

IN THE COURT OF COMMON PLEAS

WARREN COUNTY, OHIO

CLERK OF COURT
WARREN COUNTY OHIO
FILED

1984 MAY 20 AM 10:20

W. F. PATRISON
CLERK OF COURTS

STATE OF OHIO, ex rel.	:	
ANTHONY J. CELEBREZZE, JR.	:	Case No. 43036
ATTORNEY GENERAL OF OHIO,	:	
	:	JUDGE FEDDERS
Plaintiff,	:	
	:	
v.	:	<u>CONSENT JUDGMENT</u>
	:	
THE CITY OF LEBANON, OHIO, et al.,	:	
	:	
Defendants.	:	

The State of Ohio, on the relation of its Attorney General ("Plaintiff"), upon the request of the Ohio Environmental Protection Agency ("Ohio EPA"), filed the Complaint herein on July 21, 1982, alleging violations of the National Pollutant Discharge Elimination System (NPDES) Permit, No. C 603* AD, issued to the City of Lebanon pursuant to Chapter 6111 of the Ohio Revised Code, violations of Ohio Administrative Code Rules 3745-1-04 and 3745-1-07, and submission of false information to the Ohio Environmental Protection Agency in violation of Section 6111.07(C) of the Ohio Revised Code, all of which violations having been denied by the City of Lebanon. Defendants named in the Complaint are the City of Lebanon ("Lebanon") and Jack M. Whitaker ("Whitaker"), the former superintendent of the Lebanon wastewater treatment plant. Plaintiff and Lebanon having consented, without trial or adjudication of any issue of fact or law herein, to this judgment:

NOW, THEREFORE, before the taking of any testimony, upon the pleadings and upon the consent of Plaintiff and Lebanon, it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

L Jurisdiction

This Court has jurisdiction of the subject matter herein, and the Complaint states a claim upon which relief could be granted.

2. Applicability

The provisions of this Consent Judgment shall apply to and be binding upon Plaintiff and Lebanon, their successors and assigns, and all present or successor officials, agents and employees of either party.

3. Compliance Schedule

Lebanon agrees and is hereby ordered to construct new wastewater treatment works discharging to the Little Miami River to serve the City of Lebanon and the Village of South Lebanon in order to meet final effluent limitations in accordance with the following compliance schedule:

- A. Submit approvable facilities plan by December 1, 1983.
- B. Submit an approvable grant application for a Step 2+3 Grant Application as provided in 40 C.F.R. 35.2040 by March 31, 1984.
- C. Commence preparation of detail plans for the wastewater treatment works by October 1, 1984.
- D. Submit approvable detail plans and specifications to the Ohio EPA not later than October 1, 1985.
- E. Advertise for, receive bids for, and award contracts for construction of the wastewater treatment works not later than April 1, 1986.
- F. Complete construction of the wastewater treatment works not later than April 1, 1987.
- G. Attain operational level of the wastewater treatment works and comply with final effluent limitations not later than July 1, 1987.
- H. Notify the Ohio EPA Southwest District Office within seven (7) days after attaining operational level of the wastewater treatment works.

4. Interim Requirements - Effluent

During the period beginning on the effective date of this Consent Judgment and lasting until the date specified in paragraph 6, below, Lebanon agrees and is hereby ordered to discharge into Turtle Creek from Lebanon's existing wastewater treatment plant only in accordance with the interim effluent limitations and monitoring requirements from outfall LPC00003001 set forth in Table I, below. See paragraph 8.B. for location of effluent sampling.

TABLE I

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
<u>REPORTING Code</u>	<u>UNITS</u>	<u>PARAMETER</u>	<u>Concentration</u>		<u>Loading</u>		<u>Meas. Freq.</u>	<u>Sample Type</u>
			<u>Other Units (Specify)</u>	<u>30 day</u>	<u>7 day</u>	<u>30 day</u>		
50050	MGD	Flow	—	—	—	—	Daily	Continuous
00010	°C	Temperature	—	—	—	—	Daily	Max. Ind. Thermometer
00530	mg/l	Suspended Solids	30	45	—	—	3/week	Composite
00310	mg/l	BOD ₅	30	45	—	—	3/week	Composite
31616	Count /100ml	Fecal Coliform (Summer Only)	—	—	—	—	3/week	Grab
00610	mg/l	Ammonia (N)	—	—	—	—	1/week	Composite
00550	mg/l	Oil & Grease	—	—	—	—	1/month	Grab
80082	mg/l	CBOD ₅	—	—	—	—	3/week	Composite
01027	ug/l	Cadmium	—	—	—	—	1/Quarter	Composite
01034	ug/l	Chromium	—	—	—	—	1/Quarter	Composite
01042	ug/l	Copper	—	—	—	—	1/Quarter	Composite
01051	ug/l	Lead	—	—	—	—	1/Quarter	Composite
71900	ug/l	Mercury	—	—	—	—	1/Quarter	Composite
01067	ug/l	Nickel	—	—	—	—	1/Quarter	Composite
01092	ug/l	Zinc	—	—	—	—	1/Quarter	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 each day by grab sample, with the critical value being reported.
2. The Chlorine Residual (Reporting Code 50060) shall be maintained at a level not less than 0.2 mg/l and not greater than 0.7 mg/l and shall be monitored each day by grab sample, with the critical value being reported (summer only).
3. The Dissolved Oxygen (Reporting Code 00300) shall be maintained at a level not less than 5.0 mg/l and shall be monitored each day by grab sample, with the critical value being reported.

5. Interim Requirements-Other.

During the period beginning on the effective date of this Consent Judgment and lasting until the date specified in paragraph 6, below, Lebanon agrees and is hereby ordered to comply with the following additional monitoring and reporting requirements, except that Lebanon may have up to six months from the date of entry of this Consent Judgment to begin the monitoring and reporting requirements below which are additional to those contained in Lebanon's expired NPDES Permit No. C603*AD.

A. Influent Monitoring

Lebanon shall monitor the existing wastewater treatment plant's influent wastewater at Station Number LPC0000360L and report to the Ohio EPA in accordance with the following table. Samples of influent used for determination of net values or percent removal must be taken the same day as those samples of effluent used for that determination. See paragraph 8.B. for location of influent sampling.

<u>EFFLUENT CHARACTERISTIC</u>			<u>MONITORING REQUIREMENTS</u>	
<u>REPORTING</u>			<u>Measurement</u>	
<u>Code</u>	<u>UNITS</u>	<u>PARAMETER</u>	<u>Frequency</u>	<u>Sample Type</u>
00530	mg/l	Suspended Solids	3/week	Composite
00310	mg/l	BOD ₅	3/week	Composite
00400	S.U.	pH	Daily*	Grab
00010	°C	Temperature	Daily	Max. Ind. Therm.
00610	mg/l	Ammonia (N)	1/week	Composite

*pH shall be monitored each day by grab sample, with the critical value reported.

B. Upstream and Downstream Monitoring

Lebanon shall monitor the receiving stream, upstream of the point of discharge at Station Number LPC0000380L, and downstream of the point of discharge at Station Number LPC0000390L, and report to the Ohio EPA in accordance with the following table. See paragraph 8.B. for locations of sampling.

<u>EFFLUENT CHARACTERISTIC</u>		<u>MONITORING REQUIREMENTS</u>	
<u>REPORTING</u>	<u>PARAMETER</u>	<u>Measurement</u>	<u>Sample Type</u>
<u>Code UNITS</u>		<u>Frequency</u>	
00400 S.U.	pH	1/2 weeks	Grab
00300 mg/l	Dissolved Oxygen	1/2 weeks	Grab
00310 mg/l	BOD ₅	1/2 weeks	Grab
00530 mg/l	Suspended Solids	1/2 weeks	Grab
31616 Count /100ml	Fecal Coliform (Summer Only)	1/2 weeks	Grab
00610 mg/l	Ammonia (N)	1/2 weeks	Grab
50060 mg/l	Chlorine Residual (Summer and Downstream Only)	1/2 weeks	Grab
00010 °C	Temperature	1/2 weeks	Grab

C. Sludge Monitoring

In the event the sludge is land-applied, Lebanon shall monitor the existing wastewater treatment plant's final sludge at Station Number LPC00003581 and report to the Ohio EPA in accordance with the following table beginning at least one month prior to commencing land application of the sludge. In the event the sludge is landfilled, Lebanon shall monitor the final sludge from the existing wastewater treatment plant at Station Number LPC00003581 and report the dry tons and percent total solids of the sludge in accordance with the following table. See paragraph 8.B. for location of sludge sampling.

<u>EFFLUENT CHARACTERISTIC</u>		<u>MONITORING REQUIREMENTS</u>	
<u>REPORTING</u>	<u>PARAMETER</u>	<u>Measurement</u>	<u>Sample Type</u>
<u>Code UNITS</u>		<u>Frequency</u>	
70316 Dry Tons	Sludge Weight	**When removed	*Grab
70318 %	Percent Total Solids	**When removed	Grab
01093 mg/kg	Zinc	1/Quarter	Composite
01043 mg/kg	Copper	1/Quarter	Composite
01068 mg/kg	Nickel	1/Quarter	Composite
01028 mg/kg	Total Cadmium	1/Quarter	Composite
01029 mg/kg	Total Chromium	1/Quarter	Composite
71921 mg/kg	Total Mercury	1/Quarter	Composite
01052 mg/kg	Total Lead	1/Quarter	Composite
00400 S.U.	pH	1/month	Grab
00610 mg/kg	Ammonia (N)	1/month	Grab
00625 mg/kg	Kjeldahl, TKN (N)	1/month	Grab

*Calculated total for the day reported.

**On days that sludge is not wasted enter "AH" on the monthly report forms and explain in the "Remarks" section.

6. Final Requirements - Effluent

Beginning on the date the new wastewater treatment works attains operational level, but no later than July 1, 1987, Lebanon agrees and is hereby ordered to discharge to the Little Miami River in accordance with the final effluent limitations and monitoring requirements set forth in Table II, below:

TABLE II

REPORTING Code	UNITS	PARAMETER	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
			Concentration		Loading*		Meas. Freq.	Sample Type
			Other Units	(Specify)	30 day	7 day		
50050	MGD	Flow	—	—	—	—	Daily	Continuous
00010	°C	Temperature	—	—	—	—	Daily	Max. Ind. Therm.
00530	mg/l	Suspended Solids(S)	20	30	—	—	3/week	Composite
		(W)	30	45	—	—		
00310	mg/l	BOD ₅ (Summer)	20	30	—	—	3/week	Composite
		(Winter)	30	45	—	—		
31616	Count /100ml	Fecal Coliform (Summer only)	1000	2000	—	—	3/week	Composite
00610	mg/l	Ammonia (N) (Summer)	1.5	2.3	—	—	3/week	Composite
00610	mg/l	Ammonia (N) (Winter)	—	—	—	—	1/week	Composite
00550	mg/l	Oil & Grease	10	20	—	—	1/month	Grab
80082	mg/l	CBOD ₅	—	—	—	—	3/week	Composite
00630	mg/l	NO ₂ +NO ₃ (N-Total)	—	—	—	—	1/week	Composite
00625	mg/l	Kjeldahl, TKN(N)	—	—	—	—	1/week	Composite
01027	ug/l	Cadmium	—	—	—	—	1/Quarter	Composite
01034	ug/l	Chromium	—	—	—	—	1/Quarter	Composite
01042	ug/l	Copper	—	—	—	—	1/Quarter	Composite
01051	ug/l	Lead	—	—	—	—	1/Quarter	Composite
71900	ug/l	Mercury	—	—	—	—	1/Quarter	Composite
01067	ug/l	Nickel	—	—	—	—	1/Quarter	Composite
01092	ug/l	Zinc	—	—	—	—	1/Quarter	Composite

- The pH (Reporting Codes 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored 3 times per day by grab sample, with the critical value being reported.
- The Chlorine Residual (Reporting Code 50060) shall be maintained at a level not greater than 0.5 mg/l and shall be monitored 3 times per day by grab sample, with the critical value being reported (summer only).
- The Dissolved Oxygen (Reporting Code 00300) shall be maintained at a level not less than 7.0 mg/l and shall be monitored continuously during the summer. During the winter the Dissolved Oxygen shall be monitored continuously.
- During the term of this Consent Judgment as additional water quality data becomes available, the parties may move the Court to modify this Consent Judgment and the effluent limitations contained in paragraph 6 insofar as necessary to reflect the additional water quality data.

* See paragraph 8.E.

7. Final Requirements Other

Beginning on the date the new wastewater treatment works attains operational level, but no later than July 1, 1987, Lebanon agrees and is hereby ordered to comply with the following additional monitoring and reporting requirements at the new wastewater treatment works.

A. Influent Monitoring

Lebanon shall monitor the wastewater treatment work's influent wastewater at the station to be designated and report to the Ohio EPA in accordance with the following table. Samples of influent used for determination of net values or percent removal must be taken the same day as those samples of effluent used for that determination.

<u>EFFLUENT CHARACTERISTIC</u>			<u>MONITORING REQUIREMENTS</u>	
<u>REPORTING</u>			<u>Measurement</u>	
<u>Code</u>	<u>UNITS</u>	<u>PARAMETER</u>	<u>Frequency</u>	<u>Sample Type</u>
00530	mg/l	Suspended Solids	3/week	Composite
00310	mg/l	BOD ₅	3/week	Composite
00400	S.U.	pH	Daily*	Grab
00010	°C	Temperature	Daily	Max. Ind. Therm.
00610	mg/l	Am monia (N) (Summer)	3/week	Composite
		(Winter)	1/week	Composite

*pH shall be monitored 3 times per day by grab sample, with the critical value reported.

B. Upstream and Downstream Monitoring

Lebanon shall monitor the receiving stream, upstream of the point of discharge at the station to be designated, and downstream of the point of discharge at the station to be designated, and report to the Ohio EPA in accordance with the following table.

<u>EFFLUENT CHARACTERISTIC</u>			<u>MONITORING REQUIREMENTS</u>	
<u>REPORTING</u>			<u>Measurement</u>	
<u>Code</u>	<u>UNITS</u>	<u>PARAMETER</u>	<u>Frequency</u>	<u>Sample Type</u>
00400	S.U.	pH	1/week	Grab
00300	mg/l	Dissolved Oxygen	1/week	Grab
00310	mg/l	BOD ₅	1/week	Grab
00530	mg/l	Suspended Solids	1/week	Grab
31616	Count /100ml	Fecal Coliform (Summer Only)	1/week	Grab
00610	mg/l	Ammonia (N)	1/week	Grab
50060	mg/l	Chlorine Residual (Summer and Downstream Only)	1/week	Grab
00010	°C	Temperature	1/week	Grab

C. Sludge Monitoring

In the event the sludge is land-applied, Lebanon shall monitor the existing wastewater treatment plant's final sludge at the Station to be designated and report to the Ohio EPA in accordance with the following table beginning at least one month prior to commencing land application of the sludge. In the event the sludge is landfilled, Lebanon shall monitor the final sludge from the existing wastewater treatment plant at the Station to be designated and report the dry tons and percent total solids of the sludge in accordance with the following table.

<u>EFFLUENT CHARACTERISTIC</u>			<u>MONITORING REQUIREMENTS</u>	
<u>REPORTING</u>			<u>Measurement</u>	
<u>Code</u>	<u>UNITS</u>	<u>PARAMETER</u>	<u>Frequency</u>	<u>Sample Type</u>
70316	Dry Tons	Sludge Weight	**When removed	*Grab
70318	%	Percent Total Solids	**When removed	Grab
01093	mg/kg	Zinc	1/Quarter	Composite
01043	mg/kg	Copper	1/Quarter	Composite
01068	mg/kg	Nickel	1/Quarter	Composite
01028	mg/kg	Total Cadmium	1/Quarter	Composite
01029	mg/kg	Total Chromium	1/Quarter	Composite
71921	mg/kg	Total Mercury	1/Quarter	Composite
01052	mg/kg	Total Lead	1/Quarter	Composite
00400	S.U.	pH	1/month	Grab
00610	mg/kg	Ammonia (N)	1/month	Grab
00625	mg/kg	Kjeldahl, TKN(N)	1/month	Grab

*Calculated total for the day reported.

**On days that sludge is not wasted enter "AH" on the monthly report forms and explain in the "Remarks" section.

8. Operating Requirements

Lebanon agrees and is hereby ordered to meet the following requirements:

- A. The wastewater treatment works must be under supervision of a State certified operator as required by Rule 3745-7-02 of the Ohio Administrative Code (formerly OEPA Regulation EP-06-02/Ohio Sanitary Code Regulation HE-37-02) for a Class III Operator.
- B. Description of the location of the sampling stations for the sampling required by paragraphs 4 and 5, above, are as follows:

<u>Sampling Station</u>	<u>Description of Location</u>
IPC0000300L	Effluent to Turtle Creek
IPC0000360L	Influent to treatment plant
IPC0000358L	Sludge wasted to drying beds
IPC0000380L	Upstream of discharge point
IPC0000390L	Downstream of discharge point

- C. In addition to any other reporting requirements, monitoring results obtained during each month shall be summarized and reported on a Discharge Monitoring Report Form (EPA No. 3320-1 or T-40 as appropriate), to be received no later than the 15th of the next month. The original copy of the report form shall be signed and mailed to:

Ohio Environmental Protection Agency
Technical Records Section
Post Office Box 1049
Columbus, Ohio 43216

- D. All parameters, except flow, need not be monitored on days when the plant is not normally staffed (Saturdays, Sundays, and Holidays). On those days report "AN" on the monthly report forms.
- E. Flow and loadings shall be determined during facilities planning and/or the State continuous planning process.
- F. A critical value is one that represents the greatest excursion from the limitation(s) or, if the limitation(s) are not violated, is the closest to the limitation(s).
- G. Composite samples shall be comprised of at least 3 grab samples proportionate in volume to the sewage flow rate at the time of sampling and collected at not less than 30 minute, nor more than 2 hour, intervals during the period that the plant is staffed on each day for sampling. Such samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's overall performance.

- H. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's performance.
- I. Final effluent limitations based on approved or preliminary waste load allocations may change when new waste load allocations are approved based on revised water quality standards.
- J. The plant must be operated in accordance with the Ohio EPA approved Operation and Maintenance Manual.
- K. All terms and conditions of Lebanon's expired NPDES Permit No C 603* AD (attached hereto as Exhibit I) which are not inconsistent with provisions of this Consent Judgment shall be complied with by Lebanon.

9. Sludge Management

In the event sludge from the wastewater treatment works is to be land-applied, Lebanon agrees and is hereby ordered to submit to the Ohio EPA an approvable sludge management plan prepared in accordance with Ohio EPA's March, 1983, Land Application of Sludge Manual, and updates thereof, and to obtain approval of such plan prior to commencing land application of sludge.

10. Operations - Existing Plant

Lebanon agrees and is hereby ordered to cease discharging from Lebanon's existing wastewater treatment plant and pump station on the date that the new wastewater treatment works attains operational level.

11. Funding Requirement

If at any time during the effective period of this Consent Judgment, federal construction grant moneys are not available to Lebanon for Step 2+3 work in designing and constructing Lebanon's new wastewater treatment works, this Consent Judgment may be reopened and its requirements renegotiated, or if necessary, matters resolved by this Consent Judgment may be litigated as if this Consent Judgment had not been entered.

12. Further Actions

Except as provided in paragraph 11 of this Consent Judgment, entry of this Consent Judgment shall bar any further actions by Plaintiff against Lebanon arising out of any violation to date of Chapter 6111 of the Ohio Revised Code, or NPDES Permit No. C 603* AD relating to Lebanon's wastewater treatment plant. Moreover, compliance with all the terms of this Consent Judgment shall bar any further actions by Plaintiff against Lebanon arising out of any such similar violations occurring during the effective period of this Consent Judgment to the extent that such similar violations do not also constitute violations of any provision of this Consent Judgment.

13. Whitaker

By its settlement with Lebanon and entry of this Consent Judgment, Plaintiff does not discharge, release, or in any way affect any right, demand, claim, suit, or cause of action which Plaintiff has, or may have, against Whitaker, and Plaintiff expressly reserves for further prosecution all such rights, demands, claims, suits, and causes of action which it has, or may have, against Whitaker. A copy of this Consent Judgment has been provided to counsel for Whitaker.

14. Termination

This Consent Judgment shall terminate when the new wastewater treatment works has been constructed, the new wastewater treatment works has attained operational level, and Lebanon has obtained an effective NPDES permit.

15. Civil Penalty

Lebanon shall pay a civil penalty in the amount of twenty-five thousand dollars (\$25,000.00) to Plaintiff pursuant to Section 6111.09 of the Ohio Revised Code. Such penalty shall be in full satisfaction of any and all liability of Lebanon, its successors and assigns for any violations of Chapter 6111 of the Ohio Revised Code and the terms and conditions of NPDES Permit No. C 603* AD to the date of entry of this Consent Judgment. Payment of such civil penalty shall be suspended, provided, however, that if Lebanon fails to meet the date provided in paragraph 3.G. for attaining operational level of the new wastewater treatment works and achieving compliance with final effluent limitations at the new wastewater treatment works, the civil penalty may be reimposed and shall be paid at the following rate for each day the plant fails to meet the specified date:

Days 1 through 30	\$ 50.00 per day
Days 31 through 60	\$100.00 per day
Days 61 through 90	\$200.00 per day
Days 91 and thereafter	\$300.00 per day

to a maximum penalty of \$25,000.00.

Any payments which must be made pursuant to this provision shall be made by forwarding to Plaintiff's counsel a certified check in the appropriate amount payable to "Treasurer, State of Ohio" for deposit in the State's General Revenue Fund. In any action to reimpose the civil penalty, or in any action brought against Lebanon for failure to meet the compliance schedule set forth herein, Lebanon may raise at that time the question of whether it is entitled to a defense that its failure to meet the date provided in paragraph 3.G. was caused by reasons beyond its control such as an act of God or the public enemy, accidental fire or explosion, flood, earthquake, national emergency, riot, sabotage, strike, slowdown, lockout or

work stoppage, failure or refusal of any designer, contractor, fabricator or supplier to design, construct, fabricate, deliver, or install in a timely manner, or delays caused by governmental agencies other than Lebanon, including but not limited to delays in securing permits and approvals caused by governmental agencies other than Lebanon. While it is not stipulated by Plaintiff that such defense exists, it is, however, hereby agreed by Plaintiff and Lebanon that it is premature at this time to raise and adjudicate the existence of such a defense and that the appropriate point at which to adjudicate the existence of such a defense is at the time that an action to reimpose the civil penalty or an action against Lebanon for failure to meet the compliance schedule set forth herein, if any, is commenced.

16. Effective Date

This Consent Judgment is effective September 1, 1983. This Court retains jurisdiction of this suit for the purpose of making any order or decree which it may deem at any time to be necessary to carry out this Consent Judgment.

P. Daniel Fedders
P. DANIELS FEDDERS, JUDGE
Court of Common Pleas

APPROVED

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

By Martha E. Horvitz
MARTHA E. HORVITZ
Assistant Attorney General
Attorney for Plaintiff,
State of Ohio

CERTIFIED COPY
PAUL E. HARRISON, CLERK
WARREN COUNTY, OHIO
BY Herwood Thomas

CITY OF LEBANON

By J. William Duning
J. WILLIAM DUNING
City Attorney
Attorney for Defendant
City of Lebanon

6. 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 existing municipal 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 II Operator. If additional wastewater treatment facilities are constructed, a Class III Operator will likely be required.~~
- 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.

7. Self-Monitoring and Reporting Requirements

A. U.S. 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 this permit shall be summarized on an average calendar month basis. Individual reports for each month are to be submitted on a quarterly basis. Quarterly reports will be required for periods ending on the last day of March, June, Sept., and December. Original copies of the discharge monitoring report form (EPA Form T-40), properly completed and signed, must be submitted within 28 days after the end of each quarterly report period to the Regional Administrator at the following address:

U.S. Environmental Protection Agency
Region V, Permit Branch
230 South Dearborn Street
Chicago, Illinois 60604

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

<u>Parameter</u>	<u>Frequency</u>	<u>Sample Type</u>
Total Flow, mgd	Daily	Continuous
BOD ₅ , mg/l	2/week	Composite
Suspended solids, mg/l	2/week	Composite
pH	Daily	Grab
Fecal coliform, N per 100 ml†	2/week	GRAB

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

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, Environmental 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 instrumentation at intervals to insure accuracy of measurements:

8. 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 analyst, and the results of all required analyses and measurements.

All sampling and analytical records mentioned in the preceding paragraph shall be retained for a minimum of three years. The permittee shall also retain all original recordings from 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.

9. Solids Disposal

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

ATTACHMENT A (cont'd.)10. Special Conditions

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 US 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, this permit will be amended as appropriate.

That the City of Lebanon will not be held responsible for adverse effluent quality which may violate the conditions and limitations of this permit provided that (a) the cause is attributable solely and directly to experimental activities conducted by the USEPA, (b) that such activities have received prior approval from the Director of the Ohio EPA, and (c) that Attachment B, General Conditions Nos. 8, 9, and 16 are complied with.

The permittee may elect to achieve compliance with the effluent limitations specified in Attachment A according to the Compliance Schedule. Federal requirements for funding consideration require the preparation of a Facilities Plan which includes a cost-effectiveness analysis, environmental assessment, user charge rates, infiltration/inflow analysis, etc. In preparation of such a document, the alternative of a regional solution to the wastewater management needs of the City of Lebanon should be assessed. Should the approved Facilities Plan show regionalization to be the most cost-effective solution to the wastewater management needs of the City of Lebanon, this permit will be appropriately amended.

ATTACHMENT A (con't.)

SPECIAL CONDITIONS

INTERMITTENT LIMITATIONS ON BYPASSES AND/OR OVERFLOW POINTS

Within 6 months of the effective date of this permit, the permitted shall complete the attached "Description of Bypasses and Overflow Discharges." Based on the assessment of the information provided as it relates to "Prohibition of Bypass of Treatment Facilities" (Item 8 in the General Conditions of this permit), other special conditions may be added to assure compliance with the General Conditions.

Description of Bypasses and Overflow Discharges

1. Outline the need for the continued use of any bypass or overflow points.
2. Indicate the number of Intermittent Discharges as follows (do not include the main facility discharge in C.):

<p><u>Intermittent Discharges</u></p> <p>a. Facility Bypass Points Indicate the number of bypass points for the facility that are discharge points (see instructions)</p> <p>b. Facility Overflow Points Indicate the number of overflow points to a waterway for the facility (see instructions).</p> <p>c. Seasonal or Periodic Discharge Points Indicate the number of points where seasonal discharges occur from lotting ponds, lagoons, etc.</p>	<table border="1" style="border-collapse: collapse; width: 100px;"> <tr> <td style="text-align: center;">1000</td> <td style="border: none;">-----</td> </tr> <tr> <td style="text-align: center;">1000</td> <td style="border: none;">-----</td> </tr> <tr> <td style="text-align: center;">1000</td> <td style="border: none;">-----</td> </tr> </table>	1000	-----	1000	-----	1000	-----
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INSTRUCTIONS FOR INDIVIDUAL ITEMS

Facility bypass points - A bypass is an arrangement of pipes, conduits, gates, and valves whereby all or a portion of the flow is diverted and results in a discharge.

Overflow - An overflow occurs when the volume of water exceeds the capacity of a transport system causing the extra water to be spilled or forced out of the system into a waterway.

3. Provide the following information for each discharge indicated in Item 2:

I. Bypass Discharge (see instructions)

a. Bypass Occurrence
Check when bypass occurs

Wet weather

Dry weather

b. Bypass Frequency Give the actual or approximate number of bypass incidents per year.

Wet weather

Dry weather

c. Bypass Duration Give the average bypass duration in hours.

Wet weather

Dry weather

d. Bypass Volume Give the average volume per bypass incident, in thousand gallons.

Wet weather

Dry weather

e. Bypass Reasons Give reasons why bypass occurs.

Proceed to Item 11.

II. Overflow Discharge (see instructions)

a. Overflow Occurrence Check when overflow occurs.

Wet weather:

Dry weather

b. Overflow Frequency Give the actual or approximate incidents per year.

Wet weather

Dry weather

Yes No

Yes No

_____ times per year

_____ times per year

_____ hours

_____ hours

_____ thousand gallons per incident

_____ thousand gallons per incident

c. Overflow Duration Give the average overflow duration in hours.

Wet weather

Dry weather

d. Overflow Volume Give the average volume per overflow incident in thousand gallons.

Wet weather

Dry weather

Proceed to Item 11

III. Seasonal/Periodic Discharge

a. Seasonal/Periodic Discharge Frequency If discharge is intermittent from a holding pond, lagoon, etc., give the actual or approximate number of times this discharge occurs per year.

b. Seasonal/Periodic Discharge Volume Give the average volume per discharge occurrence in thousand gallons.

c. Seasonal/Periodic Discharge Duration Give the average duration of each discharge occurrence in days.

d. Seasonal/Periodic Discharge Occurrence—Months Check the months during the year when the discharge normally occurs.

- JAN FEB MAR
- APR MAY JUN
- JUL AUG SEP
- OCT NOV DEC

_____ hours

_____ hours

_____ thousand gallons per incident

_____ thousand gallons per incident

_____ times per year

_____ thousand gallons per discharge occur

_____ days

ATTACHMENT BGENERAL CONDITIONS

1. All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant more frequently than or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit. Such a violation may result in the imposition of civil and/or criminal penalties as provided for in Ohio Revised Code Sections 6111.09 and 6111.99. Facility modifications, additions, and/or expansion that increase the plant capacity must be reported to the permitting authority and this permit then modified or re-issued to reflect such changes. Any anticipated change in the facility discharge, including any new significant industrial discharge or significant changes in the quantity or quality of existing industrial discharges to the treatment system that will result in new or increased discharges of pollutants must be reported to the permitting authority. Modifications to the permit may then be made to reflect any necessary changes in permit conditions, including any necessary effluent limitations for any pollutants not identified and limited herein. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.
2. a. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked by the Ohio EPA in whole or in part during its term for cause including, but not limited to, the following:
 - (i) violation of any terms or conditions of this permit;
 - (ii) obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or,
 - (iii) a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- b. The permittee may at any time apply to the Ohio EPA for modification of any part of this permit, provided that application for modification is received by the Ohio EPA at least sixty days before the date on which it is desired that the modification shall become effective.
3. Notwithstanding 2 above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge authorized herein and such standard or prohibition is more stringent than any limitation upon such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee shall be so notified.
4. The permittee shall allow authorized representatives of the U.S. EPA and the Ohio EPA upon the presentation of credentials:
 - (a) to enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit;

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- (b) to have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit;
- (c) to inspect at reasonable times any monitoring equipment or monitoring method required in this permit; or,
- (d) to sample at reasonable times any discharge of pollutants.

5. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, state, or local laws or regulations.
6. This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.
7. Except for data determined by the Ohio EPA to be entitled to confidential status, all monitoring reports required by this permit shall be available for public inspection at the offices of the Ohio EPA. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Ohio Revised Code Section 6111.99.
- 8.* The diversion or bypass of any discharge from the treatment works by the permittee is prohibited, except: (1) to prevent loss of life or severe property damage; or, (2) where excessive storm drainage or runoff would damage any facilities necessary for compliance with the terms and conditions of this permit. The permittee shall notify the Ohio EPA in writing within 72 hours of each such diversion or bypass in accordance with the procedure specified above for reporting non-compliance. The permittee shall within 30 days after such incident submit for approval a plan to prevent recurrence of such incidents.
9. If for any reason the permittee does not comply with or will be unable to comply with any effluent limitations specified in this permit, or should any unusual or extraordinary discharge of wastes occur from the facilities herein permitted, the permittee shall provide the Ohio EPA with the following information in writing within five days of becoming aware of the condition.
 1. A description of the non-complying discharge including its impact upon the receiving waters.
 2. Cause of non-compliance.
 3. Anticipated time the condition of non-compliance is expected to continue, or if such condition has been corrected, the duration of the period of non-compliance.
 4. Steps taken by the permittee to reduce and eliminate the non-complying discharge.
 5. Steps to be taken by the permittee to prevent recurrence of the condition of non-compliance.

*Until such time as (a) infiltration/inflow is eliminated, or (b) additional wastewater treatment facilities become operational, this condition shall not apply to bypasses or overflows of raw or partially treated sewage of amounts in excess of the hydraulic capacity of the wastewater treatment works. Such bypasses or overflows shall be reported, however, as provided for in Attachment A, Part 7, Sub-Part C.

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10. Permittee shall take all reasonable steps to minimize any adverse impact to navigable waters resulting from non-compliance with any effluent limitation specified in this permit. The permittee will also provide accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.
11. The permittee is responsible for maintaining adequate safeguards to prevent the discharge to untreated or inadequately treated wastes during electrical power failures either by means of alternate power sources, standby generators or retention of inadequately treated effluent. Should the treatment works not include the above capabilities at time of permit issuance, the permittee must furnish within 120 days to the permitting authority, for approval, plans for such facilities and an implementation schedule for their installation.
12. Except as provided in permit condition 8 on by-passing, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for non-compliance.
13. Nothing in this permit shall be construed to preclude the institution of any legal action nor relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.
14. In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Ohio EPA.
15. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
16. The permit holder shall within one (1) hour of discovery report to the Ohio EPA by calling 614-299-6336 and the proper Federal Authority any unauthorized discharge of untreated or partially treated sewage, industrial wastes or other wastes into the waters of the state or into publicly-owned treatment works, when such discharges result from pipe line breaks, equipment malfunctions or

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failures, operator errors, accidents, process interruptions, or power failures. The report shall include the remedial steps being taken, the names and telephone numbers of persons who have knowledge of the circumstances surrounding such discharge and the names and telephone numbers of persons who are responsible for the remedial steps being taken. Such report shall be confirmed in writing within one week after the date of each discharge. Within thirty (30) days after such discharge, the permit holder shall report to what extent permanent measures can be taken to prevent recurrence of such discharge; any such measures proposed to be taken shall be submitted to the Ohio EPA for approval within sixty (60) days of such discharge.

(End of Attachment B)