

IN THE COURT OF COMMON PLEAS
LUCAS COUNTY, OHIO

88-2077

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

CASE NO:
JUDGE ASSIGNED TO JUDGE FRANKS

Plaintiff,

vs.

VILLAGE OF WHITEHOUSE,

CONSENT ORDER

Defendant.

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 Whitehouse (hereinafter "Plaintiff") 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 Whitehouse 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 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 Whitehouse 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 Whitehouse 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 NPDES Permit No.

2PB00062*CD or any modifications or revisions thereof except for the final effluent limitations set forth in said permit. Between the effective date of this Consent Order and July 1, 1989, Defendant is enjoined to comply with the interim effluent limitations set forth in Appendix "A" attached hereto. After July 1, 1989, Defendant Whitehouse is enjoined to cease direct discharge from its wastewater treatment plant. After July 1, 1989, Whitehouse is hereby also enjoined to properly operate and maintain the sewer system built pursuant to Paragraph 5 below, and any associated equipment and structures.

V. CONSTRUCTION SCHEDULE

5. Defendant Whitehouse is enjoined and ordered to eliminate discharges from overflows and bypasses from its sanitary sewer system and complete construction of the sewer connecting the sewers in the Whitehouse area now tributary to the Whitehouse Wastewater Treatment Plant with the Lucas County Maumee River Wastewater Treatment Plant. This work is to be done according to the following schedule:

<u>TASK</u>	<u>COMPLETION DATE</u>
(a) Initiation of Project Design Work	Complete
(b) Submittal of Approvable Plans and Specifications to Ohio EPA	Complete
(c) Advertisement of Building Bids	Complete
(d) Execution of Building Contracts for Pump Station and Force Main	Complete

- | | |
|---|--------------|
| (e) Initiation of Construction of Pump Station and Force Main | Complete |
| (f) Operation/Start-up of Pump Station | May 1, 1989 |
| (g) Operation/Start-up of Force Main | May 1, 1989 |
| (h) Facility Directing All Flow to the Lucas County Maumee River Wastewater Treatment Plant | July 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. CIVIL PENALTY

6. Defendant Whitehouse shall pay to the State of Ohio a civil penalty of Ten Thousand Dollars (\$10,000.00). The penalty shall be paid by delivering to counsel for Plaintiff a certified check for that amount, payable to the order of "Treasurer, State of Ohio" within forty-five days from the date of entry of this Consent Order.

VII. STIPULATED PENALTIES

7. In the event that Defendant Whitehouse fails to meet any of the requirements of this Consent Order set forth in Paragraphs 4 and Subparagraphs 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 -\$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.

8. In the event that Defendant Whitehouse 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 (\$ 1000.00) 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.

9. Any payment required to be made under the provisions of Paragraphs 7 or 8 of this Order shall be made by delivering to Plaintiff's counsel a certified check or checks for the

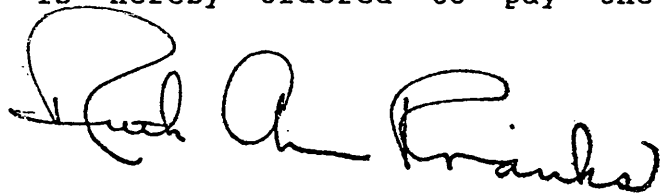
appropriate amounts, within forty-five days from the date of the failure to meet the requirement of the Consent Order, made payable to "Treasurer, State of Ohio".

VIII. RETENTION OF JURISDICTION

10. 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.

IX. COSTS

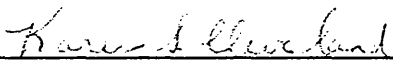
11. Defendant Whitehouse is hereby ordered to pay the costs of this action.




JUDGE, COURT OF COMMON PLEAS

APPROVED:


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



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Mayor, Village of Whitehouse
Authorized Representative
of The Village of Whitehouse

2058E

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this modification and lasting until the date that the improved wastewater treatment works are to attain operational level as specified in Item 1F in the Schedule of Compliance, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: 2PB00062001. SEE PART II, OTHER REQUIREMENTS, of modified NPDES Permit No. 2PB00062*CD for location of effluent sampling.

<u>1. EFFLUENT CHARACTERISTIC</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
Code	UNITS	PARAMETER	Concentration		Loading*		Meas. Freq.	Sample Type
			Other Units (Specify)		kg/day			
			30 day	7 day	30 day	7 day		
00620	mg/l	Nitrate (N)	-	-	-	-	1/Month	Composite
00615	mg/l	Nitrite (N)	-	-	-	-	1/Month	Composite
01027	ug/l	Cadmium	-	-	-	-	1/Month	Composite(2)
01032	ug/l	Chromium (Hex.)	-	-	-	-	1/Month	Composite(1,2)
01033	ug/l	Chromium (Tri.)	-	-	-	-	1/Month	Composite(1,2)
01042	ug/l	Copper	-	-	-	-	1/Month	Composite(2)
01051	ug/l	Lead	-	-	-	-	1/Month	Composite(2)
01067	ug/l	Nickel	-	-	-	-	1/Month	Composite(2)
01092	ug/l	Zinc	-	-	-	-	1/Month	Composite(2)
01105	ug/l	Aluminum	-	-	-	-	1/Month	Composite(2)
71900	ug/l	Mercury	-	-	-	-	1/Month	Composite(2)

* The average effluent loading limitations are established using the following flow value: N/A

- (1) The data collected for hexavalent and trivalent chromium may be used at some future time to develop effluent limits for these pollutants.
- (2) Sampling for these parameters at station 2PB00062601 and station 2PB00062001 shall occur the same day.

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- During the period beginning on the effective date of this modification and lasting until the date that the improved wastewater treatment works are to attain operational level as specified in Item 1F in the Schedule of Compliance, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall:
 2PB00062001. SEE PART II, OTHER REQUIREMENTS, of NPDES Permit No. 2PB00062*CD for location of effluent sampling.

REPORTING Code	UNITS	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.
00310	mg/l	BOD ₅	30	45	40	60	2/Week	Composite
00530	mg/l	Suspended Solids	30	45	40	60	2/Week	Composite
00550	mg/l	Oil & Grease	-	-	-	-	1/Qtr.	Grab
00610	mg/l	Ammonia (N)	-	-	-	-	1/Month	Grab
00665	mg/l	Phos., Total	-	-	-	-	1/Month	Composite
31616	Count /100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	2/Week	Grab
50050	MGD	Flow	-	-	-	-	Daily	Continuous
80082	mg/l	CBOD ₅	-	-	-	-	2/Week	Composite

- 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.
- If the entity uses chlorine for effluent 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).
- 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: 0.350 MGD