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IN THE COURT OF COMMON PLEAS

SUMMIT COUNTY, OHIO

STATE OF OHIO, ex rel., WILLIAM J. BROWN, ATTORNEY GENERAL OF OHIO 30 East Broad Street Columbus, Ohio 43215,	:	
Plaintiff,	:	Case No. CV 80 10 2929
vs.	:	ASGND. TO JUDGE McFADDEN
BOARD OF COUNTY COMMISSIONERS SUMMIT COUNTY 19 North High Street Akron, Ohio 44308,	:	CONSENT DECREE
Defendant.	:	

The Complaint having been filed herein on and the parties hereto by their respective attorneys having agreed to the entry of this Consent Decree, now therefore, before the taking of any testimony and upon the pleadings, it is ORDERED, ADJUDGED and DECREED that:

I.

This Court has jurisdiction of the subject matter herein and of the parties consenting hereto. The Complaint states a claim upon which relief can be granted against the defendant.

II.

The provisions of this Consent Decree shall apply and be binding upon the parties to this action, their officers, agents, servants, and employees, and any successors in ownership of the Summit County Hudson-Terex Wastewater treatment plant No. 6 (herein "Hudson-Terex

No. 6 plant"); in addition, the provisions of this Consent Decree shall apply to all persons, firms, corporations, and other entities having notice of this Consent Decree and who are acting in concert and privity with the defendant to this action or its officers, agents, servants, employees and successors to ownership of the Hudson-Terex No. 6 plant.

III.

Defendant hereby agrees to provide and contract for private sludge hauling from its Hudson-Terex No. 6 plant, said sludge hauling to serve as a supplemental method of sludge removal and to be in whatever amount as is necessary to allow the defendant to achieve at all times the effluent discharge limitations specified in Paragraph IV below.

IV.

Defendant hereby agrees to operate the Hudson-Terex No. 6 plant in accordance with all terms and conditions of the NPDES discharge permit issued to the defendant by the Director of the Ohio Environmental Protection Agency (OEPA Permit No. K-800-*AD, with an effective date of May 24, 1976), which is attached to this Consent Decree and incorporated by reference herein, except that the defendant shall meet at all times, in lieu of the initial effluent limitations in the above-referenced permit, the following effluent limitations for the wastewater discharge from the Hudson-Terex No. 6 plant to Powers Brook:

EFFLUENT LIMITATIONS

The quantity of effluent discharged from the wastewater treatment facility shall not exceed 1.5 MGD for the period beginning July 1 and ending September 30 of each year, and the quality of effluent discharged by the facility shall be limited at all times as follows:

A. The arithmetic mean of the BOD_5 samples collected in a period of 30 consecutive days shall not exceed a concentration of 20 mg/l. The arithmetic mean of these values for effluent samples collected in a period of seven consecutive days shall not exceed a concentration of 30 mg/l.

B. The arithmetic mean of the suspended solids values for effluent samples collected in a period of 30 consecutive days shall not exceed a concentration of 20 mg/l. The arithmetic mean of these values for effluent samples collected in a period of seven consecutive days shall not exceed a concentration of 30 mg/l.

C. The effluent values for pH shall remain within the limits of 6.0 to 9.0 The pH limitation is not subject to averaging and must be met at all times.

D. The geometric mean of the fecal coliform bacteria values for effluent samples collected in a period of 30 consecutive days shall not exceed 1000 per 100 milliliters for the period May 1 through October 31. The geometric mean of these values for effluent samples collected in a period of seven consecutive days shall not exceed 2000 per 100 milliliters for the period May 1 through October 31.

E. The arithmetic mean of the phosphorus samples collected in a period of 30 consecutive days shall not exceed a concentration of 1.0 mg/l. The arithmetic mean for these values for effluent samples collected in a period of seven consecutive days shall not exceed a concentration of 1.5 mg/l.

V.

Plaintiff, by and through the Ohio Environmental Protection Agency retains the right to issue to defendant a new or modified discharge permit, the final issuance of which shall replace and cause the termination of the effluent limitations contained in Part IV of this Consent Decree. Defendant retains its right of appeal of any new or modified discharge permit, as provided for under Section 3745.07 of the Ohio Revised Code.

VI.

Defendant hereby agrees to purchase and install at the Hudson-Terex No. 6 plant a new return activated sludge flow meter, a new waste activated sludge flow meter and a new supernatent flow meter, said installation to be completed six months after the effective date of this Consent Decree.

VII.

Defendant hereby agrees to initiate and conduct a survey to identify: (1) all commercial or industrial entities presently discharging or capable of discharging waste substances or material to the Hudson-Terex No. 6 plant, (2) the nature and estimated quantity of all such discharges or potential discharges, (3) the current level of pretreatment provided or intended to be provided for such discharges. Defendant further agrees to conduct a sampling program of discharges from the General Motors Terex Plant, the Fotomat, Inc., plant and the Morgan Adhesives plant to the Hudson-Terex No. 6 plant for the purpose of identifying the nature and quantity of all such discharges. This sampling program shall be approved by the Ohio Environmental Protection Agency, Northeast District Office, prior to its initiation. Defendant shall complete said survey and sampling programs within nine months of the effective date of this Consent Decree and submit a written report of the findings of said programs to the Ohio Environmental Protection Agency within two months after their completion.

VIII.

Defendant hereby agrees to take such additional steps as are ordinary and necessary to comply fully with the terms of this Consent Decree and to provide for the proper operation and maintenance of the Hudson-Terex No. 6 plant.

IX.

The costs of this action are hereby assessed against the Defendant.

10/24/80
DATE

JUDGE, COURT OF COMMON PLEAS

APPROVED:

EDWARD P. WALKER
Assistant Attorney General

ROBERT J. STYDUHAR
Assistant Attorney General

Attorneys for Plaintiff

Chief Prosecuting Attorney
Attorney for Defendant

OEPA Permit No. K 800 *AD

Application No. OH 0043397

Effective Date May 24, 1976

Expiration Date June 30, 1979

OHIO ENVIRONMENTAL PROTECTION AGENCY

AUTHORIZATION TO DISCHARGE UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq.) (hereinafter referred to as "the Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

The Board of Summit County Commissioners
(Summit County Plant No. 6 - Hudson GM)

is authorized by the Ohio Environmental Protection Agency, hereafter referred to as "Ohio EPA", to discharge from the wastewater treatment facility located at 5246 Hudson Drive*, Hudson Township, Summit County, Ohio

to Powers Brook

in accordance with the conditions specified in Attachments A and B.

This permit and the authorization to discharge shall expire at midnight, June 30, 1979. Permittee shall not discharge after the above date of expiration. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA no later than 180 days prior to the above date of expiration.

*and bypasses and/or overflow points located at Summit County's District No. 6 Collection system and discharging to the receiving streams shown in the attached list only during periods when flow exceeds the capacity of the collection facilities.

Ned E. Williams

Ned E. Williams, P.E.
Director

OHIO EPA
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LEGAL SERVICE

EXHIBIT A

BYPASSES AND OVERFLOW POINTS

Discharge Point Serial No.	Description	Location	U.S.G.S. Map Coordinates	Receiving Stream
002	Plant Bypass	Sewage Treatment Plant	41.12.24-81.27.30	Powers Brook
003	Pump Station No. 13	Stow Road	41.11.35-81.25.28	Dry Ditch Tributary to Powers Brook
004	Pump Station No. 21	Barlow Road	41.13.19-81.26.49	Roadside ditch to Mud Brook
005	Pump Station No. 22	Norton Road	41.12.11-81.25.39	Dry stream to Powers Brook
006	Pump Station No. 36	Ogilby Drive	49.13.48-81.26.49	Intermittent stream to Brandywine Creek

ATTACHMENT A

EFFLUENT LIMITATIONS, AND MONITORING
AND OPERATIONAL REQUIREMENTS

1 and 2. The Summit County Wastewater Plant No. 6 has been scheduled to be phased out and tied into the Akron Regional System when and if such a connection is feasible as determined by a Facilities Plan.

Although the existing plant is of excellent design, recently completed, and of sufficient capacity to meet flow rates anticipated in this decade, the facilities may not be able to produce an effluent necessary to assure that water quality standards will be met at all times (i.e. ammonia, nitrogen). The following initial effluent limitations will be applicable through the duration of this permit:

ATTACHMENT A (Cont'd)

3. Effluent Limitations -Initial

During the period beginning when (a) facilities become operational, or (b) infiltration/inflow is eliminated, whichever occurs first and is applicable, and continuing thereafter, the 30-day average quantity of effluent discharged from the wastewater treatment facility shall not exceed 1.5 MGD and the quality of effluent discharged by the facility shall be limited at all times as follows:

A. The arithmetic mean of the BOD_5 samples collected in a period of 30 consecutive day shall not exceed a concentration of 10 mg/l or a total quantity of 56.8 kg/day. The arithmetic mean of these values for effluent samples collected in a period of seven consecutive days shall not exceed a concentration of 15 mg/l or a total quantity of 85.2 kg/day.

B. The arithmetic mean of the suspended solids values for effluent samples collected in a period of 30 consecutive days shall not exceed a concentration of 10 mg/l or a total quantity of 56.8 kg/day. The arithmetic mean of these values for effluent samples collected in a period of seven consecutive days shall not exceed a concentration of 15 mg/l or a total quantity of 85.2 kg/day.

C. The effluent values for pH shall remain within the limits of 6.0 to 9.0. The pH limitation is not subject to averaging and must be met at all times.

D. The geometric mean of the fecal coliform bacteria values for effluent samples collected in a period of 30 consecutive days shall not exceed 200 per 100 milliliters. The geometric mean of these values for effluent samples collected in a period of seven consecutive days shall not exceed 400 per 100 milliliters.

E. The Chlorine residual at the point of discharge shall not exceed 0.5 mg/l at any time.

F. Not Applicable

ATTACHMENT A (con't.)

G. The arithmetic mean of the phosphorus samples collected in a period of 30 consecutive days shall not exceed a concentration of 1.0 mg/l or a total quantity of 5.7 kg/day. The arithmetic mean for these values for effluent samples collected in a period of seven consecutive days shall not exceed a concentration of 1.5 mg/l or a total quantity of 8.5 kg/day.

H. The 30-day mean of Dissolved Oxygen values for effluent samples shall be at least 5 mg/l with no values being less than 4.0 mg/l.

4. Facility Operation and Quality Control.

All waste collection, control, treatment and disposal facilities shall be operated in a manner consistent with the following:

A. At all times, all facilities shall be operated as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants.

B. The wastewater treatment facility must be under supervision of a State certified operator as required by the Ohio Sanitary Code Regulation HE-37-02 for a Class Operator

C. Maintenance of treatment facilities that results in degradation of effluent quality shall be scheduled during non-critical water quality periods and shall be carried out in a manner approved by the Ohio EPA.

5. Self-Monitoring and Reporting Requirements

A. U.S. Environmental Protection Agency Requirements

NOT APPLICABLE

B. Ohio Environmental Protection Agency Requirements

The permittee shall effectively monitor the operation and efficiency of all treatment and control facilities and the quantity and quality of the treated discharge. Monitoring data required by the following table shall be reported on the Ohio EPA report form (EPA-Surv-1) on a monthly basis. Individual reports for each month are to be submitted no later than the 15th of the following month. Copies of the discharge monitoring report form must be signed and mailed along with a letter of transmittal to:

Ohio Environmental Protection Agency
Technical Records Section
P.O. Box 1049
Columbus, Ohio 43216

(END OF SECTION B)

C. The data collected and submitted shall include the following parameters and testing frequencies:

Plants > 1 MGD up to 5 MGD

PARAMETER	UNITS	STORET CODE	SAMPLE FREQUENCY	SAMPLE TYPE	REMARKS
Plant Effluent					
Flow	MGD	50050	Daily	Continuous	
Turbidity *	J.U.	00070 H00070	Daily	Continuous	Continuous Recor Turbidimeter Maximum
Temperature	°F °C	H00011 H00010	Daily	---	Maximum Indicatir Thermometer
Cl_2 +	mg/l	50060	Daily	Grab	
D.O.	mg/l	00300 L00300	Daily	Grab	 Low
pH	S.U.	00400 H00400 L00400	Daily	Grab	If continuous recording pH mete is used, record max., min., & ave
Suspended Solids	mg/l	00530	3/week	Composite	
BOD_5	mg/l	00310	3/week	Composite	Refrigerate
COD	mg/l	00335	1/week	Composite	
Fecal Coliforms +	#/100ml	31616	3/week	Grab	Membrane Filter
Ammonia (N)	mg/l	00610	3/week	Composite	
Nitrate (N)	mg/l	00620	3/week	Composite	
Nitrite (N)	mg/l	00615	3/week	Composite	
Total Phosphate	mg/l	00650	3/week	Composite	
Oil & Grease	mg/l	00550	Monthly	Grab	
Cadmium	ug/l	01027	Monthly	Composite	
Chromium	ug/l	01034	Monthly	Composite	
Copper	ug/l	01042	Monthly	Composite	
Lead	ug/l	01051	Monthly	Composite	
Mercury	ug/l	71900	Monthly	Composite	
Nickel	ug/l	01067	Monthly	Composite	
Zinc	ug/l	01092	Monthly	Composite	

Plants > 1 MGD up to 5 MGD Continued

OEPA Permit No. K 800 *AD

PARAMETER	UNITS	STORET CODE	SAMPLE FREQUENCY	SAMPLE TYPE	REMARKS
Raw Sewage Influent					
Suspended Solids	mg/l	00530	3/week	Composite	
BOD_5	mg/l	00310	3/week	Composite	Refrigerate
pH	S.U.	00400 H00400 L00400	Daily	Grab	If continuous recording pH mete is used, record max., min., & ave
Temperature	°F °C	H00011 H00010	Daily		
Upstream and Downstream					
pH	S.U.	00400	Weekly	Grab	
D.O.	mg/l	00300	Weekly	Grab	
BOD_5	mg/l	00310	Weekly	Composite	Refrigerate
Suspended Solids	mg/l	00530	Weekly	Composite	
Fecal Coliforms	#/100ml	31616	Weekly	Grab	Membrane Filter

* only after installation of turbidimeter.

\+ not to be monitored on Interim Effluent if chlorination system is not installed.

C. (Continued)
The data collected and submitted shall include the following parameters and testing frequencies:

Parameter	Units	STORET Code	Sample Frequency	Sample Type	Remarks
By Pass	Station Code		Identifying Point		
By Pass Flow	(1)	(1)	When by passing	(2)	

Note: (1) Units in gallons per day (GPD) if flow is less than 5000 gallons per day. Use 00056 STORET code. If flow is greater than 5000 gallons per day, use 50050 STORET code and report in MGD. Use same STORET code and UNITS everytime.
(2) Estimate till primary flow measuring elements are installed.
(3) Further considerations of "Description of By-Pass and/or over flow Dischargers." (Attachment A) may require additional monitoring and reporting of by-pass and/or overflow.

ATTACHMENT A (con't.)

D. Sampling and Analysis Methods

The analytical and sampling methods used shall conform to the following list of the latest edition of the reference methods, as required by Section 304(g) of the Act, Test Procedures for the Analysis of Pollutants Different but equivalent methods are allowable if they receive the prior written approval of the Ohio EPA.

1. Standard Methods for the Examination of Water and Wastewaters, 13th edition, 1971, American Public Health Association, New York New York 10019.

2. A.S.T.M. Standards, Part 23, Water; Atmospheric Analysis, 1973 American Society for Testing and Materials, Philadelphia, Pa. 19103.

3. Methods for Chemical Analysis of Water and Wastes, April 1971, Envrionmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, 1014 Broadway, Cincinnati, Ohio 45202.

The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instumentation at intervals to insure accuracy of measurements.

6. Recording

The permittee shall record for all samples the date and time of sampling, the sampling method used, the date analyses were performed, the identity of the analysts, and the results of all required analyses and measurements.

All sampling and analytical records metioned in the preceding paragraph shall be retained for a minimum of three years. The permittee shall also retain all original recordings for any continuous monitoring instrumentation, and any calibration and maintenance records, for a minimum of three years. These periods will be extended during the course of any unresolved litigation, or when so requested by the Regional Administrator or the Ohio EPA.

7. Solids Disposal

Collected screenings, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes into waters of the State.

ATTACHMENT A (Cont'd)

8. Special Conditions

A. Submit for approval to the appropriate District Office of the Ohio EPA within 12 months after the effective date of this permit, a comprehensive engineering study [Infiltration/Inflow Analysis as defined by U.S. EPA, 40 CFR, Part 35, 927(a)] and a schedule with respect to abatement of pollution, either by treatment or elimination of overflows and bypasses from combined or sanitary sewers. After review of this report it may be necessary to amend this permit.

(a) For each major contributing industry:

Submit a description to the Regional Administrator and the State Agency of each major industrial facility discharging to the municipal system, using a separate set of six questions for each facility description. Indicate the 4 digit Standard Industrial Classification (SIC) Code for the industry, the major product or raw material, the flow (in thousand gallons per day), and the characteristics of wastewater discharged from the industry into the municipal system. Consult Table A for standard measures of products of raw material.

1. Major Contributing Facility (see instructions) Name	401a	Fotomat			
Number & Street	401b	5145 Hudson Drive			
City	401c	Hudson			
County	401d	Summit			
State	401e	Ohio			
Zip Code	401f	44236			
2. Primary Standard Industrial Classification Code (see instructions)	402	7395			
3. Principal Product or Raw Material (see instructions)			Quantity		Units (See Table III)
Product	403a	Photographic Prints	403c		403e
Raw Material	403b		403d		403f
4. Flow. Indicate the volume of water discharged into the municipal system in thousand gallons per day and whether the discharge is intermittent or continuous.	404a	28.6 thousand gallons per day			
	404b	☒ Intermittent (int) ☐ Continuous (con)			
5. Pretreatment Provided. Indicate if pretreatment is provided prior to entering the municipal system	405	☒ Yes ☐ No			

6. Characterization of Wastewater (see instructions)

406a	Parameter Name	BOD_5	SS	pH	D.O.	Temp.		
406b	Parameter Number							
406c	Value	94 mg/l	1 mg/l	8.5	2.9 mg/l	24°C		

(b) For the municipal facility as a whole:

Information on the municipal facility as a whole will generally be reported on the monthly NPDES Discharge Monitoring Report (Form 3320-1).

Once the specific nature of industrial contributions has been identified, data collection and reporting requirements may be levied for other parameters in addition to those included on Form 3320-1.

(a) For each major contributing industry:

Submit a description to the Regional Administrator and the State Agency of each major industrial facility discharging to the municipal system, using a separate set of six questions for each facility description. Indicate the 4 digit Standard Industrial Classification (SIC) Code for the industry, the major product or raw material, the flow (in thousand gallons per day), and the characteristics of wastewater discharged from the industry into the municipal system. Consult Table A for standard measures of products of raw material.

1. Major Contributing Facility (see instructions) Name	401a	General Motors Terex Division				
Number & Street	401b	5405 Darrow Road				
City	401c	Hudson, Ohio				
County	401d	Hudson				
State	401e	Summit				
Zip Code	401f	Ohio				
2. Primary Standard Industrial Classification Code (see instructions)	402	44236				
3. Principal Product or Raw Material (see instructions)				Quantity		Units (See Table III)
Product	403a	3531	403c		403e	YI
Raw Material	403b	Earth Moving Equipt.	403d		403f	
4. Flow. Indicate the volume of water discharged into the municipal system in thousand gallons per day and whether this discharge is intermittent or continuous.	404a	206.2 thousand gallons per day				
	404b	☒ Intermittent (int) ☐ Continuous (con)				
5. Pretreatment Provided. Indicate if pretreatment is provided prior to entering the municipal system	405	☐ Yes ☒ No				
6. Characteristics of Wastewater (see instructions)						

	Parameter Name	BOD_5	SS	pH	D.O.	Temp.		
406a	Parameter Number							
406b	Value	> 99 mg/l	24 mg	l 10.0	7.8	17° C		

(b) For the municipal facility as a whole:

Information on the municipal facility as a whole will generally be reported on the monthly NPDES Discharge Monitoring Report (Form 3320-1).

Once the specific nature of industrial contributions has been identified, data collection and reporting requirements may be levied for other parameters in addition to those included on Form 3320-1.