

IN THE COURT OF COMMON PLEAS
ADAMS COUNTY, OHIO

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

Plaintiff,

vs.

VILLAGE OF PEEBLES

Defendant.

CASE NO. 88-CIV-217

JUDGE ELMER SPENCER

CONSENT ORDER

Wendee Parker
CLERK

89 AUG 28 AM 10:53

FILED
ADAMS COUNTY
CLERK OF COURTS

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 Peebles (hereinafter "Defendant") 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, officers, employees, assigns, successors in interest and any person acting in concert or privity with any of them.

Defendant 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 plants and sewer system in such a manner as to result in numerous violations of the discharge limitations and monitoring requirements of the NPDES Permits 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 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 effective NPDES Permits, and any renewals or modifications thereof, except for the final effluent limitations set forth in said permits. Between the effective date of this Consent Order and December 30, 1991, 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 December 30, 1991, Defendant is enjoined to meet the final effluent standards set forth in NPDES permit No. OPB00069*BD and any renewals or modifications thereof.

V. CONSTRUCTION SCHEDULE

5. Defendant 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 plan and sewer system described in the Facilities Plan submitted to Ohio EPA on April 19, 1982 and amended in July, 1988, and to attain compliance with the final effluent limitations of NPDES permit No. OPB00069*BD and any modifications or renewals thereof in accordance with the following schedule:

TASK

COMPLETION DATE

(a) Initiation of Project Design Work

Complete

(b) Submittal of Approvable Plans and Specifications to Ohio EPA

September 30, 1989

- | | |
|--|---------------------------|
| (c) Advertisement of Building Bids | <u>December 30, 1989</u> |
| (d) Execution of Building Contracts | <u>April 30, 1990</u> |
| (e) Initiation of Construction | <u>May 30, 1990</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>September 30, 1991</u> |
| (g) Attain compliance with final effluent limitations, and eliminate overflows and bypasses. | <u>December 30, 1991</u> |

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

6. Defendant is hereby enjoined to properly operate and maintain its wastewater treatment plant and any associated equipment and structures.

7. Defendant shall immediately comply and maintain compliance with all monitoring and reporting requirements under NPDES Permit No. OPB00069*BD.

8. Within thirty (30) days of entry of this Consent Decree Defendant shall accomplish the following measures:

- a. clean Imhoff tank, including removal of all sludge;
- b. clean trickling filter, including removal of solids and debris;
- c. install and operate tablet chlorination system;
- d. clean and maintain humus tank.

9. On and after thirty (30) days from entry of this Consent Decree, Defendant shall maintain the Imhoff tank, trickling filter and humus tank in a clean condition and maintain operation of the tablet chlorination system.

10. Within thirty (30) days of entry of this Consent Decree, Defendant shall submit to the Ohio EPA, Southeast District office a sludge management plan acceptable to the Ohio EPA as meeting the criteria of the document entitled "Ohio EPA Land Application of Sludge Manual" of August, 1985. On and after thirty (30) days from entry of this Consent Order, Defendant shall comply with such plan.

VII. CIVIL PENALTY

11. Defendant shall pay to the State of Ohio a civil penalty of five thousand dollars (\$5,000.00). The penalty shall be paid by delivering to counsel for Plaintiff a certified check for two thousand dollars (\$2,000.00), payable to the order of "Treasurer, State of Ohio," by December 1, 1989 and a certified check for three thousand dollars (\$3,000.00), payable to the order of the "Treasurer, State of Ohio," by May 1, 1990.

VIII. STIPULATED PENALTIES

12. In the event that Defendant fails to meet any of the requirements of this Consent Order set forth in Paragraphs 4, 5 (a), 5 (b), 5 (c), 5(d), 5 (e) and 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.

13. In the event that Defendant 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 five thousand dollars (\$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 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.


14. Any payment required to be made under the provisions of Paragraphs 12 or 13 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".

IX. RETENTION OF JURISDICTION

15. 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.

X. COSTS

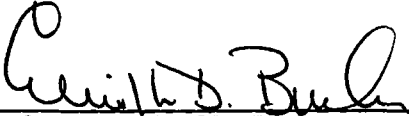
16. Defendant is hereby ordered to pay the costs of this action.


JUDGE ELMER SPENCER

APPROVED:

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


BY:



ELLIOTT D. BUCHER
Solicitor, Village of Peebles
308 South Main Street
P.O. Box 169
Seaman, Ohio 45679
Telephone: (513) 386-2058



DEAN BAILEY
Mayor, Village of Peebles



JAMES O. PAYNE, JR.
DOMINIC J. HANKET
Assistant Attorneys General
Environmental Enforcement Section
30 East Broad Street - 25th Floor
Columbus, Ohio 43266-0410
Telephone: (614) 466-2766

Counsel for Plaintiff
State of Ohio

/clp
4918.1-8

1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS for Outfall OPB00069001

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
Reporting Code	UNITS	PARAMETER	Concentration		Loading*		Meas. Freq.	Sample Type
			Other Units(Specify)		kg/day			
			30 day	7 day	30 day	7 day		
50050	MGD	Flow	-	-	-	-	Daily	Continuous
00010	°C	Temperature	-	-	-	-	Daily	Max. Ind. Therm.
00530	mg/l	Suspended Solids	45	60	26	35	1/Week	Composite
00310	mg/l	BOD ₅	45	60	26	35	1/Week	Composite
31616	Count /100ml	Fecal Coliform** (Summer Only)	1000	2000	-	-	1/Week	Composite
00610	mg/l	Ammonia (N)	-	-	-	-	1/Month	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 monitored daily by grab sample.
5. See Attachment 2, OTHER REQUIREMENTS.

* The average effluent loading limitations are established using the following flow value: 0.155 MGD

** When chlorination facilities are installed

Date Issued: June 6, 1986
Page 1 of 1