July 1, 1990
(d) Execution of Building Contracts	September 1, 1990
(e) Initiation of Construction	October 1, 1990
(f) Completion of construction of sufficient wetstream treatment facilities to ensure compliance with final effluent limits and the elimination of bypasses and overflows. Submittal of operation and maintenance manual for the wastewater treatment plant to Ohio EPA.	July 1, 1991
(g) Attain compliance with final effluent limitations, and eliminate overflows and bypasses.	August 1, 1991
(h) Submittal of an approvable final sludge management plant for wastewater treatment plant to Ohio EPA.	March 1, 1992

Within seven days from each completion date listed above, Defendant Scioto County shall submit a written report stating whether or not Scioto County has performed the action set forth therein to Ohio EPA's South Eastern District Office.

This Consent Order does not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Approval for any such construction or modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

5(iv) West Portsmouth

Defendant Scioto County is enjoined and ordered to eliminate discharges from overflows and bypasses from its sanitary sewer system and to complete construction of the improvements to its wastewater treatment plant described in the Municipal Compliance Plan submitted to Ohio EPA on March 22, 1989 and to attain compliance with the final effluent limitations of NPDES permit No. OPH00010\*AD and any modifications or renewals thereof in accordance with the following schedule:

<u>TASK</u>	<u>COMPLETION DATE</u>
(a) Initiation of Project Design Work	October 1, 1989
(b) Submittal of Approvable Plans and Specifications to Ohio EPA	December 1, 1990



- (c) Advertisement of Building Bids March 1, 1991
- (d) Execution of Building Contracts May 1, 1991
- (e) Initiation of Construction June 1, 1991
- (f) Completion of construction of sufficient wetstream treatment facilities to ensure compliance with final effluent limits and the elimination of bypasses and overflows. Submittal of operation and maintenance manual for the wastewater treatment plant to Ohio EPA. September 1, 1992
- (g) Attain compliance with final effluent limitations, and eliminate overflows and bypasses. October 1, 1992
- (h) Submittal of an approvable final sludge management plan for wastewater treatment plant to Ohio EPA. March 1, 1992

Within seven days from each completion date listed above, Defendant Scioto County shall submit a written report stating whether or not Scioto County has performed the action set forth therein to Ohio EPA's South Eastern District Office.

This Consent Order does not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Approval for any such construction or modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

5(v) Wheelersburg

Defendant Scioto County is enjoined and ordered to eliminate discharges from overflows and bypasses from its sanitary sewer system and to complete construction of the improvements to its wastewater treatment plant described in the Municipal Compliance Plan submitted to Ohio EPA on March 22, 1989 and to attain compliance with the final effluent limitations of NPDES permit No. K501\*AD and any modifications or renewals thereof in accordance with the following schedule:

<u>TASK</u>	<u>COMPLETION DATE</u>
(a) Initiation of Project Design Work	October 1, 1989
(b) Submittal of Approvable Plans and Specifications to Ohio EPA	October 1, 1990
(c) Advertisement of Building Bids	January 1, 1991
(d) Execution of Building Contracts	March 1, 1991
(e) Initiation of Construction	April 1, 1991
(f) Completion of construction of sufficient wetstream treatment facilities to ensure compliance with final effluent limits and the elimination of bypasses and overflows. Submittal of operation and maintenance manual for the wastewater treatment plant to Ohio EPA.	April 1, 1992
(g) Attain compliance with final effluent limitations, and eliminate overflows and bypasses.	May 1, 1992
(h) Submittal of an approvable final sludge management plan for wastewater treatment plant to Ohio EPA.	March 1, 1992

Within seven days from each completion date listed above, Defendant Scioto County shall submit a written report stating whether or not Scioto County has performed the action set forth therein to Ohio EPA's South Eastern District Office.

This Consent Order does not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Approval for any such construction or modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

5(vi) Tanglewood Subdivision

Defendant Scioto County is enjoined and ordered to eliminate discharges from overflows and bypasses from its sanitary sewer system and to complete construction of the improvements to its wastewater treatment plant described in the Municipal Compliance Plan submitted to Ohio EPA on February 7, 1989 and to attain compliance with the final effluent limitations of NPDES permit No. W504\*BD and any modifications or renewals thereof in accordance with the following schedule:

<u>TASK</u>	<u>COMPLETION DATE</u>
(a) Initiation of Project Design Work	September 1, 1989
(b) Submittal of Approvable Plans and Specifications to Ohio EPA	May 1, 1990

- (c) Advertisement of Building Bids August 1, 1990
- (d) Execution of Building Contracts October 1, 1990
- (e) Initiation of Construction November 1, 1990
- (f) Completion of construction of sufficient wetstream treatment facilities to ensure compliance with final effluent limits and the elimination of bypasses and overflows. Submittal of operation and maintenance manual for the wastewater treatment plant to Ohio EPA. July 1, 1991
- (g) Attain compliance with final effluent limitations, and eliminate overflows and bypasses. August 1, 1991
- (h) Submittal of an approvable final sludge management plan for wastewater treatment plant to Ohio EPA. March 1, 1992

Within seven days from each completion date listed above, Defendant Scioto County shall submit a written report stating whether or not Scioto County has performed the action set forth therein to Ohio EPA's South Eastern District Office.

This Consent Order does not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Approval for any such construction or modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

5(vii) Rosemount

Defendant Scioto County is enjoined and ordered to eliminate discharges from overflows and bypasses from its sanitary sewer system and to complete construction of the improvements to its

wastewater treatment plant described in the Municipal Compliance Plan submitted to Ohio EPA on February 7, 1989 and to attain compliance with the final effluent limitations of NPDES permit No. H501\*AD and any modifications or renewals thereof in accordance with the following schedule:

<u>TASK</u>	<u>COMPLETION DATE</u>
(a) Initiation of Project Design Work	October 1, 1989
(b) Submittal of Approvable Plans and Specifications to Ohio EPA	October 1, 1990
(c) Advertisement of Building Bids	January 1, 1991
(d) Execution of Building Contracts	April 1, 1991
(e) Initiation of Construction	May 1, 1991
(f) Completion of construction of sufficient wetstream treatment facilities to ensure compliance with final effluent limits and the elimination of bypasses and overflows. Submittal of operation and maintenance manual for the wastewater treatment plant to Ohio EPA.	May 1, 1992
(g) Attain compliance with final effluent limitations, and eliminate overflows and bypasses.	June 1, 1992
(h) Submittal of an approvable final sludge management plan for wastewater treatment plant to Ohio EPA.	March 1, 1992

Within seven days from each completion date listed above, Defendant Scioto County shall submit a written report stating whether or not Scioto County has performed the action set forth therein to Ohio EPA's South Eastern District Office.

This Consent Order does not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Approval for any such construction or modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

(viii) Briarcliff

Defendant Scioto County is enjoined and ordered to eliminate discharges from overflows and bypasses from its sanitary sewer system and to complete construction of the improvements to its wastewater treatment plant described in the Municipal Compliance Plan submitted to Ohio EPA on March 22, 1989 and to obtain compliance with the final effluent limitations of NPDES permit No. OPG00060 and any modifications or renewals thereof in accordance with the following schedule:

<u>TASK</u>	<u>COMPLETION DATE</u>
(a) Initiation of Project Design Work	September 1, 1990
(b) Submittal of Approvable Plans and Specifications to Ohio EPA	May 1, 1990
(c) Advertisement of Building Bids	July 1, 1990
(d) Execution of Building Contracts	September 1, 1990
(e) Initiation of Construction	October 1, 1990
(f) Completion of construction of sufficient wetstream treatment	

facilities to ensure compliance with final effluent limits and the elimination of bypasses and overflows. Submittal of operation and maintenance manual for the wastewater treatment plant to Ohio EPA.

June 1, 1991

(g) Attain compliance with final effluent limitations, and eliminate overflows and bypasses.

July 1, 1991

(h) Submittal of an approvable final sludge management plan for wastewater treatment plant to Ohio EPA.

March 1, 1992

Within seven days from each completion date listed above, Defendant Scioto County shall submit a written report stating whether or not Scioto County has performed the action set forth therein to Ohio EPA's South Eastern District Office.

This Consent Order does not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Approval for any such construction or modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

#### VI. CIVIL PENALTY

6. Defendant Scioto County shall pay to the State of Ohio a civil penalty of Twenty-seven Thousand Dollars (\$27,000.00). The penalty shall be paid by delivering to counsel for Plaintiff a certified check for that amount, payable to the order of Treasurer, State of Ohio" within forty-five (45) days from the date of entry of this Consent Order.

VII. STIPULATED PENALTIES

7. In the event that Defendant Scioto County fails to meet any of the requirements of this Consent Order set forth in Paragraphs 4, 5(i)(c), 5 (d), 5 (e), 5(f) and 5 (h); 5(ii)(c), 5 (d), 5 (e), 5 (f) and 5(h); 5(iii)(c), 5 (d), 5 (e), 5(f) and 5(h); 5(iv)(c), 5 (d), 5 (e), 5(f) and 5(h); 5(v)(c), 5 (d), 5 (e), 5(f) and 5(h); 5(vi)(c), 5 (d), 5 (e), 5(f) and 5(h); 5(vii)(c), 5 (d), 5 (e), 5(f) and 5(h); 5(viii)(c), 5 (d), 5 (e), 5(f) and 5(h); including any scheduled milestone requirement, the Defendant shall immediately and automatically be liable for and shall pay a stipulated penalty according to the following payment schedule. For each day of failure to meet a requirement, up to thirty (30) days - Five Hundred Dollars (\$500.00) per day. For each day of failure to meet a requirement, from thirty-one (31) to sixty days (60) - One Thousand Dollars (\$1,000.00) per day. For each day of failure to meet a requirement, from sixty-one (61) to ninety (90) days - Two Thousand Five Hundred Dollars (\$2,500.00). For each day of failure to meet a requirement, over ninety days (90) days - Three Thousand Five Hundred Dollars (\$3,500.00) per day.

8. In the event that Defendant Scioto County fails to meet any of the requirements of this Consent Order set forth in Subparagraph 5(i)(g), 5(ii)(g), 5(iii)(g), 5(iv)(g), 5(v)(g), 5(vi)(g), 5(vii)(g) or 5(viii)(g) the Defendant shall immediately and automatically be liable for payment of a



stipulated penalty of \$5,000.00 per day of violation of said requirement. The Defendant shall be liable for an additional stipulated penalty of One Thousand Dollars (\$1,000.00) per day of violation if the failure to comply continues for more than thirty (30) days, i.e. Six Thousand Dollars (\$6,000.00) per day of violation. In the event that failure to comply with any of the requirements of Subparagraph 5(i)(g), 5(ii)(g), 5(iii)(g), 5(iv)(g), 5(v)(g), 5(vi)(g), 5(vii)(g) or 5(viii)(g) continues more than sixty (60) days, Defendant shall be liable for an additional Four Thousand Dollars (\$4,000.00) per day of violation, i.e., Ten Thousand Dollars (\$10,000.00) per day of violation.

9. Any payment required to be made under the provisions of Paragraphs 7 or 8 of this Order shall be made by delivering to Plaintiff's counsel a certified check or checks for the appropriate amounts, within forty-five (45) days from the date of the failure to meet the requirement of the Consent Order, made payable to "Treasurer, State of Ohio".

#### VIII. RETENTION OF JURISDICTION

10. 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 Consent Order.

IX. COSTS

11. Defendant Scioto County is hereby ordered to pay the costs of this action.


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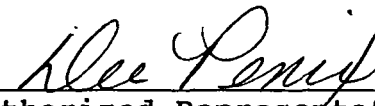
JUDGE, COURT OF COMMON PLEAS

APPROVED:

STATE OF OHIO, ex rel.  
ANTHONY J. CELEBREZZE, JR.  
ATTORNEY GENERAL OF OHIO

BY:

  
EDWARD S. DIMITRY  
Assistant Attorney General  
30 East Broad Street, 25th Flr.  
Columbus, Ohio 43266-0410  
(614) 466-2766

  
Authorized Representative of  
Scioto County Commissioners

7214E

PORTSMOUTH INDUSTRIAL PARK

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS  
FOR OUTFALL OPH00009001

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
Reporting Code	UNITS	PARAMETER	Concentration		Loading		Meas. Freq.	Sample Type
			Other Units (Specify)		kg/day			
			30 day	7 day	30 day	7 day		
00010	°C	Temperature	-	-	-	-	Daily	Grab
00310	mg/l	BOD <sub>5</sub>	150	225	-	-	2/Week	Composite
00530	mg/l	Suspended Solids	150	225	-	-	2/Week	Composite
00550	mg/l	Oil & Grease	-	-	-	-	1/Qtr.	Grab
00610	mg/l	Ammonia (N)	-	-	-	-	2/Month	Composite
31616	Count /100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	1/Week	Grab
50050	MGD	Flow	-	-	-	-	Daily	Continuous
80082	mg/l	CBOD <sub>5</sub>	-	-	-	-	2/Week	Composite

1. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored daily by grab sample.
2. If the entity uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.5 mg/l and shall be monitored daily by grab sample.
3. The Dissolved Oxygen (Reporting Code 00300) shall be monitored daily by grab sample.

6280P

APPENDIX A

PURTEE ACRES

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS  
FOR OUTFALL OPG00051001

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
Reporting Code	UNITS	PARAMETER	Concentration		Loading		Meas. Freq.	Sample Type
			Other Units (Specify)		kg/day			
			30 day	7 day	30 day	7 day		
00010	°C	Temperature	-	-	-	-	Daily	Grab
00310	mg/l	BOD <sub>5</sub>	30	45	-	-	1/Week	Composite
00530	mg/l	Suspended Solids	30	45	-	-	1/Week	Composite
00610	mg/l	Ammonia (N) (Summer)	-	-	-	-	2/Month	Composite
31616	Count /100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	1/Month	Grab
50050	MGD	Flow	-	-	-	-	Daily	Continuous
80082	mg/l	CBOD <sub>5</sub>	-	-	-	-	1/Week	Composite

1. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored 1/week by grab sample.
2. If the entity uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.5 mg/l and shall be monitored 1/week by grab sample. (Summer Only)
3. The Dissolved Oxygen (Reporting Code 00300) shall be monitored 1/week by grab sample.

6281P

APPENDIX B

SCAFF - STARRETT

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS  
FOR OUTFALL OPG00046001

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
Reporting Code	UNITS	PARAMETER	Concentration		Loading		Meas. Freq.	Sample Type
			Other Units (Specify)	30 day	7 day	30 day		
00010	°C	Temperature	-	-	-	-	Daily	Grab
00530	mg/l	Suspended Solids	12	18	-	-	1/Week	Composite
00610	mg/l	Ammonia (N)	2	3	-	-	2/Month	Composite
31616	Count /100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	1/Month	Grab
50050	MGD	Flow	-	-	-	-	Daily	Continuous
80082	mg/l	CBOD <sub>5</sub>	10	15	-	-	2/Month	Grab

1. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored 1/week by grab sample. (Summer Only)
2. If the entity uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.5 mg/l and shall be monitored 1/week by grab sample. (Summer Only)
3. The Dissolved Oxygen (Reporting Code 00300) shall be maintained at a level of not less than 5.0 mg/l and shall be monitored 1/week by grab sample.

6283P

APPENDIX C

WEST PORTSMOUTH

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS  
FOR OUTFALL OPH000010001

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
Reporting Code	UNITS	PARAMETER	Concentration		Loading		Meas. Freq.	Sample Type
			Other Units (Specify)		kg/day			
			30 day	7 day	30 day	7 day		
00010	°C	Temperature	-	-	-	-	Daily	Grab
00310	mg/l	BOD <sub>5</sub>	40	60	-	-	2/Week	Composite
00530	mg/l	Suspended Solids	40	60	-	-	2/Week	Composite
00550	mg/l	Oil & Grease	-	-	-	-	1/Qtr.	Grab
00610	mg/l	Ammonia (N) (Summer)	-	-	-	-	2/Month	Composite
31616	Count /100ml	Fecal Coliform (Summer Only)	-	-	-	-	1/Week	Grab
50050	MGD	Flow	-	-	-	-	Daily	Continuous
80082	mg/l	CBOD <sub>5</sub>	-	-	-	-	2/Week	Composite

1. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored daily by grab sample.
2. If the entity uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.5 mg/l and shall be monitored daily by grab sample. (Summer Only)
3. The Dissolved Oxygen (Reporting Code 00300) shall be monitored daily by grab sample.

6286P

APPENDIX D

WHEELERSBURG

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS  
FOR OUTFALL OPK00001001

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
Reporting Code	UNITS	PARAMETER	Concentration		Loading		Meas. Freq.	Sample Type
			Other Units (Specify)		kg/day			
			30 day	7 day	30 day	7 day		
00010	°C	Temperature	-	-	-	-	Daily	Continuous
00310	mg/l	BOD <sub>5</sub>	30	45	-	-	3/Week	Composite
00530	mg/l	Suspended Solids	30	45	-	-	3/Week	Composite
00550	mg/l	Oil & Grease	-	-	-	-	1/Week	Grab
00610	mg/l	Ammonia (N)						
		(Summer)	-	-	-	-	3/Week	Composite
		(Winter)	-	-	-	-	3/Week	Composite
31616	Count /100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	3/Week	Grab
50050	MGD	Flow	-	-	-	-	Daily	Continuous
80082	mg/l	CBOD <sub>5</sub>	-	-	-	-	3/Week	Composite

1. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored daily by grab sample.
2. If the entity uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.5 mg/l and shall be monitored daily by grab sample. (Summer Only)
3. The Dissolved Oxygen (Reporting Code 00300) shall be monitored daily by grab sample.

6284P

TANGLEWOOD

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS  
FOR OUTFALL OPG00050001

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
Reporting Code	UNITS	PARAMETER	Concentration Other Units (Specify)		Loading kg/day		Meas. Freq.	Sample Type
			30 day	7 day	30 day	7 day		
00010	°C	Temperature	-	-	-	-	Daily	Grab
00530	mg/l	Suspended Solids	30	45	-	-	1/Week	Composite
00610	mg/l	Ammonia (N) (Summer)	-	-	-	-	2/Month	Composite
31616	Count /100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	1/Week	Grab
50050	MGD	Flow	-	-	-	-	Daily	Continuous
80082	mg/l	CBOD <sub>5</sub>	25	40	-	-	1/Week	Composite

1. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored 1/week daily by grab sample.
2. If the entity uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.5 mg/l and shall be monitored 1/week by grab sample. (Summer Only)
3. The Dissolved Oxygen (Reporting Code 00300) shall be monitored 1/week by grab sample.

6285P



## ROSEMONT

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS  
FOR OUTFALL OPH00001001

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
Reporting Code	UNITS	PARAMETER	Concentration		Loading		Meas. Freq.	Sample Type
			Other Units (Specify)		kg/day			
			30 day	7 day	30 day	7 day		
00010	°C	Temperature	-	-	-	-	Daily	Continuous
00310	mg/l	BOD <sub>5</sub>	40	60	-	-	2/Week	Composite
00530	mg/l	Suspended Solids	40	60	-	-	2/Week	Composite
00550	mg/l	Oil & Grease	-	-	-	-	1/Qtr.	Grab
00610	mg/l	Ammonia (N) (Summer)	-	-	-	-	2/Month	Composite
31616	Count /100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	1/Week	Grab
50050	MGD	Flow	-	-	-	-	Daily	Continuous
80082	mg/l	CBOD <sub>5</sub>	-	-	-	-	2/Week	Composite

1. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored daily by grab sample.
2. If the entity uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.5 mg/l and shall be monitored daily by grab sample. (Summer Only)
3. The Dissolved Oxygen (Reporting Code 00300) shall be monitored daily by grab sample.

6279P

APPENDIX G

BRIARCLIFF

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS  
FOR OUTFALL OPG00060001

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
Reporting Code	UNITS	PARAMETER	Concentration		Loading		Meas. Freq.	Sample Type
			Other Units (Specify)		kg/day			
			30 day	7 day	30 day	7 day		
00010	°C	Temperature	-	-	-	-	Daily	Grab
00530	mg/l	Suspended Solids	30	45	-	-	2/Month	Grab
00610	mg/l	Ammonia (N)	-	-	-	-	2/Month	Grab
31616	Count /100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	1/Month	Grab
50050	MGD	Flow	-	-	-	-	Daily	Total
80082	mg/l	CBOD <sub>5</sub>	25	40	-	-	2/Month	Grab

1. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored 2/month by grab sample. (Summer Only)
2. The Dissolved Oxygen (Reporting Code 00300) shall be monitored 2/month by grab sample.

6282P

IN THE MATTER OF COMMUNICATION FROM THE SCIOTO COUNTY  
DEPARTMENT OF HUMAN SERVICES RE. A PROPOSAL FROM  
ATEK FOR IV-D ENFORCEMENT SOFTWARE, TRAINING,  
INSTALLATION AND FIRST YEAR SUPPORT SERVICE

It was moved by Mr. Ogg and seconded by Mr. Knauff that a letter dated September 1, 1989, advising that the Lease Option as required by the Ohio Dept. of Human Services, a copy of Administrative Procedure Letter No.135, excluding the installation and training cost of \$383.00 <sup>monthly</sup> for one (1) year, be accepted and approved.

As to such action, each member voted as follows:

Mr. Ogg "aye" Mr. Knauff "aye" Mrs. Penix "aye"

IN THE MATTER OF RESOLUTION VACATING POWELL ROAD, BRUSH  
CREEK TOWNSHIP, OTWAY, OHIO

It was moved by Mr. Ogg and seconded by Mr. Knauff that the following resolution be adopted:

RESOLUTION

WHEREAS, the Board of County Commissioners of Scioto County, Ohio in accordance with Section 5553.04 of the Ohio Revised Code, has determined the public convenience and welfare would be best served by vacation of Powell Road (T.R. 343), in Brush Creek Township, Otway, Ohio described as follows:

Beginning at S.R. 73 about one mile north of Otway, Ohio and extending in a westerly direction a distance of 0.35 of a mile to its termination.

This road has not been used for a period of approximately ten years.

WHEREAS a petition was submitted by Fillard Tolle, Jerry White, Kenneth R. White and David R. White, being the only abutting landowners, and

WHEREAS, notice of viewing of the site of the proposed vacation and date of final hearing was advertised in the Portsmouth Daily Times on July 25, 1989, with written notice to the abutting land owners and other interested parties; and

WHEREAS, the location of the proposed vacation was viewed by Dee Penix, William L. Ogg and John P. Knauff, Scioto County Commissioners on Thursday, August 24, 1989, and

WHEREAS, a hearing was held on August 24, 1989, at the Township Hall, Rt. 73, Otway, Ohio with thirteen people in attendance, and

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Scioto County, Ohio finds that the closing of Powell Road will not cause any undue hardship on anyone in the vicinity or citizens of Scioto County.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Scioto County, Ohio that the above described Powell Road is vacated with the provision for right of easement to Scioto County, Ohio for the purpose of sewer, water, gas or electric.

As to such action, each member voted as follows:

Mr. Ogg "aye" Mr. Knauff "aye" Mrs. Penix "aye"

IN THE MATTER OF AJOURNMENT

It was moved by Mr. Knauff and seconded by Mr. Ogg that the meeting be adjourned.

As to such action, each member voted as follows:

Mr. Knauff "aye" Mr. Ogg "aye" Mrs. Penix "aye"

BOARD OF SCIOTO COUNTY COMMISSIONERS

*Dee Penix* *William L. Ogg* *John P. Knauff*

ATTEST: *Wesley Schmitt*

\*IN THE MATTER OF CONSENT ORDER RELATIVE TO EPA FINDINGS

It was moved by Mr. Knauff and seconded by Mr. Ogg that after a meeting with the Prosecuting Attorney regarding receipt of a letter from the Attorney General of Ohio, the Commissioners have agreed with the payment of \$27,000., be approved.

Commissioners Journal  
Journal 54 Page 46  
Date 9/17/89

IN THE COURT OF COMMON PLEAS  
SCIOTO COUNTY, OHIO

STATE OF OHIO, ex rel  
LEE FISHER  
ATTORNEY GENERAL OF OHIO

CASE NO. 89-CI-313  
JUDGE \_\_\_\_\_

Plaintiff,

vs.

BOARD OF COUNTY COMMISSIONERS  
OF SCIOTO COUNTY, OHIO

Defendant.

AMENDED CONSENT ORDER

The Complaint in the above-captioned matter having been filed herein, and the Plaintiff State of Ohio by its Attorney General Lee Fisher (hereinafter "Plaintiff") and Defendant Board of County Commissioners of Scioto County, Ohio (hereinafter "Scioto County") having consented to the entry of this Order,

NOW THEREFORE, without trial of any issue of fact or law, and upon motion and 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 Defendant under Chapter 6111 of the Ohio Revised Code, and venue is proper in this Court.

II. PARTIES

2. The provisions of this Amended Consent Order shall

apply and be binding upon the parties to this action, their agents, officers, employees, assigns, successors in interest and any person acting in concert or privity with any of them. Defendant Scioto County shall provide a copy of this Amended Consent Order to each contractor it employs to perform work itemized herein, and each general contractor shall provide a copy of this Amended Consent Order to each of its subcontractors for such work.

#### IV. EFFECT OF THIS AMENDED CONSENT ORDER

3. This Amended Consent Order is entered pursuant to the joint motion of the parties for the purpose of resolving any contempt of the Consent Order entered by the Court in this action on October 13, 1989 resulting from Defendant's failure to complete tasks associated with improvements to certain of its wastewater treatment plants by the date provided in the October 13, 1989 Consent Order. Upon entry, this Amended Consent Order shall supersede the Consent Order of October 13, 1989 in its entirety.

#### IV. SATISFACTION OF LAWSUIT

4. Plaintiff alleges in its Complaint that Defendant has operated its wastewater treatment plant and sewer system in such a manner as to result in numerous violations of the discharge limitations and monitoring requirements of the NPDES Permit issued to it by the Director of Ohio EPA and in violation of the water pollution laws of the State of Ohio. Compliance with the terms of this Amended Consent Order shall

constitute full satisfaction of any civil liability by Defendant for all claims under such laws alleged in the Complaint. Nothing in this Order shall be construed to limit the authority of the State of Ohio to seek relief for claims or conditions not alleged in the Complaint, including violations which occur after the filing of the Complaint. Compliance with the terms of this Amended Consent Order shall resolve any contempt of the Consent Order entered by the Court in this action on October 13, 1989 resulting from Defendant's failure to complete tasks associated with improvements to certain of its wastewater treatment plants by the dates provided in the October 13, 1989 Consent Order. By consenting to the entry of this Consent Order, Defendant does not admit to the allegations in the Complaint.

V. COMPLIANCE SCHEDULE

5. Defendant Scioto County is hereby enjoined and ordered to immediately comply with the requirements of Chapter 6111 of the Ohio Revised Code and the terms and conditions of the rules and regulations adopted under that Chapter and its currently effective NPDES Permit, and any renewals or modifications thereof, except for the final effluent limitations set forth in said permit. Between the effective date of this Amended Consent Order and the date for final compliance established in paragraph 6(i), 6(ii), 6(iii), 6(iv), 6(v), 6(vi), 6(vii) and 6(viii), Defendant is enjoined to comply with the interim effluent limitations set forth in Appendix "A", "B", "C", "D", "E", "F", "G" and "H" attached hereto. The interim effluent

limits contained in Appendix "A", "B", "C", "D", "E", "F", "G" and "H" do not constitute an NPDES permit or a modification of any existing permit. After the dates set for final compliance in paragraphs 6, Defendant Scioto County is enjoined to meet the final effluent standards set forth in its NPDES permit Nos. OPH00009\*AD, W502\*BD, OPG00046\*AD, OPH00010\*AD, K501\*AD, W504\*BD, and H501\*AD, and any renewals or modifications thereof. Scioto County is hereby ordered and enjoined to properly operate and maintain its wastewater treatment plants and any associated equipment and structures.

VI. CONSTRUCTION SCHEDULE

6(i) Portsmouth Industrial Park

Defendant Scioto County is enjoined and ordered to eliminate discharges from overflows and bypasses from its sanitary sewer system and to complete construction of the improvements to its wastewater treatment plant described in the Municipal Compliance Plan submitted to Ohio EPA on March 22, 1989 and to attain compliance with the final effluent limitations of NPDES permit No. OPH00009\*AD and any modifications or renewals thereof in accordance with the following schedule:

<u>TASK</u>	<u>COMPLETION DATE</u>
(a) Initiation of Project Design Work	Completed
(b) Submittal of Approvable Plans and Specifications to Ohio EPA	Completed
(c) Advertisement of Building Bids	Completed

- |  |                   |
|--|-------------------|
| (d) Execution of Building Contracts  | Completed         |
| (e) Initiation of Construction   | Completed         |
| (f) Completion of construction of sufficient wetstream treatment facilities to ensure compliance with final effluent limits and the elimination of bypasses and overflows. Submittal of operation and maintenance manual for the wastewater treatment plant to Ohio EPA. | September 1, 1992 |
| (g) Attain compliance with final effluent limitations, and eliminate overflows and bypasses.   | February 1, 1993  |
| (h) Submittal of an approvable final sludge management plan for wastewater treatment plant to Ohio EPA.  | September 1, 1992 |

Within seven days from each completion date listed above, Defendant Scioto County shall submit a written report stating whether or not Scioto County has performed the action set forth therein to Ohio EPA's South Eastern District Office.

This Amended Consent Order does not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Approval for any such construction or modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

6(ii) Purtee Acres

Defendant Scioto County is enjoined and ordered to eliminate discharges from overflows and bypasses from its sanitary sewer system and to complete construction of the improvements to its wastewater treatment plant described in the Municipal Compliance Plan submitted to Ohio EPA on February 7,



1989 and to attain compliance with the final effluent limitations of NPDES permit No. W502\*BD and any modifications or renewals thereof in accordance with the following schedule:

<u>TASK</u>	<u>COMPLETION DATE</u>
(a) Initiation of Project Design Work	Completed
(b) Submittal of Approvable Plans and Specifications to Ohio EPA	Completed
(c) Advertisement of Building Bids	Completed
(d) Execution of Building Contracts	Completed
(e) Initiation of Construction	Completed
(f) Completion of construction of sufficient wetstream treatment facilities to ensure compliance with final effluent limits and the elimination of bypasses and overflows. Submittal of operation and maintenance manual for the wastewater treatment plant to Ohio EPA.	Completed
(g) Attain compliance with final effluent limitations, and eliminate overflows and bypasses.	Completed
(h) Submittal of an approvable final sludge management plan for wastewater treatment plant to Ohio EPA.	September 1, 1992

Within seven days from each completion date listed above, Defendant Scioto County shall submit a written report stating whether or not Scioto County has performed the action set forth therein to Ohio EPA's South Eastern District Office.

This Amended Consent Order does not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Approval for any such construction or

modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

6(iii) Scaff-Starrett Subdivision

Defendant Scioto County is enjoined and ordered to eliminate discharges from overflows and bypasses from its sanitary sewer system and to complete construction of the improvements to its wastewater treatment plant described in the Municipal Compliance Plan submitted to Ohio EPA on February 7, 1989 and to attain compliance with the final effluent limitations of NPDES permit No. OPG00046\*AD and any modifications or renewals thereof in accordance with the following schedule:

<u>TASK</u>	<u>COMPLETION DATE</u>
(a) Initiation of Project Design Work	Completed
(b) Submittal of Approvable Plans and Specifications to Ohio EPA	Completed
(c) Advertisement of Building Bids	Completed
(d) Execution of Building Contracts	Completed
(e) Initiation of Construction	Completed
(f) Completion of construction of sufficient wetstream treatment facilities to ensure compliance with final effluent limits and the elimination of bypasses and overflows. Submittal of operation and maintenance manual for the wastewater treatment plant to Ohio EPA.	Completed
(g) Attain compliance with final effluent limitations, and eliminate overflows and bypasses.	Completed

(h) Submittal of an approvable final  
sludge management plant for waste-  
water treatment plant to Ohio EPA.

September 1, 1992

Within seven days from each completion date listed above, Defendant Scioto County shall submit a written report stating whether or not Scioto County has performed the action set forth therein to Ohio EPA's South Eastern District Office.

This Amended Consent Order does not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Approval for any such construction or modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

6(iv) West Portsmouth

Defendant Scioto County is enjoined and ordered to eliminate discharges from overflows and bypasses from its sanitary sewer system and to complete construction of the improvements to its wastewater treatment plant described in the Municipal Compliance Plan submitted to Ohio EPA on March 22, 1989 and to attain compliance with the final effluent limitations of NPDES permit No. OPH00010\*AD and any modifications or renewals thereof in accordance with the following schedule:

TASK

COMPLETION DATE

(a) Initiation of Project Design Work

Completed

- (b) Submittal of Approvable Plans and Specifications to Ohio EPA Completed
- (c) Advertisement of Building Bids April 1, 1992
- (d) Execution of Building Contracts June 1, 1992
- (e) Initiation of Construction July 1, 1992
- (f) Completion of construction of sufficient wetstream treatment facilities to ensure compliance with final effluent limits and the elimination of bypasses and overflows. Submittal of operation and maintenance manual for the wastewater treatment plant to Ohio EPA. July 1, 1993
- (g) Attain compliance with final effluent limitations, and eliminate overflows and bypasses. September 1, 1993
- (h) Submittal of an approvable final sludge management plan for wastewater treatment plant to Ohio EPA. September 1, 1993

Within seven days from each completion date listed above, Defendant Scioto County shall submit a written report stating whether or not Scioto County has performed the action set forth therein to Ohio EPA's South Eastern District Office.

This Amended Consent Order does not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Approval for any such construction or modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

6(v) Wheelersburg

Defendant Scioto County is enjoined and ordered to eliminate discharges from overflows and bypasses from its

sanitary sewer system and to complete construction of the improvements to its wastewater treatment plant described in the Municipal Compliance Plan submitted to Ohio EPA on March 22, 1989 and to attain compliance with the final effluent limitations of NPDES permit No. K501\*AD and any modifications or renewals thereof in accordance with the following schedule:

<u>TASK</u>	<u>COMPLETION DATE</u>
(a) Initiation of Project Design Work	Completed
(b) Submittal of Approvable Plans and Specifications to Ohio EPA	Completed
(c) Advertisement of Building Bids	Completed
(d) Execution of Building Contracts	Completed
(e) Initiation of Construction	Completed
(f) Completion of construction of sufficient wetstream treatment facilities to ensure compliance with final effluent limits and the elimination of bypasses and overflows. Submittal of operation and maintenance manual for the wastewater treatment plant to Ohio EPA.	October 1, 1992
(g) Attain compliance with final effluent limitations, and eliminate overflows and bypasses.	November 1, 1992
(h) Submittal of an approvable final sludge management plan for wastewater treatment plant to Ohio EPA.	September 1, 1992

Within seven days from each completion date listed above, Defendant Scioto County shall submit a written report stating whether or not Scioto County has performed the action set forth therein to Ohio EPA's South Eastern District Office.

This Amended Consent Order does not constitute authorization

or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Approval for any such construction or modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

6(vi) Tanglewood Subdivision

Defendant Scioto County is enjoined and ordered to eliminate discharges from overflows and bypasses from its sanitary sewer system and to complete construction of the improvements to its wastewater treatment plant described in the Municipal Compliance Plan submitted to Ohio EPA on February 7, 1989 and to attain compliance with the final effluent limitations of NPDES permit No. W504\*BD and any modifications or renewals thereof in accordance with the following schedule:

<u>TASK</u>	<u>COMPLETION DATE</u>
(a) Initiation of Project Design Work	Completed
(b) Submittal of Approvable Plans and Specifications to Ohio EPA	Completed
(c) Advertisement of Building Bids	Completed
(d) Execution of Building Contracts	Completed
(e) Initiation of Construction	Completed
(f) Completion of construction of sufficient wetstream treatment facilities to ensure compliance with final effluent limits and the elimination of bypasses and overflows. Submittal of operation and maintenance manual for the wastewater treatment plant to Ohio EPA.	Completed

(g) Attain compliance with final effluent limitations, and eliminate overflows and bypasses. Completed

(h) Submittal of an approvable final sludge management plan for wastewater treatment plant to Ohio EPA. September 1, 1992

Within seven days from each completion date listed above, Defendant Scioto County shall submit a written report stating whether or not Scioto County has performed the action set forth therein to Ohio EPA's South Eastern District Office.

This Amended Consent Order does not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Approval for any such construction or modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

6(vii) Rosemount

Defendant Scioto County is enjoined and ordered to eliminate discharges from overflows and bypasses from its sanitary sewer system and to complete construction of the improvements to its wastewater treatment plant described in the Municipal Compliance Plan submitted to Ohio EPA on February 7, 1989 and to attain compliance with the final effluent limitations of NPDES permit No. H501\*AD and any modifications or renewals thereof in accordance with the following schedule:

TASK

COMPLETION DATE

- |  |                   |
|--|-------------------|
| (a) Initiation of Project Design Work  | Completed         |
| (b) Submittal of Approvable Plans and Specifications to Ohio EPA   | Completed         |
| (c) Advertisement of Building Bids   | Completed         |
| (d) Execution of Building Contracts  | Completed         |
| (e) Initiation of Construction   | Completed         |
| (f) Completion of construction of sufficient wetstream treatment facilities to ensure compliance with final effluent limits and the elimination of bypasses and overflows. Submittal of operation and maintenance manual for the wastewater treatment plant to Ohio EPA. | August 1, 1992    |
| (g) Attain compliance with final effluent limitations, and eliminate overflows and bypasses.   | September 1, 1992 |

Within seven days from each completion date listed above, Defendant Scioto County shall submit a written report stating whether or not Scioto County has performed the action set forth therein to Ohio EPA's South Eastern District Office.

This Amended Consent Order does not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Approval for any such construction or modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

6(viii) Briarcliff

Defendant Scioto County is enjoined and ordered to



eliminate discharges from overflows and bypasses from its sanitary sewer system and to complete construction of the improvements to its wastewater treatment plant described in the Municipal Compliance Plan submitted to Ohio EPA on March 22, 1989 and to obtain compliance with the final effluent limitations of NPDES permit No. OPG00060 and any modifications or renewals thereof in accordance with the following schedule:

<u>TASK</u>	<u>COMPLETION DATE</u>
(a) Initiation of Project Design Work	Completed
(b) Submittal of Approvable Plans and Specifications to Ohio EPA	Completed
(c) Advertisement of Building Bids	Completed
(d) Execution of Building Contracts	Completed
(e) Initiation of Construction	Completed
(f) Completion of construction of sufficient wetstream treatment facilities to ensure compliance with final effluent limits and the elimination of bypasses and overflows. Submittal of operation and maintenance manual for the wastewater treatment plant to Ohio EPA.	Completed
(g) Attain compliance with final effluent limitations, and eliminate overflows and bypasses.	Completed
(h) Submittal of an approvable final sludge management plan for wastewater treatment plant to Ohio EPA.	September 1, 1992

Within seven days from each completion date listed above, Defendant Scioto County shall submit a written report stating whether or not Scioto County has performed the action set forth therein to Ohio EPA's South Eastern District Office.

This Amended Consent Order does not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Approval for any such construction or modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

VII. PAYMENT OF STIPULATED PENALTIES

7. Defendant Scioto County shall pay to the State of Ohio stipulated penalties of Sixteen Thousand Seven Hundred Fifty Dollars (\$16,750.00) for violations of the Consent Order of October 13, 1991. The penalty shall be paid by delivering to counsel for Plaintiff a certified check for that amount, payable to the order of Treasurer, State of Ohio within forty-five (45) days from the date of entry of this Amended Consent Order.

VIII. STIPULATED PENALTIES

8. In the event that Defendant Scioto County fails to meet any of the requirements of this Amended Consent Order set forth in Paragraphs 5, 6(i); 6(f) and 6(h); 6(ii)(h); 6(iii)(h); 6(iv)(c), 6(d), 6(e), 6(f) and 6(h); 6(v)(f) and 6(h); 6(vi)(h); 6(vii)(f); 6(viii)(h); including any scheduled milestone requirement, the Defendant shall immediately and automatically be liable for and shall pay a stipulated penalty according to the following payment schedule. For each day of failure to meet a requirement, up to thirty (30) days - Five Hundred Dollars (\$500.00) per day. For each day of failure to

meet a requirement, from thirty-one (31) to sixty days (60) - One Thousand Dollars (\$1,000.00) per day. For each day of failure to meet a requirement, from sixty-one (61) to ninety (90) days - Two Thousand Five Hundred Dollars (\$2,500.00). For each day of failure to meet a requirement, over ninety days (90) days - Three Thousand Five Hundred Dollars (\$3,500.00) per day.

9. In the event that Defendant Scioto County fails to meet any of the requirements of this Amended Consent Order set forth in Subparagraph 6(i)(g), 6(iv)(g), 6(v)(g), or 6(vii)(g) the Defendant shall immediately and automatically be liable for payment of a stipulated penalty of \$5,000.00 per day of violation of said requirement. The Defendant shall be liable for an additional stipulated penalty of One Thousand Dollars (\$1,000.00) per day of violation if the failure to comply continues for more than thirty (30) days, i.e. Six Thousand Dollars (\$6,000.00) per day of violation. In the event that failure to comply with any of the requirements of Subparagraph 6(i)(g), 6(iv)(g), 6(v)(g), 6(vii)(g) or continues more than sixty (60) days, Defendant shall be liable for an additional Four Thousand Dollars (\$4,000.00) per day of violation, i.e., Ten Thousand Dollars (\$10,000.00) per day of violation.

10. Any payment required to be made under the provisions of Paragraphs 8 or 9 of this Order shall be made by delivering to Plaintiff's counsel a certified check or checks for the appropriate amounts, within forty-five (45) days from the date of the failure to meet the requirement of the Amended Consent

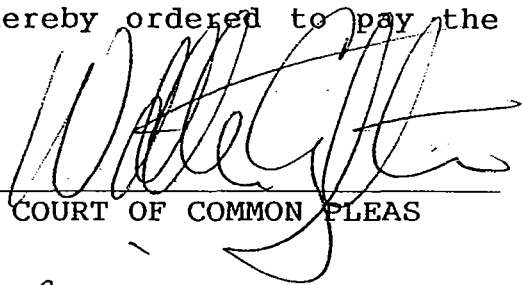
Order, made payable to "Treasurer, State of Ohio".

IX. RETENTION OF JURISDICTION

11. 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 Amended Consent Order.

XI. COSTS

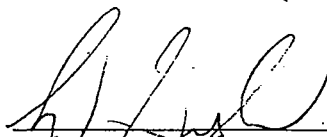
12. Defendant Scioto County is hereby ordered to pay the costs of this action.



JUDGE, COURT OF COMMON PLEAS


APPROVED:

STATE OF OHIO, ex rel.  
LEE FISHER  
ATTORNEY GENERAL OF OHIO



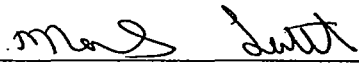
**LYNN ALAN GRIMSHAW**  
Scioto County Prosecuting Atty.  
Scioto County Courthouse, Rm. 310  
Portsmouth, Ohio 45662

BY:



**ROBERT E. ASHTON**  
Assistant Attorney General  
30 E. Broad Street, 25th Flr.  
Columbus, Ohio 43266-0410  
(614) 466-2766

Counsel for Plaintiff



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0859E/3-19

PORTSMOUTH INDUSTRIAL PARK

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS  
FOR OUTFALL OPH00009001

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
Reporting Code	UNITS	PARAMETER	Concentration		Loading		Meas. Freq.	Sample Type
			Other Units (Specify)		kg/day			
			30 day	7 day	30 day	7 day		
00010	°C	Temperature	-	-	-	-	Daily	Grab
00310	mg/l	BOD <sub>5</sub>	150	225	-	-	2/Week	Composite
00530	mg/l	Suspended Solids	150	225	-	-	2/Week	Composite
00550	mg/l	Oil & Grease	-	-	-	-	1/Qtr.	Grab
00610	mg/l	Ammonia (N)	-	-	-	-	2/Month	Composite
31616	Count /100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	1/Week	Grab
50050	MGD	Flow	-	-	-	-	Daily	Continuous
80082	mg/l	CBOD <sub>5</sub>	-	-	-	-	2/Week	Composite

1. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored daily by grab sample.
2. If the entity uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.5 mg/l and shall be monitored daily by grab sample.
3. The Dissolved Oxygen (Reporting Code 00300) shall be monitored daily by grab sample.

6280P

APPENDIX A

PURTEE ACRES

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS  
FOR OUTFALL OPG00051001

<u>EFFLUENT CHARACTERISTIC</u>		<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
Reporting Code	UNITS PARAMETER	Concentration Other Units (Specify)		Loading kg/day		Meas. Freq.	Sample Type
		30 day	7 day	30 day	7 day		
00010	°C Temperature	-	-	-	-	Daily	Grab
00310	mg/l BOD <sub>5</sub>	30	45	-	-	1/Week	Composite
00530	mg/l Suspended Solids	30	45	-	-	1/Week	Composite
00610	mg/l Ammonia (N) (Summer)	-	-	-	-	2/Month	Composite
31616	Count Fecal Coliform /100ml (Summer Only)	1000	2000	-	-	1/Month	Grab
50050	MGD Flow	-	-	-	-	Daily	Continuous
80082	mg/l CBOD <sub>5</sub>	-	-	-	-	1/Week	Composite

1. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored 1/week by grab sample.
2. If the entity uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.5 mg/l and shall be monitored 1/week by grab sample. (Summer Only)
3. The Dissolved Oxygen (Reporting Code 00300) shall be monitored 1/week by grab sample.

6281P

APPENDIX B

SCAFF - STARRETT

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS  
FOR OUTFALL OPG00046001

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
Reporting Code	UNITS	PARAMETER	Concentration		Loading		Meas. Freq.	Sample Type
			Other Units	(Specify)	kg/day			
			30 day	7 day	30 day	7 day		
00010	°C	Temperature	-	-	-	-	Daily	Grab
00530	mg/l	Suspended Solids	12	18	-	-	1/Week	Composite
00610	mg/l	Ammonia (N)	2	3	-	-	2/Month	Composite
31616	Count /100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	1/Month	Grab
50050	MGD	Flow	-	-	-	-	Daily	Continuous
80082	mg/l	CBOD <sub>5</sub>	10	15	-	-	2/Month	Grab

1. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored 1/week by grab sample. (Summer Only)
2. If the entity uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.5 mg/l and shall be monitored 1/week by grab sample. (Summer Only)
3. The Dissolved Oxygen (Reporting Code 00300) shall be maintained at a level of not less than 5.0 mg/l and shall be monitored 1/week by grab sample.

6283P

APPENDIX C

WEST PORTSMOUTH

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS  
FOR OUTFALL OPH000010001

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
Reporting Code	UNITS	PARAMETER	Concentration		Loading		Meas. Freq.	Sample Type
			Other Units (Specify)	30 day	7 day	kg/day		
00010	°C	Temperature	-	-	-	-	Daily	Grab
00310	mg/l	BOD <sub>5</sub>	40	60	-	-	2/Week	Composite
00530	mg/l	Suspended Solids	40	60	-	-	2/Week	Composite
00550	mg/l	Oil & Grease	-	-	-	-	1/Qtr.	Grab
00610	mg/l	Ammonia (N) (Summer)	-	-	-	-	2/Month	Composite
31616	Count /100ml	Fecal Coliform (Summer Only)	-	-	-	-	1/Week	Grab
50050	MGD	Flow	-	-	-	-	Daily	Continuous
80082	mg/l	CBOD <sub>5</sub>	-	-	-	-	2/Week	Composite

1. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored daily by grab sample.
2. If the entity uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.5 mg/l and shall be monitored daily by grab sample. (Summer Only)
3. The Dissolved Oxygen (Reporting Code 00300) shall be monitored daily by grab sample.

6286P

APPENDIX D



WHEELERSBURG

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS  
FOR OUTFALL OPK00001001

<u>EFFLUENT CHARACTERISTIC</u>		<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
Reporting Code	UNITS PARAMETER	Concentration		Loading		Meas. Freq.	Sample Type
		Other Units (Specify)		kg/day			
		30 day	7 day	30 day	7 day		
00010	°C Temperature	-	-	-	-	Daily	Continuous
00310	mg/l BOD <sub>5</sub>	30	45	-	-	3/Week	Composite
00530	mg/l Suspended Solids	30	45	-	-	3/Week	Composite
00550	mg/l Oil & Grease	-	-	-	-	1/Week	Grab
00610	mg/l Ammonia (N)						
	(Summer)	-	-	-	-	3/Week	Composite
	(Winter)	-	-	-	-	3/Week	Composite
31616	Count Fecal Coliform /100ml (Summer Only)	1000	2000	-	-	3/Week	Grab
50050	MGD Flow	-	-	-	-	Daily	Continuous
80082	mg/l CBOD <sub>5</sub>	-	-	-	-	3/Week	Composite

1. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored daily by grab sample.
2. If the entity uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.5 mg/l and shall be monitored daily by grab sample. (Summer Only)
3. The Dissolved Oxygen (Reporting Code 00300) shall be monitored daily by grab sample.

6284P

APPENDIX E

TANGLEWOOD

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS  
FOR OUTFALL OPG00050001

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
Reporting Code	UNITS	PARAMETER	Concentration		Loading		Meas. Freq.	Sample Type
			Other Units	(Specify)	kg/day			
			30 day	7 day	30 day	7 day		
00010	°C	Temperature	--	--	--	--	Daily	Grab
00530	mg/l	Suspended Solids	30	45	--	--	1/Week	Composite
00610	mg/l	Ammonia (N) (Summer)	--	--	--	--	2/Month	Composite
31616	Count /100ml	Fecal Coliform (Summer Only)	1000	2000	--	--	1/Week	Grab
50050	MGD	Flow	--	--	--	--	Daily	Continuous
80082	mg/l	CBOD <sub>5</sub>	25	40	--	--	1/Week	Composite

1. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored 1/week daily by grab sample.
2. If the entity uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.5 mg/l and shall be monitored 1/week by grab sample. (Summer Only)
3. The Dissolved Oxygen (Reporting Code 00300) shall be monitored 1/week by grab sample.

6285P

## ROSEMONT

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS  
FOR OUTFALL OPH00001001

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
Reporting Code	UNITS	PARAMETER	Concentration		Loading		Meas. Freq.	Sample Type
			Other Units (Specify)		kg/day			
			30 day	7 day	30 day	7 day		
00010	°C	Temperature	-	-	-	-	Daily	Continuous
00310	mg/l	BOD <sub>5</sub>	40	60	-	-	2/Week	Composite
00530	mg/l	Suspended Solids	40	60	-	-	2/Week	Composite
00550	mg/l	Oil & Grease	-	-	-	-	1/Qtr.	Grab
00610	mg/l	Ammonia (N) (Summer)	-	-	-	-	2/Month	Composite
31616	Count /100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	1/Week	Grab
50050	MGD	Flow	-	-	-	-	Daily	Continuous
80082	mg/l	CBOD <sub>5</sub>	-	-	-	-	2/Week	Composite

1. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored daily by grab sample.
2. If the entity uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.5 mg/l and shall be monitored daily by grab sample. (Summer Only)
3. The Dissolved Oxygen (Reporting Code 00300) shall be monitored daily by grab sample.

6279P

APPENDIX G

BRIARCLIFF

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS  
FOR OUTFALL OPG00060001

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
Reporting Code	UNITS	PARAMETER	Concentration		Loading		Meas. Freq.	Sample Type
			Other Units (Specify)		kg/day			
			30 day	7 day	30 day	7 day		
00010	°C	Temperature	-	-	-	-	Daily	Grab
00530	mg/l	Suspended Solids	30	45	-	-	2/Month	Grab
00610	mg/l	Ammonia (N)	-	-	-	-	2/Month	Grab
31616	Count /100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	1/Month	Grab
50050	MGD	Flow	-	-	-	-	Daily	Total
80082	mg/l	CBOD <sub>5</sub>	25	40	-	-	2/Month	Grab

1. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored 2/month by grab sample. (Summer Only)
2. The Dissolved Oxygen (Reporting Code 00300) shall be monitored 2/month by grab sample.

6282P

APPENDIX H