

TO: *Judgment Book*

FROM: PAUL D. HANCOCK

IN THE COURT OF COMMON PLE
ASHTABULA COUNTY, OHIO

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

CASE NO. 89080

JUDGE Vettel

Plaintiff,

v.

DETREX CORPORATION,

Defendant.

68, 111 411 6 11 1989
COPY

CONSENT DECREE

The Plaintiff, State of Ohio, ex rel. Anthony J. Celebrezze, Jr., Attorney General of Ohio ("State" or "Plaintiff"), having filed the Complaint in this action against Defendant, Detrex Corporation ("Detrex" or "Defendant"), to enforce the State water pollution statutes and rules and to impose legal liability thereunder, and Plaintiff and Defendant having consented to entry of this Decree;

THEREFORE, before the taking of any testimony, upon the pleadings, without trial or admission by Defendant to any issue of law or fact, upon the consent of the parties hereto and pursuant to order of the Court, it is hereby ordered, adjudged and decreed as follows:

I. DEFINITIONS

As used in this Consent Decree, the following shall be defined terms:

A. The term "OEPA" shall mean the Ohio Environmental Protection Agency and its designated representatives.

B. The term "the parties" shall mean the State of Ohio and Defendant.

C. The term "waters of the State" shall have the same meaning as in Section 6111.01(H) of the Ohio Revised Code which is "all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, which are situated wholly or partly within, or border upon, [the State of Ohio], or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface or underground waters."

D. The term "industrial waste" shall have the same meaning as in Section 6111.01(C) of the Ohio Revised Code which is "any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacture, trade or business, or from the development, processing or recovery of any natural resource, together with such sewage as is present."

E. The term "State Road plant" or "Site" shall mean the chemical manufacturing plant owned and operated by Defendant on a 56-acre site located on the east side of State Road just north of Fields Brook in Ashtabula County, Ohio.

II. JURISDICTION AND VENUE

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 regulations promulgated thereunder.

III. CONTINUING JURISDICTION

This Court shall retain jurisdiction of this action to oversee the implementation of this Consent Decree.

IV. SATISFACTION OF CLAIMS AND EFFECT UPON OTHER ACTIONS

Compliance with the terms of this Consent Decree shall constitute full satisfaction of any liability for civil penalties in the amount specified in Paragraph XII by Defendant and its officers, employees, and former officers for: a) violations of Chapter 6111. of the Revised Code or regulations thereunder which were alleged in the Complaint which may have taken place prior to May 1, 1989 at this Site; b) violations of Defendant's NPDES permit for this Site which were alleged in the Complaint which may have taken place prior to May 1, 1989; c) any claims under Chapter 6111. of the Revised Code or under Defendant's NPDES permit for this Site for civil penalties the State has or may have solely for discharges contaminated by volatile organic compounds to waters of the State until thirty (30) days after the Defendant has completed the construction required by Section VI below, provided that such volatile organic compounds were placed by Detrex or its predecessor(s) into the ground or soils at the Site prior to May 1, 1989; and d) violations of Chapter 6111. of the Revised Code or violations of Defendant's NPDES permit for the Site which occur prior to July 15, 1989, and which relate to Defendant's

obligation under its NPDES permit, p. 3, Exhibit "A" to monitor flow daily with a continuous recording device.

Notwithstanding compliance with the terms of this Consent Decree, the Defendant is not released from legal, equitable or other liability, including the payment of money, if any, for any claims relating to remediation of waters of the State or soil not addressed in this Consent Decree, or any actions beyond the terms and scope of this Consent Decree, and, for such claims, the Plaintiff reserves the right to take any enforcement action pursuant to any available legal authority, including the right to seek money damages, injunctive relief, monetary penalties, natural resources damages, response costs, oversight costs and/or punitive damages. It is expressly recognized by the parties that this Consent Decree does not preclude Plaintiff, either alone or in conjunction with the United States of America, from bringing a judicial and/or administrative action against Detrex under Chapters 3734. or 6111. of the Revised Code or regulations thereunder, under State nuisance statutory or common law, ultrahazardous activity law, or under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA") as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), 42 U.S.C. 9601, et seq., or as hereinafter amended (hereinafter "non-covered matters"), except that the Plaintiff shall not bring an action for civil penalties against Detrex for: a) violations of Chapter 6111. of the Revised Code or

regulations thereunder which were alleged in the Complaint which may have taken place prior to May 1, 1989 at this Site; b) violations of Defendant's NPDES permit for this Site which were alleged in the Complaint which may have taken place prior to May 1, 1989; c) any claims under Chapter 6111. of the Revised Code or under Defendant's NPDES permit for this Site for civil penalties the State has or may have solely for discharges contaminated by volatile organic compounds to waters of the State until thirty (30) days after the Defendant has completed the construction required by Section VI below, provided that such volatile organic compounds were placed by Detrex or its predecessor(s) into the ground or soils at the Site prior to May 1, 1989; and d) violations of Chapter 6111. of the Revised Code or violations of Defendant's NPDES permit for the Site which occur prior to July 15, 1989, and which relate to Defendant's obligation under its NPDES permit, p. 3, Exhibit "A" to monitor flow daily with a continuous recording device. By way of illustration and not limitation, the Plaintiff may bring an action(s) against Detrex and/or others to require it: A. to conduct or to spend monies to conduct a Remedial Investigation and Feasibility Study ("RIFS") to determine the source of any pollution of air or "waters of the state" or contamination of any soil or any other environmental contamination from or at the Site and to determine the necessary action therefore; B. to implement action or to spend monies to implement action as selected by the State of Ohio

and/or USEPA to clean up the pollution of air, "waters of the state" or contamination of soil or any other environmental contamination at the Site and/or caused by the Site; C. to conduct any additional RIFS work and/or to conduct any remedial action to clean up the Fields Brook, its tributaries, Ashtabula Harbor and/or Lake Erie, pursuant to Chapters 3734. and/or 6111. of the Revised Code or other applicable state or federal law or to spend monies to have same conducted; D. to pay civil penalties, money damages, response costs, oversight costs or natural resources damages, or punitive damages under Chapters 3734. or 3745. of the Ohio Revised Code or CERCLA, as amended by SARA, or State common law; and E. to compel Detrex to submit an approvable closure plan and when appropriate, to implement a closure plan as approved by Ohio EPA or to spend monies to have same conducted.

V. RIGHT OF ENTRY

During the effective time of this Consent Decree, the Plaintiff and its agents and employees shall have authority to enter, without a search warrant, at a reasonable time, onto the Site to inspect, to take appropriate samples and/or to observe work conducted by Defendant or its contractor as required by this Consent Decree. This provision in no way limits the Plaintiff's statutory authority to conduct inspections and/or to take appropriate samples.

VI. IMPLEMENTATION OF PERMIT TO INSTALL AND STIPULATED PENALTIES

A. The Defendant is ordered and enjoined to comply with

the terms of its Permit to Install ("PTI"), dated October 25, 1988, and its accompanying detailed engineering plans (a copy of the PTI is attached hereto and incorporated by reference). As to work Detrex is to conduct under its approved PTI, with detailed engineering plans, Detrex shall follow this schedule:

<u>TASK</u>	<u>COMPLETION DATE</u>
(1) Complete Contract Process.	September 21, 1989
(2) Complete Construction of Proposed Improvements for 001 Outfall Installation.	August 1, 1990
(3) Complete Construction Proposed Improvements for New 002 Outfall Installation.	August 1, 1990

The PTI is an enforceable part of this Consent Decree.

B. Any report, document or correspondence which is required by this Consent Decree to be submitted to OEPA, shall be delivered to OEPA at the following addresses (or to such other address(es) as OEPA may hereafter designate in writing):

Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43266-0149
ATTN: Division of Wastewater Pollution Control,
Enforcement and Compliance Section

Ohio Environmental Protection Agency
Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087-1969
ATTN: Division of Wastewater Pollution Control,
Enforcement and Compliance Section

Any such report, document, or correspondence which is required by this Consent Decree to be submitted to the Attorney General's Office, and any stipulated penalty pursuant to

Section VI D, infra, shall be submitted to:

Attorney General's Office
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43266-0410
ATTN: Paul D. Hancock (or his successor)

To the extent practicable, OEPA may permit Defendant, upon written request to OEPA, to consolidate together any of the submittals or reports required herein.

C. All correspondence, reports, notices, approvals, or disapprovals which need to be sent to Defendant shall be directed to the following:

Issa H. Shamiyeh, Manager
Corporate Engineering & Risk Management
Detrex Corporation
P.O. Box 5111
Southfield, MI 48086-5111

Robert A. Emmett, Esq.
Reed Smith Shaw & McClay
1200 18th Street, N.W.
Washington, D.C. 20036

D. In the event that Detrex fails to meet any of the schedule milestone requirements of this Consent Decree set forth in Paragraph VI A, the Defendant shall legally be liable for and shall pay a stipulated penalty according to the following payment schedule. For each day of each failure to meet any such requirement, up to thirty days - \$425.00 per day. For each day of each failure to meet a requirement, from thirty-one to sixty days - \$750.00 per day. For each day of each failure to meet a requirement, from sixty-one to ninety days - \$1,500.00. For each day of each failure to meet a requirement, from ninety-one days and thereafter - \$2,250.00

per day.

VII. RESERVATION OF RIGHTS

A. The execution of, performance of and payment for work under this Consent Decree by the Defendant shall not constitute an admission of any factual or legal issue, or of any liability or wrongdoing relating to the Site, although the Defendant does agree it shall do and pay for what it is required to do by this Consent Decree. In any proceeding except for the instant proceeding, the Defendant reserves all rights, claims and defenses which it might have regarding the Site. As to this Consent Decree, the Defendant preserves all arguments that it has, in fact, complied with the specific tasks and requirements of this Consent Decree. Plaintiff and Defendant also reserve all rights, claims or remedies they may have against any person not a party to this Consent Decree including but not necessarily limited to Hooker, Electrochemical and Occidental Chemical and their successors and assigns.

B. The parties acknowledge that the question of whether there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an alleged actual or threatened release of pollutants, contaminants, or industrial wastes from or on the Site is beyond the scope of this Consent Decree and Defendant expressly reserves all available defenses, including a general denial, of that question.

VIII. PROJECT COORDINATORS

OEPA and Defendant each shall designate a Project Coordinator and an alternate for the purpose of overseeing the implementation of this Consent Decree. Each party agrees to provide the other with notice of the name of said Coordinator within twenty-one (21) days of the Court's approval of this Consent Decree. To the maximum extent possible, except as specifically provided in this Consent Decree, communications between the Plaintiff and Defendant concerning compliance with the terms and conditions of this Consent Decree shall be made between the Project Coordinators. Each Project Coordinator shall be responsible for assuring that all communications from the party are appropriately disseminated and processed.

OEPA and Defendant each have the right to change their respective Project Coordinator. Such a change shall be accomplished by notifying the other party in writing at least five (5) calendar days prior to the change.

IX. REPORTING

The Defendant shall submit bi-monthly written progress reports to OEPA and the Attorney General of Ohio which describe the actions which have been taken toward achieving compliance with this Consent Decree during the previous two months, as well as activities which are scheduled for the next two months. These reports shall be submitted by the fifteenth (15) day of the second month following the month of the approval of this Consent Decree by the Court, unless otherwise designated pursuant to this Consent Decree.

X. SAMPLING, ACCESS AND DATA/DOCUMENT AVAILABILITY

The Defendant shall make available to OEPA the results of sampling, tests or other data generated by it, or on its behalf, with respect to the implementation of this Consent Decree.

At the request of Ohio EPA, the Defendant shall allow split or duplicate samples to be taken by OEPA of samples collected by the Defendant during the implementation of the Consent Decree. The Defendant shall notify the OEPA Project Coordinator not less than five (5) working days, unless otherwise agreed, in advance of any sample collection for which the OEPA Project Coordinator has indicated that he or she may wish to obtain split or duplicate samples.

Defendant also agrees that it shall preserve during the pendency of this Consent Decree and for a minimum of five (5) years after its termination, at least one copy of all records and documents (other than drafts) within its possession, which relate to actions performed under this Consent Decree, despite any document retention policy to the contrary. After the five (5) year period Defendant shall notify OEPA within thirty (30) days prior to the destruction of any such documents. Upon request by OEPA, Defendant shall make available to OEPA such records or copies of any such records unless otherwise privileged under law.

Nothing in this paragraph shall be construed to limit any rights of the Plaintiff to conduct inspections and/or to take

samples under applicable law or permits.

**XI. REVIEW OF SUBMITTALS AND PROPOSED
MODIFICATIONS, RESOLUTION OF DISPUTES**

A. In the event of disapproval of any submittal, OEPA will specify in writing the reasons for such disapproval and if OEPA asserts that additional work or other activities, including the payment of money for work, are required as part of the Workplan or pursuant to the Workplan, OEPA will provide a description of the nature of and reasons for the further work or activities and a proposed schedule for completion. Unless Defendant invokes the dispute resolution provisions of subparagraph C below, Defendant agrees to undertake such additional work or other activities, or make payments for same and shall submit a revised report within the time specified by OEPA.

B. No modification shall be made by the Defendant in the Workplan as approved without written notification to and written approval of OEPA. The notification required by this section shall set forth the nature of and reasons for the requested modification.

C. The Project Coordinators shall, wherever possible, operate by consensus, and in the event that there is a disapproval of any submittal or report or a disagreement about the conduct of the work performed under this Consent Decree, the Project Coordinators, with the assistance of their legal counsel, shall negotiate in good faith for five (5) business days to resolve the differences.

If the Project Coordinators are unable to reach consensus on the disapproval or disagreement within five (5) business days, each Project Coordinator shall reduce his position to written form within five (5) business days of the end of the good faith negotiations referenced above. Those written positions shall be immediately exchanged by the Project Coordinators.

Following the exchange of written positions, the parties shall have an additional seven (7) business days to resolve their differences unless the parties otherwise agree in writing to a longer period of time. If the Plaintiff concurs with the position of the Defendant, the parties jointly will move to modify this Consent Decree to include necessary extensions of time or variances of the required work. If the Plaintiff does not concur with the position of the Defendant, Plaintiff will resolve the dispute, based upon, and not inconsistent with appropriate law, this Consent Decree and, if appropriate, the approved Workplan. The action of the Plaintiff is final and shall be implemented unless, within seven (7) days of Plaintiff's resolution of the dispute, the Defendant files a motion with the Court for the Court to review the Plaintiff's determination. The Court shall hear the motion on an expedited basis and shall affirm the terms and conditions of the Plaintiff's action unless the Defendant establishes by a preponderance of the evidence that the action is unreasonable or unlawful. Should the Court not rule upon the motion within

fourteen (14) days of its filing, the Defendant shall commence implementation of the action required by the Plaintiff, provided, however, that if, in accordance with Chapters 119. or 3745. of the Ohio Revised Code or other applicable law, there is a right to an adjudication hearing before the Ohio EPA or the right to a de novo hearing before the Environmental Board of Review on said determination by the Director, the Defendant shall not file a motion with the Court to review the Plaintiff's determination but the Defendant may avail itself of its hearing or appeal rights to the Ohio EPA or the Environmental Board of Review or to a court of competent jurisdiction.

XII. CIVIL PENALTY

To satisfy all claims by Plaintiff against Defendant for civil penalties for: a) violations of Chapter 6111. of the Revised Code or regulations thereunder which were alleged in the Complaint which may have taken place prior to May 1, 1989 at this Site; b) violations of Defendant's NPDES permit for this Site which were alleged in the Complaint which may have taken place prior to May 1, 1989; c) any claims under Chapter 6111. of the Revised Code or under Defendant's NPDES permit for this Site for civil penalties the State has or may have solely for discharges contaminated by volatile organic compounds to waters of the State until thirty (30) days after the Defendant has completed the construction required by Section VI above, provided that such volatile organic compounds were placed by

Detrex or its predecessor(s) into the ground or soils at the Site prior to May 1, 1989; and d) violations of Chapter 6111. of the Revised Code or violations of Defendant's NPDES permit for the Site which occur prior to July 15, 1989, and which relate to Defendant's obligation under its NPDES permit, p. 3, Exhibit "A" to monitor flow daily with a continuous recording device, Detrex shall pay a civil penalty of \$170,000.00 within thirty days of the Court's approval of this Consent Decree. The civil penalty shall be paid by delivering a check payable to "Treasurer, State of Ohio" to Paul D. Hancock, Assistant Attorney General, Ohio Attorney General's Office, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43266-0410, for deposit into the General Revenue Fund. A copy of said check shall be forwarded by Defendant to Deborah Clinkscale, Ohio Environmental Protection Agency, Legal Section, 1800 Watermark Drive, Columbus, Ohio 43266-0149.

XIII. OTHER APPLICABLE LAWS

All actions required to be taken and all payments required to be made pursuant to this Consent Decree shall be undertaken in accordance with the requirements of all applicable local, State and Federal laws and regulations including all environmental laws and regulations.

XIV. INDEMNITY

Neither the State of Ohio nor OEPA shall be considered a party to nor shall they be held liable under any contract

entered into by Defendant in carrying out the activities pursuant to this Consent Decree. While the parties believe there is no manner in which Plaintiff can be liable for Defendant's acts or omissions in carrying out activities pursuant to this Consent Decree, Defendant agrees to indemnify, save and hold harmless Plaintiff from any and all claims or causes of action, but only to the extent such claims or causes of action are caused by Defendant's or any of Defendant's contractors' or agents' negligent acts or omissions in carrying out any activities pursuant to this Consent Decree. Nothing in this Consent Decree shall create liability of the Defendant for any act or omission of the Plaintiff unless the Defendant were otherwise liable for the act or omission of the Plaintiff without this Consent Decree.

**XV. TERMS OF THE DECREE AND PERSONS TO WHOM
CONSENT DECREE APPLICABLE**

All provisions of this Consent Decree shall apply to and be binding upon the parties to this action, their assigns and successors in interest, the parties' officers, directors, agents, servants, employees, and consultants. Defendant shall provide copies of this Decree to all general contractors or consultants performing any work called for by this Decree.

XVI. DEFENDANT'S POTENTIAL DEFENSES

In any action to enforce any of the provisions of this Consent Decree, Defendant may raise at that time the question of whether it is entitled to an extension of time or a defense that its conduct was caused by reasons beyond its control such

as, by way of example and not limitation, acts of God, unusually severe weather conditions, strikes, acts of war or civil disturbances, or orders of any regulatory agency. While Plaintiff does not agree that such a defense exists, it is, however, hereby agreed by the parties 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 an enforcement action, if any, is commenced. Acceptance of this Consent Decree without a force majeure clause does not constitute a waiver by Defendant of any rights or defenses it may have under applicable law.

If any event or circumstance which Defendant contends is entirely beyond its control causes or will cause a delay in Defendant's ability to comply with any deadline specified in this Consent Decree, Defendant shall notify OEPA and the Ohio Attorney General within ten (10) days upon learning of such event or circumstances. Such notification shall include a description of the specific cause for the delay or anticipated delay, if known, the anticipated length of the delay, the measures Defendant has taken and/or intends to take to minimize the delay and a schedule by which Defendant will implement such measures. OEPA agrees to review such notification. If the Defendant fails to notify the Ohio EPA and the Office of the Attorney General in the manner provided for in this Section, Defendant is barred from raising any issue under this Section

which could have been raised under such section. Any determination by the Ohio EPA under this section is not subject to any disputes resolution provision under this Consent Decree.

XVII. TERMINATION AND SATISFACTION


No earlier than one year after Defendant has completed all actions and/or made any necessary payments required by this Consent Decree, Defendant may submit to OEPA and the Ohio Attorney General a demonstration that it has completed such requirements. OEPA will approve the work as complete or issue an Identification of Additional Work Required that may require the expenditure of additional money. Any Identification of Additional Work Required by OEPA hereunder shall be subject to the provisions on "Resolution of Disputes" contained in Section XI. C of this Consent Decree. The provisions of this Consent Decree shall be deemed satisfied upon OEPA's approval that all of the work required by this Consent Decree and any Identification of Additional Work Required is completed.

XVIII. COURT COSTS

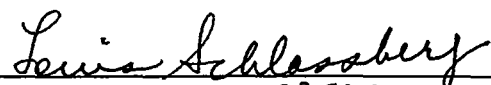
Defendant shall pay court costs.

JUDGE, COURT OF COMMON PLEAS


ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

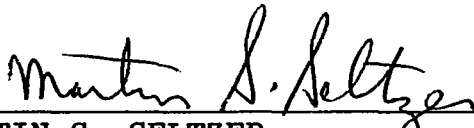
BY: 
PAUL D. HANCOCK
TIMOTHY KERN
Assistant Attorneys General
Environmental Enforcement
Section
30 East Broad Street
25th Floor
Columbus, OH 43266-0410
(614) 466-2766

DETREX CORPORATION

BY: 
NAME: LOUIS SCHLOSSBERG
TITLE: President

APPROVED:

BY: 
ROBERT A. EMMETT
Reed Smith Shaw & McClay
1200 18th Street, N.W.
Washington, D.C. 20036
(202) 457-6144

BY: 
MARTIN S. SELTZER
Porter, Wright, Morris &
Arthur
The Huntington Center
41 South High Street
Columbus, Ohio 43215
(614) 227-2050

Counsel for Defendant
Detrex Corporation

6/29/89
/clp
2038.1-19

PERMIT TO INSTALL

J. SHAMIYEN
C. GUY



State of Ohio Environmental Protection Agency

P.O. Box 1049, 1800 WaterMark Dr.
Columbus, Ohio 43266-0149

Richard F. Celeste
Governor

October 25, 1988

Re: Ashtabula - Ashtabula County
Application No. 02-4054
Application for Carbon Adsorption Treatment
System and Collection Facilities for
Contaminated Stormwater and Groundwater
Received July 18, 1988, Final Revisions Received
September 12, 1988
From Burgess and Niple, Ltd.

Detrex Corporation
1100 North State Road
Ashtabula, Ohio 44004

Attention: Mr. Robert Jones

CERTIFIED MAIL

Gentlemen:

Enclosed is the Ohio EPA Permit to Install which will allow you to install the described source in the manner indicated in the permit. Because this permit contains several conditions and restrictions, I urge you to read it carefully.

As indicated on the permit, you are required to pay a permit fee as provided for by Section 3745.11 of the Ohio Revised Code and any rules established thereunder. The exact amount of this fee is indicated on page 1 of the Permit to Install. This amount must be remitted within fifteen (15) days of the effective date of the Permit to Install. Checks should be made payable to: Treasurer, State of Ohio and sent to Permits Bookkeeper, Ohio Environmental Protection Agency, P. O. Box 1049, 1800 WaterMark Dr., Columbus, Ohio 43266-0149.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Board of Review pursuant to Section 3745.04 of the Ohio Revised Code by any person who was a party to this proceeding. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Environmental Board of Review within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency and the Environmental Law Division of the Office of the Attorney General within three (3) days of filing with the Board. An appeal may be filed with the Environmental Board of Review at the following address:

Environmental Board of Review
236 East Town Street, Room 300
Columbus, Ohio 43266-0557


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Detrex Corporation
October 25, 1988
Page 2

You should note that a general condition of your permit states that issuance of the permit does not relieve you of the duty of complying with all applicable federal, state and local laws, ordinances and regulations.

If you have any questions, please contact the Ohio EPA District Office to which you submitted your application.

Sincerely,


John J. Sadzewicz, P.E., Manager
Permit Section
Division of Water Pollution Control

JJS/fy

cc: Burgess and Niple, Ltd.
Northeast District Office, Industrial Waste
Central Office, Industrial Waste

OHIO ENVIRONMENTAL PROTECTION AGENCY

Permit to Install

Application No. 02-4054

Applicant's Name: Detrex Corporation

Permit Fee \$525.00

Address: 1100 North State Road

City: Ashtabula

State: Ohio 44004

Person to Contact: Mr. Charles Guy
Telephone: (216) 997-6131

Description of Proposed Source: Carbon Adsorption Treatment System and
Collection Facilities for Contaminated Stormwater and Groundwater

Issuance Date: October 25, 1988

Effective Date: October 25, 1988

The above named entity is hereby granted a permit to install for the above described source pursuant to Chapter 3745-31 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source of environmental pollutants will operate in compliance with applicable State and Federal laws and regulations, and does not constitute expressed or implied assurance that if constructed or modified in accordance with those plans and specifications, the above described source of pollutants will be granted the necessary operating permits. This permit is granted subject to the following conditions attached hereto:

Ohio Environmental Protection Agency



Richard L. Shank, Ph.D.
Director

P. O. Box 1049, 1800 WaterMark Dr.
Columbus, Ohio 43266-0149

Detrex Corporation
October 25, 1988
Page 2

This permit shall expire if construction has not been initiated by applicant within eighteen months of the effective date of this permit. By accepting this permit, applicant acknowledges that this eighteen month period shall not be considered or construed as extending or having any effect whatsoever on any compliance schedule or deadline set forth in any administrative or court order issued to or binding upon the permit applicant, and applicant shall abide by such compliance schedules or deadlines to avoid the initiation of additional legal action by the Ohio EPA.

The Director of the Ohio Environmental Protection Agency, or his authorized representatives, may enter upon the premises of the above named applicant during construction and operation at any reasonable time for the purpose of making inspections, conducting tests, examining records or reports pertaining to the construction, modification or installation of the above described source of environmental pollutants.

Issuance of this permit does not relieve you of the duty of complying with all applicable federal, state, and local laws, ordinances, and regulations.

This permit is conditioned upon payment of applicable fees as required by Section 3745.11 of the Ohio Revised Code, and shall be invalid unless the permit fee specified above has been paid in full to the Ohio EPA within fifteen days of issuance of this permit to install.

The proposed wastewater disposal system shall be constructed in strict accordance with the plans and application approved by the Director of the Ohio Environmental Protection Agency. There shall be no deviation from these plans without the prior express, written approval of the agency. Any deviations from these plans or the above conditions may lead to such sanctions and penalties as provided under Ohio law. Approval of this plan and issuance of this permit does not constitute an assurance by Ohio Environmental Protection Agency that the proposed facilities will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed sources are inadequate or cannot meet applicable standards.

This Permit to Install applies only to the wastewater treatment works listed above. The installation of drinking water supplies, air contaminant sources or solid waste disposal facilities will require the submittal of a separate application to the Director.

No liquids, sludges, or toxic or hazardous substances other than those set forth in the approved permit shall be accepted for disposal without the prior written approval of the Ohio Environmental Protection Agency.

Detrex Corporation
October 25, 1988
Page 3

Sewer and manhole construction joints shall conform to standards of the Ohio Environmental Protection Agency.

When Polyvinyl Chloride or Acrylonitrile Butadiene Styrene pipe is used, it must be tested for maximum deflection of 5 percent under the supervision of a professional engineer at a time when he has determined that the backfill has settled. Pipe with a stiffness of 200 p.s.i. or greater need not be tested for deflection if all pipe between manholes is less than 12 feet below final grade. Results of these tests shall be submitted to the appropriate district office. Any lines which fail the test must be repaired and retested until they meet the requirements.

The appropriate district office of the Ohio Environmental Protection Agency shall be notified, in writing as to (a) the construction starting date; (b) the construction completion date; and (c) the date the wastewater disposal system was placed into operation.

A report, which provides a technical appraisal of the operation of the new wastewater disposal system during normal operating conditions, shall be submitted to the appropriate district office of the Ohio Environmental Protection Agency no later than three months after the new wastewater disposal system is placed into operation.

Provisions shall be made for proper operation of the wastewater pumping facilities.

EXHIBIT "A"

RECEIVED

MAY 20 1985

OHIO EPA-N.E.D.O.

04/NE

Page 1 of 14

OEPA Permit No. 3IF00017*ED

Application No. OH0001872

Effective Date: May 16, 1985

Expiration Date: May 13, 1990

OHIO ENVIRONMENTAL PROTECTION AGENCY

AUTHORIZATION TO DISCHARGE UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

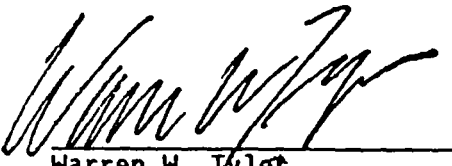
In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq. hereinafter referred to as "the Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

Detrex Chemical Industries, Inc.
(Muriatic Acid Plant)

is authorized by the Ohio Environmental Protection Agency, hereafter referred to as "Ohio EPA", to discharge from the wastewater treatment works located at North State Road, Ashtabula, Ohio and discharging to Fields Brook in accordance with the conditions specified in Parts I, II and III of this permit.

This permit is conditioned upon payment of applicable fees as required by Section 3745.11 of the Ohio Revised Code.

This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. 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.


Warren W. Tylet
Director
Form EPA 4428

PART I, A - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: 3IF00017001. SEE PART II, OTHER REQUIREMENTS, for location of effluent sampling.

<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	Daily	30 day		
50050	MGD Flow	-	-	-	-	4/Mo.*	24 Hour Total (Estimate)

This discharge is limited to non-contaminated storm water free from process wastes and other contaminants.

*When discharge is occurring.

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 4/month* as a grab sample.
3. Samples taken in compliance with monitoring requirements specified above shall be taken at Sampling Stations described in Part II, OTHER REQUIREMENTS.
4. See PART II, OTHER REQUIREMENTS.

PART I, A - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: 3IF00017002. SEE PART II, OTHER REQUIREMENTS, for location of effluent sampling.

REPORTING Code	UNITS	EFFLUENT CHARACTERISTIC PARAMETER	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
			Concentration Other Units (Specify)		Loading kg/day		Meas. Freq.	Sample Type
			30 day	Daily	30 day	Daily		
50050	MGD	Flow	-	-	-	-	Daily	Continuous Recording
00530	mg/l	Total Suspended* Solids	-	0.0	-	-	4/Month	Composite
50060	mg/l	Total Chlorine	-	0.05	-	-	4/Month	Grab
00515	mg/l	Total Dissolved Solids	-	3500	-	-	4/Month	Composite
71900	ug/l	Total Mercury	-	0.5	-	-	4/Month	Composite
00010	°F	Temperature	-	-	-	-	Daily	Max. Ind. Therm.
00550	mg/l	Oil & Grease	2	4	-	-	4/Month	Grab

This discharge is limited to non-contact cooling water, boiler blowdown and demineralizer ion exchange blowdown water free from other process wastes and contaminants.

* Total Suspended Solids limitations shall be NO NET INCREASE over intake values.

- The pH (Reporting Codes 00400 (high) and 00402 (low)) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored continuously.
- Samples taken in compliance with monitoring requirements specified above shall be taken at Sampling Stations described in Part II, OTHER REQUIREMENTS.
- See PART II, OTHER REQUIREMENTS.

PART I, A - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: 3IF00017601. SEE PART II, OTHER REQUIREMENTS, for location of effluent sampling.

<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>Daily</u>	<u>30 day</u>	<u>Daily</u>		
00056	GPD	Flow	-	-	-	-	Daily	24 Hour Total
00310	mg/l	BOD ₅	30	45	-	-	1/Month	Grab
00530	mg/l	TSS	30	45	-	-	1/Month	Grab
01350	Units	Turbidity, Severity	-	-	-	-	Daily	Observation
00083	Units	Color, Severity	-	-	-	-	Daily	Observation
01330	Units	Odor, Severity	-	-	-	-	Daily	Observation

2. Samples taken in compliance with monitoring requirements specified above shall be taken at Sampling Stations described in Part II, OTHER REQUIREMENTS.
3. See PART II, OTHER REQUIREMENTS.

PART I, B. - ADDITIONAL MONITORING REQUIREMENTS

1. Intake Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the intake at Station Number 3IF00017800 and report to the Ohio EPA in accordance with the following table. Samples of intake used for determination of net values must be taken the same day as those samples of effluent used for that determination. SEE PART II, OTHER REQUIREMENTS, for location of intake 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>
50050	MGD	Flow	Daily	Continuous Recording
00530	mg/l	Total Suspended Solids	4/Month	Composite

PART II, OTHER REQUIREMENTS

- A. Description of the location of the required sampling stations are as follows:

<u>Sampling Station</u>	<u>Description of Location</u>
3IF00017001	(Non-Contaminated storm water runoff) Drainage ditch located on the eastern section of property flowing in a southerly direction into Fields Brook. Sampling shall occur in the drainage ditch 300 feet north of the confluence of the drainage ditch and Fields Brook.
3IF00017002	(Non-contact cooling water, sanitary wastewater, steam condensate and demineralizer ion exchange blowdown). Sampling shall occur in the last manhole located at the northwest section of the property prior to discharging into the State Street storm sewer.
3IF00017800	(Intake water) Sampling shall occur at a service tap representative of incoming water from the ASHCO water system.
3IF00017601	(Sanitary wastewater discharge) Sampling shall occur in the first manhole after discharge from the sanitary sewage system prior to mixing with other waste streams.

- B. In addition to the reporting required by the paragraph entitled "REPORTING" in Part III, General Conditions, 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

- C. This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under sections 301(b)(2) (C), and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:

- (1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- (2) Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

PART II, OTHER REQUIREMENTS

- D. In the event the permittee's operation shall require the use of cooling water treatment additives, written permission must be obtained from the Ohio Environmental Protection Agency. The permittee shall demonstrate that the use of the additive in the concentrations expected will not be harmful or inimical to aquatic life as determined by acute static bioassays.
- E. Permit limitations may be revised in order to meet water quality standards after a stream use determination and waste load allocation are completed and approved. This permit may be modified, or, alternatively, revoked and reissued, to comply with any applicable water quality effluent limitations.
- F. For Station 3IF00017601 severity units are required to be reported for color, odor, and turbidity. Report a number between 0 and 4 from the table below for each parameter. Interpolate between the descriptive phrases.

REPORTED VALUE *	SEVERITY DESCRIPTION	TURBIDITY	ODOR	COLOR
0	None	Clear	None	Colorless
1	Mild			
2	Moderate	Light Solids	Musty	Grey
3	Serious			
4	Extreme	Heavy Solids	Septic	Black

PART III - GENERAL CONDITIONS

1. DEFINITIONS

- A. 1. The "daily load limitations" is the total discharge by weight during any calendar day. If only one sample is taken during a day, the weight of pollutant discharge calculated from it is the daily load.
2. The "daily concentration limitation" means the arithmetic average of all the determinations of concentration made during the day. If only one sample is taken during the day its concentration is the daily concentration. Coliform bacteria limitations compliance shall be determined using the geometric mean.
3. The "7-day load limitation" is the total discharge by weight during any 7-day period divided by the number of days in that 7-day period that the facility was in operation. If only one sample is taken in a 7-day period the weight of pollutant discharge calculated from it is the 7-day load. If more than one sample is taken during the 7-day period the 7-day load is calculated by determining the daily load for each day sampled, totaling the daily loads for the 7-day period and dividing by the number of days sampled.
4. The "7-day concentration limitation" means the arithmetic average of all the determinations of daily concentration limitation made during the 7-day period. If only one sample is taken during the 7-day period, its concentration is the 7-day concentration limitation for that 7-day period. Coliform bacteria limitations compliance shall be determined using the geometric mean.
5. The "30-day load limitation" is the total discharge by weight during any 30-day period divided by the number of days in the 30-day period that the facility was in operation. If only one sample is taken in a 30-day period the weight of pollutant discharge calculated from it is the 30-day load. If more than one sample is taken during one 30-day period the 30-day load is calculated by determining the daily load for each day sampled, totaling the daily loads for the 30-day period and dividing by the number of days sampled.
6. The "30-day concentration limitation" means the arithmetic average (weighted by flow) of all the determinations of daily concentration made during the 30-day period. If only one sample is taken during the 30-day period, its concentration is the 30-day concentration for that 30-day period. Coliform bacteria limitations compliance shall be determined using the geometric mean.
- B. "85 percent removal limitations" means the arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period.
- C. 1. Absolute Limitations. Compliance with limitations having descriptions of "shall not be less than", "nor greater than", "shall not exceed", "minimum", or "maximum", shall be determined from any single value for effluent samples and/or measurements collected.
2. "Net concentration" shall mean the difference between the concentration of a given substance in a sample taken of the discharge and the concentration of the same substances in a sample taken at the intake which supplies water to the given process. For the purpose of this definition samples that are taken to determine the net concentration shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.
3. "Net load" shall mean the difference between the load of a given substance as calculated from a sample taken of the discharge and the load of the same substance in a sample taken at the intake which supplies water to given process. For purposes of this definition samples that are taken to determine the net loading shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.
- D. 1. When Quarterly sampling frequency is specified, the sampling shall be done in the months of March, June, August and December.
2. When a Yearly sampling frequency is specified, the sampling shall be done in the month of September.
3. When semi-annual sampling frequency is specified, the sampling shall be done during the months of June and December.

5. Summer shall be considered to be the period from May 1 thru October 31.
- E. 1. "MGD" means million gallons per day
2. "mg/l" means milligrams per liter
3. "ug/l" means micrograms per liter
- F. "Reporting Code" is a five digit number used by the Ohio EPA in processing reported data. The reporting code does not imply the type of analysis used, nor the sampling technique employed.
- G. "Bypass" means the intentional diversion of wastes from any portion of a treatment facility.
- H. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- I. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2. GENERAL EFFLUENT LIMITATIONS

The effluent shall, at all times, be free of substances:

- A. In amounts that will settle to form putrescent, or otherwise objectionable, sludge deposits; or that will adversely affect aquatic life or water fowl;
- B. Of an oily, greasy, or surface-active nature, and of other floating debris, in amounts that will form noticeable accumulations of scum, foam or sheen;
- C. In amounts that will alter the natural color or odor of the receiving water to such degree as to create a nuisance;
- D. In amounts that either singly or in combination with other substances are toxic to human, animal, or aquatic life;
- E. In amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growths become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;
- F. In amounts that will impair designated instream or downstream water uses.

3. FACILITY OPERATION AND QUALITY CONTROL

All wastewater treatment works shall be operated in a manner consistent with the following:

- A. At all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when necessary to achieve compliance with conditions of the permit.
- B. The permittee shall effectively monitor the operation and efficiency of treatment and control facilities and the quantity and quality of the treated discharge.
- C. Maintenance of wastewater treatment works 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 as specified in the Paragraph in this PART III entitled, "UNAUTHORIZED DISCHARGES".

4. REPORTING

- A. Monitoring data required by this permit shall be reported on the Ohio EPA report form (4500) on

a monthly basis. Individual reports for each sampling station for each month are to be received no later than the 15th day of the next month. The original plus first copy of the report form must be signed and mailed to:

Ohio Environmental Protection Agency
Records Control Group
Post Office Box 1049
Columbus, Ohio 43216

- B. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified below, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.
- C. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported on Ohio EPA report form (4500) but records shall be retained as specified in the paragraph entitled "RECORDS RETENTION".

5. SAMPLING AND ANALYTICAL METHODS

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored flow. Test procedures for the analysis of pollutants shall conform to regulation 40 CFR 136, "Test Procedures For The Analysis of Pollutants". The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to insure accuracy of measurements.

6. RECORDING OF RESULTS

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- A. The exact place, date, and time of sampling;
- B. The person(s) who performed the sampling or measurements;
- C. The date and time the analyses were performed on those samples;
- D. The person(s) who performed the analyses;
- E. The analytical techniques or methods used; and
- F. The results of all analyses and measurements

7. RECORDS RETENTION

The permittee shall retain all of the following records for the wastewater treatment works for a minimum of three years, including:

- A. All sampling and analytical records (including internal sampling data not reported);
- B. All original recordings for any continuous monitoring instrumentation;
- C. All instrumentation, calibration and maintenance records; and
- D. All plant operation and maintenance records.
- E. All reports required by this permit.
- F. Records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report or application.

These periods will be extended during the course of any unresolved litigation, or when so requested by the Regional Administrator or the Ohio EPA. The three year period for retention of records shall start from the date of sample, measurement, report or application.

8. AVAILABILITY OF REPORTS

Except for data determined by the Ohio EPA to be entitled confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate District Offices of the Ohio EPA. Both the Clean Water Act and Section 6111.05 Ohio Revised Code state that effluent data and receiving water quality data shall not be

considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in the Ohio Revised Code Section 6111.99.

9. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

10. RIGHT OF ENTRY

The permittee shall allow authorized representatives of the Ohio EPA;

- A. To enter upon the permittee's premises where an effluent source is located or in which records are required to be kept under the terms and conditions of this permit.
- B. To have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit; and to inspect any monitoring equipment required in this permit.
- C. To monitor at reasonable times the effluent or inspect any monitoring method required in this permit. "Reasonable times" for purposes of paragraph 10(c) includes 24-hour periods necessary for the purpose of monitoring over a 24-hour period.
- D. To enter upon the permittee's premises to inspect at reasonable times any collection treatment, pollution management, or discharge facilities required under the permit.

11. UNAUTHORIZED DISCHARGES

- A. Unless specifically authorized in Part I and/or Part II of this permit, deliberate by-passing or diverting of wastewater from the treatment works is prohibited except when necessary:
 1. To prevent loss of life, personal injury or severe property damage;
 2. To prevent damage to treatment works or processes; or
 3. To allow essential maintenance to be performed according to a schedule approved in writing by the Ohio EPA District Office.
- B. While typical unauthorized discharges are those resulting from pipeline breaks, equipment malfunctions or failures, operator errors, accidents, process interruptions, or power failures; all unauthorized discharges shall be reported according to the following procedure:
 1. Report within one hour of discovery to Ohio EPA by calling (toll free) 1-800-282-9378.
 2. For these telephone reports the following information must be included:
 - a. the times at which the discharge occurred, and was discovered;
 - b. the approximate amount and the characteristics of the discharge;
 - c. the stream(s) affected by the discharge;
 - d. the circumstances which created the discharge;
 - e. the names and telephone numbers of the persons who have knowledge of these circumstances;
 - f. what remedial steps are being taken;
 - g. the names and telephone numbers of the persons responsible for such remedial steps.
 3. These reports shall be confirmed in writing within five days of the discharge and submitted to the appropriate Ohio EPA District Office. This report should include the information required under "NONCOMPLIANCE NOTIFICATION".
- C. Minor violations of the effluent limitations in Part I of this permit do not need to be reported under this paragraph.

12. NONCOMPLIANCE NOTIFICATION

A. Effluent Limitations:

If the permittee is unable to meet any effluent limitations specified in this permit, the permittee shall submit a written report to the appropriate Ohio EPA District Office within five days of becoming aware of the conditions. The report shall include the following:

1. The limitation(s) which has been violated;
2. The extent of the violation(s);
3. The cause of the violation(s);

4. The period of the violation(s) including exact dates and times;
5. If uncorrected, the anticipated time the violation(s) is expected to continue; and
6. Steps being taken to reduce, eliminate and/or prevent recurrence of the violation(s).

B. Compliance Schedule Events:

If the permittee is unable to meet any date for achieving an event, as specified in the Schedule of Compliance, the permittee shall submit a written report to the appropriate District Office of the Ohio EPA within five days of becoming aware of such situation. The report shall include the following:

1. The compliance event which has been or will be violated;
2. The cause of the violation;
3. The remedial action being taken
4. The probable date by which compliance will occur; and
5. The probability of complying with subsequent and final events as scheduled.

13. RESERVED

14. ADVERSE IMPACT

In the event of either an unauthorized discharge or a violation of effluent limitations, the permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment. This may include accelerated or additional monitoring to determine the extent of the impact of unauthorized discharge or the violation of limitations. If such additional monitoring is performed, the data collected shall be included in the written report submitted to the appropriate Ohio EPA District Office.

15. AUTHORIZED DISCHARGES

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than, or at a level in excess of, that 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 Section 309 of the Act, and Ohio Revised Code Sections 6111.09 and 6111.99

16. DISCHARGE CHANGES

The following changes must be reported to the appropriate Ohio EPA District Office as soon as practicable.

A. For all treatment works, any significant change in character of the discharge which the permittee knows or has reason to believe has occurred or will occur which would constitute cause for modification or revocation and reissuance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Notification of permit changes or anticipated noncompliance does not stay any permit condition.

B. For publicly owned treatment works:

1. Any proposed plant modification, addition and/or expansion that will change the capacity or efficiency of the plant;
2. The addition of any new significant industrial discharge; and
3. Changes in the quantity or quality of the wastes from existing tributary industrial discharges which will result in significant new or increased discharges of pollutants.

C. For non-publicly owned treatment works, any proposed facility expansions, production increases or process modifications, which will result in new, different, or increased discharges of pollutants.

Following this notice, modifications to the permit may be made to reflect any necessary changes in permit conditions, including any necessary effluent limitations for any pollutants not identified and limited herein. A determination will also be made as to whether a National Environmental Policy Act (NEPA) review will be required. Sections 6111.44 and 6111.45, Ohio Revised Code require that plans for treatment works or improvements to such works be approved by the Director of the Ohio EPA prior to initiation of construction.

D. In accordance with 40 CFR 122.42(a), all existing manufacturing, commercial mining, and agricultural dischargers must notify the Director as soon as they know or have reason to believe:

- ~~1. That any activity has occurred or will occur which would result in the discharge of a toxic pollutant not limited in the permit if that discharge exceeds the highest of the notification levels specified in Sections 122.42(a)(1)(i) through 122.42(a)(1)(iv).~~
- ~~2. That they have begun or are expected to begin to use or manufacture as an intermediate or final product or by-product any toxic pollutant which was not reported in the permit application under 40 CFR 122.21(g)(9).~~

17. TOXIC POLLUTANTS

The permittee shall comply with effluent standards or prohibitions established under Section 30 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement. Following establishment of such standards or prohibitions, the Director shall modify this permit and so notify the permittee.

18. PERMIT MODIFICATION OR REVOCATION

- A. After notice and opportunity for a hearing, this permit may be modified or revoked, by the Ohio EPA, in whole or in part during its term for cause including, but not limited to, the following:
 1. violation of any terms or conditions of this permit;
 2. obtaining this permit by misrepresentation or failure to disclose fully all relevant facts or
 3. a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- B. Pursuant to rule 3745-33-06, Ohio Administrative Code the permittee may at any time apply to the Ohio EPA for modification of any part of this permit. The filing of a request by the permittee for a permit modification or revocation does not stay any permit condition. The application for modification should be received by the appropriate Ohio EPA District Office at least ninety days before the date on which it is desired that the modification become effective. The application shall be made only on forms approved by the Ohio EPA.

19. TRANSFER OF OWNERSHIP OR CONTROL

This permit cannot be transferred or assigned nor shall a new owner or successor be authorized to discharge from this facility, until the following requirements are met:

- A. The permittee shall notify the succeeding owner or successor of the existence of this permit by a letter, a copy of which shall be forwarded to the appropriate Ohio EPA District Office. The copy of that letter will serve as the permittee's notice to the Director of the proposed transfer. The copy of that letter shall be received by the appropriate Ohio EPA District Office sixty days prior to the proposed date of transfer;
- B. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittees (including acknowledgement that the existing permittee is liable for violations up to that date, and that the new permittee is liable for violations from that date on) shall be submitted to the appropriate Ohio EPA District Office within sixty days after receipt by the District Office of the copy of the letter from the permittee to the succeeding owner;
- C. The Director does not exercise his right within thirty days after receipt of the written agreement to notify the current permittee and the new permittee of his or her intent to modify or revoke the permit and to require that a new application be filed; and
- D. The new owner or successor receives written confirmation and approval of the transfer from the Director of the Ohio EPA.

20. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

21. 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.

22. CONSTRUCTION AFFECTING NAVIGABLE WATERS

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.

23. CIVIL AND CRIMINAL LIABILITY

Except as exempted in the permit conditions on UNAUTHORIZED DISCHARGES or UPSETS, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

24. STATE LAWS AND REGULATIONS

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.

25. PROPERTY RIGHTS

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.

26. UPSET

The provisions of 40 CFR Section 122.41(n), dated September 26, 1984 relating to "Upset," are specifically incorporated herein by reference in their entirety. For definition of "upset", see Part 1, item I.

27. SEVERABILITY

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.

28. SIGNATORY REQUIREMENTS

All applications submitted to the Director shall be signed and certified in accordance with the requirements of OAC 3745-33-03.

All reports submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR Section 122.22 (b)(c), dated September 26, 1984.

29. OTHER INFORMATION

A. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

B. ORC 6111.99 provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall upon conviction, be punished by a fine of not more than \$25,000 per violation.

C. ORC 6111.99, states that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$25,000 per violation.

D. ORC 6111.99 provides that any person who violates Sections 6111.04, 6111.042, 6111.05, or division (A) of Section 6111.07 of the Revised Code shall be fined not more than twenty-five thousand dollars or imprisoned not more than one year, or both.

30. NEED TO HALT OR REDUCE ACTIVITY

40 CFR 122.41(c), dated September 7, 1983, states that it shall not be a defense for permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with conditions of this permit.