

IN THE COURT OF COMMON PLEAS
BELMONT COUNTY, OHIO

FILED
JUL 23 1996
CLERK OF COURT

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

Plaintiff,

vs.

EASTERN OHIO REGIONAL
WASTEWATER AUTHORITY,

Defendant.

: CASE NO. 96-CV-360
:
: ~~JUDGE CHARLES R. KNAPP~~
: JUDGE JOHN M. SOLOVAN II
:
:
:
: CONSENT ORDER
:
:
:

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 Eastern Ohio Regional Wastewater Authority (hereinafter "Defendant EORWA") having consented to the entry of this Consent Order.

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 Chapter 6111 of the Ohio Revised Code (hereinafter "RC"). Venue is proper in this Court.

STATE OF OHIO
BELMONT COUNTY

RANDY L. MARPLE, CLERK OF COURTS, DO
HEREBY CERTIFY THAT THE ABOVE IS A TRUE
AND CORRECT COPY OF THE ORIGINAL FILED
IN THIS OFFICE.

RANDY L. MARPLE, CLERK OF COURTS
BY: Cheryl M. De... DEPUTY

II. PARTIES

2. The provisions of this Consent Order shall apply and be binding upon the parties to this action, Defendant, its 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 and consultant it employs to perform the work itemized herein. Defendant shall require each general contractor to provide a copy of this Consent Order to each of its subcontractors for such work.

III. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS

3. Plaintiff alleged in its Complaint, that Defendant had operated its wastewater treatment plant and sewer system in such a manner as to result in numerous violations of the requirements of the National Pollution Discharge Elimination System ("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 (including the claims for injunctive relief and civil penalty alleged in the Complaint) under such laws alleged in the Complaint.

4. Nothing in this Consent Order shall be construed so as to limit the authority of the State of Ohio to seek relief, against Defendant 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 Defendant 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 Defendant, to eliminate or mitigate conditions which may present a threat to the public health, welfare or the environment.

IV. PERMANENT INJUNCTION

5. Defendant 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. 0PQ00000, and any renewals or modifications thereof, except as otherwise provided in Section V of this Consent Order. Defendant shall prevent dry weather bypasses and overflows from its wastewater treatment plant and sanitary sewer system, and Defendant shall properly operate and maintain its wastewater treatment plant, sewer system and any associated equipment and structures. NPDES Permit No. 0PQ00000, is hereby incorporated herein by reference as if rewritten in full. All renewals, modifications or changes to Defendant'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 and made an enforceable part of this Consent Order.

6. Compliance with the terms of this Consent Order shall constitute compliance with the terms and conditions of Defendant's NPDES Permit.

**V. COMPLIANCE SCHEDULES FOR EQUALIZATION BASIN,
TELEMETRY SYSTEM AND NPDES PERMIT REQUIREMENTS**

7. Defendant is permanently enjoined and ordered to commence and complete construction of the improvements to its wastewater treatment system so as to attain compliance with NPDES Permit No. 0PQ00000, and any modifications or renewals thereof, and to eliminate dry weather discharges from overflows and bypasses from its sanitary sewer system and wastewater treatment plant in accordance with the following schedules:

- 7.1. EORWA shall perform a collection system study to evaluate the condition of all lift stations, regulators, diversion devices and interceptor sewers of the collection system. The study shall include an evaluation of any improvement needed at each lift station, regulator or diversion device to maximize treatment of pollutants during wet weather flows and eliminate dry weather overflows.
 - a. Within three (3) months of the effective date of this Consent Order, EORWA shall initiate the study.
 - b. Within fourteen (14) months of the effective date of this Consent Order, EORWA shall complete the study of the collection system and submit a report to the Ohio EPA detailing the condition of the system with recommendations for repair and/or replacement, as necessary, in order to maximize the conveyance of pollutants in the collection system during wet weather to the treatment plant and for proper operation and maintenance of the system. This study shall also make recommendations on the grit and debris removal necessary for the proper operation of the collection system.
 - c. Within three (3) years of Ohio EPA's approval of the collection system study report, EORWA shall have completed and implemented all the recommendations contained therein.

- 7.2. EORWA shall conduct a study to determine the points of entry of industrial wastes in the EORWA or tributary sewer systems, and the path of travel of industrial wastes to the publicly owned treatment works (POTW), to ensure minimal discharge of untreated industrial wastes to waters of the state. This shall be accomplished during the collection system study required by paragraph 7.1 of this Consent Order.
- 7.3. Within twelve (12) months of the effective date of this Consent Order, EORWA shall update the Interjurisdictional Agreement between the wastewater authority and the municipalities and sewer districts served by EORWA.
- a. The revised agreement shall contain the requirement that the municipalities and sewer districts create capital improvement funds for repair and/or replacement of the sewers in their respective jurisdictions.
 - b. The revised agreement shall require the municipalities and sewer districts to operate and maintain their respective collection systems properly and to minimize problems for EORWA's system.
 - c. The revised agreement shall require the municipalities and sewer districts to obtain discharge permits from EORWA, renewable on a five (5) year basis. At a minimum:
 - i. Within six (6) months of the effective date of the revised Interjurisdiction Agreement, as set forth in this subparagraph, EORWA shall issue discharge permits to each municipality and sewer district.
 - ii. The first series of permits shall require the municipalities and sewer districts to study their collection systems. The purpose of the study will be to identify: the areas of separate sewers; the areas of combined sewers; the condition of the sewers; the available capacity of the sewers; operation and maintenance problems; and sources of inflow and infiltration. The study shall contain recommendations for maintenance, repair, and/or replacement of failing sewers and management procedures for optimizing conveyance of pollutants

to EORWA. Within forty-eight (48) months after the study is completed, EORWA shall complete implementation of the study's recommendations.

- iii. Within fourteen (14) months from the effective date of the applicable permits, the permits shall require each municipality and sewer district to prepare and implement an operation and maintenance manual for their collection system.
- iv. Within six (6) months of the permits effective date, the permits shall require the permittees to operate and maintain the collection system under the supervision of an individuals with the proper collection system certification as required by the Ohio Administrative Code (OAC) 3745-07-02.

7.4. Within one (1) year of the completion of the collection system study identified in 7.1 above, the EORWA is required to implement the nine minimum control measures identified by U.S. EPA (below) as best conventional pollution control technology (BCT)/best available technology economically achievable (BAT) for combined sewer overflows (CSOs) that are applicable to its system:

- a. Proper operation and regular maintenance programs for the sewer system and CSO points;
- b. Maximum use of the collection system for storage of wet weather flow prior to allowing overflows;
- c. Review and modify local programs to minimize the impact of non-domestic discharges from CSOs;
- d. Maximization of flow to POTW for treatment;
- e. Prohibition of dry weather overflows;
- f. Control of solid and floatable materials in CSO discharges;
- g. Required inspection, monitoring and reporting of CSOs;
- h. Pollution prevention programs that focus on reducing the level of contaminants in CSOs; and
- i. Public notification for any areas affected by CSOs, specifically beach areas and areas where contact recreation occurs. (Ohio EPA expects communities to develop and implement an effective public advisory system that informs the public of the possible health and environmental impacts associated with CSOs, and advises

against contact recreation when elevated bacteria levels may endanger public health.)

- 7.5. EORWA shall develop and implement a combined sewer operational plan to ensure that the entire sewerage system is operated and maintained so as to maximize removal of pollutants; ensure that the collection system storage capacity is fully utilized during wet weather; ensure that the greatest quantity of pollutants receive maximum possible treatment; and ensure that the collection system is properly operated and maintained. The plan shall be developed and implemented according to the schedule listed below. Thereafter, the permittee shall maintain a current operational plan updated after any and all construction is performed as a result of this Consent Order and to reflect system modifications on file at the POTW. EORWA shall:
- a. Develop and submit to the Ohio EPA the plan within eighteen (18) months of the effective date of this Consent Order.
 - b. Implement the plan with any changes required by Ohio EPA as expeditiously as possible, but no later than thirty (30) days after Ohio EPA's approval of the plan.
- 7.6. EORWA shall provide alarms at all lift stations to alert the entity to equipment malfunction. The alarms must be telemetered in accordance with Ten State Standards to automatically alert the permittee of malfunction. The schedule to achieve the above requirement shall be as follows:
- a. Within six (6) months of the effective date of this Consent Order, EORWA shall submit a complete permit to install ("PTI") application including approvable detail plans for telemetering the lift stations, to Ohio EPA;
 - b. Within twelve (12) months of Ohio EPA's approval of the PTI, EORWA shall complete construction.
- 7.7. Beginning on the effective date of this Consent Order, EORWA shall inspect and maintain every lift station, regulator and diversion device at least once a week and after every rainfall. A separate record of these inspections and maintenance performed shall be kept in the EORWA office and submitted monthly to

the Ohio EPA, Southeast District Office until otherwise directed by the Ohio EPA. When Ohio EPA determines that submittal of the inspection and maintenance reports are no longer required, then EORWA shall make these records available for inspection by the Ohio EPA.

- 7.8. Within three (3) months of the effective date of this Consent Order, EORWA shall possess and have ready for use four (4) automatic recording flow meters to measure and record flow rates of the discharges from the CSOs. These flow meters shall be used on a rotating basis to accurately evaluate the peak and total flow overflowing to the river.
- 7.9. EORWA shall achieve compliance with the final effluent limitations in its effective NPDES permit in accordance with the following schedule:
 - a. Within three (3) months of the effective date of this Consent Order, EORWA shall provide a general plan detailing the improvements proposed for the wastewater treatment plant necessary to consistently comply with the effluent limitations;
 - b. Within twelve (12) months of the effective date of this Consent Order, EORWA shall submit to Ohio EPA a complete PTI application, including approvable detail plans for improvements to the POTW.
 - c. Within two (2) years of Ohio EPA's approval of the PTI, EORWA shall complete construction and be in full compliance with the effluent limits of EORWA's NPDES permit.
- 7.10. EORWA shall also initiate a "wet weather stress test" study to determine how to best operate the treatment plant to maximize removal of pollutants during wet weather.
 - a. Within twelve (12) months of the completion of item 7.9(c), EORWA shall initiate the study.
 - b. Within thirty six (36) months of the completion of item 7.9(c), EORWA shall complete the "wet weather stress test" and submit the results of the study to Ohio EPA.

c. Within one (1) year of Ohio EPA's approval of the "wet weather stress test", EORWA shall complete and implement all the recommendations contained therein.

7.11. Within six (6) months of the effective date of this Consent Order, EORWA shall identify each outfall with a permanent sign at the discharge point to the receiving water. The sign shall be black letters on a white background, no smaller than 24 inches by 36 inches and contain the entity's name, permit number, outfall number and the language contained in Attachment A.

7.12. Defendant is ordered and enjoined to place and maintain the operation of its wastewater collection and treatment system under the responsible charge of a certified class IV wastewater treatment plant operator in accordance with Ohio Administrative Code (hereinafter "OAC") Rule 3745-7-02 and its NPDES Permit No. 0PQ00000, and any modifications or renewals thereof within three (3) months of the effective date of this Consent Order. A class IV technical supervisor may be employed for up to two (2) years until a class IV operator can be employed. The responsibilities of the technical supervisor shall be set forth in a plan authorized by the Director of the Ohio EPA, showing the time, methods, and procedures to be followed. The technical supervisor shall spend a minimum of eight (8) hours per week at the wastewater treatment plant and inspecting the collection system.

7.13. EORWA shall comply with Interim limits of Attachment B until October 30, 1999. After October 31, 1999, Defendant shall be in compliance with final effluent limitations contained within its NPDES Permit No. 0PQ00000, and any renewals or modification thereof.

7.14. Defendant shall within seven days of the entry of this Consent Order submit to Ohio EPA a complete listing of all CSOs in the EORWA system, describing the location of each CSO. Defendant shall within sixty days of the entry of this Consent Order, submit to Ohio EPA applications for all unpermitted CSOs in the EORWA system.

8. 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. REPORTING REQUIREMENT

9. Within seven (7) 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
Southeast District Office
Division of Surface Water
2195 Front Street
Logan, Ohio 43138
ATTN: Enforcement Group Leader (or her successor)

VII. COMPLIANCE NOT DEPENDENT ON GRANTS OR LOANS

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

VIII. CIVIL PENALTY

11. 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 Two Hundred Thirty-One Thousand, Four Hundred Twenty-One dollars and Fifty-Nine

cents (\$231,421.59). The civil penalty payment shall be paid by delivering a certified check for the appropriate amount, made payable to "Treasurer, State of Ohio", to Matthew Sanders, Administrative Assistant, or his successor, at the Ohio Attorney General's Office, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428. In lieu of paying an additional civil penalty in the amount of Five Hundred Thirty-Nine Thousand, Nine Hundred Eighty-Three dollars and Seventy-Three cents (\$539,983.73), the Defendant may establish a supplemental environmental projects fund as set forth in Section IX of this Consent Order. Should Defendant elect not to establish a supplemental environmental fund or fail to fully and completely comply with the requirements of Section IX of this Consent Order by the dates specified therein, then any and all monies required by Section IX to be spent, which have not been so spent by the dates specified therein [up to a maximum total amount of Five Hundred Thirty-Nine Thousand, Nine Hundred Eighty-Three dollars and Seventy-Three cents (\$539,983.73), (plus any interest accrued in the fund)], shall be paid to Plaintiff, with a certified check, by no later than six (6) months from the dates on which the projects described in Section IX were required to be completed or within six (6) months of the effective date of this Consent Order if Defendant elects not to establish the supplemental environmental project fund.

IX. SUPPLEMENTAL ENVIRONMENTAL PROJECTS FUND

12. In addition to the civil penalty set forth in Section VIII, Paragraph 13 of this Consent Order, and in furtherance of the mutual objectives of the State of Ohio

and Defendant in improving the environment and reducing the impacts to waters of the State of Ohio, Defendant agrees to and is hereby ordered to establish a Supplemental Environmental Project fund (this fund shall be named and referred to as the "Community Sewer Improvement Fund") in the amount of Five Hundred Thirty-Nine Thousand, Nine Hundred Eighty-Three dollars and Seventy-Three cents (\$539,983.73), within Ninety (90) days after the entry of this Consent Order. The Community Sewer Improvement Fund shall be administered by Defendant for the benefit of the communities served by Defendant's waste water treatment facility. The purpose of the Community Sewer Improvement Fund is to provide funding for essential sanitary sewer improvements in the municipalities served by Defendant's waste water treatment facility. The Community Sewer Improvement Fund monies shall be spent within six (6) years after the entry of this Consent Order. Any monies left in the Community Sewer Improvement Fund six years after the entry date of this Consent Order shall be paid to the State of Ohio by certified check for the appropriate amount, made payable to "Treasurer, State of Ohio", which check shall be delivered by certified mail to Matthew Sanders, Administrative Assistant, or his successor, at the Ohio Attorney General's Office, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, and shall be deposited into the R.C. 6111.09 fund of the Ohio EPA.

13. To receive funding from the Community Sewer Improvement Fund for a project, a municipality shall submit a detailed project description and plans to EORWA and Ohio EPA. EORWA and Ohio EPA shall review the plans and

proposal for technical adequacy and determine whether the project qualifies as an essential improvement. Provided both Defendant and Ohio EPA concur on the technical adequacy of the project, essential nature of the project, and amount of funding to be granted, the funds from the Community Sewer Improvement Fund may be disbursed to the municipality. If the Defendant and Ohio EPA cannot agree on the project being proposed, either party may request that the Court resolve the conflict. Defendant shall be responsible for preparing contracts detailing the conditions of granting funds to the municipality.

14. Until Defendant has fully complied with the requirements of Section IX, Defendant shall report its progress on a quarterly basis, in writing, to the Ohio EPA. Each quarterly report shall include an itemized summary of the money expended in the quarter to accomplish any portions of such projects that are currently underway and those completed to date. When Defendant completes a project, it shall notify Ohio EPA and provide a final itemized summary of the money expended. All reports required to be submitted to the Ohio EPA pursuant to this paragraph shall be sent to the address set forth in paragraph 11.

X. STIPULATED PENALTIES

15. In the event that Defendant fails to meet any of the compliance deadlines set forth in Section V, (Paragraphs 7 through 8 of this Consent Order) and/or 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, up to thirty (30) days--three hundred dollars (\$300.00) per day per requirement not met;
- (2) For each day of each failure to meet a requirement, from thirty-one (31) to sixty days (60) -- seven hundred and fifty dollars (\$750.00) per day per requirement not met; and
- (3) For each day of each failure to meet a requirement, over (61) days--one thousand dollars (\$1,000.00) per day per requirement not met.

16. Any payment required to be made under the provisions of Section X of this Consent Order shall be made by delivering to Matt Sanders at the address set forth in Section VI, 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". The payment of stipulated penalties by Defendant and the acceptance of such stipulated penalties by Plaintiff for specific violations pursuant to Section X shall not be construed to limit Plaintiff's authority to seek additional relief or to otherwise seek judicial enforcement of this Consent Order.

XI. TERMINATION OF STIPULATED PENALTIES

17. The provisions of this Consent Order set forth in Article X requiring the payment of stipulated penalties may be terminated upon a demonstration by Defendant EORWA that: 1) it has completed the requirements outlined in Articles

V, VIII and IX; 2) it has paid all penalties required by this Consent Order; and 3) it has achieved and maintained continuous compliance with the final effluent limitations contained in its currently effective NPDES permit No. 0PQ00000, along with the other terms and conditions of said permit, and any renewals or modifications thereof for a period of twelve consecutive months.

18. 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 17 have been met.

XII. MISCELLANEOUS

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

20. Any acceptance by the State of Ohio of any payment, document or other work due hereunder subsequent to the time that the obligation is due under this Consent Order shall not relieve Defendant of the obligation created by the Consent Order.

21. Defendant shall inform the Ohio EPA of any change of its business addresses or telephone numbers, or the cessation of business.

XIII. RETENTION OF JURISDICTION

22. The Court will retain jurisdiction of this action for the purpose of administering or enforcing this Consent Order.

XIV. COSTS

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

XV. ENTRY OF CONSENT ORDER AND FINAL JUDGMENT BY CLERK

24. The parties agree and acknowledge that final approval by the Plaintiff and Defendant, EORWA and entry of this Consent Order is subject to the requirement of 40 C.F.R. §123 (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. Both the State and Defendant, EORWA reserve the right to withdraw this Consent Order based on comments received during the public comment period.

25. 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 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:

John M. Solovay

JUDGE, BELMONT COUNTY
COURT OF COMMON PLEAS

1-23-97

DATE

APPROVED:

BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO

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EASTERN OHIO REGIONAL
WASTEWATER AUTHORITY

JOURNALIZED

James Tekely

James Tekely
Authorized Representative of
Eastern Ohio Regional Wastewater
Authority

ENDE

X278/8/98

ATTACHMENT A

WARNING

**EASTERN OHIO REGIONAL WASTEWATER
AUTHORITY**

SEWAGE OVERFLOW POINT #001(TO 049)

TO PROTECT YOUR HEALTH AVOID CONTACT WITH PIPE FLOW AND RIVER (OR CREEK) WATER IN THIS AREA DURING DISCHARGE. TO REPORT FLOW DURING DRY WEATHER CONTACT THE EASTERN OHIO REGIONAL WASTEWATER AUTHORITY AT (614) 676-5911 OR THE OHIO EPA AT (614) 385-8501.

{THIS SIGN SHALL BE BLACK LETTERS ON A WHITE BACKGROUND, AND WITH NO SMALLER THAT 24 INCHES BY 36 INCHES.}-.

ATTACHMENT B

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR OUTFALL OPQ0000001*:

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>		
Reporting Code	Units	Parameter	Concentration Specified Units		Loading** kg/day		Meas. Freq.	Sample Type	
			30 day	Daily Max.	30 day	Daily Max.			
00010	°C	Water Temperature	-	-	-	-	Daily	Max. Ind. Therm.	
00530	mg/L	Total Suspended Solids	76	114	-	-	Daily	Composite	
00556	mg/L	Oil and Grease	Not to exceed 10 at any time				1-2 Weeks	Grab	
00610	mg/L	Nitrogen, Ammonia (NH ₃)	-	-	-	-	2-Week	Composite	
31616	# 100mL	Fecal Coliform	(Summer Only)	200	400	-	-	Daily	Grab
			(Winter Only)	1000	2000	-	-	Daily	Grab
50050	MGD	Flow Rate, Total	-	-	-	-	Daily	Continuous	
80082	mg/L	CBOD ₅	63	94	-	-	Daily	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 multiple 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 .038 mg/l and shall be monitored by multiple grab sample and reported daily⁽²⁾.
4. The Dissolved Oxygen (Reporting Code 00300) shall be monitored daily by multiple grab sample.

* Samples for station OPQ00000601 and station OPQ00000001 shall occur on the same day unless otherwise indicated.

** The average effluent loading limitations are established using the following flow value: 6.10 MGD.

- (1) Sampling for station OPQ00000001 for this parameter shall occur one (1) detention time (the time it takes for a volume of water to pass through the treatment plant) after sampling at station OPQ00000601 for the same parameter.
- (2) Multiple grab samples for chlorine residual shall be comprised of grab samples every 2 hours during the period that the plant is staffed on each day of 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.

ATTACHMENT B (con't)

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR OUTFALL OPQ0000001*:

<u>EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
Reporting Code	Units	Parameter	Concentration Specified Units		Loading** kg/day		Meas. Freq.	Sample Type
			30 day	Daily Max.	30 day	Daily Max.		
00335	mg/L	COD	-	-	-	-	1/Week	Composite
00625	mg/L	Nitrogen, Total Kjeldahl	-	-	-	-	1 Month	Composite
00630	mg/L	Nitrogen, Nitrite + Nitrate	-	-	-	-	1 2 Weeks	Composite
00719	mg/L	Cyanide, Free	-	-	-	-	1 Month	Grab ⁽²⁾
00720	mg/L	Cyanide, Total	-	-	-	-	1 Quarter	Grab ⁽¹⁾
01074	ug/L	Nickel, Total Recoverable	-	-	-	-	1 Month	Composite
01094	ug/L	Zinc, Total Recoverable	-	290	-	6.7	1 Month	Composite
01113	ug/L	Cadmium, Total Recoverable	-	11	-	0.254	1 Month	Composite
01114	ug/L	Lead, Total Recoverable	12	230	0.277	5.310	1/Month	Composite
01118	ug/L	Chromium, Total Recoverable	-	-	-	-	1/Month	Composite
01119	ug/L	Copper, Total Recoverable	-	45	-	1.04	1/Month	Composite
01220	ug/L	Chromium, Dissolved Hexavalent	-	-	-	-	1/Month	Grab ⁽¹⁾
34351	ug/L	Endosulfan Sulfate	-	-	-	-	1/Month	Composite
39100	ug/L	Bis(2-ethylhexyl) Phthalate	-	-	-	-	1/Month	Composite
71900	ug/L	Mercury, total (Hg)	-	0.3	-	.007	1/Month	Composite

* Samples for station OPQ00000601 and station OPQ00000001 shall occur on the same day unless otherwise indicated.

** The average effluent loading limitations are established using the following flow value: 6.10 MGD.

- (1) Sampling for station OPQ00000001 for this parameter shall occur one (1) detention time (the time it takes for volume of water to pass through the treatment plant) after sampling at station OPQ00000601 for the same parameter.
- (2) It is understood by Ohio EPA that, at the time permit OPQ00000*HD becomes effective, an analytical method is not approved under 40 CFR 136 to evaluate free cyanide. The permittee shall utilize method 4500-CN I contained in the 17th edition of Standard Methods (method 412H, 16th edition) until U.S. EPA promulgates a method for analyzing free cyanide under 40 CFR 136. As long as the permittee complies with the previous provision, Ohio EPA will consider all analytical results properly reported as below detection to be zeros for compliance and enforcement purposes.

If a method(s) for analyzing free cyanide is promulgated by U.S. EPA during the period when this permit is effective, the permittee shall, within twelve months after promulgation, adopt an approved procedure for monitoring free cyanide. During this twelve month interim period, the permittee shall perform analyses utilizing both the approved procedure and the previous procedure for comparison purposes while reporting only the results of the previous procedure for compliance purposes. Utilization of both types of analyses shall begin within six months of promulgation of the approved procedure allowing a six month evaluation period.

STATE OF OHIO, COUNTY OF BELMONT
IN THE COURT OF COMMON PLEAS

Docket and Journal Entry

State of Ohio, Betty Montgomery, AG of OH Case No. 96-CV-360

Plaintiff

vs.

Date of Entry January 23, 1997

Eastern Ohio Regional Wastewater Authority, aka

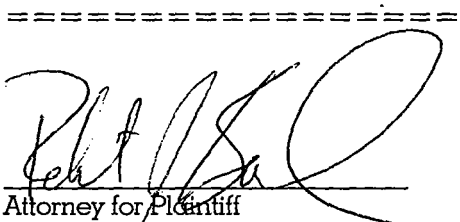
Defendant

Plaintiff and defendant have agreed to a consent order, and the court having reviewed said consent order and finds it to be fair and reasonable, it is hereby ordered that the consent order constitutes a final judgment herein.

The court shall retain jurisdiction for the purpose of administrating and enforcement of said consent order.

SPECIAL ENTRY.

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Attorney for Plaintiff

Michael R. Thomas

Attorney for Defendant

FILED
COMMON PLEAS COURT
BELMONT CO., OHIO
JAN 23 PM 2 21
RANDY L. HARPLE
CLERK OF COURT

JOHN M. SOLOVAN, II

JUDGE