

IN THE COURT OF COMMON PLEAS  
MEDINA COUNTY, OHIO

50388

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

CASE NO.

JUDGE

88 0826

~~JUDITH A. CROSS - JUDGE~~

Plaintiff,

vs.

VILLAGE OF SEVILLE

Defendant.

CONSENT ORDER

FILED  
JEAN WATERS  
MEDINA COUNTY  
CLERK OF COURTS

88 JUL - 8 PH 3:05

COMMON PLEAS COURT

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 Seville (hereinafter "Seville") 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 Seville 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 Seville 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 Permit and any renewals or modifications thereof, except for the effluent limitations set forth in said permit. Between the effective date of this Consent Order and

September 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 September 1, 1989, Defendant Seville is enjoined to meet the final effluent standards set forth in its NPDES permit No. 3PB00044\*AD and any renewals or modifications thereof. Seville is hereby enjoined to properly operate and maintain its wastewater treatment plant and any associated equipment and structures.

V. CONSTRUCTION SCHEDULE

5. Defendant Seville is enjoined and ordered to complete construction of the improvements to its wastewater treatment plant, sanitary sewer lines and sanitary trunk sewer described in the General Plan originally submitted to Ohio EPA in February, 1985 and to attain compliance with the final effluent limitations of NPDES permit No. 3PB00044\*AD and any renewals or modifications thereof, in accordance with the following schedule.

<u>TASK</u>	<u>COMPLETION DATE</u>
(a) Initiation of Project Design Work	Completed
(b) Submittal of Approvable Plans and Specifications to Ohio EPA	July 1, 1988
(c) Advertisement of Building Bids	July 15, 1988
(d) Execution of Building Contracts	August 15, 1988

**VOL 471 PAGE 432**

- (e) Initiation of Construction . . . . . September 12, 1988
- (f) Submission of Sludge Management Plan . . . . . August 1, 1989
- (g) Completion of Construction of Sewers  
and Start-up of Wastewater  
Treatment Facility . . . . . August 1, 1989
- (h) Attain Compliance with Final Effluent  
Limitations. . . . . September 1, 1989

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 Seville fails to meet any of the requirements of this Consent Order set forth in Paragraphs 4 and Subparagraphs 5(b), 5(c), 5(d), 5(e), 5(f), and 5(g), 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 days - \$500.00 per day. For each day of failure to meet a requirement, from thirty-one to sixty days

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-\$1,000.00 per day. For each day of failure to meet a requirement, from sixty-one to ninety days- \$2,500.00. For each day of failure to meet a requirement, from ninety-one to one hundred twenty days - \$3,500.00 per day.

7. In the event that Defendant Seville fails to meet any of the requirements of this Consent Order set forth in Subparagraph 5(h), 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 Subparagraph 5(h) 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 days from the date of the failure to meet the requirement of the Consent Order, made payable to "Treasurer, State of Ohio".

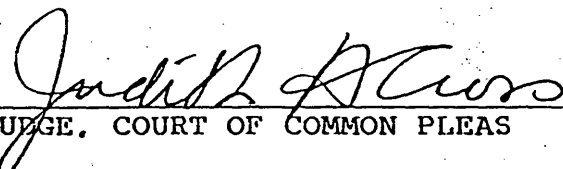
**VOL 471 PAGE 434**

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.

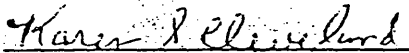
VIII. COSTS


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

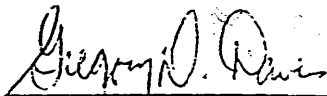
  
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JUDGE, COURT OF COMMON PLEAS

APPROVED:

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

  
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KAREN S. CLEVELAND  
Assistant Attorney General  
Environmental Enforcement  
30 East Broad Street, 17th Flr.  
Columbus, Ohio 43266-0410

  
\_\_\_\_\_  
WILLIAM YOUNG  
Solicitor Village of Seville  
P.O. Box J  
Medina, Ohio 44258

  
\_\_\_\_\_  
GREGORY D. DAVIS  
Mayor, Village of Seville  
Authorized Representative  
of Village of Seville

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**VOL 471 PAGE 435**

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS for Outfall 3P200044001

1. <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	Grab
00530	mg/l Suspended Solids	30	45	-	-	2/Week	Composite
00310	mg/l BOD <sub>5</sub>	30	45	-	-	2/Week	Composite
31616	Count Fecal Coliform /100ml (Summer Only)	1000	2000	-	-	2/Week	Grab
80082	mg/l CBOD <sub>5</sub>	-	-	-	-	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 monitored daily by grab sample.

\* The average effluent loading limitations are established using the following flow value: To be determined in general plan.

**VOL 471 PAGE 436**

PART I, B. - ADDITIONAL MONITORING REQUIREMENT (con't)

1. Plant Bypass. The permittee shall monitor the treatment plant's bypass(es), when discharging, at Station 3PB00044002 and report to the Ohio EPA in accordance with the following table. See Part II OTHER REQUIREMENTS, of NPDES permit No. 3PB00044\*AD for location of sampling.

<u>EFFLUENT CHARACTERISTIC</u>		<u>MONITORING REQUIREMENTS</u>		
<u>REPORTING</u>		<u>Measurement</u>	<u>Frequency</u>	<u>Sample Type</u>
<u>Code</u>	<u>UNITS</u>	<u>PARAMETER</u>		
00051	Number	Occurrences	Daily	Continuous
00052	Hr./day	Duration	Daily	Continuous
50050	GPD	Flow	Daily	Continuous
00310	mg/l	BOD <sub>5</sub>	Once/day	Grab
00530	mg/l	Suspended Solids	Once/day	Grab

Data for the Number of Occurrence(s) per day, the daily Duration and the total daily Flow may be estimated until such time as continuous monitoring equipment is installed.

For days when there are no bypass discharges, data for parameters which require laboratory analyses should be reported as "AH" and an explanation of "No Discharge" entered in the "Additional Remarks" section. Also, on such days Zero should be reported for occurrences, duration, and flow.

2. Description of the location of the required sampling stations are as follows:

<u>Sampling Station</u>	<u>Description of Location</u>
3PB00044002	Influent Bypass

**VOL 471 PAGE 437**



PART I. B. - OTHER REQUIREMENTS (Cont.)

3. The permittee shall monitor the system's bypasses and overflows at Stations 3PB00044003 and 3PB00044004 and report to the Ohio EPA in accordance with the following Table:

<u>CHARACTERISTIC</u>		<u>MONITORING REQUIREMENTS</u>	
<u>REPORTING</u>	<u>PARAMETER</u>	<u>Measurement</u>	<u>Sample Type</u>
<u>UNITS</u>		<u>Frequency</u>	
00051 Number/Mo.	Occurrences	When discharging	Estimate
00052 Hours	Duration	When discharging	Daily Est.
50050 Million Gallons	Volume	When discharging	Daily Est.
00310 mg/l	BOD <sub>5</sub>	1/mo.	Grab
00530mg/l	Suspended Solids	1/mo.	Grab

Monitoring data shall be obtained for each month when a discharge occurs. Samples should be collected during the first 30 minutes of discharge. The monthly monitoring report shall be attached to the normal monthly report form (EPA-4500).

4. The permittee is authorized to discharge from the following overflows and bypasses only during periods when the flow in the sewer system exceeds the capacity of the sewer system. See Part I. B, Item 3 of NPDES Permit No. 3PB00044\*AD for monitoring and reporting requirements.

<u>Station Number</u>	<u>Description</u>	<u>Receiving Stream</u>
3PB00044003	Greenridge Rd. Pump Station	Chippewa Creek
3PB00044004	Hazelwood Rd. Pump Station	Chippewa Creek