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IN THE COURT OF COMMON PLEAS  
SANDUSKY COUNTY, OHIO

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

Plaintiff,

v.

THE CITY OF BELLEVUE,

Defendant.

Case No. *87 CV 564*

JUDGE

CONSENT ORDER

SANDUSKY COUNTY  
COMMON PLEAS COURT  
JUN 2 1987  
ALBERT H. ...

The Complaint in the above-entitled matter having been filed herein, and the Plaintiff State of Ohio by its Attorney General Anthony J. Celebrezze, Jr., (hereinafter "Plaintiff"), and Defendant City of Bellevue (hereinafter "Bellevue"), 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

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 Bellevue 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 and successors in interest.

## III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint that Defendant has operated its wastewater treatment plant (WWTP) in such a manner as to result in numerous violations of the discharge limitations contained in its National Pollutant Discharge Elimination System (NPDES) permit, as well as a failure to implement a pretreatment program in violation of the water pollution control laws of the State of Ohio. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendant Bellevue to the State of Ohio for all claims under such laws known to Plaintiff at this time. All such claims known to the State of Ohio at this time have been alleged in the Complaint in this action.

4. 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. \*

IV. UPPER LIMITS FOR NONCOMPLYING DISCHARGES

5. Bellevue shall issue modifications of pretreatment discharge permits held by all industrial entities not yet in compliance with current discharge limitations. The modifications shall establish an interim upper limit of discharge which must be used as the point at which Bellevue shall initiate enforcement actions against the non-complying entity in addition to the existing surcharge remedy, the enforcement of which must be continued. The modifications referenced in this paragraph shall be issued in accordance with the time period and modification established in Paragraph No. 6 of this Order.

V. FORMAL COMPLIANCE SCHEDULES

6. Within thirty (30) days of the filing of this Consent Order with the Court, Bellevue shall submit proposed compliance schedules for all noncomplying industries to the Ohio EPA Northwest District Office pretreatment coordinator.

a. Within fourteen (14) days after approval of the compliance schedules by Ohio EPA, Bellevue shall issue modifications of the discharge permits held by the noncomplying industries that will establish the approved

compliance schedules in said permits. The modification referenced in this paragraph shall include the modification establishing the upper limits referenced in Paragraph No. 5 of this Order.

#### VI. LAGOON COMPLIANCE SCHEDULE

7. By July 1, 1987, Bellevue shall provide an overall solids evaluation that is directed at achieving and maintaining Bellevue's interim NPDES discharge limitations.

8. Bellevue shall ensure that the two (2) remaining lagoons are cleaned to the satisfaction of Ohio EPA in a timely manner but in no case later than December 31, 1987. Bellevue shall "bid out" contracts to clean the two (2) remaining lagoons and report the results of the bidding process to Ohio EPA no later than July 1, 1987.

a. This report will include which bid was accepted, the amount of the bid, and the date(s) that construction will begin and be completed.

b. Should no bids be received by Bellevue, Bellevue will report that fact to Ohio EPA within seven (7) days of the date upon which bids were to be received and Bellevue will repeat the bidding process as necessary every thirty (30) days until such time as a bid or bid(s) are received by Bellevue.

c. Within fourteen (14) days of receiving said bid(s) Bellevue will file a report with Ohio EPA detailing which bid is to be accepted, the amount of the bid, and the date(s) upon which construction will begin and be completed.

9. By July 1, 1987, Bellevue shall submit a report to Ohio EPA consisting of a revenue projection which will be inclusive of the percentage or amount that Bellevue will dedicate to insuring the cleaning of any lagoons to the satisfaction of Ohio EPA.

#### VII. OPERATOR QUALIFICATIONS

10. Beginning on a date no later than one (1) year after the filing of this Consent Order, Bellevue shall at all times employ at least a class 2 certified operator in addition to the WWTP superintendent at its WWTP.

#### VIII. STIPULATED PENALTIES

11. Should Defendant Bellevue fail to comply with any of the dates established in Paragraphs No. (5) and (6) of this Order, Defendant Bellevue shall have waived any and all defenses and right of appeal and shall incur, upon notice and demand by Ohio EPA, a stipulated penalty of one hundred dollars (\$100.00) per day for each day until compliance with the

requirement(s) to be performed by the milestone date(s) is obtained for the first fifteen (15) calendar days. After the first fifteen (15) calendar days, the stipulated penalty shall be two hundred dollars (\$200.00) per day for each day until such time as compliance with the requirement(s) established by the milestone date(s) is obtained.

a. Said penalty shall be payable to Plaintiff State of Ohio upon the final date(s) of compliance with the requirement(s) of each milestone date but in any event not later than fifteen (15) days after the passage of the initial milestone compliance date(s) established in Paragraphs No. (5) and (6), and every subsequent fifteen (15) days until such time as compliance is achieved with the requirement(s) established by the milestone date(s).

12. Should Defendant fail to comply with the milestone date(s) established by the schedule provided for in Paragraphs No. (7) and (8) of this Order, Defendant Bellevue shall have waived any and all defenses and right of appeal and shall incur, upon notice and demand by Ohio EPA, a stipulated penalty of two hundred dollars (\$200.00) per day for each day until compliance with the requirement(s) of each milestone date is achieved.

a. Said penalty will be paid to Plaintiff State of Ohio upon the final date(s) of compliance with the requirement(s) established by each milestone date, but in

any event not later than fifteen (15) days after the initial compliance date(s) has passed, and every subsequent fifteen (15) days, until such time as compliance with the requirement(s) established by the milestone date(s) is finally achieved.

GENERAL PROVISIONS

13. Defendant Bellevue is hereby enjoined and ordered to comply with the requirements of Chapter 6111., Revised Code, and the rules and regulations adopted thereunder.

14. By this Consent Order, Plaintiff does not waive any rights or remedies available for any violations of this Consent Order or any past, present or future violations of State laws or regulations unknown to Plaintiff on the date of entry of this Consent Order.

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

16. Defendant Bellevue 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: 

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BY: 

MAYOR, CITY OF BELLEVUE

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