

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

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

Plaintiff,

vs.

THE BOARD OF COMMISSIONERS OF  
CUYAHOGA COUNTY, OHIO,

Defendant.

CASE NO. \_\_\_\_\_

JUDGE **300324**

012 DANIEL O. CORRIGAN

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CONSENT ORDER

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The Complaint in the above-captioned matter having been filed herein, and Plaintiff, State of Ohio, by its Attorney General Betty D. Montgomery, and Defendant, The County of Cuyahoga, Ohio ("Cuyahoga County") 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 - All Plants**

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 Cuyahoga County under Chapter 6111. of the Ohio Revised Code ("ORC") and venue is proper in this Court.

## **II. PARTIES - All Plants**

2. The provisions of this Consent Order shall apply to 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 Cuyahoga County 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 - All Plants**

3 Plaintiff alleges in its Complaint that Defendant Cuyahoga County has owned and/or operated its Scottish Highlands, Hickory Hills, and former Richmond Park wastewater treatment plants and sewer systems in such a manner as to result in numerous violations of the discharge limitations and monitoring requirements of the NPDES permits issued to Cuyahoga County by the Director of the Environmental Protection Agency ("**Director**") and in violation of the water pollution control 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 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 - Richmond Park**

4. Defendant Cuyahoga County 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, at the former Richmond Park wastewater treatment plant.

5. As of the effective date of this Consent Order, Defendant Cuyahoga County is enjoined and ordered to cease the direct discharge of pollutants from the Richmond Park pump station or from the bypass located on the pump station to waters of the state.

**V. CONSTRUCTION SCHEDULE - Richmond Park**

6. Defendant Cuyahoga County is enjoined and ordered to eliminate the direct discharge of pollutants from the Richmond Park pump station or from the bypass located on the pump station to waters of the state in accordance with the following schedule:

<b><u>Task</u></b>	<b><u>Completion Date</u></b>
(a) Eliminate the bypass located on the sanitary sewer upstream of the Richmond Park Pump Station.	<u>Completed</u>

**VI. COMPLIANCE SCHEDULE - Hickory Hills**

7. Defendant Cuyahoga County 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, at the Hickory Hills wastewater treatment plant.

8. Between the effective date of this Consent Order and the final compliance date established in Section VII, Paragraph 10(c) of this Consent Order, Defendant Cuyahoga County is enjoined to comply with the interim effluent limitations set forth in Appendix A, attached hereto, at its Hickory Hills wastewater treatment plant. The interim effluent limitations contained in Appendix A do not constitute an NPDES permit nor modification of any existing NPDES permit.

9. As of the final compliance date established in Section VII, Paragraph 10(c) of this Consent Order, Defendant Cuyahoga County is enjoined and ordered to permanently and completely cease the direct discharge of pollutants from its Hickory Hills wastewater treatment plant to waters of the state.

**VII. CONSTRUCTION SCHEDULE - Hickory Hills**

10. Defendant Cuyahoga County is enjoined and ordered to eliminate the direct discharge of pollutants from its Hickory Hills wastewater treatment plant to waters of the state in accordance with the following schedule:

<b><u>Task</u></b>	<b><u>Completion Date</u></b>
(a) Submit a complete application for a permit-to-install, including approvable detail plans and specifications, to NEDO, for converting the existing Hickory Hills treatment plant into a wastewater retention facility and pump station and for the construction of other sewerage improvements necessary to eliminate the direct discharge to waters of the state from the Hickory Hills treatment plant by connecting to an existing sanitary sewer;	<u>Completed</u>
(b) Begin construction of sewerage improvements to eliminate the direct discharge from the Hickory Hills treatment plant; and	<u>July 8, 1995</u>
(c) Complete construction and eliminate the direct discharge to waters of the state from the Hickory Hills wastewater treatment plant.	<u>July 30, 1996</u>

### **VIII. COMPLIANCE SCHEDULE - Scottish Highlands**

11. Defendant Cuyahoga County 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, at the Scottish Highlands wastewater treatment plant.

12. Between the effective date of this Consent Order and the final compliance date established in Section IX, Paragraph 14(c) of this Consent Order, Defendant Cuyahoga County is enjoined to comply with the interim effluent limitations set forth in Appendix B, attached hereto, at its Scottish Highlands wastewater treatment plant. The interim effluent limitations contained in Appendix B do not constitute an NPDES permit nor modification of any existing NPDES permit.

13. As of the final compliance date established in Section IX, Paragraph 14(c) of this Consent Order, Defendant Cuyahoga County is enjoined and ordered to convert the Scottish Highlands wastewater treatment plant to a pump station and to permanently and completely cease the direct discharge of pollutants from its Scottish Highlands wastewater treatment plant to waters of the state.

### **IX. CONSTRUCTION SCHEDULE - Scottish Highlands**

14. Defendant Cuyahoga County is enjoined and ordered to eliminate the direct discharge of pollutants from its Scottish Highlands wastewater treatment plant to waters of the state and from all bypass and overflow points in sewers tributary to the Scottish Highlands wastewater treatment plant in accordance with the following schedule:

**Task**

**Completion Date**

- (a) Submit a complete application for a permit-to-install, including approvable detail plans and specifications, to NEDO, for converting the existing Scottish Highlands treatment plant into a wastewater retention facility and pump station and for the construction of other sewerage improvements necessary to eliminate the direct discharge to waters of the state from the Scottish Highlands treatment plant by connecting to an existing sanitary sewer; May 30, 1996
  
- (b) Begin construction of sewerage improvements to eliminate the direct discharge from the Scottish Highlands treatment plant; and October 1, 1996
  
- (c) Complete construction and eliminate the direct discharge to waters of the state from the Scottish Highlands wastewater treatment plant by directing all flow to the Heights Hilltop Interceptor via the Richmond Road Interceptor. December 31, 1997

**X. MONITORING & REPORTING SCHEDULE - Scottish Highlands**

15. Between the effective date of this Consent Order and the date that all direct discharges to waters of the state from the Scottish Highlands wastewater treatment plant and all bypass and overflow points in sewers tributary to the Scottish Highlands wastewater treatment plant are to be eliminated given in Section IX, Paragraph 14(c) above, Cuyahoga County shall monitor and report monthly all discharges from all overflow points, including the manhole in the influent sewer at the head of the treatment plant (hereby designated Station 3PH00021002), in accordance with the following requirements:

<u>REPORTING CODE</u>	<u>REPORTING UNITS</u>	<u>PARAMETER</u>	<u>MONITORING FREQUENCY</u>	<u>SAMPLE TYPE</u>
00051	Number/Mo.	Occurrences	When Discharging	Estimate
00052	Hours	Duration	When Discharging	Estimate/Daily
50050	Million Gal	Volume	When Discharging	Estimate/Daily
80082	mg/l	CBOD5	Once/Month	Grab
00530	mg/l	Suspended Solids	Once/Month	Grab

- (a) Location of the bypass or overflow point shall be specified;
- (b) Samples should be taken within the first 30 minutes of discharge;
- (c) When no discharge occurs on a given day, a zero (0) should be reported for the occurrences, duration, and volume. The data substitution code "AH" should be reported for CBOD5 and suspended solids, and "no discharge" written in the additional remarks section of the monthly operating report;
- (d) Monitoring data for overflows shall be submitted for each month that a discharge occurs on a monthly operating report form. This form shall be submitted by the fifteenth (15th) day of the next month along with the monthly operating reports required by the NPDES permit for Scottish Highlands.

**XI. OPERATION & MAINTENANCE OF PLANTS - All Plants**

16. Defendant Cuyahoga County is hereby enjoined and ordered to properly operate and maintain the Richmond Park pump station and the Hickory Hills, and Scottish Highlands wastewater treatment plants and any associated equipment and structures.

**XII. SEWER SYSTEM STUDY - Hickory Hills & Scottish Highlands**

17. Defendant Cuyahoga County is enjoined and ordered to eliminate excessive infiltration and inflow from the sewer systems tributary to the Hickory Hills and Scottish Highlands wastewater treatment plants in accordance with the following schedule:

<b><u>Task</u></b>	<b><u>Completion Date</u></b>
(a) Complete a work and study plan for an inflow and infiltration analysis of the sewer systems tributary to the Hickory Hills, and Scottish Highlands wastewater treatment plants designed to determine whether there is excessive I & I and if excessive I & I is found, to locate the sources of and determine the quantity of the excessive I & I;	<u>Completed</u>
(b) Begin to implement the I & I work plan and to implement the study of sewer systems tributary to the Hickory Hills, and Scottish Highlands wastewater treatment plants to locate the sources of and determine the quantity of excessive infiltration and inflow;	<u>Completed</u>
(c) Complete the I & I analysis and sewer system study and submit the results to NEDO for review and acceptance, including: a cost effectiveness analysis, a list of the sources of infiltration and inflow found to be cost effective to remove, and a fixed date schedule for removing these sources of infiltration and inflow.	<u>June 30, 1996.</u>

18. Implement the schedule for I & I removal as accepted by no later than **December 31, 1997**. When accepted by Ohio EPA, the schedule referenced in Paragraph 17(c) above is incorporated by reference into this Paragraph.



**XIII. CIVIL PENALTIES - All Plants**

19. Defendant Cuyahoga County shall pay to the State of Ohio a civil penalty of forty-five thousand dollars (\$45,000). Thirty thousand dollars (\$30,000) of this penalty shall be paid to the State of Ohio on or before **October 31, 1995**. The remaining fifteen thousand dollars (\$15,000) shall be paid to the State of Ohio according to the following schedule:

<u>Date</u>	<u>Amount</u>
On or before <u>August 31, 1996</u>	\$3,750
On or before <u>August 31, 1997</u>	\$3,750
On or before <u>August 31, 1998</u>	\$3,750
On or before <u>August 31, 1999</u>	\$3,750

**Hickory Hills**

20. If by **July 30, 1996**, Defendant Cuyahoga County has not eliminated the direct discharge to waters of the state from the Hickory Hills wastewater treatment plant, Cuyahoga County shall pay to the State of Ohio an additional civil penalty of three thousand five hundred dollars (\$3500). This civil penalty shall be paid within ninety (90) days after July 30, 1996, or no later than October 30, 1996. Defendant Cuyahoga County shall continue to pay an additional civil penalty of three thousand five hundred dollars (\$3500) for each subsequent calendar year, on a monthly prorated basis, that the direct discharge from the Hickory Hills wastewater treatment plant is not eliminated. This additional civil penalty shall cease accruing to the State of Ohio once the direct discharge is eliminated from the Hickory Hills wastewater treatment plant. These penalties shall be paid within ninety (90) days after July 30 of each year.

**Scottish Highlands**

21. If by December 31, 1997, Defendant Cuyahoga County has not eliminated the direct discharge to waters of the state from the Scottish Highlands wastewater treatment plant and any bypass and overflow points in the sewers tributary to that plant, Cuyahoga County shall pay to the State of Ohio an additional civil penalty of three thousand five hundred dollars (\$3500). This civil penalty shall be paid within ninety (90) days after December 31, 1997, or no later than March 31, 1997. Defendant Cuyahoga County shall continue to pay an additional civil penalty of three thousand five hundred dollars (\$3500) for each subsequent calendar year, on a monthly prorated basis, that the direct discharges from the Scottish Highlands wastewater treatment plant or from any bypass and overflow points in the sewers tributary to the Scottish Highlands wastewater treatment plant, are not eliminated. This additional civil penalty shall cease accruing to the State of Ohio once the direct discharge is eliminated from the Scottish Highlands wastewater treatment plant and from all bypass and overflow points in the sewers tributary to the wastewater treatment plant. These penalties shall be paid within ninety (90) days after December 31 of each year.

**All Plants**

22. All penalties required to be paid by Paragraphs 19, 20, and 21 of the Consent Order shall be made by delivering to "Administrative Assistant", a certified check for the appropriate amount, made payable to the order of "Treasurer, State of Ohio". Said check shall be mailed to the following address:

State of Ohio Attorney General's Office  
State Office Tower  
30 E. Broad Street, 25th Floor  
Environmental Enforcement Section  
Columbus, Ohio 43215 - 3428  
  
Attention: Administrative Assistant

**XIV STIPULATED PENALTIES: Interim Deadlines**

23. In the event that Defendant Cuyahoga County fails to meet any of the interim deadlines of this Consent Order, as set forth in Paragraphs 10a, 10b, 14a, 14b, 17a, 17b and 17c, Defendant Cuyahoga County shall immediately and automatically be liable for and shall pay a stipulated penalty according to the following payment schedule:

- \$250 per each day past each deadline given under the terms of this Consent Order, until the task is completed.

**XV. STIPULATED PENALTIES: Effluent Limitations**

24. In the event that Defendant Cuyahoga County fails to meet any of the monitoring and daily effluent limitation and 7-day effluent limitation requirements only of this Consent Order, as set forth in Paragraphs 8, 12, and 15, Defendant Cuyahoga County shall immediately and automatically be liable for and shall pay a stipulated penalty according to the following payment schedule:

- |   |  |
|---|--|
| • First 30 violations which occur after the effective date of this Consent Order                  | \$250 per each violation of each effluent limitation or monitoring requirement;  |
| • From the 31st to the 60th violation which occurs after the effective date of this Consent Order | \$500 per each violation of each effluent limitation or monitoring requirement;  |
| • From the 61st to the 90th violation which occurs after the effective date of this Consent Order | \$800 per each violation of each effluent limitation or monitoring requirement;  |
| • From the 91st violation which occurs after the effective date of this Consent Order;            | \$1000 per each violation of each effluent limitation or monitoring requirement. |

25. In the event that Defendant Cuyahoga County fails to meet any of the 30-day effluent limitation requirements only of this Consent Order as set forth in Paragraphs 8, and 12, Defendant Cuyahoga County shall immediately and automatically be liable for and shall pay a stipulated penalty according to the following payment schedule:

- |  |  |
|--|--|
| •First 30 violations which occur after the effective date of this Consent Order                  | \$400 per each violation of each effluent limitation or monitoring requirement;  |
| •From the 31st to the 60th violation which occurs after the effective date of this Consent Order | \$800 per each violation of each effluent limitation or monitoring requirement;  |
| •From the 61st to the 90th violation which occurs after the effective date of this Consent Order | \$1000 per each violation of each effluent limitation or monitoring requirement; |
| •From the 91st violation which occurs after the effective date of this Consent Order;            | \$1500 per each violation of each effluent limitation or monitoring requirement. |

26. For the purpose of calculating stipulated penalties under the provisions of this Consent Order only, Plaintiff agrees to treat each 7-day effluent limitation violation as one violation only, and each 30-day effluent limitation violation as one violation only. In addition, for the purpose of calculating stipulated penalties under the provisions of this Consent Order for the Hickory Hills WWTP only, Defendant may exclude any daily, 7-day or 30-day effluent limitation violation which is caused solely by a daily (24 hour) average flow in excess of 0.06 MGD which flow Defendant has documented in accordance with the requirements of Appendix A, footnote 5. Finally, for the purpose of calculating stipulated penalties under the provisions of this Consent Order for the Scottish Highlands WWTP only, Defendant may exclude any daily, 7-day or 30-day effluent limitation violation which is caused solely by a daily (24 hour) average flow in excess of 0.12

MGD which flow Defendant has documented in accordance with the requirements of Appendix B, footnote 5.

**XVI. STIPULATED PENALTIES: Immediate & Final Deadlines**

27. In the event that Defendant Cuyahoga County fails to meet any of the **immediate or final deadlines** of this Consent Order, as set forth in **Paragraphs 4, 5, 7, 11 and 18**, Defendant Cuyahoga County shall be liable for and shall pay a stipulated penalty according to the following payment schedule:

- \$500 per each day past the deadline given under the terms of this Consent Order until the task is completed.

No additional stipulated penalty shall be due under this Paragraph for violations of Paragraphs 4, 7 or 11 where the violation involved was a violation of an effluent limitation or monitoring requirement and the penalty due pursuant to Paragraph 24, 25, and/or 26 is paid.

**XVII. PAYMENT OF STIPULATED PENALTIES**

28. Any stipulated penalty required to be paid pursuant to the provisions of Section XIV, Paragraph 23, Section XV, Paragraphs 24 and 25 and Section XVI, Paragraph 27 of this Consent Order, shall be made by delivering to "Administrative Assistant", a certified check or checks for the appropriate amounts, within forty-five (45) days from the date of the failure to comply with the herein listed sections of the Consent Order. Said check shall be mailed to the address previously listed in Paragraph 22 of this Consent Order.

**XVIII. POTENTIAL FORCE MAJEURE**

29. If any event occurs which causes or may cause a delay of any requirement of this Consent Order, Defendant Cuyahoga County 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 Defendant Cuyahoga County to prevent or minimize the delay, and the timetable by which measures will be implemented. Defendant Cuyahoga County will adopt all reasonable measures to avoid or minimize any such delay.

30. In any action by the Plaintiff to enforce any of the provisions of this Consent Order, Defendant Cuyahoga County may raise whether 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 limitation, acts of God, strikes, acts of war or civil disturbances. While Plaintiff does not agree that such a defense exists, it is, however, hereby agreed upon by Defendant and 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 recommended by Plaintiff. At that time, the burden of proving that any delay was or will be caused by circumstances entirely beyond the control of Defendant Cuyahoga County shall rest with Defendant. 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 Defendant, or serve as a basis for an extension of time under this Consent Order. Failure by Defendant Cuyahoga County to comply with the notice requirements of Paragraph 29 shall render this Paragraph void and of no force and effect as to the particular incident involved and shall constitute a waiver of Defendant's right to request an extension of its obligations under this Consent Order based on such incident. An extension of one compliance date based on a particular incident does not mean that Defendant Cuyahoga County qualifies for an extension of a subsequent compliance date or dates. Defendant Cuyahoga County must make an individual showing or 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 Defendant of any rights or defenses it may have under applicable law.

**XIX. TERMINATION OF STIPULATED PENALTIES**

**Richmond Park Pump Station**

31. The Stipulated Penalty provisions of this Consent Order relating to the Richmond Park pump station, found in Section XVI, Paragraph 27, may terminate if Defendant Cuyahoga County has:

- (1) had no direct discharges to waters of the State from the Richmond Park Pump Station for a period of one (1) year. (For purposes of calculating this one (1) year time period, the first day of compliance shall be considered to be October 1, 1994); and
- (2) paid all civil penalties required to be paid pursuant to this Consent Order and has paid all stipulated penalties due and owing as a result of any violations at the Richmond Park Pump Station.

Termination of these stipulated penalties shall only be effected by Order of Court, upon application by any party and a determination by the Court that all two (2) conditions set forth in this paragraph have been met.

**Hickory Hills Wastewater Treatment Plant**

32. The Stipulated Penalty provisions of this Consent Order relating to the Hickory Hills wastewater treatment plant, found in Section XIV, Paragraph 23, Section XV, Paragraphs 24 and 25 and Section XVI, Paragraph 27, may terminate if Defendant Cuyahoga County has:

- (1) had no direct discharges to waters of the State from the Hickory Hills Wastewater Treatment Plant for a period of one (1) year; and
- (2) paid all civil penalties required to be paid pursuant to this Consent Order and has paid all stipulated penalties due and owing as a result of any violations at the Hickory Hills Wastewater Treatment Plant.

Termination of these stipulated penalties shall only be effected by Order of Court, upon application by any party and a determination by the Court that all three (3) conditions set forth in this paragraph have been met.

**Scottish Highlands Wastewater Treatment Plant**

33. The Stipulated Penalty provisions of this Consent Order relating to the Scottish Highlands wastewater treatment plant, found in Section XIV, Paragraph 23, Section XV, Paragraphs 24 and 25 and Section XVI, Paragraph 27, may terminate if Defendant Cuyahoga County has:

- (1) had no direct discharges to waters of the State from the Scottish Highlands Wastewater Treatment Plant for a period of one (1) year;
- (2) eliminated all bypasses and overflows from the sewer system tributary to the Scottish Highlands Wastewater Treatment Plant; and
- (3) paid all civil penalties required to be paid pursuant to this Consent Order and has paid all stipulated penalties due and owing as a result of any violations at the Scottish Highlands Wastewater Treatment Plant.

Termination of these stipulated penalties shall only be effected by Order of Court, upon application by any party and a determination by the Court that all three (3) conditions set forth in this paragraph have been met.

**Sewer System Evaluation Study**

34. The Stipulated Penalty provisions of this Consent Order relating to the sewer system evaluation study to be performed on the Hickory Hills and the Scottish Highlands Wastewater Treatment Plants, found in Section XIV, Paragraph 23, and Section XVI, Paragraph 27, may terminate if Defendant Cuyahoga County has:


- (1) eliminated all sources of excessive infiltration and inflow in the sewer systems tributary to the Hickory Hills and Scottish Highlands wastewater treatment plants.

Termination of these stipulated penalties shall only be effected by Order of Court, upon application by any party and a determination by the Court that the condition set forth in this paragraph has been met.




APPROVED:

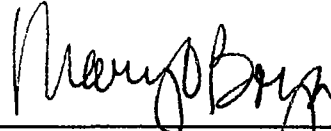
STATE OF OHIO, ex rel.  
BETTY D. MONTGOMERY  
ATTORNEY GENERAL OF OHIO  
BY:



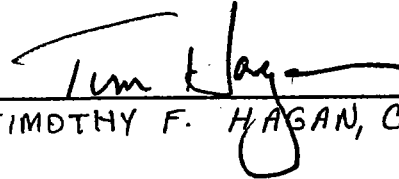
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MARY O. BOYKE, PRESIDENT,  
BOARD OF COUNTY COMMISSIONERS,  
CUYAHOGA COUNTY, OHIO



TIMOTHY F. HAGAN, COMMISSIONER



LEE C. WEINGART, COMMISSIONER

**XX. EFFECT OF CONSENT ORDER - All Plants**

35. 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.

**XXI. COMPLIANCE NOT DEPENDANT ON GRANTS OR LOANS**  
**All Plants**

36. Performance of the terms of this Consent Order by Defendant Cuyahoga County is not conditioned on the receipt of any Federal or State grant or loan funds. In addition, Defendant Cuyahoga County's performance is not excused by the failure to obtain or shortfall of any Federal or state grant or loan funds, or by the processing of any applications for the same.

**XXII. RETENTION OF JURISDICTION - All Plants**

37. 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.

**XXIII. COSTS--All Plants**

38. Defendant Cuyahoga County is hereby ordered to pay the costs of this action.

12/21/95  
Date

David J. Longan  
JUDGE, COURT OF COMMON PLEAS

RECEIVED FOR FILING

DEC 22 1995

GERALD E. FUERST, CLERK  
By B. M. W. Dep.

17 18

**APPENDIX "A"**

## HICKORY HILLS INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Reporting Code	UNITS	EFFLUENT CHARACTERISTIC PARAMETER	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
			Concentration Other Units (Specify)		Loading kg/day		Meas. Freq.	Sample Type
			30 day	7 day	30 day	7 day		
00010	°C	Temperature					Daily	Max. Ind. Therm.
00530	mg/l	Suspended Solids	30	45	---	---	1/Week	Composite
00610	mg/l	Ammonia (N) (Summer) (Winter)	3.5	5.3	---	---	1/Month Composite 1/Month Composite	
31616	Count /100ml	Fecal Coliform (Summer)	1000	2000			1/Week	Grab
50050	MGD	Flow					Daily	Continuous
80082	mg/l	CBOD5	26	40	---	---	1/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.
5. For each calendar day in which the daily average flow exceeds 0.06 MGD, permittee must describe, in the comment section of the Monthly Operating Report, the event which caused the high flow and must send a separate letter describing same to the NEDO by the 15th of the month following the high flow event.

**APPENDIX "B"**

**SCOTTISH HIGHLANDS**  
**INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

<u>EFFLUENT CHARACTERISTIC</u>		<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>		
Reporting CODE/UNITS	PARAMETER	Concentration		Loading		Meas. Freq.	Sample Type	
		30 DAY	7 DAY	30 DAY	7 DAY			
00010	°C	Water Temperature	-	-	-	-	Daily	Grab
00530	mg/l	Total Suspended Solids	30	45	-	-	2/Week	Composite
00556	mg/l	Oil and Grease	-	-	-	-	1/Qtr	Grab
00610	mg/l	Nitrogen, Ammonia (NH <sub>3</sub> )	-	-	-	-	1/2 Weeks	Composite
00665	mg/l	Phosphorus, Total (P)	-	-	-	-	1/Month	Composite
31616	#/100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	1/Week	Grab
50050	MGD	Flow Rate	-	-	-	-	Daily	Continuous
80082	mg/l	CBOD <sub>5</sub>	25	40	-	-	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 0.5 mg/l and shall be monitored daily by grab sample (Summer Only) until May 1, 1999. Beginning on May 1, 1999, and lasting until the permit expiration date, the Chlorine Residual shall be maintained at a level not to exceed 0.019 mg/l and shall be monitored by grab sample and reported daily (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.
5. For each calendar day in which the daily average flow exceeds 0.12 MGD, permittee must describe, in the comment section of the Monthly Operating Report, the event which caused the high flow and must send a separate letter describing same to the NEDO by the 15th of the month following the high flow event.

\*\*See Part II, Item K.