

IN THE COURT OF COMMON PLEAS
CLERMONT COUNTY, OHIO

STATE OF OHIO, ex rel.	:	
WILLIAM J. BROWN	:	
ATTORNEY GENERAL OF OHIO,	:	
	:	Case No. 79 CV 1895
Plaintiff,	:	
	:	
vs.	:	
	:	<u>CONSENT DECREE</u>
WSH DEVELOPMENT, INC.	:	
	:	
Defendant.	:	

The Complaint having been filed herein on November 19, 1979, and the parties hereto, by their respective attorneys, having consented to the entry of this Consent Decree,

Now, therefore, before the taking of any testimony and upon the pleadings, it is

ORDERED, ADJUDGED AND DECREED as follows:

I.

This Court has jurisdiction over the subject matter herein and of the parties consenting hereto. The complaint states a claim upon which relief could be granted against the defendant.

II.

The provisions of this Consent Decree shall apply to and be binding upon the parties to this action, their officers, directors, stockholders, agents, servants, employees, and successors in interest.

III.

Defendant owns and operates a package sewage treatment of domestic-type wastes generated from the Orchard Lakes Estates trailer park, located at 969 Goshen Pike, Milford, Clermont County, Ohio. This package sewage treatment plant (herein the "treatment plant") discharges a treated effluent to Happy Hollow Creek, a "water of the State" as that term is defined in Section 6111.01(H) of the Ohio Revised Code.

IV.

On May 26, 1975, defendant was issued a discharge permit by the Ohio Environmental Protection Agency (herein "discharge permit") authorizing the discharge of treated effluent from defendant's treatment plant to Happy Hollow Creek. The discharge permit is attached to this Consent Decree and incorporated by reference herein.

V.

Defendant shall at all times abide by and comply with all terms and conditions of said discharge permit, except for the following provisions:

A. The initial effluent limitations appearing on page 2 of 15 and 3 of 15 of the discharge permit, the schedule of compliance appearing on page 4 of 15 of the discharge permit and the final effluent limitations appearing on page 5 of 15 of the discharge permit shall not apply.

B. Defendant shall meet the following effluent conditions for its treatment plant at all times:

i. The 30-day average quantity of effluent discharged from the treatment plant shall not exceed 40,000 gallons per day;

ii. The arithmetic mean of the BOD₅ samples collected in a period of 30 consecutive days shall not exceed a concentration of 10 mg/l or a total quantity of 1.5 kg/day. The arithmetic mean of these values for effluent samples collected in a period of seven consecutive days shall not exceed a concentration of 15 mg/l or a total quantity of 2.3 kg/day;

iii. The arithmetic mean of the suspended solids values of effluent samples collected in a period of 30 consecutive days shall not exceed a concentration of 12 mg/l or a total quantity of 1.8 kg/day. The arithmetic mean of these values for effluent samples collected in a period of seven consecutive days shall not exceed a concentration of 18 mg/l or a total quantity of 2.8 kg/day;

iv. The effluent values for pH shall remain within the limits of 6.5 to 9.0. The pH limitation is not subject to averaging and must be met at all times;

v. From May 1 to October 1, the geometric mean of the fecal coliform bacteria values for effluent samples collected in a period of 30 consecutive days shall not exceed 1000 per 100 milliliters, and the geometric mean of these values for effluent samples collected in a period of seven consecutive days shall not exceed 2000 per 100 milliliters. Monitoring shall be conducted only during this time period;

vi. From May 1 to October 1, the Chlorine residual at the point of discharge shall not exceed 0.5 mg/l at any time. Monitoring shall be conducted only during this time period;

vii. The 30-day mean of ammonia nitrogen values for effluent samples collected during the months of July through October shall not exceed a concentration of 2.0 mg/l or a total quantity of 0.30 kg/day. During the same period the 7-day mean shall not exceed a concentration of 3.0 mg/l or a total quantity of 0.45 kg/day.

viii. The dissolved oxygen concentration of the effluent shall be maintained at a minimum level of 6.0 mg/l at all times.

VI.

Plaintiff, by and through the Ohio Environmental Protection Agency, retains the right to issue to defendant a new or modified discharge permit, the final issuance of which shall terminate this Consent Decree. Defendant retains its right of appeal of any new or modified discharge permit, as provided for under Section 3745.07 of the Ohio Revised Code.

VII.

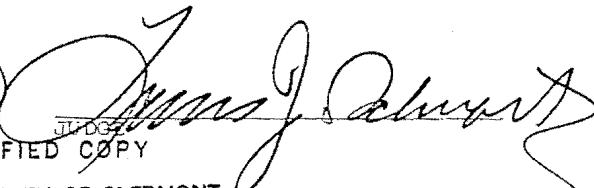
Defendant shall pay into the State Treasury, to the credit of the General Revenue Fund, the sum of one thousand five hundred dollars (\$1,500.00) Payment by defendant shall be made by delivering to Plaintiff's counsel on the date of issuance of this Consent Decree a certified check for the above amount made payable to "Treasurer, State of Ohio".

VIII.

The Court shall retain jurisdiction of this case for purposes of determining compliance with this Consent Decree.

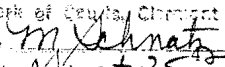
IX.

The costs of this action are hereby assessed against the defendant.


Sept. 16, 1980 
DATE JUDGE
CERTIFIED COPY

STATE OF OHIO, COUNTY OF CLERMONT,
COURT OF COMMON PLEAS

I, the Clerk of Courts for Clermont County, Ohio, do hereby certify that the foregoing is taken and copied from the original now on file in said court, that said copy has been compared by me with the original document which is in my legal custody by the laws of the State of Ohio and that it is a true and correct copy thereof.

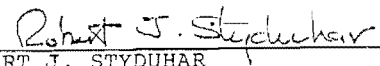
MARSHALL L. SIMMONS,
Clerk of Courts, Clermont County, Ohio
By , Deputy
Date Sept 25, 1980

APPROVED BY:



THOMAS L. BLUST
Attorney for Defendant

WILLIAM J. BROWN
ATTORNEY GENERAL OF OHIO

BY: 

ROBERT J. STYDUHAR
Assistant Attorney General
Attorney for Plaintiff