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Section 2

IN THE COURT OF COMMON PLEAS  
BELMONT COUNTY, OHIO

STATE OF OHIO EX REL.	)	CASE NO. 84-CIV-210
ANTHONY J. CELEBREZZE, JR.	)	
ATTORNEY GENERAL OF OHIO	)	JUDGE HAROLD B. THOMAS
	)	
Plaintiff	)	
	)	
v.	)	
	)	
CALVIN E. POLLOCK,	)	
d/b/a SPACEVIEW RIDGE	)	<u>CONSENT ORDER FOR</u>
	)	<u>PRELIMINARY INJUNCTION</u>
and	)	
	)	
JESSIE POLLOCK,	)	
	)	
Defendants	)	

This cause having come before the Court on Plaintiff's Complaint and Motion for Preliminary and Permanent Injunction, and the Plaintiff State of Ohio and the Defendants Calvin E. Pollock and Jessie Pollock through their attorney having consented to the entry of this Order, this Court finds that:

A. Defendant Calvin E. Pollock

conducts a business known as Spaceview Ridge, a residential subdevelopment of 12 homes located on U.S. Route 40, west of the City of St. Clairsville, in Richland Township, Belmont County, Ohio, in conjunction with which Defendant owns and operates a sewerage system for the purpose of collecting and treating sewage from Spaceview Ridge.

B. The sewerage system includes a treatment works or plant which discharges effluent to a tributary to Little McMahon Creek, and a pump station which discharges effluent to a tributary of Provident Reservoir.

C. On April 16, 1979 on the application of Defendant Jessie Pollock, the Director of the Ohio Environmental Protection Agency ("Ohio EPA") issued to Spaceview Ridge a National Pollutant Discharge Elimination System ("NPDES") permit number W500\*BD containing specified effluent limitations and terms and conditions for the discharge of effluent by the treatment works. This permit expired on July 1, 1982 and Defendants have not been issued a renewal of that permit.

D. Since April 16, 1979 Defendants have failed to comply with the effluent limitations and the terms and conditions of the NPDES permit, in violation of Revised Code ("R.C.") §§6111.04 and 6111.07; and since July 1, 1982 Defendants have discharged sewage to waters of the state without a valid permit, in violation of R.C. §§6111.04 and 6111.07.

E. In order to comply with the effluent limitations specified in the NPDES permit, it is necessary to construct and operate sand filters at the Spaceview Ridge sewage treatment plant; or in the alternative, to tie in the Spaceview Ridge sewerage system to the City of St. Clairsville, Ohio sewage system.

F. Until such time as sand filters are constructed and operated, or the Spaceview Ridge sewerage system is tied into the St. Clairsville Sewage system, it is necessary that Defendants comply immediately with certain interim measures so as to achieve optimum operation and maintenance of the existing Spaceview Ridge sewage plant, and to abate pollution and injury to public health.

G. This Court finds that entry of this Consent Order for Preliminary Injunction is in the public interest and is necessary to abate pollution to waters of the state, a nuisance, and a threat to public health.

WHEREFOR, it is ORDERED, ADJUDGED and DECREED that:

1. On or before September 17, 1984 Defendant/<sup>Calvin Pollock</sup> shall take grab samples on a weekly basis of the effluent from the Spaceview Ridge sewage treatment plant, which samples shall be representative of the peak influent flow to the plant; and shall have such samples analyzed for the following parameters:

<u>PARAMETER</u>	<u>UNITS</u>
Flow	million gallons per day (MGD)
Suspend solids	milligrams per liter
BOD <sub>5</sub>	milligrams per liter
Fecal coliform (May 1 - October 31)	count per 100 milliliters

Ammonia - Nitrogen  
(May 1 - October 31)

milligrams per liter

Residual Chlorine  
(May 1 - October 31)

milligrams per liter

Defendant shall report the results of such sample analyses to Ohio EPA, Southeast District Office ("SEDO"), immediately upon receipt of such results. Defendant shall continue to collect and analyze such samples once a week for a minimum of eight weeks. If, at any time after Defendant has submitted at least eight weekly sampling reports, Defendant demonstrates and Ohio EPA agrees that, for at least the past four consecutive weeks, the sewage treatment plant has discharged effluent not in excess of 30 milligrams per liter (mg/l) suspended solids and 30 milligrams per liter (mg/l) BOD<sub>5</sub>, calculated as the arithmetic average (weighted by flow) of all the analyses made during the four-week period, thereafter Defendants shall be required to sample and report at least once a month. If Defendant thereafter samples and determines that the average monthly effluent quality exceeds 30 mg/l suspended solids and/or 30 mg/l BOD<sub>5</sub> within 10 days of submitting such sampling and analysis report Defendant shall submit to Ohio EPA, SEDO a written explanation of the reasons for failure to achieve an effluent quality of not more than 30 mg/l suspended solids and/or 30 mg/l BOD<sub>5</sub>, and a description and schedule of the measures taken or to be taken to remedy the problems at the sewage treatment plant.

2. On or before September 17, 1984, Defendant shall obtain the services of a Certified Class I sewage treatment plant operator, who shall oversee the operation and maintenance of the Spaceview Ridge sewerage system and treatment plant. Defendant shall inform Ohio EPA/SEDO of the name, address, phone number, and license number of the Certified Operator. The Certified Operator shall personally visit and inspect the sewerage system in the company of the Defendant or

his agent or representative, on a frequency of at least twice a month, and shall make observations to ensure that each component of the sewerage system (including pump station, trash trap, aeration tanks, settling tanks, baffles, skimmer, weir and chlorine contact tank) are operating as efficiently as possible. The Certified Operator shall make such adjustments to equipment as may be necessary to achieve optional operation of the sewerage system, and shall inform Defendant of any repairs to or replacement of equipment needed to achieve optimal operation of the sewerage system. The Certified Operator shall submit to Ohio EPA a report once a month on the condition of the sewerage system.

3. On or before September 17, 1984 Defendant shall install a weir at the final settling tank of the sewage treatment plant, which weir shall be positioned widthwise in the tank at the water surface, and shall be adjustable to ensure maximum efficiency of operation; and the baffles in the final settling tank shall be repositioned upstream of the weir and downstream of the skimmer.

4. On or before September 30, 1984 Defendant shall replace the existing pump at the pump station with two grinder pump and motor units, dual controls, automatic alternators and alarm, and shall equip such pump and motor units with rails, hoists or other means for lifting the pump and motor above ground so that repairs can be performed without dewatering and without requiring repairs to be performed in the wet well.

5. the Defendant shall inspect the sewerage system, including the pump station and treatment plant, at least once each day, to ensure that the system is operating as efficiently as possible, and shall make any and all such adjustments, repairs to or replacements of equipment as are necessary to ensure maximum operating

efficiency of the sewerage system. Such adjustments, repairs or replacements shall be performed within 24 hours of discovery of malfunction or inoperation, and shall include but not be limited to repair or replacement of malfunctioning motors and blowers. Defendant shall daily check the diffusers at the aeration tanks to ensure that the proper amount of air is being supplied for optimum efficiency.

6. Defendant shall clean out the trash trap whenever excessive solid matter impedes flow to or enters into the aeration tanks.

7. On or before October 17, 1984 Defendant shall submit to Ohio EPA, SEDO approvable plans and an application for a Permit to Install for the design, construction and installation of a sand filter for the Spaceview Ridge sewage treatment plant. Such plans shall also depict the size and placement of drain tiles and a filter liner if it is determined by Defendants that the sand filter will be operated by gravity feed and it is necessary to drain the surround area; or such plans shall depict a dosing chamber with dual pumps. Such plans shall also include provisions for a final effluent chlorine contact tank. Such plans shall include estimates of the costs to construct and install the sand filter in accordance with the plans, including a separate cost estimate for the dosing chamber. Such plans shall also include specifications and costs for a spare motor and blower capable of operation of the sewage treatment plant.

8. On or before October 17, 1984 Defendant shall submit to Ohio EPA, SEDO an estimate of the annual cost to operate and maintain the Spaceview Ridge sewerage system (including the pump station and treatment works with sand filter and dosing chamber) as proposed in the plans submitted pursuant to Order 7, supra.

9. Upon Ohio EPA's review and approval of the plans and application submitted pursuant to Order 7, supra, the Defendant shall comply with a compliance schedule to be specified by Ohio EPA for one of the following two options:

- (a) a schedule for commencing and completing construction of a sand filter pursuant to the plans submitted under Order 7; a deadline for achieving compliance with the final effluent limitations in Defendants' NPDES permit; and a deadline for execution of an agreement between the Defendants and the Belmont County Commissioners (or other responsible public body approved by Ohio EPA), whereby the County (or other public body) shall assume ownership and responsibility for operation and maintenance of the Spaceview Ridge sewerage system; or
- (b) a schedule for construction and deadline for connection of the Spaceview Ridge sewerage system to the City of St. Clairsville sewerage system, which schedule shall be reasonably related to the anticipated construction and completion dates in the City's plans.

10. Until such time as Defendant achieves compliance with the schedules to be specified pursuant to Order 9, supra, and Defendant either installs a sand filter or tie in to the St. Clairsville sewer, Defendant shall operate and maintain the Spaceview Ridge sewerage system as efficiently as possible, and shall continue to comply with Orders 1 through 9, supra, for so long as this Consent Order remains in effect. If at any time Defendant fails to comply with Orders 1 through 9, supra, Defendant shall immediately cease discharging any and all sewage and other wastes from the Spaceview Ridge sewerage system and treatment plant.

11. If Ohio EPA requires the Defendant to construct a sand filter pursuant to Order 9(a), supra, Defendants shall submit to Ohio EPA, on or before the deadline for commencement of construction of the sand filter pursuant to Order 9(a), an application for an NPDES permit for the discharge of treated effluent from the sewage treatment plant to Little McMahan Creek. In no event shall Defendant be authorized to discharge any sewage or other wastes from the pump station to Provident Reservoir or any tributary thereto.

12. The provisions of this Consent Order for Preliminary Injunction shall apply to and be binding upon the parties to this action, their agents, servants, employees, successors and all persons in active concert or participation with them, and shall remain in effect unless and until this matter is decided finally on the merits, or until Defendant either ties in Spaceview Ridge to the St. Clairsville sewer system or complete the construction of sand filters and operate in compliance with an NPDES permit issued therefor.

HAROLD B. THOMAS

The Honorable Harold B. Thomas  
Judge, Belmont County  
Court of Common Pleas

APPROVED:

ANTHONY J. CELEBREZZE, JR.  
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