

**COPY**

TERMINATION NO. 18  
BY *J.B. Smith*

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

STATE OF OHIO, *ex rel.*,  
BETTY D. MONTGOMERY  
ATTORNEY GENERAL OF OHIO,

Plaintiff,

vs.

VILLAGE OF CANAL WINCHESTER

Defendant.

: CASE NO. 97CVH 07-6766  
:  
: JUDGE O'GRADY  
:  
:  
:  
:  
:  
:  
: CONSENT ORDER  
:  
:

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
97 AUG 26 PM 2:37  
JESSE D. ODDI  
CLERK OF COURTS

The Complaint in the above-captioned matter having been filed herein, and the Plaintiff State of Ohio, by its Attorney General (hereinafter "Plaintiff" or "State of Ohio") and Defendant, Village of Canal Winchester (hereinafter "Defendant" or "Canal Winchester"), hereby consent to the entry of this Consent Order in order to resolve the allegations contained in the Complaint filed in this matter and pursuant to Chapter 6111 of the Ohio Revised Code (hereinafter "RC"). Canal Winchester denies any violation of RC Chapter 6111 as alleged in the Complaint.

**NOW THEREFORE**, without trial or admission of any issue of law or of fact, and upon the consent of the parties hereto, it is hereby **ORDERED, ADJUDGED** and **DECREED** as follows:

**I. JURISDICTION AND VENUE**

1. The Court has jurisdiction over the Parties and the subject matter of this case. The Complaint states a claim upon which relief can be granted against Defendant under RC Chapter 6111. Venue is proper in this Court.

**II. PARTIES**

2. The provisions of this Consent Order shall apply and be binding upon the Plaintiff and Defendant, Defendant's agents, officers, employees, assigns, successors in interest and any person acting in concert or privity with any of them. Canal Winchester shall provide a copy of this Consent Order to each contractor and consultant it employs to perform the work itemized herein. Canal Winchester shall require each general contractor to provide a copy of this Consent Order to each of its subcontractors for such work.

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
JESSE D. ODDI  
CLERK OF COURTS  
97 AUG 26 PM 2:37

**III. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS**

3. Plaintiff alleged in its Complaint, that Defendant has operated its wastewater treatment plant and sewer system in such a manner as to result in violations of the requirements of the National Pollution Discharge Elimination System ("NPDES") Permit issued to it by the Director of Ohio EPA and in violation of the water pollution laws of the State of Ohio. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendant for all claims of violations alleged in the Complaint, including the claims for injunctive relief and civil penalties.

4. Nothing in this Consent Order shall be construed so as to limit the authority of the State of Ohio to seek relief against other appropriate persons for claims or conditions alleged in the Complaint. Nothing in this Consent Order shall be construed so as to limit the authority of the State of Ohio to seek relief against Canal Winchester or other appropriate persons for claims or conditions not alleged in the Complaint, including violations which occur after the filing of the Complaint, nor shall anything in this Consent Order limit the right of Canal Winchester to any defenses it may have for such claims. Similarly, nothing in this Consent Order shall be construed

so as to limit the authority of the State of Ohio to undertake any action against any person, including Canal Winchester, to eliminate or mitigate conditions which may present a threat to the public health, welfare or the environment.

#### **IV. PERMANENT INJUNCTION**

5. Canal Winchester is hereby permanently enjoined and immediately ordered to comply with the requirements of RC Chapter 6111 and the rules adopted thereunder, and the terms and conditions of its currently effective NPDES Permit No. 4PB00012, and any renewals or modifications thereof, except as otherwise provided in Section V of this Consent Order. Canal Winchester shall prevent wet weather bypasses and overflows from its wastewater treatment plant and sanitary sewer system, except as otherwise provided by the NPDES Permit, and Canal Winchester shall properly operate and maintain its wastewater treatment plant, sewer system and any associated equipment and structures. Canal Winchester is further prohibited from constructing, installing or connecting any new source of pollutants to its sewerage system unless and until such time as a Permit to Install ("PTI") is properly obtained from the Ohio EPA as required by Ohio Administrative Code Chapter 3745-31 and Canal Winchester is in compliance with the terms and conditions of its currently effective NPDES permit. NPDES Permit No. 4PB00012 is hereby incorporated herein by reference as if rewritten in full (Attachment A). All renewals, modifications or changes to Canal Winchester's NPDES Permit approved by the Director of Ohio EPA and/or effective after the entry of this Consent Order shall be deemed to be incorporated in full and made an enforceable part of this Consent Order.

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
97 AUG 26 PM 2:37  
JESSE D. ODDI  
CLERK OF COURTS

**V. COMPLIANCE SCHEDULES FOR  
NPDES PERMIT REQUIREMENTS**

6. Except as otherwise provided in this section of this Consent Order, Defendant Canal Winchester is enjoined and ordered to complete construction of the improvements to its wastewater treatment system so as to attain compliance with all requirements of NPDES Permit No. 4PB00012, and any modifications or renewals thereof, to eliminate discharges from overflows and bypasses from its sanitary sewer system and wastewater treatment plant in accordance with the following schedules:

**PTI FOR UPGRADE AND EXPANSION OF WWTP**

<b><u>TASK</u></b>	<b><u>COMPLETION DATE</u></b>
(a) Submittal of a complete and approvable PTI application and approvable Detailed Plans and Specifications for upgrade and expansion of its wastewater treatment system	Completed
(b) Advertisement of Building Bids	Completed
(c) Initiation of Construction	Within six (6) months of the effective date of this Consent Order
(d) Completion of Construction and commence operation of the waste water treatment system	Within eighteen (18) months of the effective date of this Consent Order
(e) Achieve compliance with final effluent limitations of Canal Winchester's effective NPDES permit	Within nineteen (19) months of the effective date of this Consent Order

FILED  
 COMMON PLEAS COURT  
 FRANKLIN CO. OHIO  
 97 AUG 26 PM 2:37  
 JESSE B. ODIN  
 CLERK OF COURTS

7.1. This Consent Order does not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Approval for any such construction or modification or expansion shall

be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

**INTERIM MEASURES**

7.2.a. Within three (3) months of the effective date of this Consent Order, Canal Winchester shall submit a revised Operation and Maintenance Plan (“O&M Plan”) to Ohio EPA for review and comment for operation of its WWTP. The revised O&M Plan shall detail how Canal Winchester will optimize treatment from the existing sewage treatment plant until a new sewage treatment plant is constructed and placed into operation. This revised O&M Plan shall address and include, but is not limited to:

- Process Control
- Sludge Wasting and Disposal
- Preventative Operation and Maintenance to keep equipment functional (specifically static screens and influent pumps)
- Use of Equalization Basin to best aid plant operation
- NPDES Testing - obtain contract lab or other acceptable demonstration to Ohio EPA that an on site lab is suitable to perform NPDES testing. Provide 24 hour sampling that is flow proportional.

7.2.b. Within four (4) weeks of the effective date of this Consent Order, Defendant shall amend in accordance with applicable state and federal statutes and regulations its current Sludge Management Plan (“SMP”) to identify interim sludge wasting and disposal options. Defendant shall submit to Ohio EPA, Central District Office, for review and comment, an amended SMP for Defendant’s WWTP. In the event that Ohio EPA has comments on the amended SMP, Defendant shall amend the SMP within two (2) weeks of, and in accordance with, Ohio EPA’s comments and resubmit the SMP to Ohio EPA for acceptance and approval.

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
99 AUG 26 PM 2:57  
JESSIE D. ODDI  
CLERK OF COURTS

7.2.c. Within three (3) months of the effective date of this Consent Order, Defendant shall reevaluate the options set forth in the revised SMP to determine if other appropriate options are more effective during the interim period. If such an option is available, Defendant shall immediately take all necessary and legal steps, including those steps necessary for Ohio EPA review and comment set out in 7.2.b. above, to amend its SMP and install the other appropriate option for implementation and operation.

**O&M FOR WWTP AND COLLECTION SYSTEM**

7.3. Within six (6) months of the initiation of construction of the upgrade and expansion of the WWTP, as required by paragraph 6(d), Defendant shall submit to Ohio EPA, Central District Office, for review and comment, a comprehensive O&M Plan for the WWTP and collection system. In the event that Ohio EPA has comments on the O&M Plan, Defendant shall modify the O&M plan within one (1) month of, and in accordance with, Ohio EPA's comments and resubmit the O&M Plan to the Ohio EPA for acceptance.

**REVISED SMP**

7.4. Within six (6) months of the initiation of construction of the upgrade and expansion of the WWTP, as required by paragraph 7(d), Defendant shall submit a revised SMP for Ohio EPA's approval to reflect the upgrade and expansion of the WWTP. In the event that Ohio EPA has comments on the revised SMP, Defendant shall modify the revised SMP within one (1) month of, and in accordance with, Ohio EPA's comments and resubmit the revised SMP to the Ohio EPA for approval.

FILED  
COMMON PLEAS COURT  
FRANKLIN CO., OHIO  
97 AUG 26 PM 2:37  
JESSE D. ODDI  
CLERK OF COURTS

**INFLOW/INFILTRATION REDUCTION AND REMOVAL**

7.5.a. Within six (6) weeks after the effective date of this Consent Order, Canal Winchester shall submit to the Ohio EPA for review and comment, a comprehensive plan to reduce infiltration and inflow ("I&I Plan"). In the event that Ohio EPA has comments on the I&I Plan, Ohio EPA may provide such comments to Canal Winchester after receipt of the I&I Plan, and Canal Winchester shall modify the I&I Plan within one (1) month of, and in accordance with, Ohio EPA comments and resubmit the I&I Plan to the Ohio EPA for acceptance. If Ohio EPA does not find it necessary to comment on the original plan, or after Canal Winchester has modified the I&I Plan in accordance with Ohio EPA comments and Ohio EPA issues its acceptance of the plan, Canal Winchester shall immediately implement the plan. This plan shall be prepared by an outside firm or consultant familiar with I&I work plans and identification of removals. The I&I Plan shall include, but is not limited to the following:

- flow monitoring of the sewerage system
- mapping and inspections of manholes
- smoke testing/dye testing
- camera/videotaping of sewers
- water conservation and pollution prevention alternatives
- evaluation of data gathered
- recommendations for rehabilitation work/improvements.

7.5.b. Within three (3) month of the effective date of this Consent Order, Canal Winchester shall implement a program for inspection of new sewer construction sufficient to ensure that new sources of I&I are not added to the sewerage system. The program shall provide for, but is not limited to: inspection to ensure compliance that no known new sources of I&I are added to the sewerage system; documentation of installation procedures for each new sanitary sewer line, including building sewers and sewer taps; and inspection and documentation;

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
JESSE D. ODDI  
CLERK OF COURTS  
AUG 26 PM 2:37

including videotaping of each new sanitary sewer system prior to connection with the Canal Winchester sewerage system.

7.5.c. Within twelve (12) months after the effective date of this Consent Order, Defendant shall perform and submit a Sewer System Evaluation Survey (“SSES”) to Ohio EPA. The Defendant shall update the SSES for its sewerage system two (2) years later and provide the evaluation to the Ohio EPA thirty (30) days thereafter.

**CONNECTION OF ADDITIONAL FLOW**

7.6.a. Except as provided by subparagraph 7.6.c. below, Canal Winchester hereby agrees to immediately prohibit the connection of additional sources of sewage to its WWTP and sewerage system, until the construction of improvements detailed in the construction schedule of paragraph 6 are complete and operational.

7.6.b. Canal Winchester is hereby prohibited from allowing the installation of any connection of any extension to its sewerage system by either the Defendant or any other person or entity, unless and until a PTI for such extension is approved by the Ohio EPA as required by OAC Chapter 3745-31 or other applicable provisions of RC Chapter 6111 and the rules promulgated thereunder. Canal Winchester shall promptly inform the Ohio EPA of any instance of construction, installation or connection of any extension to its sewerage system without an approved PTI as soon as it becomes aware of such activity. To the extent the Defendant has undertaken such construction or installation activities, Defendant shall cease such construction until such time as a PTI is properly obtained from the Ohio EPA.

7.6.c. 1. Canal Winchester shall lawfully enact an ordinance (“Village Ordinance”) necessary to control individual connections into its sewer system. (A copy of the Village

FILED  
COMMON PLEAS COURT  
FRANKLIN COUNTY OHIO  
JESSE D. ODDI  
CLERK OF COURTS  
97 AUG 26 PM 2:37



Ordinance is attached as Attachment B and incorporated by reference as if fully rewritten herein.)

2. For a period of sixty (60) consecutive days following the effective date of this Consent Order, or any sixty (60) consecutive day period mutually agreed upon between the parties (the "compliance period"), Defendant agrees to prohibit any and all connections or extensions to its sewerage system. During this period, Defendant shall demonstrate to Ohio EPA, compliance with the effluent limitations in its currently effective NPDES permit, and any modifications or renewals thereof. During this sixty (60) day compliance period, one (1) significant or insignificant (as those terms are defined below in paragraph 7.6.c.4) 7-day average or daily maximum violation of Defendant's effluent limitation in its NPDES permit, and any modification or renewals thereof, shall not effect the compliance demonstration for purposes of this paragraph. However, any subsequent failures beyond that provided for above shall require the Defendant's sixty (60) day compliance period to begin again from the date Defendant comes back into compliance with its effluent limitation in its NPDES permit. Upon the above demonstration, Defendant may proceed with individual connections and/or extensions to its sewerage system in accordance with Section 7.6 of this Consent Order. This paragraph does not apply to single family residences or commercial entity that have paid tap-in fees for connection to Defendant's sewerage system prior to the date the Defendant Village of Canal Winchester's Council ratifies approval of this Consent Order.

3. Canal Winchester shall at all times demonstrate compliance with the effluent limits in its currently effective NPDES permit, and any modifications or renewals thereof. After compliance with subparagraph 2 above, and until the upgraded and expanded

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
97 AUG 28 PM 2:37  
JESSE D. ODDI  
CLERK OF COURTS

wastewater treatment plant is able to meet the final effluent limits in the NPDES permit as established in paragraph 6, Canal Winchester agrees not to allow new connections or expansions to its sanitary sewerage system that will cause, or contribute to exceedances of Canal Winchester's effluent limitations established in its currently effective NPDES permit, and any modifications or renewals thereof. Canal Winchester agrees to utilize the Village Ordinance to limit new sewer connections or expansions to those instances which will not cause or contribute to violations of Canal Winchester's NPDES permit, and any modifications or renewals thereof.

4. After compliance with subparagraph 2 above, if Canal Winchester fails to demonstrate compliance with its NPDES permit, and any modifications or renewals thereof, by exceeding the effluent limits as set forth below, then Canal Winchester agrees to immediately suspend further connections and/or expansions to its sewerage system for ninety (90) consecutive days. During this period, Defendant shall make an additional demonstration of complete compliance with the effluent limitations in its currently effective NPDES permit, and any modifications or renewals thereof, for a mutually agreed upon sixty (60) consecutive day period which shall begin no earlier than the beginning of the next month after the violation. Defendant fails to make a demonstration of complete compliance during the sixty (60) day period, then Defendant shall renew the ninety (90) day suspension until such time as it can demonstrate complete compliance for a mutually agreed upon sixty (60) day period. The following exceedances shall result in the ninety (90) day suspension:

- a. one significant monthly average violation
- b. two insignificant monthly average violations for the same parameter in a 6 month period

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
JESSIE J. O'NEILL  
CLERK OF COURTS  
97 AUG 26 PM 4:37

- c. three significant 7-day average or daily maximum violations for the same parameter in a six month period
- d. five insignificant 7-day average or daily maximum violations for the same parameter in a six month period.
- e. bypass or unauthorized discharge from any location in the WWTP or collection system.

[For purposes of this subparagraph, a significant violation occurs when the effluent discharge exceeds the permit limit by a multiplier of 1.4 times the permitted effluent limit. Violations that are not "significant" are insignificant.]

5. If Defendant fails to enforce the Village Ordinance or to suspend further connections to its sewerage system as required under this provision of the Consent Order, the Ohio EPA may file a notice with the Court for an order immediately prohibiting Defendant from connecting any additional persons or entities to its WWTP and/or sewerage system. Defendant waives its right to contest the ninety (90) day suspension order issued by the Court. The Ohio EPA may move the Court to extend the suspension for additional periods of time, not to exceed ninety (90) days for each request, however, Defendant may present evidence at that time demonstrating compliance with paragraph 7.6.c.4.

6. Defendant shall maintain and provide, to Ohio EPA c/o Larry Korecke monthly summary (report) of a running account of all new connections and expansions to WWTP and/or sewerage system beginning August 1, 1997 and concluding six (6) months after Defendant successfully demonstrates compliance with paragraph 6(e) of this Consent Order. In calculating flow, Defendant shall utilize the Ohio EPA, Division of Surface Water Policy

FILED  
 COMMON PLEAS COURT  
 FRANKLIN COUNTY OHIO  
 97 AUG 28 PM 3:37  
 JESSE D. O'DONOHUE  
 CLERK OF COURTS

Number 0400.001 Sewage; Collection Treatment and Disposal. (See Attachment C incorporated by reference as if fully rewritten herein).

7. This section shall not be construed to limit Plaintiff's authority to seek additional relief or to otherwise seek judicial enforcement of this Consent Order. Further, this section shall not limit in any way the legal requirements and obligations of Defendant to comply with Section IX. Stipulated Penalties.

8. Except for subparagraphs 7.6.b. and 7.6.c.1., the requirements of this section of the Consent Order shall terminate six (6) months after Defendant successfully demonstrates compliance with subparagraph 6(e).

**LIFT STATIONS**

7.7. Within six (6) months of the effective date of this Consent Order, Canal Winchester shall provide alarms at all lift stations to alert Defendant to equipment malfunction. The alarms must be telemetered in accordance with the Great Lakes Upper Mississippi River Board of State Public Health and Environmental Manager's Recommended Standards for Wastewater Facilities ("Ten State Standards," incorporated herein by reference). Canal Winchester agrees to immediately install any and all future lift stations with alarms as required by this provision.

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
AUG 26 PM 2:37  
JESSIE DODD  
CLERK OF COURTS

**VI. REPORTING REQUIREMENT**

7.8. Within twenty (20) days from the completion date of each task listed in Section V, Defendant is immediately ordered to submit a written report stating whether it has performed the actions set forth therein to the following address, unless otherwise notified in writing of different

name or address:

Ohio EPA  
Central District Office  
Division of Surface Water  
3232 Alum Creek Drive  
Columbus, Ohio 43207  
ATTN: Larry Korecko (or his successor)

97 AUG 26 PM 2:37  
JESSE D. ODDI  
CLERK OF COURTS

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO

Any PTI or NPDES permit application(s) or revision(s) shall be sent to the same address as above, however, the reporting contact person is: ATTN: John Owen (or his successor). Other reporting and/or review requirements of Section V requiring Ohio EPA approval, consent or acceptance shall be sent to the above address, to the attention of Larry Korecko (or his successor).

**VII. COMPLIANCE NOT DEPENDENT ON GRANTS OR LOANS**

8. Performance with the terms of this Consent Order by Defendant is not conditioned on the receipt of any federal or state grant, loan or funds. In addition, Canal Winchester's performance is not excused by the failure to obtain or shortfall of any federal or state grant, loan or funds, or by the processing of any applications for the same.

**VIII. CIVIL PENALTY**

9. Within thirty (30) days of the effective date of this Consent Order, it is hereby ordered that Defendant shall pay to the State of Ohio a civil penalty of Twenty Thousand Dollars (\$20,000.00). The civil penalty payment shall be paid by delivering a certified check for the appropriate amount, made payable to "Treasurer, State of Ohio", to Lyndia Jennings, or her successor, at the Ohio Attorney General's Office, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428.

10. In lieu of paying an additional civil penalty in the amount of Sixty Thousand Dollars (\$60,000.00), and in furtherance of the mutual objectives of Ohio EPA and Canal Winchester in improving the environment and reducing the impacts to waters of the State of Ohio, Canal Winchester shall provide in the amount of Sixty Thousand Dollars (\$60,000.00) to Ohio EPA in order to establish a supplemental environmental project fund (this "Fund" shall be named or referred to as the Areawide Waste Treatment Management Plan for the Blacklick, Little Walnut, Big Walnut and Alum Creek which are part of the Scioto River Basin) as set forth herein. The Fund shall be administered by the Director of Ohio EPA for the development and implementation of the Central Scioto Water Quality Management Plan as specified in 33 U.S.C. § 1288(b)(2)(A), (E) and (H). Within one hundred and twenty (120) days and two hundred and ten (210) days respectively from the effective date of this Consent Order, Canal Winchester shall pay and deliver a certified check in the amount of Thirty Thousand Dollars (\$30,000.00) in manner set forth in paragraph 9. Each of the two checks shall be made payable to "Treasurer, State of Ohio" and will be deposited into such fund as may be specified by Ohio EPA at a later date.

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
JESSE D. ODDI  
CLERK OF COURTS  
97 AUG 26 PM 4:37

**IX. STIPULATED PENALTIES**

11.a. In the event that the Defendant fails to meet any of the compliance deadlines set forth in Section V, (paragraphs 6 and 7 of this Consent Order), requirements of paragraphs 5 and 10, and/or any failure to comply with Defendant's NPDES permit terms or conditions, Defendant shall pay a stipulated penalty according to the following schedule:

- (1) For each day of each failure to meet a requirement and/or failure to comply with Defendant's NPDES permit term or condition up to

ten (10) days - two hundred fifty dollars (\$250.00) per day per requirement not met;

(2) For each day of each failure to meet a requirement and/or failure to comply with Defendant's NPDES permit term or condition from eleven (11) days to thirty (30) days-five hundred dollars (\$500.00) per day per requirement not met;

(3) For each day of each failure to meet a requirement and/or failure to comply with Defendant's NPDES permit term or condition from thirty-one (31) to sixty days (60) - seven hundred and fifty dollars (\$750.00) per day per requirement not met; and

(4) For each day of each failure to meet a requirement and/or failure to comply with Defendant's NPDES permit term or condition over (61) days - one thousand dollars (\$1,000.00) per day per requirement not met.

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
97 AUG 26 PM 2:37  
JESSE D. ODDI  
CLERK OF COURTS

11.b. In the event that Defendant has a bypass or unauthorized discharge from any location in the WWTP or disposal system, except as otherwise provided by the NPDES permit. Defendant shall pay an additional stipulated penalty of one thousand and five hundred dollars (\$1,500.00) per day for each day of the violation.

12. Any payment required to be made under the provisions of Section IX of this Consent Order shall be made by delivering to Lyndia Jennings, or her successor, at the address set forth in Section VIII, paragraph 9, a certified check or checks, for the appropriate amounts within forty-five (45) days from the date of the failure to meet the requirement of this Consent Order, made payable to "Treasurer, State of Ohio". Defendant shall also state in writing the specific failure of the Consent Order and/or NPDES permit term and condition which was not complied with, and the date(s) of non-compliance. The payment of stipulated penalties by

Defendant and the acceptance of such stipulated penalties by Plaintiff for specific violations pursuant to Section IX shall not be construed to limit Plaintiff's authority to seek additional relief or to otherwise seek judicial enforcement of this Consent Order.

**X. TERMINATION OF STIPULATED PENALTIES**

13. The provisions set forth in Article IX of this Consent Order requiring the payment of stipulated penalties may be terminated upon a demonstration by Defendant Canal Winchester that: 1) it has successfully completed the requirements outlined in paragraph 6; 2) it has paid all penalties and costs required by this Consent Order; and 3) a minimum six (6) month period time after Canal Winchester has successfully achieved compliance with subparagraph 6(e) has occurred.

14. Termination of the stipulated penalty section of this Consent Order shall only be by order of the Court upon application by any party, and a demonstration that the conditions outlined in paragraph 13 have been met.

**XI. MISCELLANEOUS**

15. Nothing in this Consent Order shall affect Canal Winchester's obligation to comply with all applicable federal, state or local law, regulation, rule or ordinance. Canal Winchester shall obtain any and all federal, state, or local permits necessary to comply with this Consent Order.

16. Canal Winchester shall inform the Ohio EPA of any change of its business addresses or telephone numbers, or the cessation of business.

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
92 AUG 26 PM 2:37  
REGISTERED  
CLERK OF COURTS



**XII. POTENTIAL FORCE MAJEURE**

17. If any event occurs which causes or may cause a delay of any requirements of this Consent Order, Canal Winchester shall notify the Ohio EPA in writing within ten (10) days of the event, describing in detail the anticipated length of the delay, the precise cause or causes of the delay, the measures taken and to be taken by the Defendant to prevent or minimize the delay and the timetable by which measures will be implemented. Canal Winchester will take all reasonable measures to avoid or minimize any such delay.

18. In any action by the Plaintiff to enforce any of the provisions of this Consent Order, Canal Winchester may raise that it is entitled to a defense that its conduct was caused by reasons entirely beyond its control such as, by way of example and not limitations, acts of God, strikes, acts of war or civil disturbances. While the Plaintiff does not agree that such a defense exists, it is, however, hereby agreed upon by Canal Winchester and the Plaintiff 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 enforcement action, if any, is commenced by the Plaintiff. At that time, Canal Winchester will bear the burden of proving that any delay was or will be caused by circumstances entirely beyond the control of Canal Winchester. Unanticipated or increased costs associated with the implementation of any action required by this Consent Order, or changed financial circumstances, shall not constitute circumstances entirely beyond the control of Canal Winchester or serve as a basis for an extension of time under this Consent Order. Failure by Canal Winchester to comply with the notice requirements of this Section shall render this Section void and of no force and effect as to the particular incident involved and shall constitute a waiver

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
97 AUG 26 PM 2:37  
JESSE D. CODDIE  
CLERK OF COURT

of Canal Winchester's right to request an extension of its obligations under this Consent Order based on such incident. An extension of one date based on a particular incident does not mean that Canal Winchester qualifies for an extension of a subsequent date or dates. Canal Winchester must make an individual showing of proof regarding each incremental step or other requirement for which an extension is sought. Acceptance of this Consent Order without a Force Majeure Clause does not constitute a waiver by Canal Winchester of any rights or defenses it may have under applicable law.

**XIII. RETENTION OF JURISDICTION**

19. The Court will retain jurisdiction of this action for the purpose of administering or enforcing Canal Winchester's compliance with this Consent Order.

**XIV. COSTS**

20. Defendant is hereby immediately ordered to pay the court costs of this action.

**XV. ENTRY OF CONSENT ORDER AND FINAL JUDGMENT BY CLERK**

21. The parties agree and acknowledge that final approval by the Plaintiff and Defendant, and entry of this Consent Order is subject to the requirement of 40 C.F.R. §123.27 (d)(1)(iii), which provides for notice of the lodging of this Consent Order, opportunity for public comment, and the consideration of any public comment. The Plaintiff and Defendant, reserve the right to withdraw consent to this Consent Order based on comments received during the public comment period. Defendant shall pay the cost of publishing the public notice.

22. Upon the signing of this Consent Order by the Court, the clerk is hereby directed to enter it upon the journal. Within three days of entering the judgment upon the journal, the clerk is hereby directed to serve upon all parties notice of the judgment and its date of entry upon

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
97 AUG 06 PM 2:39  
JESSICA D. ODDI  
CLERK OF COURTS

the journal in the manner prescribed by Rule 5(B) of the Ohio Rules of Civil Procedure and note the service in the appearance docket.

IT IS SO ORDERED:

151 O'GRADY  
JUDGE, FRANKLIN COUNTY  
COURT OF COMMON PLEAS

\_\_\_\_\_  
DATE

APPROVED:

BETTY D. MONTGOMERY  
ATTORNEY GENERAL OF OHIO

[Signature]  
ROBERT J. KARI (0042292)  
HAROLD G. VIELHAUER (0040800)  
Assistant Attorneys General  
Environmental Enforcement Section  
30 East Broad Street, 25th Floor  
Columbus, Ohio 43215-3428  
Telephone: (614) 466-2766  
Telefax: (614) 752-2441

*Attorneys for State of Ohio*

[Signature]  
JAMES J. HUGHES, III (0036754)  
BRICKER & ECKLER  
100 South Third Street  
Columbus, Ohio 43215  
Telephone: (614) 227-2365  
Telefax: (614) 227-2390

*Attorney for Village of Canal Winchester*

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
97 AUG 26 PM 2:39  
JESSE D. ODDI  
CLERK OF COURTS

VILLAGE OF CANAL WINCHESTER

[Signature]  
Marsha A. Hall, Mayor  
Authorized Representative of  
Village of Canal Winchester

THE STATE OF OHIO }  
Franklin County, ss } I, JESSE D. ODDI, Clerk  
OF THE COURT OF COMMON  
PLEAS, WITHIN AND FOR  
SAID COUNTY.

HEREBY CERTIFY THAT THE ABOVE AND FORE-  
GOING IS TRULY TAKEN AND COPIED FROM THE  
ORIGINAL Consent Order  
NOW ON FILE IN MY OFFICE.  
WITNESS MY HAND AND SEAL OF SAID COURT  
THIS 26<sup>th</sup> DAY OF Aug. A.D. 1997  
JESSE D. ODDI, Clerk  
By [Signature] Deputy

**ATTACHMENT A**

Page 1 of 22  
Ohio EPA Permit No. 4PB00012\*FD

25/CN

RECEIVED

SEP 30 1996

OHIO EPA/CDO

Application No. OH0024333

Issue Date: September 27, 1996

Effective Date: March 1, 1997

Expiration Date: February 26, 2002

**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),

**Village of Canal Winchester**

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the wastewater treatment works located on Ashbrook Road, Canal Winchester, Ohio, Franklin County

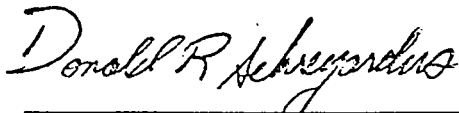
and discharging to Walnut Creek

in accordance with the conditions specified in Parts I, II, and III of this permit.

I have determined that a lowering of water quality in Walnut Creek as authorized by this permit is necessary. I have made this determination based upon the consideration of all public comments, and including the consideration of technical, social, and economic criteria concerning this application and its impact on waters of the state.

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.



Donald R. Schregardus  
Director

Part I, A. - INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the date that the expanded wastewater treatment works become operational, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall: 4PB00012001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
Reporting Code	Units	Parameter	Concentration Specified Units		Loading* kg/day		Meas. Freq.	Sample Type
			30 day	7 day	30 day	7 day		
00010	°C	Water Temperature	-	-	-	-	Daily	Continuous (Max. Ind. Therm.)
00530	mg/l	Total Suspended Solids	20	30	49.2	73.8	2/Week	Composite
00556	mg/l	Oil and Grease	Not to exceed 10 at any time				1/Month	Grab
00610	mg/l	Nitrogen, Ammonia (NH <sub>3</sub> ) (summer) (winter)	9.5	14.3	23.4	35.2	2/Week	Composite
			13	19.5	32.0	48.0	2/Week	Composite
31616	#/100ml	Fecal Coliform (Summer only)	1000	2000	-	-	2/Week	Grab
50050	MGD	Flow Rate	-	-	-	-	Daily	Continuous
80082	mg/l	CBOD <sub>5</sub>	15	23	36.9	56.6	2/Week	Composite

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored daily by grab sample.
3. If the entity uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.038 mg/l and shall be monitored daily by grab sample. (Summer only)\*\*
4. The Dissolved Oxygen (Reporting Code 00300) shall be maintained at a level of not less than 5.0 mg/l and shall be monitored daily by grab sample.

\* The average effluent loading limitations are established using the following flow value: 0.65 MGD.

\*\* See Part II, Item I.

Part I, A. - INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the date that the expanded wastewater treatment works become operational, the permittee is authorized to discharge in accordance with the following limitation and monitoring requirements from outfall: 4PB00012001 . See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
Reporting Code	Units	Parameter	Concentration Specified Units		Loading kg/day		Meas. Freq.	Sample Type
			30 day	Daily Max.	30 day	Daily Max.		
00630	mg/l	Nitrogen, Nitrite + Nitrate	-	-	-	-	1/Month	Composite
01094	µg/l	Zinc, Total Recoverable	-	-	-	-	Quarterly	Composite
01118	µg/l	Chromium, Total Recoverable	-	-	-	-	Quarterly	Composite
99984	µg/l	Nickel, Total Recoverable	-	-	-	-	Quarterly	Composite
99987	µg/l	Chromium Hexavalent-Dissolved	-	-	-	-	Quarterly	Grab
99988	µg/l	Lead, Total Recoverable	-	-	-	-	Quarterly	Composite
99989	µg/l	Copper, Total Recoverable	-	-	-	-	Quarterly	Composite
99990	µg/l	Cadmium, Total Recoverable	-	-	-	-	Quarterly	Composite
99993	µg/l	Mercury, Total	-	-	-	-	Quarterly	Composite

Part I, A. - INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Beginning on the date that the expanded wastewater treatment works become operational and lasting for a period of twelve (12) months, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall: 4PB00012001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
Reporting Code	Units	Parameter	Concentration Specified Units		Loading* kg/day		Meas. Freq.	Sample Type
			30 day	7 day	30 day	7 day		
00010	°C	Water Temperature	-	-	-	-	1/Month	Continuous (Max. Ind. Therm.)
00530	mg/l	Total Suspended Solids	12	18	112.6	168.9	3/Week	Composite
00556	mg/l	Oil and Grease	Not to exceed 10 at any time				1/2 Weeks	Grab
00610	mg/l	Nitrogen, Ammonia (NH <sub>3</sub> ) (summer) (winter)	1.0	1.5	9.4	14.1	3/Week	Composite
			3.0	4.5	28.2	42.2	3/Week	Composite
31616	#/100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	3/Week	Grab
50050	MGD	Flow Rate	-	-	-	-	Daily	Continuous
80082	mg/l	CBOD <sub>5</sub>	10	15	93.9	140.8	3/Week	Composite

2. The pH (Reporting Codes 00402 (minimum) and 00401 (maximum)) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored daily by multiple grab sample. Report minimum and maximum values recorded.
3. If the entity uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.038 mg/l and shall be monitored daily by multiple grab sample. Report maximum value recorded. (Summer only)\*\*
4. The Dissolved Oxygen (Reporting Code 00300) shall be maintained at a level of not less than 6.0 mg/l and shall be monitored daily by multiple grab sample. Report minimum value recorded.

\* The average effluent loading limitations are established using the following flow value: 2.48 MGD.

\*\* See Part II, Item I.



Part I, A. - INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Beginning on the date that the expanded wastewater treatment works become operational and lasting for a period of twelve (12) months, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall: 4PB00012001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
Reporting Code	Units	Parameter	Concentration Specified Units		Loading kg/day		Meas. Freq.	Sample Type
			30 day	Daily Max.	30 day	Daily Max.		
00630	mg/l	Nitrogen, Nitrite + Nitrate	-	-	-	-	1/Month	Composite
01094	µg/l	Zinc, Total Recoverable	-	-	-	-	1/Month	Composite
01118	µg/l	Chromium, Total Recoverable	-	-	-	-	1/Month	Composite
99984	µg/l	Nickel, Total Recoverable	-	-	-	-	1/Month	Composite
99987	µg/l	Chromium Hexavalent-Dissolved	-	-	-	-	1/Month	Grab
99988	µg/l	Lead, Total Recoverable	-	-	-	-	1/Month	Composite
99989	µg/l	Copper, Total Recoverable	-	-	-	-	1/Month	Composite
99990	µg/l	Cadmium, Total Recoverable	-	-	-	-	1/Month	Composite
99993	µg/l	Mercury, Total	-	-	-	-	1/Month	Composite

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- Beginning twelve (12) months from the date that the expanded wastewater treatment works become operational and lasting until the expiration date of this permit, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 4PB00012001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
Reporting Code	Units	Parameter	Concentration Specified Units		Loading* kg/day		Meas. Freq.	Sample Type
			30 day	7 day	30 day	7 day		
00010	°C	Water Temperature	-	-	-	-	Daily	Continuous (Max. Ind. Therm.)
00530	mg/l	Total Suspended Solids	12	18	112.6	168.9	3/Week	Composite
00556	mg/l	Oil and Grease	Not to exceed 10 at any time				1/2 Weeks	Grab
00610	mg/l	Nitrogen, Ammonia (NH <sub>3</sub> )						
		(summer)	1.0	1.5	9.4	14.1	3/Week	Composite
		(winter)	3.0	4.5	28.2	42.2	3/Week	Composite
31616	#/100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	3/Week	Grab
50050	MGD	Flow Rate	-	-	-	-	Daily	Continuous
80082	mg/l	CBOD <sub>5</sub>	10	15	93.9	140.8	3/Week	Composite

- The pH (Reporting Codes 00402 (minimum) and 00401 (maximum)) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored daily by multiple grab sample. Report minimum and maximum values recorded.
- If the entity uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.038 mg/l and shall be monitored daily by multiple grab sample. Report maximum value recorded. (Summer only)\*\*
- The Dissolved Oxygen (Reporting Code 00300) shall be maintained at a level of not less than 6.0 mg/l and shall be monitored daily by multiple grab sample. Report minimum value recorded.

\* The average effluent loading limitations are established using the following flow value: 2.48 MGD.

\*\* See Part II, Item I.

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Beginning twelve (12) months from the date that the expanded wastewater treatment works become operational and lasting until the expiration date of this permit, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 4PB00012001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
Reporting Code	Units	Parameter	Concentration Specified Units		Loading kg/day		Meas. Freq.	Sample Type
			30 day	Daily Max.	30 day	Daily Max.		
00630	mg/l	Nitrogen, Nitrite + Nitrate	-	-	-	-	1/Month	Composite
01094	µg/l	Zinc, Total Recoverable	-	-	-	-	1/Month	Composite
01118	µg/l	Chromium, Total Recoverable	-	-	-	-	1/Month	Composite
61425	TUa	Acute Toxicity, <u>Ceriodaphnia dubia</u>	-	-	-	-	See Part II, P.	
61426	TUc	Chronic Toxicity, <u>Ceriodaphnia dubia</u>	-	-	-	-	See Part II, P.	
61427	TUa	Acute Toxicity, <u>Pimephales promelas</u>	-	-	-	-	See Part II, P.	
61428	TUc	Chronic Toxicity, <u>Pimephales promelas</u>	-	-	-	-	See Part II, P.	
99984	µg/l	Nickel, Total Recoverable	-	-	-	-	1/Month	Composite
99987	µg/l	Chromium Hexavalent-Dissolved	-	-	-	-	1/Month	Grab
99988	µg/l	Lead, Total Recoverable	-	-	-	-	1/Month	Composite
99989	µg/l	Copper, Total Recoverable	-	-	-	-	1/Month	Composite
99990	µg/l	Cadmium, Total Recoverable	-	-	-	-	1/Month	Composite
99993	µg/l	Mercury, Total	-	-	-	-	1/Month	Composite

Part I, B. - ADDITIONAL MONITORING REQUIREMENTS

1. Influent Monitoring. The permittee shall monitor the treatment works' influent wastewater at Station Number 4PB00012601, 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 Part II, OTHER REQUIREMENTS, for location of influent sampling.

<u>CHARACTERISTIC</u>			<u>MONITORING REQUIREMENTS</u>	
<u>Reporting Code</u>	<u>Units</u>	<u>Parameter</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
00400	S.U.	pH	Daily	Grab
00530	mg/l	Total Suspended Solids	2/Week	Composite
80082	mg/l	CBOD <sub>5</sub>	2/Week	Composite

Part I, B. - ADDITIONAL MONITORING REQUIREMENTS

2. Upstream and Downstream. The permittee shall monitor the receiving stream, upstream of the point of discharge, at Station Number 4PB00012801, and downstream of the point of discharge, at Station Number 4PB00012901, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

<u>CHARACTERISTIC</u>			<u>MONITORING REQUIREMENTS</u>	
<u>Reporting Code</u>	<u>Units</u>	<u>Parameter</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
00010	°C	Water Temperature	1/Month	Grab
00300	mg/l	Dissolved Oxygen	1/Month	Grab
00400	S.U.	pH	1/Month	Grab
00610	mg/l	Nitrogen, Ammonia (NH <sub>3</sub> )	Quarterly	Grab
31616	#/100ml	Fecal Coliform (Summer Only)	Quarterly	Grab

Part I, B. - ADDITIONAL MONITORING REQUIREMENTS

3. Sludge. The permittee shall monitor the treatment works' final sludge at Station Number 4PB00012581, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

CHARACTERISTIC Reporting Code		Units**	Parameter	MONITORING REQUIREMENTS* Measurement Frequency	Sample Type
00400	S.U.		pH	Quarterly	Grab
00627	mg/kg		Nitrogen, Total Kjeldahl	Quarterly	Composite
00668	mg/kg		Phosphorous	Quarterly	Composite
01003	mg/kg		Arsenic	Semi-Annually	Composite
01028	mg/kg		Cadmium	Semi-Annually	Composite
01029	mg/kg		Chromium	Semi-Annually	Composite
01043	mg/kg		Copper	Semi-Annually	Composite
01052	mg/kg		Lead	Semi-Annually	Composite
01068	mg/kg		Nickel	Semi-Annually	Composite
01093	mg/kg		Zinc	Semi-Annually	Composite
01148	mg/kg		Selenium	Semi-Annually	Composite
70316	Dry Tons		Sludge Weight***	1/Week	Total
70318	%		Sludge Solids, Percent Total	1/Week	Grab
70322	%		Sludge Solids, Percent Volatile	1/Week	Grab
71921	mg/kg		Mercury	Semi-Annually	Composite
78465	mg/kg		Molybdenum	Semi-Annually	Composite
99991	mg/kg		Nitrogen, Ammonia	Quarterly	Composite

\* When sludge is removed from the wastewater treatment facility and disposed of by land application. If no sludge is removed during month, leave data area blank and enter "No sludge removed during month" in the "Additional Remarks" section (signature still required).

\*\* Units of mg/kg on dry weight basis.

\*\*\* Calculated total for the sampling period.

See Part II, Items L and M.

Part I, B. - ADDITIONAL MONITORING REQUIREMENTS

4. Sludge. The permittee shall monitor the treatment works' final sludge at Station Number 4PB00012588, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

<u>CHARACTERISTIC</u> Reporting			<u>MONITORING REQUIREMENTS*</u>	
Code	Units	Parameter	Measurement Frequency	Sample Type
70316	Dry Tons	Sludge Weight**	1/Week	Total
70318	%	Sludge Solids, Percent Total	1/Week	Grab
70322	%	Sludge Solids, Percent Volatile	1/Week	Grab

\* When sludge is removed from the wastewater treatment facility and disposed of by hauling it away to another facility. If no sludge is removed during month, leave data area blank and enter "No sludge removed during month" in the "Additional Remarks" section. (signature still required).

\*\* Calculated total for the sampling period.

See Part II, Items L & M.

Part II, OTHER REQUIREMENTS

- A. From the effective date of this NPDES permit and lasting until the expanded wastewater treatment works become operational, wastewater treatment works must be under supervision of Class II State certified operator as required by rule 3745-7-02 of the Ohio Administrative Code, and the permittee shall maintain personnel at the wastewater treatment plant eight (8) hours per day, seven days per week.

Beginning on the date that the expanded wastewater treatment works become operational, the wastewater treatment works must be under supervision of a Class III State certified operator as required by rule 3745-7-02 of the Ohio Administrative Code, and the permittee shall maintain personnel at the wastewater treatment plant twenty four (24) hours per day, seven days per week.

- B. The plant must be staffed and operated in accordance with the Ohio EPA approved Operation and Maintenance Manual.
- C. Description of the location of the required sampling stations are as follows:

Sampling Station    Description of Location

4PB00012001	Final effluent to Walnut Creek. (Lat: 39° 49' 45"; Long: 82° 49' 15")
4PB00012581	Digested Sludge land applied.
4PB00012588	Sludge hauled away.
4PB00012601	Raw Influent.
4PB00012801	Upstream station.
4PB00012901	Downstream station.
4PB00012902	Downstream Acute biomonitoring station; see section 2.E in Biomonitoring Guidance.
4PB00012903	Downstream Chronic biomonitoring station; see section 3.E in Biomonitoring Guidance.

- 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 form.
- E. Composite samples shall be comprised of a series of grab samples collected over a 24-hour period and proportionate in volume to the sewage flow rate at the time of sampling. Such samples shall be collected at such times and locations, and in such a fashion, as to be representative of the facility's overall performance.
- F. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's performance.
- G. Multiple grab samples shall be comprised of at least three grab samples collected at intervals of at least three hours during the period that the plant is staffed on each day for sampling. Samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's overall performance. The critical value shall be reported.
- H. Effluent disinfection is not directly required, however, the entity is required to meet all applicable discharge permit limits. If disinfection facilities exist, they shall be maintained in an operable condition. Any design of wastewater treatment facilities should provide for the capability to install disinfection if required at a future time. Disinfection may be required if future bacteriological studies or emergency conditions indicate the need.



Part II, OTHER REQUIREMENTS (continued)

- I. The parameters listed below have had effluent limitations established that are below the OEPA Practical Quantification Level (OEPA PQL) for the 40 CFR 136 promulgated analytical procedure for those parameters. In accordance with ORC Section 6111.13, if a discharge limit is set below the OEPA PQL, any analytical result reported equal to or less than the OEPA PQL shall be considered to be in compliance with that limit.

REPORTING:

All analytical results, even those below the OEPA PQL, (listed below), shall be reported. Analytical results are to be reported as follows:

1. Results above the PQL: Report the analytical result for the parameter of concern.
2. Results above the MDL, but below the PQL: Report the analytical result, even though it is below the PQL.
3. Results below the MDL: Analytical results below the method detection limit shall be reported as "below detection" using the reporting code "AA".

The following table will be used to determine compliance with NPDES permit limit:

<u>Parameter</u>	<u>PQL</u>
Total Residual Chlorine	0.050 mg/l

- J. POTWs that accept hazardous wastes by truck, rail, or dedicated pipeline are considered to be hazardous waste treatment, storage, and disposal facilities (TSDFs) and are subject to regulation under the Resource Conservation and Recovery Act (RCRA). Under the "permit-by-rule" regulation found at 40 CFR 270.60(c), a POTW must 1) comply with all conditions of its NPDES permit, 2) obtain a RCRA ID number and comply with certain manifest and reporting requirements under RCRA, 3) satisfy corrective action requirements, and 4) meet all federal, state, and local pretreatment requirements.
- K. Final permit limitations based on preliminary or approved waste load allocations are subject to change based on modifications to or finalization of the allocation or report or changes to Water Quality Standards. Monitoring requirements and/or special conditions of this permit are subject to change based on regulatory or policy changes.
- L. Within 6 months of the effective date of this permit, the permittee shall submit to Ohio EPA's Central District Office an evaluation of its sludge management plan, which was approved on January 25, 1984. This evaluation shall examine the adequacy of the plan, including any implementation problems encountered and any changes required, and is to reflect the actual sludge disposal practices. If significant changes are required, the permittee may be required to submit for approval a modified sludge management plan.

Part II, OTHER REQUIREMENTS (continued)

- M. Not later than January 31 of each calendar year, the permittee shall submit two (2) copies of a report summarizing the sludge disposal and/or reuse activities of the facility during the previous year. One copy of the report shall be sent to the Ohio EPA, Division of Surface Water, Central Office, and one copy of the report shall be sent to the Central District Office. This report shall address:
- 1) Amount of sludge disposed of/reused in dry tons.
  - 2) Method(s) of disposal/reuse.
  - 3) Summary of all analyses made on the sludge, including any priority pollutant scans that may have been performed. (If a priority pollutant scan has been conducted as a part of the pretreatment program, the most recent analysis should be submitted.)
  - 4) Problems encountered including any complaints received. The cause or reason for the problem and corrective actions taken to solve the problem should also be included. Any incidents of interference with the method of sludge disposal shall be identified, along with the cause of interference (i.e., excessive metals concentration, contaminated sludge, etc.) and the corrective actions taken.
- N. In accordance with Section 208 of the Clean Water Act, the permittee shall evaluate alternatives for regionalization with neighboring communities, prior to any further expansion (increase in average design flow) of the wastewater treatment plant facility beyond the previously stated 2.48 MGD capacity.
- O. No later than January 31 of each calendar year, the permittee shall submit to the Ohio EPA, Central District Office, Division of Surface Water, a report summarizing regionalization activities of the past year. This report shall include but not be limited to the following:
- 1) Anticipated date, based on evaluation of regional growth, upon which the permittee purposes to upgrade the WWTP in order to meet demand.
  - 2) Progress with regionalization studies (i.e. avoidance of overlapping service areas; creation of cooperative agreements regarding service areas).
  - 3) A list documenting times, places, attendance, outcome, etc., of meetings to discuss regionalization.
- P. Biomonitoring Program Requirements

Beginning twelve (12) months from the date that the expanded wastewater treatment works become operational, the entity shall initiate an effluent biomonitoring program to determine the toxicity of the effluent from outfall 4PB00012.

General Requirements

All toxicity testing conducted as required by this permit shall be done in accordance with Reporting and Testing Guidance for Biomonitoring Required by the Ohio Environmental Protection Agency (hereinafter, the "biomonitoring guidance"), Ohio EPA, 1991 (or current revision). The Standard Operating Procedures (SOP) or verification of SOP submittal, as described in Section 1.B. of the biomonitoring guidance shall be submitted no later than eight months from the date that the expanded wastewater treatment works become operational. If the laboratory performing the testing has modified its protocols, a new SOP is required.

Part II, OTHER REQUIREMENTS (continued)

P. Continued

Testing Requirements

1. Chronic Bioassays

For a period of one year, the permittee shall conduct quarterly chronic toxicity tests using *Ceriodaphnia dubia* and fathead minnows (*Pimephales promelas*) on effluent samples from outfall 4PB00012. These tests shall be conducted as specified in Section 3 of the biomonitoring guidance.

2. Acute Bioassays

For a period of one year, the permittee shall conduct bi-monthly definitive acute toxicity tests using *Ceriodaphnia dubia* and fathead minnows (*Pimephales promelas*) on effluent samples from outfall 4PB00012. These tests shall be conducted as specified in Section 2 of the biomonitoring guidance. Acute toxicity tests need not be performed for months in which chronic toxicity tests are conducted. Acute endpoints, as described in Section 2.H. of the biomonitoring guidance, shall be derived from the chronic test.

3. Testing of Ambient Water

In conjunction with the acute and chronic toxicity tests, upstream control water shall be collected at a point outside the zone of effluent and receiving water interaction at station 4PB00012801. In conjunction with acute toxicity tests of the effluent, downstream receiving water shall be tested for acute toxicity at station 4PB00012902. In conjunction with chronic toxicity tests, downstream receiving water shall be tested for chronic toxicity at station 4PB00012903 and acute toxicity at station 4PB00012902. Testing of ambient waters shall be done in accordance with Sections 2 and 3 of the biomonitoring guidance.

4. Data Review

a. Reporting

Following completion of each bi-monthly bioassay requirement, the permittee shall report results of the tests in accordance with Sections 2.H.1., 2.H.2.a., 3.H.1., and 3.H.2.a. of the biomonitoring guidance. Based on Ohio EPA's evaluation of the results, this permit may be modified to require additional biomonitoring, require a toxicity reduction evaluation, and/or contain whole effluent toxicity limits.

b. Definitions

$$TU_a = \text{Acute Toxic Units} = \frac{100}{LC50} \text{ or } \frac{100}{EC50}$$

$$TU_c = \text{Chronic Toxic Units} = \frac{100}{\text{square root of NOEC} \times \text{LOEC}}$$

PART III - GENERAL CONDITIONS

1. DEFINITIONS

"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.

"daily concentration limitation" means the arithmetic average (weighted by flow) 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.

"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.

"7-day concentration limitation" means the arithmetic average (weighted by flow) 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.

"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.

"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.

"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.

"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.

"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.

"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.

"MGD" means million gallons per day.

"mg/l" means milligrams per liter.

"µg/l" means micrograms per liter.

"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 techniques employed.

"Quarterly sampling frequency" means the sampling shall be done in the months of March, June, August, and December.

"Yearly sampling frequency" means the sampling shall be done in the month of September.

"Semi-annual sampling frequency" means the sampling shall be done during the months of June and December.

"Winter" shall be considered to be the period from November 1 through April 30.

"Bypass" means the intentional diversion of waste streams from any portion of the treatment facility.

"Summer" shall be considered to be the period from May 1 through October 31.

"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.

**PART III - GENERAL CONDITIONS (continued)**

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based 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 the operation is 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  
Division of Surface Water  
Enforcement Section, ES/MOR  
P.O. Box 1049  
Columbus, Ohio 43266-0149

- 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" unless other test procedures have been specified in this permit. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to insure accuracy of measurements.

**PART III - GENERAL CONDITIONS (continued)**

**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 and date of sampling; (time of sampling not required on EPA 4500)
- B. The person(s) who performed the sampling or measurements;
- C. The date 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;
- D. All plant operation and maintenance records;
- E. All reports required by this permit; and
- 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 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 to 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 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 the Director, or an authorized representative upon presentation of credentials and other documents as may be required by law to;

- A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.
- D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

**11. UNAUTHORIZED DISCHARGES**

- A. Bypassing or diverting of wastewater from the treatment works is prohibited unless:
  1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

**PART III - GENERAL CONDITIONS (continued)**

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
3. The permittee submitted notices as required under paragraph D. of this section.
- B. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
- C. The Director may approve an unanticipated bypass, after considering its adverse effects, if the Director determines that it has met the three conditions listed in paragraph 11.A. of this section.
- D. The permittee shall submit notice of an unanticipated bypass as required in section 12.
- E. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded if that bypass is for essential maintenance to assure efficient operation.

**12. NONCOMPLIANCE NOTIFICATION**

- A. The permittee shall by telephone report any of the following within twenty-four (24) hours of discovery at (toll free) 1-800-282-9378:
  1. Any noncompliance which may endanger health or the environment;
  2. Any unanticipated bypass which exceeds any effluent limitation in the permit; or
  3. Any upset which exceeds any effluent limitation in the permit.
  4. Any violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit.
- B. For the telephone reports required by Part 12.A., the following information must be included:
  1. The times at which the discharge occurred, and was discovered;
  2. The approximate amount and the characteristics of the discharge;
  3. The stream(s) affected by the discharge;
  4. The circumstances which created the discharge;
  5. The names and telephone numbers of the persons who have knowledge of these circumstances;
  6. What remedial steps are being taken; and
  7. The names and telephone numbers of the persons responsible for such remedial steps.
- C. These telephone reports shall be confirmed in writing within five days of the discharge and submitted to the appropriate Ohio EPA district office. The report shall include the following:
  1. The limitation(s) which has been exceeded;
  2. The extent of the exceedance(s);
  3. The cause of the exceedance(s);
  4. The period of the exceedance(s) including exact dates and times;
  5. If uncorrected, the anticipated time the exceedance(s) is expected to continue, and
  6. Steps being taken to reduce, eliminate, and/or prevent recurrence of the exceedance(s).
- D. 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 14 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

**PART III - GENERAL CONDITIONS (continued)**

5. The probability of complying with subsequent and final events as scheduled.

- E. The permittee shall report all instances of noncompliance not reported under paragraphs A, B, or C of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraphs B and C of this section.
- F. Where the permittee becomes aware that it failed to submit any relevant application or submitted incorrect information in a permit application or in any report to the director, it shall promptly submit such facts or information.

**13. RESERVED**

**14. DUTY TO MITIGATE**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

**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 violations 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 addition to the reporting requirements under 40 CFR 122.41(1) and per 40 CFR 122.42(a), all existing manufacturing, commercial, mining, and silvicultural 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 on a routine or frequent basis of any toxic pollutant which is not limited in the permit. If that discharge will exceed the highest of the "notification levels" specified in 40 CFR Sections 122.42(a)(1)(i) through 122.42(a)(1)(iv).
  - 2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" specified in 122.42(a)(2)(i) through 122.42(a)(2)(iv).

**17. TOXIC POLLUTANTS**

The permittee shall comply with effluent standards or prohibitions established under Section 307 (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.



**PART III - GENERAL CONDITIONS (continued)**

**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. 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 permittee (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.

At anytime during the sixty (60) day period between notification of the proposed transfer and the effective date of the transfer, the Director may prevent the transfer if he concludes that such transfer will jeopardize compliance with the terms and conditions of the permit.

**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. For publicly owned treatment works, these shall be disposed of in accordance with the approved Ohio EPA Sludge Management Plan.

**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.

**PART III - GENERAL CONDITIONS (continued)**

**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), relating to "Upset," are specifically incorporated herein by reference in their entirety. For definition of "upset," see Part 1, DEFINITIONS.

**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 40 CFR 122.22(b) and (c).

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

**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) states that it shall not be a defense for a 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.

**31. APPLICABLE FEDERAL RULES**

All references to 40 CFR in this permit mean the version of 40 CFR which is effective as of the effective date of this permit.

**ATTACHMENT B**

06-23-97  
0-06-97V  
Sponsor: Service Comm.

ORDINANCE NO. 81-97

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONSENT ORDER WITH THE OHIO ENVIRONMENTAL REVIEW AGENCY AND OHIO ATTORNEY GENERAL OFFICE TO RESOLVE ISSUES REGARDING THE CURRENT OPERATIONS OF THE CANAL WINCHESTER WASTEWATER SYSTEM, AND DECLARING IT AN EMERGENCY.

WHEREAS, it is immediately necessary to resolve allegations contained in the Complaint filed by the Oho EPA through the agreement by Consent Order.

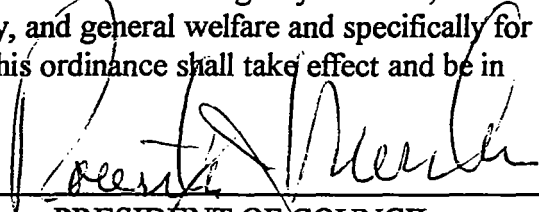
WHEREAS, Council has declared this ordinance to be an emergency measure, necessary for the public health, safety, and general welfare; NOW, THEREFORE

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CANAL WINCHESTER, STATE OF OHIO:

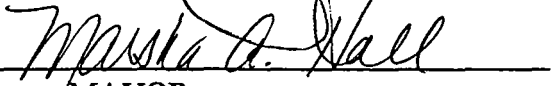
SECTION 1. That the Mayor be, and hereby is, authorized to enter into a consent order with the Ohio Environmental Review Agency and Ohio Attorney General Office to resolve issues regarding the current operations of the Canal Winchester Wastewater System.

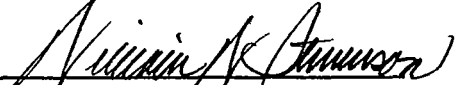
SECTION 2. That this ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public health, safety, and general welfare and specifically for the reason set forth in the preamble hereto; wherefore, this ordinance shall take effect and be in force from and after its passage.

DATE PASSED 6-23-97

  
PRESIDENT OF COUNCIL

ATTEST 

  
MAYOR

APPROVED AS TO FORM:  
  
LEGAL COUNSEL

DATE APPROVED 6-23-97

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

  
CLERK OF COUNCIL

ORDINANCE NO. 82-97

**AN ORDINANCE ESTABLISHING DISCHARGE REQUIREMENTS FOR SEWAGE TREATMENT AND SEWAGE COLLECTION SERVICE FOR THE VILLAGE OF CANAL WINCHESTER, OHIO**

WHEREAS, the Village desires to regulate the discharge of wastewater into its wastewater collection system by existing and new sources of pollutants so as to maintain compliance with its wastewater discharge National Pollutant Discharge Elimination System ("NPDES") permit, NOW, THEREFORE,

**BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CANAL WINCHESTER, STATE OF OHIO:**

**SECTION 1. DEMONSTRATION OF COMPLIANCE WITH OHIO EPA PERMIT TO INSTALL REQUIREMENT.**

Each applicant for wastewater treatment service shall at the time of application with the Village of Canal Winchester demonstrate compliance with Chapter 6111 of the Ohio Revised Code and Chapter 3745-31 of the Ohio Administrative Code, which require all persons to obtain a permit to install from Ohio EPA before beginning actual construction of any disposal system as defined in Ohio Revised Code §6111.01(G).

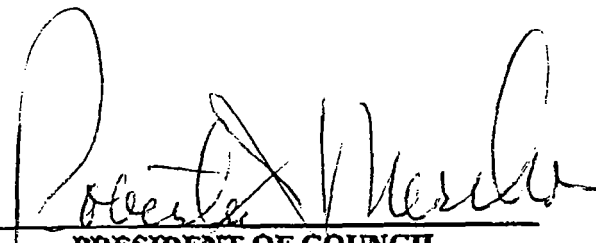
**SECTION 2. PROHIBITION.**

No person, firm or corporation, including the Village of Canal Winchester, shall make a service connection to or extension of a sewerage system in order to discharge wastewater into the sanitary sewer system of the Village of Canal Winchester unless the Village has the capacity to accept the additional flow and maintain compliance with its NPDES wastewater discharge permit.

**SECTION 3. EFFECTIVE DATE.**

This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

DATE PASSED 6-23-97

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST

  
\_\_\_\_\_  
CLERK OF COUNCIL

  
\_\_\_\_\_  
MAYOR

DATE APPROVED 6/23/97

APPROVED AS TO FORM:

*William A. Johnson*  
LEGAL COUNSEL

I hereby certify that the within ordinance was published once a week for two consecutive weeks, to-wit: on the \_\_\_\_ day of \_\_\_\_\_, 1997 and on the \_\_\_\_ day of \_\_\_\_\_, 1997, as required by Section 731.21 and 731.22, Ohio Revised Code.

*[Signature]*  
CLERK-TREASURER

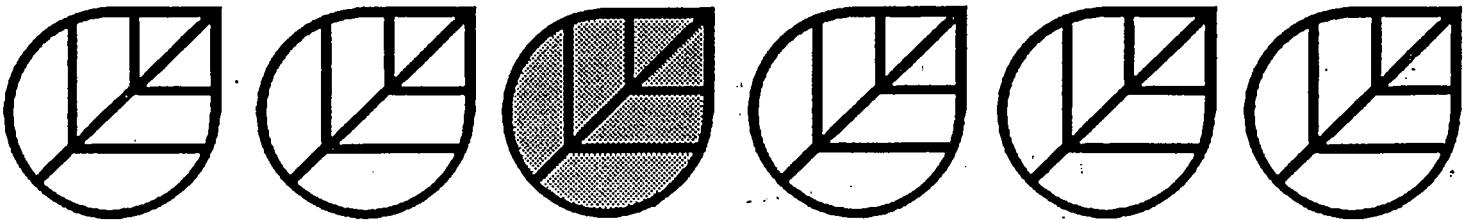
This ordinance request by \_\_\_\_\_

**ATTACHMENT C**

# Sewage: Collection, Treatment & Disposal

Where Public Sewers  
Are Not Available

*1993 Edition*





Policy No.: DWPC 0400.001  
Issued: October 11, 1993  
Status: FINAL  
Division: Surface Water  
Page: 1 of 1

Sewage Collection, Treatment, and Disposal Where Public Sewers Are Not Available

This policy adopts the 1993 Edition of Sewage Collection, Treatment, and Disposal Where Public Sewers Are Not Available (referred to as "The Greenbook"), as recommended design criteria for semi-public sewage works for wastewater systems, smaller than 100,000 gpd, in areas where public sewers are not available. The Greenbook will also be used by Ohio EPA when reviewing PTI applications for these facilities.

The Greenbook was originally published by the Ohio Department of Health before the Ohio Environmental Protection Agency existed. Ohio EPA revised these guidelines in 1974, 1980, 1983. The Ohio Department of Health originally published this document in 1957. The latest revision was completed in 1993 and reflects Ohio EPA review of comments received as a result of previously public noticed documents.

No attempt is made to supply the detailed drawings required for the construction of sewage treatment facilities. The accompanying diagrams illustrate some of the principal features to be observed in the preparation of plans for construction. Variations are often desirable.

The criteria in the Greenbook represent current practices of the Ohio Environmental Protection Agency. They are subject to change whenever, in the judgment of the agency, such a change will be more effective in fulfilling its responsibilities under the law.

The "Estimated Sewage Flow Quantities" have been developed for designing sewerage systems and are not necessarily representative of water meter quantities.

To obtain a copy of the guidance, contact the Legal Records Section, Ohio EPA, P. O. Box 1049, Columbus, Ohio 43266-0149, (614) 644-2115.

Note: Municipal wastewater facilities and other systems 100,000 gpd or larger shall be designed in accordance with the latest edition of the Recommended Standards for Wastewater Facilities, published by the Great Lakes-Upper Mississippi River Board of State Public Health and Environmental Managers (Ten States Standards) and as amended by Ohio EPA in policy number DWPC 0400.026.

APPENDIX

Suggested Sewage Flow Guide

These estimated flows are empirical and are intended only for design of sewerage works.

Place		Estimated Sewage Flow Gallons Per Day
Apartments		250 one bedroom 300 two bedroom 350 three bedroom
Assembly Halls	Note a	2 per seat
Beauty Shop, Styling Salon		200 per basin
Bowling Alleys (no food service)	Note a	75 per lane
Churches (small)	Note a	3-5 per sanctuary seat
Churches (large with kitchen)	Note b	5-7 per sanctuary seat
Country Clubs		50 per member
Dance Halls	Note a	2 per person
Doctors/Dentists		75 per doctor 20 per employee 10 per patient
Drive-In Theaters		5 per car space
Factories (no showers)		25 per employee
Factories (with showers)		35 per employee
Food Service Operations		
Ordinary Restaurant (not 24-hour)	Note c	35 per seat at 400 ppm BOD <sub>5</sub>
24-Hour Restaurant	Note c	50 per seat at 400 ppm BOD <sub>5</sub>
Banquet Rooms	Note c	5 per seat at 400 ppm BOD <sub>5</sub>
Restaurant Along Freeway	Note c	100 per seat at 400 ppm BOD <sub>5</sub>
Tavern (very little food service)	Note c	35 per seat at 400 ppm BOD <sub>5</sub>
Curb Service (drive-in)	Note c	50 per car space at 400 ppm BOD <sub>5</sub>
Vending Machine Restaurants	Note c	100 per seat at 200 ppm BOD <sub>5</sub>
Homes in Subdivision		400 per dwelling
Hospitals (no resident personnel)	Note b	300 per bed
Institutions (residents)	Note b	100 per person
Laundries (coin-operated)	Note e	400 per standard size machine
Laundry wastes require special consideration		Consult district office
Marinas (restrooms and showers only)		15 per boat mooring/slip/dock
Migrant Labor Camps	Note g	50 per person
Mobile Home Parks		300 per mobile home space
Motels		100 per unit
Nursing and Rest Homes	Note b	200 per patient at 300 ppm BOD <sub>5</sub> 100 per resident employee 50 per non-resident employee
Office Buildings		20 per employee
Recreational Vehicle Dumping Stations		Consult District Office
Recreational Vehicle Parks and Camps		See DWPC Policy 2.07
Retail Store		20 per employee
Schools - Elementary	Note b	15 per pupil
- High and Junior High	Note b	20 per pupil

Place		Estimated Sewage Flow Gallons Per Day
Service Stations	Note d	1000 first bay or pump island 500 additional bay or pump island
Shopping Centers (no food service or laundries)	Note f	0.2 per sq. ft. of floor space
Swimming Pools (average) (with hot water showers)		3-5 per swimmer (design load) 5-7 per swimmer (design load)
Vacation Cottages		50 per person
Veterinarians and Animal Hospitals	Note h Note h	10 per run 10 per cage 20 per employee
Youth and Recreation Camps	Note b	50 per person
<p>Note a: Food service waste not included.</p> <p>Note b: Food service waste included, but without garbage grinders.</p> <p>Note c: Aeration tanks for these require 48 hour detention period. Garbage grinders not permitted.</p> <p>Note d: Truck parking areas will require consideration for treatment of runoff at large truck stops.</p> <p>Note e: Laundry (coin operated); temperature may be critical if not diluted with other sewage. Laundry flow shall not be more than 20 percent of the flow of a treatment plant. Commercial laundries will not be permitted for treatment plants designed for less than 30,000 gpd.</p> <p>Note f: Add laundries or other high flow or high strength uses.</p> <p>Note g: 20 gpd if vault latrine is used for toilet wastes.</p> <p>Note h: Assumes manual hosing and solids (food droppings, etc.) removal prior to hosing.</p>		