

FILED  
COMMON PLEAS COURT  
DARKE COUNTY, OHIO

'93 MAY 26 AM 8 24

IN THE COURT OF COMMON PLEAS ELSIE A. STENTZEL  
DARKE COUNTY, OHIO CLERK

STATE OF OHIO, ex rel.	:	CASE NO. 52318
LEE FISHER	:	
ATTORNEY GENERAL OF OHIO,	:	JUDGE LEE A. BIXLER
	:	
Plaintiff,	:	<u>AMENDED CONSENT ORDER</u>
	:	
vs.	:	
	:	
CITY OF GREENVILLE,	:	
	:	
Defendant.	:	

The Complaint in the above-captioned matter having been filed on September 27, 1991, and the Plaintiff, State of Ohio, by its Attorney General, Lee Fisher (hereinafter "Plaintiff") and Defendant City of Greenville (hereinafter "Greenville") having consented to the entry of an Order on that same date, the parties now wish to Amend the Consent Order of September 27, 1991. The provisions of that Consent Order shall remain in effect except that paragraphs 4, 9 and 10 are amended as follows:

IV. COMPLIANCE SCHEDULE

4. Defendant Greenville 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, as well as its currently effective NPDES permit No. 1PD00005\*GD, and any renewals or modifications thereof, except that overflows and bypasses from siphon Q-3 shall be eliminated by November 17, 1991. After November 17, 1991, there shall be no overflows or bypasses from siphon Q-3. Between the effective date of this Amended Consent Order and October 1, 1993, Defendant is enjoined to comply with the interim effluent limitations set forth in Appendix "A" attached hereto. The interim effluent limits contained in Appendix "A" do not constitute an NPDES permit or a modification of any existing permit. After October 1, 1993, Defendant Greenville is enjoined to meet the final effluent limitations set forth in NPDES permit No. 1PD00005\*GD and any renewals or modifications thereof. Defendant is further enjoined to complete the upgrades on its oxidation ditches as soon as practicable, but no later than October 1, 1993.

#### **XI. STIPULATED PENALTIES**

9. In the event that Defendant Greenville fails to meet any of the requirements of this Amended Consent Order set forth in paragraphs 5 or 6, including any scheduled milestone requirements, or violates any interim effluent limitation contained in Appendix "A", the Defendant shall immediately and

automatically be liable for and shall pay stipulated penalties according to the following payment schedule. For each day of each failure to meet a requirement, up to thirty (30) days - two hundred fifty dollars (\$250.00) per day for each requirement not met. For each day of each failure to meet a requirement, from thirty-one (31) to sixty (60) days - five hundred dollars (\$500.00) per day for each requirement not met. For each day of each failure to meet a requirement, from sixty-one (61) to ninety (90) days - one thousand dollars (\$1,000.00) per day for each requirement not met. For each day of each failure to meet a requirement, over ninety (90) days - two thousand five hundred dollars (\$2,500.00) per day for each requirement not met.

10. In the event that Defendant Greenville fails to meet any of the requirements of this Amended Consent Order set forth in paragraph 4, excluding the interim effluent limits contained in Appendix "A", the Defendant shall immediately and automatically be liable for and shall pay a stipulated penalty of one thousand five hundred dollars (\$1,500.00) per day for each requirement not met. The Defendant shall be liable for an additional stipulated penalty of one thousand five hundred dollars (\$1,500.00) per day for each requirement not met if the failure to comply continues for more than thirty (30) days, i.e., three thousand dollars (\$3,000.00) per day for each

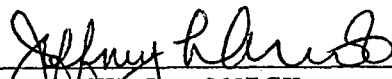
requirement not met. In the event that failure to comply continues more than sixty (60) days, Defendant shall be liable for an additional two thousand dollars (\$2,000.00) per day for each requirement not met, i.e., five thousand dollars (\$5,000.00) per day for each requirement not met.

ENTERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1993

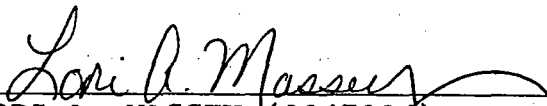
JUDGE, DARKE COUNTY  
COURT OF COMMON PLEAS

APPROVED:


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

  
\_\_\_\_\_  
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City of Greenville

  
\_\_\_\_\_  
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Counsel for Plaintiff  
State of Ohio

  
\_\_\_\_\_  
Authorized Representative of  
the City of Greenville

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APPENDIX A

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of these orders and lasting until October 1, 1993, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: 1PD00005001

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
<u>REPORTING Code</u>	<u>UNITS</u>	<u>PAR</u>	<u>Concentration</u>		<u>Loading(*)</u>		<u>Meas. Freq.</u>	<u>Sample Type</u>
			<u>Other</u>	<u>Units (specify)</u>	<u>kg/day</u>	<u>kg/day</u>		
			<u>30 day</u>	<u>7 day</u>	<u>30 day</u>	<u>7 day</u>		
00010	°C	Temp.	-	-	-	-	Daily	Cont.
50050	MGD	FLOW	-	-	-	-	Daily	Cont.
00530	mg/l	TSS	30	45	398	597	3/wk	Comp.
00550	mg/l	Oil and Grease	Not to exceed 10 at any time				1/wk	Grab
00610	mg/l	Ammonia (N)	-	-	-	-	3/wk	Comp.
31616	Count /100 ml	Fecal Coliform (summer)	1000	2000	-	-	3/wk	Grab
80082	mg/l	CBOD <sub>5</sub>	25	40	332	531	3/wk	Comp.

2. 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 samples.

3. If the entity uses chlorine for effluent disinfection, the Chlorine Residual (Reporting Code 50060) shall be monitored daily by grab samples and shall not exceed 0.5 mg/l. (Summer Only)

4. The Dissolved Oxygen (Reporting Code 00300) shall be monitored daily by grab samples and shall not be less than 5.0 mg/l.

\* The average effluent loading limitations are established using the following flow value: 3.5 MGD