

IN THE COURT OF COMMON PLEAS
GEAUGA COUNTY, OHIO

FILED
IN COMMON PLEAS COURT

'89 MAR 2

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CASE NO.

89 M149

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

BETTY J. MONTAGUE
CLERK OF COURTS
GEAUGA COUNTY

JUDGE

Plaintiff,

vs.

VILLAGE OF ~~CHARDON~~

CONSENT ORDER

Defendant.

The Complaint in the above-captioned matter having been filed herein, and the Plaintiff State of Ohio by its Attorney General Anthony J. Celebrezze, Jr. (hereinafter "Plaintiff") and Defendant Village of Chardon (hereinafter "Chardon") having consented to the entry of this Order,

NOW THEREFORE, without trial of any issue of fact or law, and upon 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 Chapter 6111 of the Ohio Revised Code, and venue is proper in this Court.

II. PARTIES

2. The provisions of this Consent Order shall apply and be binding upon the parties to this action, their agents

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BETTY J. MONTAGUE
Clerk of Courts
Geauga County

officers, employees, assigns, successors in interest and any person acting in concert or privity with any of them.

Defendant Chardon shall provide a copy of this Consent Order to each contractor it employs to perform work itemized herein, and each general contractor shall provide a copy of this Consent Order to each of its subcontractors for such work.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint that Defendant has operated its wastewater treatment plant and sewer system in such a manner as to result in numerous violations of the discharge limitations and monitoring requirements of the 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 under such laws alleged in the Complaint. Nothing in this Order shall be construed to limit the authority of the State of Ohio to seek relief for claims or conditions not alleged in the Complaint, including violations which occur after the filing of the Complaint.

IV. COMPLIANCE SCHEDULE

4. Defendant Chardon is hereby enjoined and ordered to immediately comply with the requirements of Chapter 6111 of the Ohio Revised Code and the terms and conditions of the rules and regulations adopted under that Chapter and its currently

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effective NPDES Permit, and any renewals or modifications thereof, except for the final effluent limitations set forth in said permit. Between the effective date of this Consent Order and June 1, 1989 Defendant is enjoined to comply with the interim effluent limitations set forth in Appendix "A" attached hereto. The interim effluent limits contained in Appendix "A" do not constitute an NPDES permit or a modification of any existing permit. After June 1, 1989, Defendant Chardon is enjoined to meet the final effluent standards set forth in its NPDES permit No. 3PB00010 and any renewals or modifications thereof. Chardon is hereby enjoined to properly operate and maintain its wastewater treatment plant and any associated equipment and structures.

V. CONSTRUCTION SCHEDULE

5. Defendant Chardon is enjoined and ordered to eliminate discharges from overflows and bypasses from its sanitary sewer system and to complete construction of the improvements to its wastewater treatment plant described in the Municipal Compliance Plan submitted to Ohio EPA on December 22, 1986 and to attain compliance with the final effluent limitations of NPDES permit No. 3PB00010*BD and any modifications or renewals thereof in accordance with the following schedule:

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TASK

COMPLETION DATE

- | | |
|--|---------------------|
| (a) Initiation of Project Design Work | <u>Complete</u> |
| (b) Submittal of Approvable Plans and Specifications to Ohio EPA | <u>Complete</u> |
| (c) Advertisement of Building Bids | <u>Complete</u> |
| (d) Execution of Building Contracts | <u>Complete</u> |
| (e) Initiation of Construction | <u>Complete</u> |
| (f) Completion of construction of sufficient wetstream treatment facilities to ensure compliance with final effluent limits and the elimination of bypasses and overflows. | <u>June 1, 1989</u> |
| (g) Attain compliance with final effluent limitations, and eliminate overflows and bypasses. | <u>June 1, 1989</u> |

Within seven days from each completion date listed above, Defendant Chardon shall submit a written report stating whether or not Chardon has performed the action set forth therein to Ohio EPA's Northeast District Office.

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 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.

VI. STIPULATED PENALTIES

6. In the event that Defendant Chardon fails to meet any of the requirements of this Consent Order set forth in Paragraphs 4 and Subparagraph 5(f) including any scheduled milestone requirement, the Defendant shall immediately and automatically be liable for and shall pay a stipulated penalty according to the following payment schedule. For each day of failure to meet a requirement, up to thirty (30) days - Five Hundred Dollars (\$500.00) per day. For each day of failure to meet a requirement, from thirty-one (31) to sixty days (60) - One Thousand Dollars (\$1,000.00) per day. For each day of failure to meet a requirement, from sixty-one (61) to ninety (90) days - Two Thousand Five Hundred Dollars (\$2,500.00). For each day of failure to meet a requirement, over ninety days (90) days - Three Thousand Five Hundred Dollars (\$3,500.00) per day.

7. In the event that Defendant Chardon fails to meet any of the requirements of this Consent Order set forth in Subparagraph 5(g), the Defendant shall immediately and automatically be liable for payment of a stipulated penalty of \$5,000.00 per day of violation of said requirement. The Defendant shall be liable for an additional stipulated penalty of One Thousand Dollars (\$1,000.00) per day of violation if the failure to comply continues for more than thirty (30) days, i.e. Six Thousand Dollars (\$6,000.00) per day of violation. In the event that failure to comply with the requirements of

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Subparagraph 5(g) continues more than sixty (60) days, Defendant shall be liable for an additional Four Thousand Dollars (\$4,000.00) per day of violation, i.e., Ten Thousand Dollars (\$10,000.00) per day of violation.

8. Any payment required to be made under the provisions of Paragraphs 6 or 7 of this Order shall be made by delivering to Plaintiff's counsel 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 the Consent Order, made payable to "Treasurer, State of Ohio".

VII. RETENTION OF JURISDICTION

9. The Court will retain jurisdiction of this action for the purpose of making any order or decree which it deems appropriate to carry out this Consent Order.

VIII. COSTS

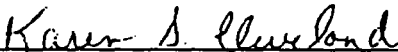
10. Defendant Chardon is hereby ordered to pay the costs of this action.


A. H. F. Indelicato Jr. 3/2/89
JUDGE, COURT OF COMMON PLEAS

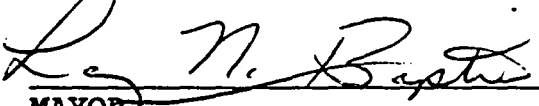
APPROVED:

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

BY:


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A.M. PSENICKA
Solicitor, Village of Chardon
105 Main Street
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MAYOR
Authorized Representative of the
Village of Chardon

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until date that the improved wastewater treatment works are to attain operational level as specified in Item 1E in the Schedule of Compliance, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall: 3PB00010001. See PART II, OTHER REQUIREMENTS of NPDES permit No. 3PB00010*BD for locations of effluent sampling.

Reporting Code	EFFLUENT CHARACTERISTIC UNITS PARAMETER		DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
			Concentration		Loading*		Meas. Freq.	Sample Type
			Other Units (Specify)		kg/day			
		30 day	7 day	30 day	7 day			
00010	°C	Temperature	-	-	-	-	Daily	Max. Ind. Therm.
00310	mg/l	BOD ₅	18	27	89	133	2/Week	Composite
00530	mg/l	Suspended Solids	24	36	118	177	2/Week	Composite
00550	mg/l	Oil & Grease	-	-	-	-	1/Qtr.	Grab
00610	mg/l	Ammonia (N)	-	-	-	-	1/Month	Composite
00665	mg/l	Phos., Total	-	-	-	-	1/Month	Composite
31616	Count /100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	2/Week	Grab
50050	MGD	Flow	-	-	-	-	Daily	Continuous
80082	mg/l	CBOD ₅	-	-	-	-	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. The Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.5 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: 1.3 MGD

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Cont.)

1. During the period beginning on the effective date of this permit and lasting until date that the improved wastewater treatment works are to attain operational level as specified in Item 1E in the Schedule of Compliance, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall: 3PB00010001. See PART II, OTHER REQUIREMENTS, of NPDES permit No. 3PB00010*BD for locations of effluent sampling.

Reporting Code	UNITS	PARAMETER	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
			Concentration		Loading*		Meas. Freq.	Sample Type
			Other Units (Specify)	30 day	7 day	30 day		
00335	mg/l	COD	-	-	-	-	3/Week	Composite
00625	mg/l	Kjeldahl, TKN(N)	-	-	-	-	3/Week	Composite
01027	ug/l	Cadmium, Total	-	-	-	-	1/Month	Composite
01220	ug/l	Chromium (Hex), Dissolved	-	-	-	-	1/Month	Composite
01034	ug/l	Chromium, Total	-	-	-	-	1/Month	Composite
01042	ug/l	Copper, Total	-	-	-	-	1/Month	Composite
01051	ug/l	Lead, Total	-	-	-	-	1/Month	Composite
01067	ug/l	Nickel, Total	-	-	-	-	1/Month	Composite
01092	ug/l	Zinc, Total	-	-	-	-	1/Month	Composite
71900	ug/l	Mercury, Total	-	-	-	-	1/Month	Composite

* The average effluent loading limitations are established using the following flow value: N/A


 Ohio Environmental Protection Agency
 ENTERED DIRECTOR'S JOURNAL
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