



Respectfully submitted,

**DAVE YOST**  
**OHIO ATTORNEY GENERAL**



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*Counsel for Plaintiff, the State of Ohio*

**MEMORANDUM IN SUPPORT**

**I. INTRODUCTION**

The State seeks to halt Defendant's violations of Ohio's Water Pollution Control Laws and Rules and their National Pollutant Discharge Elimination System Permit. Those environmental violations are immediately threatening public health, safety, and the environment in the Village of Harrisville, Harrison County, Ohio.

Despite continued efforts by the State to resolve these issues without Court intervention, Defendant has failed to take the necessary steps to remediate the issues with their wastewater treatment plant. As a result, the wastewater treatment plant is not being properly operated and maintained and is discharging and continuing to threaten to discharge raw, untreated sewage to Ohio's waters, including Sloan Run.

Because Defendant's violations pose an immediate and significant threat to public health, safety, and the environment, the State respectfully requests that this Court issue a Temporary Restraining Order and Preliminary Injunction requiring Defendant to take immediate action to prevent future discharges.

**II. STATEMENT OF FACTS**

Defendant owns and operates a wastewater treatment plant ("Plant") located 500 feet east of Township Road 82 on S. Back Street, Harrisville, Harrison County, Ohio. *See* Affidavit of Baxter Foskuhl in Support of the State's Motion for a Temporary Restraining Order and Preliminary Injunction, attached as Exhibit A at ¶ 3. The Plant is designed to collect sewage and other wastewater throughout the Village and treat it before it is discharged to Sloan Run. *Id.* at ¶¶ 7, 8. Sloan Run is a "water of the state" as defined by R.C. 6111.01(H). *Id.* at ¶ 9. The discharges from Defendant's wastewater treatment plant are permitted by a National Pollutant Discharge

Elimination System Permit (hereinafter referred to as the “Discharge Permit”) issued by the Ohio Environmental Protection Agency (“Ohio EPA”) to the Village of Harrisville. *Id.* at ¶ 11. The Discharge Permit includes numerous terms and conditions to ensure the protection of human health, safety, and the environment. *Id.* at ¶ 12. The failure to properly operate and maintain wastewater treatment plants can, and in this case did, result in untreated or partially treated sewage overflows or bypasses and untreated or partially treated sewage discharges, which pose a serious threat to human health and the environment. *See id.* at ¶¶ 24, 32, 33, 34, 35.

Defendant’s Discharge Permit requires they designate a professional operator of record to oversee the technical operations of the Plant. *Id.* at ¶ 13. Since at least January 1, 2026, Defendant has failed to obtain and maintain a professional operator of record to oversee the Plant. *Id.* at ¶ 15. In fact, upon information and belief, neither the Defendant nor its representatives or agents have been to the Plant since March 8, 2026. *Id.* at ¶ 16. Ohio EPA sent Defendant notices of violation on March 12, 2026 and April 21, 2026, informing the Village that their Discharge Permit and Ohio law require a professional operator to oversee the Plant. *Id.* at ¶¶ 18, 19. To date, Defendant has not obtained or maintained a professional operator. *Id.* at ¶ 20. Given the lack of oversight from Defendant, the Plant has fallen into disrepair. *Id.* at ¶ 21.

Defendant’s Plant is not being properly operated and maintained, allowing for unauthorized bypasses and overflows of untreated or partially treated sewage to discharge and significantly impair nearby Sloan Run. *See id.* at ¶¶ 24, 31, 35. Ohio EPA staff inspected the Plant on March 27, 2026. *Id.* at ¶ 22. A manhole at the Plant was actively overflowing and bypassing the Plant, allowing untreated sewage to run atop the ground and downhill into Sloan Run. *Id.* at ¶ 24. Sewage-coated trash was also observed overflowing from the Plant’s collection system. *Id.* at ¶ 25. The Plant is designed to remove trash that is located within the sewage and wastewater (i.e.

rag, feminine hygiene products, “flushable” wipes, etc.) and collect it within a barrel onsite. *Id.* This barrel must be emptied regularly and manually by Defendant. *Id.* However, Defendant failed to empty it and rather brought a second barrel to the Plant allowing the first barrel, which was overflowing, to remain onsite. *Id.*

In an attempt to reduce the amount of future sewage overflows from the manhole, the wastewater superintendent from the Harrison County Water and Sewer Department, who accompanied Ohio EPA on the site visit, adjusted the settings at the Plant. *Id.* at ¶ 26. This resulted in the Plant discharging effluent that was light brown in color with a strong, foul, egg-like odor into Sloan Run. *Id.*

On April 21, 2026, Ohio EPA sent Defendant a Notice of Violation and Inspection Report alerting the Village to these concerns at their Plant and requesting Defendant take immediate action to correct the violations. *Id.* at ¶¶ 23, 27. Defendant took no steps to remedy these violations. *Id.* at ¶ 28.

On May 19, 2026, Ohio EPA staff conducted another site visit of Defendant’s Plant. *Id.* at ¶ 29. Ohio EPA again observed sewage-coated trash overflowing from the Plant’s collection system (i.e. the second barrel that was observed during the March visit). *Id.* at ¶ 30. The manhole at the Plant was again actively overflowing, allowing sewage to flow downhill and discharge into Sloan Creek. *Id.* at ¶ 31. And Ohio EPA observed algae growing on the concrete surrounding the manhole, indicating that overflows from the manhole have been occurring for some time. *Id.*

Worse yet, observations of Sloan Run showed significant impairments to the water of the State from Defendant’s Plant. *Id.* at ¶ 32. Sewage has collected in the Plant’s outfall pipe, sewage fungus and algae appear to be growing within Sloan Run, and a strong, foul odor is present along

the creek bed. *Id.* at ¶ 33. Additionally, Ohio EPA did not observe any aquatic life in Sloan Run downstream from the Plant’s outfall pipe. *Id.* at ¶ 34.

### III. LAW AND ARGUMENT

The law is unequivocal, “[n]o person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state” except in accordance with a valid permit. R.C. 6111.04(A)(1). Such an action constitutes a public nuisance. R.C. 6111.04(A)(2). And “[n]o person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage . . . or other wastes in excess of the permissive discharges specified under an existing permit without first receiving a permit from the director to do so.” R.C. 6111.04(C).

Defendant’s failures constitute violations of R.C. Chapter 6111. Given the existing degree of harm to Sloan Run, along with the continued risk of ongoing untreated or partially treated sewage discharges upon the ground and to the waterway, an extraordinary remedy such as a temporary restraining order and a preliminary injunction are necessary to prevent further harm to the human health, safety, and the environment.

**a. A temporary restraining order and preliminary injunction are appropriate when the State presents evidence that a defendant has violated a statute that authorizes injunctive relief.**

Where a statute grants a specific injunctive remedy to the State, the State may obtain an injunction from the court merely by showing that the defendant has violated the statute. *Ackerman v. Tri-City Geriatric & Health Care, Inc.*, 55 Ohio St.2d 51, 57 (1978). “It is established law in Ohio that, when a statute grants a specific injunctive remedy . . . to the state, the [state] ‘need not aver and show, as under ordinary rules in equity, that great or irreparable injury is about to be done

for which he has no adequate remedy at law.” *Mid-America Tire, Inc. v. PTZ Trading Ltd.*, 95 Ohio St.3d 367, 378 (2002), citing *Ackerman*, 55 Ohio St.2d at 56 (other quotations and citations omitted).

Statutory violations “proscrib[e] behavior . . . which the General Assembly has determined not to be in the public interest.” *Ackerman*, 55 Ohio St.2d at 57. Therefore, to obtain injunctive relief, the State need only establish that the statutory conditions exist because “activities deemed harmful by the General Assembly are not designed primarily to do justice to the parties but to prevent harm to the general public.” *Id.*

Courts have consistently applied the *Ackerman* rule in actions brought to enforce Ohio’s environmental protection laws. *See, e.g., State ex rel. Celebrezze v. Ohio Oil Field Serv.*, 1984 Ohio App. LEXIS 10812 (7th Dist. Sept. 1, 1984) (involving the enforcement of Ohio’s water pollution control laws); *State ex rel. Brown v. Chase Foundry & Manufacturing Co.*, 8 Ohio App. 3d 96, 100-101 (10th Dist. 1982) (involving the enforcement of Ohio’s air pollution control laws); *City of Mentor v. Nozik*, 1990 Ohio App. LEXIS 5227 (11th Dist. Nov. 30, 1990) (involving the enforcement of Ohio’s solid waste laws). Moreover, the rule from *Ackerman* applies to all forms of injunctive relief, including temporary restraining orders and preliminary and permanent injunctions. *See, e.g., State v. Alexander Bros., Inc.*, 43 Ohio App. 2d 154, 155-156 (5th Dist. 1974).

The Attorney General “shall bring an action for an injunction against any person violating or threatening to violate [Revised Code Chapter 6111] or violating or threatening to violate any order, rule, or condition of a permit issued or adopted by the director pursuant to [Revised Code Chapter 6111]. R.C. 6111.07(B). As *Ackerman* dictates, to obtain injunctive relief, the State is only required to prove that Defendant violated or threatened to violate R.C. Chapter 6111 or any order, rule, or condition of a permit under R.C. Chapter 6111. The State’s Complaint alleges violations of R.C. Chapter 6111 and the rules, orders, and permits adopted thereunder. Accordingly, pursuant

to *Ackerman*, the State only needs to provide evidence that Defendant has violated R.C. Chapter 6111 and/or their Discharge Permit to obtain either a temporary restraining order and preliminary injunction in this case.

**b. The State is entitled to emergency injunctive relief given Defendant's violations of Ohio's Water Pollution Control Laws and Rules that are designed to protect the public.**

R.C. 6111.04(A) prohibits any person from causing pollution or causing any sewage, industrial waste, or other waste to be placed in any location where they cause pollution to waters of the state, unless the discharge occurs pursuant to a valid permit. And R.C. 6111.07(A) states that no person shall violate any rule or term or condition of an Ohio EPA issued permit.

Defendant is required to obtain and maintain a professional operator of record at the Plant, in accordance with their Discharge Permit and Ohio's Administrative Code. *See* Part II(A)(1); Adm.Code. 3745-7-02(A)(2). The Defendant's failure to obtain and maintain a professional operator of record is a violation of their Discharge Permit, Ohio's rules, and R.C. 6111.07(A). Unauthorized bypasses, such as the bypass/sewage overflows at the Plant, are prohibited by Part III(11)(C) of the Discharge Permit. *See* Exhibit A-1. The Defendant's failure to prevent unauthorized bypasses at the Plant is a violation of the Discharge Permit, R.C. 6111.04(A), and R.C. 6111.07(A). Defendant must also maintain their Plant in good working order and operate it as efficiently as possible at all times. *See* Part III(3)(A). Defendant has failed to operate the Plant in good working order by allowing sewage overflows to escape and discharge resulting in significant impairments to Sloan Run and allowing the trash collection system to overflow, in violation of their Discharge Permit and R.C. 6111.07(A).

Accordingly, the State is entitled to a temporary restraining order and preliminary injunction to prevent harm to public health, safety, and the environment from the discharge of untreated sewage at the Plant.

**IV. RELIEF REQUESTED**

The State has filed a Complaint against Defendant. Until the Court renders final judgment in this case, the State seeks to prevent the environmental hazards caused by Defendant's unlawful acts at their Plant. Based on the foregoing, the State respectfully requests that the Court issue a temporary restraining order and preliminary injunction, pursuant to Civ.R. 65 and R.C. 6111.07(B), ordering Defendant to:

- A. Within 5 days of the effective date of this Order, obtain and maintain a professional operator of record;
- B. Inspect the Plant daily and provide a log documenting these inspections to Ohio EPA weekly;
- C. Immediately empty the trash collection system at the Plant and continue to do so as needed to ensure it no longer fills to the top;
- D. Immediately cease overflows at the Plant; and
- E. Immediately submit all outstanding discharge monitoring reports to Ohio EPA.

**V. CONCLUSION**

For these reasons, the State respectfully requests that the Court grant its Motion and issue a temporary restraining order and preliminary injunction against Defendant.

Respectfully submitted,

**DAVE YOST**  
**OHIO ATTORNEY GENERAL**



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*Counsel for Plaintiff, the State of Ohio*

**Certificate of Service**

I hereby certify that a true and accurate copy of the foregoing was served via certified mail and electronic mail on the 22nd day of May 2026 upon the following:

The Village of Harrisville  
P.O. Box 209  
Harrisville, Ohio 43974

*Defendant*

Beth Petrosino  
9009 Ohio State Route 150  
Rayland, Ohio 43943

B17petro@yahoo.com

*Fiscal Officer for Defendant,  
The Village of Harrisville*



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**Nora M. Baty**  
Assistant Attorney General  
*Counsel for Plaintiff, State of Ohio*



inspecting and investigating conditions related to the operation and maintenance of wastewater treatment systems. My job duties include, but are not limited to:

- a. Being familiar with and being able to understand Ohio's laws, rules, and regulations related to wastewater treatment systems;
- b. Conducting site visits;
- c. Communicating with wastewater treatment system owners and operators;
- d. Inspecting a wastewater treatment system's compliance with related Ohio laws, rules, and regulations;
- e. Issuing Notices of Violations and Inspection Reports.

3. I am familiar with the Village of Harrisville's wastewater treatment plant located at 500 feet east of Township Road 82 on S. Back Street, Harrisville, Ohio, Harrison County and with the Village of Harrisville. The Village of Harrisville owns and operates the Village's wastewater treatment plant.

4. I became familiar with the Village of Harrisville's wastewater treatment plant as I am the inspector assigned to the wastewater treatment plant. I reviewed records from prior site visits to the plant and conducted my own visits to the plant.

5. I am familiar with the case the State has filed against Defendant the Village of Harrisville ("Defendant") in the Harrison County Court of Common Pleas.

6. As part of my job duties, I have access to Ohio EPA's files on this matter.

7. Defendant owns and operates a wastewater treatment plant ("Plant") to treat sewage and other wastewaters from the Village of Harrisville.

8. The Plant is a sequence batch reactor system and includes a primary settling tank, sequence batch reactor tank, rotating drum filter, and an ultraviolet disinfection system. It is

designed to treat an average of 32,525 gallons per day. The Plant ultimately discharges into Sloan Run.

9. Sloan Run is a water of the state as defined by R.C. 6111.01(H).

10. Because the Plant discharges to a water of the state, it must be covered by a National Pollutant Discharge Elimination System Permit.

11. The Plant is covered by National Pollutant Discharge Elimination System Permit No. OPA00108\*CD (“Discharge Permit” or “Permit”) issued by Ohio EPA. The Discharge Permit was issued to the Village of Harrisville and is effective from January 1, 2024, through December 31, 2028. A true and accurate copy of the Permit is attached to this affidavit as Exhibit A-1.

12. The Discharge Permit contains terms and conditions that must be met to ensure that discharges from the Plant are protective of human health and the environment.

13. The Permit requires the permittee designate a professional operator of record to oversee the technical operations of the treatment works. *See* Part II(A)(1)(a) of Exhibit A-1.

14. Defendant has not had a professional operator of record for their Plant since at least January 1, 2026.

15. The Permit also requires the permittee, their representative, or agent to visit the treatment works five days a week while the treatment works in is operation. *See* Part II(A)(4) of Exhibit A-1.

16. According to on-site records, neither the Defendant nor its representatives or agents have been to the Plant since March 8, 2026.

17. I sent two Notices of Violation (“NOVs”) to Defendant about its failure to maintain a professional operator of record for the Plant.

18. On March 12, 2026, I sent an NOV to the Village of Harrisville alerting it that the Plant was required to obtain an operator of record. This NOV requested they obtain an operator. A true and accurate copy of the March 12, 2026 NOV is attached to this affidavit as Exhibit A-2.

19. On April 21, 2026, I sent a second NOV to the Village of Harrisville, again alerting them that there has been no operator of record listed for the Plant since January 1, 2026, and it requested they hire an operator to operate the Plant. A true and accurate copy of the April 21, 2026, NOV is attached to this affidavit as Exhibit A-3.

20. To date, Defendant has not hired a new operator of record to oversee the Plant.

21. Without an operator of record and proper oversight of the Plant, it has fallen into a state of disrepair.

22. On March 27, 2026, I visited the Plant along with Amy Norris, Harrison County Commissioner, and Steven Rocknich, Wastewater Superintendent for the Harrison County Water and Sewer Department. No representative of the Defendant attended the site visit.

23. Following this site visit, I prepared an Inspection Report, which was sent to Defendant on April 21, 2026. A true and accurate copy of the April 21, 2026, Inspection Report is attached to this affidavit as Exhibit A-4.

24. During the March 27, 2026, site visit I observed the plant overflowing and discharging into Sloan Run from a manhole located at the Plant. This wastewater was not treated prior to it discharging into Sloan Run. *See* Figure 1, Exhibit A-4.

25. The Plant is designed to remove trash and other debris from the sewage and wastewater prior to it entering the Plant for full treatment by utilizing a bar screen. This trash and debris can include rags, feminine hygiene products, and “flushable” wipes. Defendant must regularly remove this trash and debris from the Plant. However, the trash and debris had

accumulated in a plastic bin at the Plant and had not been disposed of properly. *See* Figure 2, Exhibit A-4. Instead of disposing of the trash and debris, a second plastic bin was being used to collect the additional waste. *Id.*

26. The sequence batch reactor was set to “automatic” when I arrived at the Plant. In an attempt to reduce the amount of future overflows from the manhole at the Plant, Mr. Rocknich changed the reactor to “decant” mode. This resulted in the Plant discharging effluent into Sloan Run. This effluent was light brown color, and had a strong, foul, egg-like odor. *See* Figure 4, Exhibit A-4.

27. The April 21, 2026, NOV that was sent to Defendant informed it that the Plant was not being operated and maintained, as required by the Permit. The NOV requested Defendant hire an operator to operate the Plant and to sample the discharge. *See* Exhibit A-3.

28. To date, Defendant has not completed the requested actions from the April 21, 2026 NOV.

29. On May 19, 2026, I conducted another site visit at the Plant. True and accurate copies of photos taken during this site visit are attached to this affidavit as Exhibits A-5 through A-12.

30. Sewage-coated trash and debris were now overflowing from both the original plastic bin and the second bin that was placed at the Plant. *See* Exhibit A-5.

31. The Plant was again actively overflowing from the manhole; allowing sewage to flow downhill and discharge into Sloan Run. *See* Exhibits A-6 through A-8. Algae had begun to grow on the concrete surrounding the manhole, indicating that overflows from the manhole have been occurring for a while. *See* Exhibit A-7.

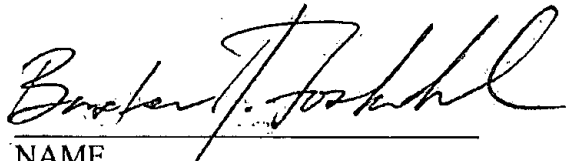
32. I observed significant impairments to Sloan Run downstream of Defendant’s Plant.

33. Sewage had collected in the Plant's outfall pipe, sewage fungus and algae were growing within Sloan Run, and a strong, foul odor is present along the creek bed. See Exhibits A-9 through A-12.

34. I also walked along the creek bed and did not observe any aquatic life within Sloan Run downstream from the Plant's outfall pipe.

35. Defendant's failure to operate and maintain their Plant is impairing Sloan Run.

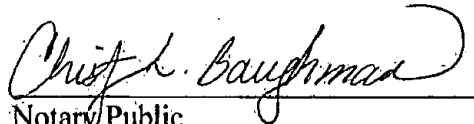
FURTHER, AFFIANT SAYETH NAUGHT.

  
NAME

Sworn to before me and subscribed to in my presence, and in witness whereof I have set my hand and seal this 22<sup>ND</sup> day of May, 2026.



CHRISTY L. BAUGHMAN  
Notary Public, State of Ohio  
My Commission Expires  
July 25, 2027

  
Notary Public

Ohio EPA Permit No.: 0PA00108\*CD  
Application No: OH0140139

Action Date: December 6, 2023  
Effective Date: January 1, 2024  
Expiration Date: December 31, 2028

Ohio Environmental Protection Agency  
Authorization to Discharge Under the  
National Pollutant Discharge Elimination System

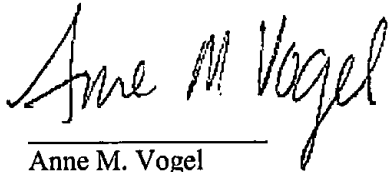
In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereinafter referred to as the "Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

Village of Harrisville

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the Village of Harrisville wastewater treatment works, located 500 ft. east of Township Road 82 on S. Back Street, Harrisville, Ohio, Harrison County, and discharging to the headwaters of Sloan Run in accordance with the conditions specified in Parts I, II, and III of this permit.

This permit is conditioned upon payment of applicable fees as required by Section 3745.11 of the Ohio Revised Code.

This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA no later than 180 days prior to the above date of expiration.



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Anne M. Vogel  
Director

Total Pages: 23



PART I, A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: OPA00108001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 - Final

Effluent Characteristic  Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
00010 - Water Temperature - C	-	-	-	-	-	-	-	1/Week	Grab	All
00300 - Dissolved Oxygen - mg/l	-	6.0	-	-	-	-	-	1/Week	Grab	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1/Month	Grab	All
00530 - Total Suspended Solids - mg/l	-	-	18	12	-	2.22	1.48	1/Month	Grab	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	1.5	1.0	-	0.185	0.124	1/Month	Grab	Summer
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	4.5	3.0	-	0.554	0.37	1/Month	Grab	Winter
00625 - Nitrogen Kjeldahl, Total - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00630 - Nitrite Plus Nitrate, Total - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
00665 - Phosphorus, Total (P) - mg/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01350 - Turbidity, Severity - Units	-	-	-	-	-	-	-	1/Day	Estimate	All
31648 - E. coli - #/100 ml	-	-	284	126	-	-	-	1/Month	Grab	Summer
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	Estimate	All
80082 - CBOD 5 day - mg/l	-	-	15	10	-	1.85	1.24	1/Month	Grab	All

Notes for Station Number OPA00108001:

\* Effluent loadings based on average design flow of 0.032525 MGD.

- a. Turbidity - See Part II, Item F.
- b. Grab Sampling - See Part II, Item G.
- c. Quarterly Sampling means sampling should be done in the months of March, June, August, and September.
- d. Summer shall be considered May 1 through October 31.
- e. Winter shall be considered November 1 through April 30.

PART I, B. SSO LIMITATIONS AND MONITORING REQUIREMENTS

1. SSO Monitoring. During the period beginning on the effective date and lasting until the expiration date, the permittee shall monitor at Station Number 0PA00108300, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - SSO Monitoring - 300 - Final

Effluent Characteristic Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
74062 - Overflow Occurrence - No./Month	-	-	-	-	-	-	-	1/Month	Total	All

Notes for Station Number 0PA00108300:

- a. A sanitary sewer overflow is an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. Although the above table indicates that the Measuring Frequency for Overflow Occurrence is 1/Month, the intent of that provision is to specify a reporting frequency for Overflow Occurrence, not a monitoring frequency. The monitoring requirement under this permit is that these overflows shall be monitored on each day when they discharge. Only sanitary sewer overflows that enter waters of the state, either directly or through a storm sewer or other conveyance, must be reported under this monitoring station.
- b. For the purpose of counting occurrences, each location on the sanitary sewer system where there is an overflow, spill, release, or diversion of wastewater on a given day that enters waters of the state is counted as one occurrence. For example, if on a given day overflows occur from a manhole at one location and from a damaged pipe at another location and they both enter waters of the state, record two occurrences for that day. If overflows from both locations continue on the following day, record two occurrences for the following day. At the end of the month, total the daily occurrences and report this number on Day 1 of the DMR. If there are no overflows during the entire month, report "zero" (0).
- c. All sanitary sewer overflows are prohibited.
- d. See Part II, Items D and E.

PART I, B. SLUDGE LIMITATIONS AND MONITORING REQUIREMENTS

1. Sludge Monitoring. During the period beginning on the effective date and lasting until the effective date, the permittee shall monitor the treatment works' final sludge at Station Number 0PA00108586, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 586 - Final

Effluent Characteristic Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
51129 - Sludge Fee Weight - dry tons	-	-	-	-	-	-	-	1/Year	Total	December

Notes for Station Number 0PA00108586:

a. Monitoring is required when sewage sludge is removed from the permittee's facility for disposal in a solid waste landfill. The total Sludge Fee Weight of sewage sludge disposed of in a solid waste landfill for the entire year shall be reported on the December Discharge Monitoring Report (DMR).

b. If no sewage sludge is removed from the permittee's facility for disposal in a solid waste landfill during the year, select the "No Discharge" check box on the data entry form and PIN the eDMR.

c. Sludge fee weight means sludge weight, in dry U.S. tons, excluding any admixtures such as liming material or bulking agents.

d. See Part II, Items J, K, L, and M.

PART I, B. SLUDGE LIMITATIONS AND MONITORING REQUIREMENTS

1. Sludge Monitoring. During the period beginning on the effective date and lasting until the expiration date, the permittee shall monitor the treatment works' final sludge at Station Number 0PA00108588, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 588 - Final

Effluent Characteristic Parameter	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day			Measuring Frequency	Sampling Type	Monitoring Months
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly			
80991 - Sludge Volume, Gallons - Gals	-	-	-	-	-	-	-	1/Year	Total	December

Notes for Station Number 0PA00108588:

a. Monitoring is required when sewage sludge is removed from the permittee's facility for transfer to another NPDES permit holder. The total sludge weight or sludge volume transferred to another NPDES permit holder for the entire year shall be reported on the December Discharge Monitoring Report (DMR).

b. ~~If no sewage sludge is removed from the permittee's facility for transfer to another NPDES permit holder during the year, select the "No Discharge" check box on the data entry form and PIN the eDMR.~~

c. Sludge weight is a calculated total for the year. To convert from gallons of liquid sewage sludge to dry tons of sewage sludge: dry tons = gallons x 8.34 (lbs/gallon) x 0.0005 (tons/lb) x decimal fraction total solids.

d. See Part II, Item J, K, L, and M.

## PART II - OTHER REQUIREMENTS

### A. Operator Certification Requirements

#### 1. Classification

a. In accordance with Ohio Administrative Code 3745-7-04, the sewage treatment facility shall be classified as a Class I treatment works. The permittee shall designate one or more professional operator of record to oversee the technical operation of the treatment works with a valid certification of a class equal to or greater than the classification of the treatment works.

b. All sewerage (collection) systems that are tributary to this treatment works are Class I sewerage systems in accordance with paragraph (B)(1)(b) of rule 3745-7-04 of the Ohio Administrative Code. The permittee shall designate one or more professional operator of record to oversee the technical operation of the sewerage (collection) system with a valid certification of a class equal to or greater than the classification of the sewerage (collection) system.

#### 2. Professional Operator of Record

a. Within three days of a change in a professional operator of record, the permittee shall notify the Director of the Ohio EPA of any such change on a form acceptable to Ohio EPA. The notification can be submitted either electronically via the Ohio eBusiness Center website (<https://ebiz.epa.ohio.gov/login.html>) or hard copy. The appropriate form can be found at the following website:

<https://epa.ohio.gov/static/Portals/28/documents/opcert/Operator%20of%20Record%20Notification%20Form.pdf?ver=2018-09-11-102530-423>

b. All applications for renewal of this NPDES permit shall include an updated Operator of Record Notification form along with other necessary forms and fees to be considered a complete application.

c. If the designated professional operator of record is unable to meet the minimum staffing requirements at a class A or class I treatment works, then a professional operator with a certificate equal to or higher than that of the treatment works may serve as the professional operator of record until such time as the designated professional operator of record is available. The use of this provision does not require notification to the agency unless the use of the backup professional operator exceeds thirty consecutive days. In the event the use of a backup professional operator under this provision exceeds thirty consecutive days, the owner or professional operator shall provide notice in accordance with paragraph (A)(2) of rule 3745-7-02 of the Administrative Code.

#### 3. Minimum Staffing Requirements

a. The permittee shall ensure that the treatment works professional operator of record is physically present at the facility in accordance with the minimum staffing requirements per paragraph (C)(1) of rule 3745-7-04 of the Ohio Administrative Code or the requirements from an approved 3745-7-04(C) minimum staffing hour reduction plan.

b. The permittee shall ensure that the collection system professional operator of record or a professional operator that is certified in the field of wastewater collection or wastewater treatment, class A operators excluded, is physically present at the collection system in accordance with the minimum staffing requirements per paragraph (C)(2) of rule 3745-7-04 of the Ohio Administrative Code.

#### 4. Additional Staffing Requirements

Visits to all treatment works shall be performed by the permittee, the permittee's representative, or agent five days a week and noted in the operational and maintenance records required by rule 3745-7-09 of the Administrative Code. Visits shall not be necessary when the treatment works is not in operation.

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

Sampling Station	Description of Location
0PA00108001	Final effluent (Lat: 40N 10' 46"; Long: 80W 53' 08"); Sample to be taken prior to discharge to Sloan Run.
0PA00108300	System-wide Sanitary Sewer Overflow (SSO).
0PA00108586	Sludge removed from the facility for disposal at an approved landfill.
0PA00108588	Sludge removed from the facility for disposal at another POTW.

C. All parameters, except flow, need not be monitored on days when the plant is not normally staffed (Saturdays, Sundays, and Holidays). On those days, report "AN" on the monthly report form.

#### D. Sanitary Sewer Overflow (SSO) Reporting Requirements

A sanitary sewer overflow is an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. SSOs do not include wet weather discharges from combined sewer overflows specifically listed in Part II of this NPDES permit (if any). All SSOs are prohibited.

##### 1. Reporting for SSOs That Imminently and Substantially Endanger Human Health

###### a) Immediate Notification

You must notify Ohio EPA (1-800-282-9378) and the appropriate Board of Health (i.e., city or county) within 24 hours of learning of any SSO from your sewers or from your maintenance contract areas that may imminently and substantially endanger human health. The telephone report must identify the location, estimated volume and receiving water, if any, of the overflow. An SSO that may imminently and substantially endanger human health includes dry weather overflows, major line breaks, overflow events that result in fish kills or other significant harm, overflows that expose the general public to contact with raw sewage, and overflow events that occur in sensitive waters and high exposure areas such as protection areas for public drinking water intakes and waters where primary contact recreation occurs.

###### b) Follow-Up Written Report

Within 5 days of the time you become aware of any SSO that may imminently and substantially endanger human health, you must provide the appropriate Ohio EPA district office a written report that includes:

- (i) the estimated date and time when the overflow began and stopped or will be stopped (if known);
- (ii) the location of the SSO including an identification number or designation if one exists;
- (iii) the receiving water (if there is one);
- (iv) an estimate of the volume of the SSO (if known);
- (v) a description of the sewer system component from which the release occurred (e.g., manhole, constructed overflow pipe, crack in pipe);
- (vi) the cause or suspected cause of the overflow;
- (vii) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps; and

(viii) steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps.

An acceptable 5-day follow-up written report can be filled-in or downloaded from the Ohio EPA Division of Surface Water Permits Program Technical Assistance Web page at:

<https://epa.ohio.gov/divisions-and-offices/surface-water/guides-manuals/permits-program-technical-assistance>

## 2. Reporting for All SSOs, Including Those That Imminently and Substantially Endanger Human Health

### a) Discharge Monitoring Reports (DMR)

Sanitary sewer overflows that enter waters of the state, either directly or through a storm sewer or other conveyance, shall be reported on your Discharge Monitoring Reports (DMR). You must report the system-wide number of occurrences for SSOs that enter waters of the state in accordance with the requirements for station number 300. A monitoring table for this station is included in Part I, B of this NPDES permit. For the purpose of counting occurrences, each location on the sanitary sewer system where there is an overflow, spill, release, or diversion of wastewater on a given day is counted as one occurrence. For example, if on a given day overflows occur from a manhole at one location and from a damaged pipe at another location and they both enter waters of the state, you should record two occurrences for that day. If overflows from both locations continue on the following day, you should record two occurrences for the following day. At the end of the month, total the daily occurrences from all locations on your system and report this number using reporting code 74062 (Overflow Occurrence, No./Month) on the 4500 form for station number 300.

### b) Annual Report

You must prepare an annual report of all SSOs in your collection system, including those that do not enter waters of the state. The annual report must be in an acceptable format (see below) and must include:

(i) A table that lists an identification number, a location description, and the receiving water (if any) for each existing SSO. If an SSO previously included in the list has been eliminated, this shall be noted. Assign each SSO location a unique identification by numbering them consecutively, beginning with 301.

(ii) A table that lists the date that an overflow occurred, the unique ID of the overflow, the name of affected receiving waters (if any), and the estimated volume of the overflow (in millions of gallons). The annual report may summarize information regarding overflows of less than approximately 1,000 gallons.

(iii) A table that summarizes the occurrence of water in basements (WIBs) by total number and by sewershed. The report shall include a narrative analysis of WIB patterns by location, frequency and cause. Only WIBs caused by a problem in the publicly-owned collection system must be included.

Not later than March 31 of each year, you must submit one copy of the annual report for the previous calendar year. The report may be submitted electronically using the NPDES Annual Sanitary Sewer Overflow Report available through the Ohio EPA eBusiness Center, Division of Surface Water NPDES Permit Applications service. Alternatively, you may submit one hardcopy of the report to Ohio EPA Southeast District Office and one copy to: Ohio EPA; Division of Surface Water; NPDES Permit Unit; P.O. Box 1049; Columbus, OH, 43216-1049. An acceptable annual SSO report can be filled-in or downloaded from the Ohio EPA Division of Surface Water Permits Program Technical Assistance Web page at:

<https://epa.ohio.gov/divisions-and-offices/surface-water/guides-manuals/permits-program-technical-assistance>

You also must provide adequate notice to the public of the availability of the report. Adequate public notice would include: notices posted at the community administration building, the public library and the post office; a public notice in the newspaper; or a notice sent out with all sewer bills.

E. The permittee shall maintain in good working order and operate as efficiently as possible the "treatment works" and "sewerage system" as defined in ORC 6111.01 to achieve compliance with the terms and conditions of this permit and to prevent discharges to the waters of the state, surface of the ground, basements, homes, buildings, etc.

F. If Severity Units are required for Turbidity, use the following table to determine the value between 0 and 4 to report.

REPORTED VALUE*	SEVERITY DESCRIPTION	TURBIDITY
0	None	Clear
1	Mild	
2	Moderate	Light Solids
3	Serious	
4	Extreme	Heavy Solids

\* Interpolate between the descriptive phrases

G. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's performance.

H. The treatment works must obtain at least 85 percent removal of carbonaceous biochemical oxygen demand (five-day) and suspended solids (see Part III, Item 1).

I. Water quality based permit limitations in this permit may be revised based on updated wasteload allocations or use designation rules. This permit may be modified, or revoked and reissued, to include new water quality based effluent limits or other conditions that are necessary to comply with a revised wasteload allocation, or an approved total maximum daily loads (TMDL) report as required under Section 303 (d) of the Clean Water Act.

J. All disposal, use, storage, or treatment of sewage sludge by the permittee shall comply with Chapter 6111. of the Ohio Revised Code, Chapter 3745-40 of the Ohio Administrative Code and any further requirements specified in this NPDES permit, and any other actions of the Director that pertain to the disposal, use, storage, or treatment of sewage sludge by the permittee.

K. Sewage sludge composite samples shall consist of a minimum of six grab samples collected at such times and locations, and in such fashion, as to be representative of the facility's sewage sludge.

L. No later than March 1 of each calendar year, the permittee shall submit a report summarizing the sewage sludge disposal, use, storage, or treatment activities of the permittee during the previous calendar

year. The report shall be submitted through the Ohio EPA eBusiness Center/STREAMS, Division of Surface Water NPDES Permit Applications service.

M. Each day when sewage sludge is removed from the wastewater treatment plant for use or disposal, a representative sample of sewage sludge shall be collected and analyzed for percent total solids. This value of percent total solids shall be used to calculate the total Sewage Sludge Weight (Discharge Monitoring Report code 70316) and/or total Sewage Sludge Fee Weight (Discharge Monitoring Report code 51129) removed from the treatment plant on that day. The results of the daily monitoring and the weight calculations shall be maintained on site for a minimum of five years. The test methodology used shall be from Part 2540 G of Standard Methods for the Examination of Water and Wastewater American Public Health Association, American Water Works Association, and Water Environment Federation, using the edition which is current on the issuance date of the permit. To convert from gallons of liquid sewage sludge to dry tons of sewage sludge: dry tons = gallons x 8.34 (lbs/gallon) x 0.0005 (tons/lb) x decimal fraction total solids.

#### N. Outfall Signage

Not later than 4 months from the effective date of this permit, the permittee shall maintain a permanent marker on the stream bank at each outfall that is regulated under this NPDES permit. This includes final outfalls, bypasses, and combined sewer overflows. The sign shall include, at a minimum, the name of the establishment to which the permit was issued, the Ohio EPA permit number, and the outfall number and a contact telephone number. The information shall be printed in letters not less than two inches in height. The sign shall be a minimum of 2 feet by 2 feet and shall be a minimum of 3 feet above ground level. The sign shall not be obstructed such that persons in boats or persons swimming on the river or someone fishing or walking along the shore cannot read the sign. Vegetation shall be periodically removed to keep the sign visible. If the outfall is normally submerged the sign shall indicate that. If the outfall is a combined sewer outfall, the sign shall indicate that untreated human sewage may be discharged from the outfall during wet weather and that harmful bacteria may be present in the water. When an existing sign is replaced or reset, the new sign shall comply with the requirements of this section.

## PART III - GENERAL CONDITIONS

### 1. DEFINITIONS

"Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

"Average weekly" discharge limitation means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week. Each of the following 7-day periods is defined as a calendar week: Week 1 is Days 1 - 7 of the month; Week 2 is Days 8 - 14; Week 3 is Days 15 - 21; and Week 4 is Days 22 - 28. If the "daily discharge" on days 29, 30 or 31 exceeds the "average weekly" discharge limitation, Ohio EPA may elect to evaluate the last 7 days of the month as Week 4 instead of Days 22 - 28. Compliance with fecal coliform bacteria or *E.coli* bacteria limitations shall be determined using the geometric mean.

"Average monthly" discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. Compliance with fecal coliform bacteria or *E.coli* bacteria limitations shall be determined using the geometric mean.

"85 percent removal" means the arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period.

"Absolute Limitations" Compliance with limitations having descriptions of "shall not be less than," "nor greater than," "shall not exceed," "minimum," or "maximum" shall be determined from any single value for effluent samples and/or measurements collected.

"Net concentration" shall mean the difference between the concentration of a given substance in a sample taken of the discharge and the concentration of the same substances in a sample taken at the intake which supplies water to the given process. For the purpose of this definition, samples that are taken to determine the net concentration shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

"Net Load" shall mean the difference between the load of a given substance as calculated from a sample taken of the discharge and the load of the same substance in a sample taken at the intake which supplies water to given process. For purposes of this definition, samples that are taken to determine the net loading shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

"MGD" means million gallons per day.

"mg/l" means milligrams per liter.

"ug/l" means micrograms per liter.

"ng/l" means nanograms per liter.

"S.U." means standard pH unit.

"kg/day" means kilograms per day.

"Reporting Code" is a five digit number used by the Ohio EPA in processing reported data. The reporting code does not imply the type of analysis used nor the sampling techniques employed.

"Quarterly (1/Quarter) sampling frequency" means the sampling shall be done in the months of March, June, August, and December, unless specifically identified otherwise in the Effluent Limitations and Monitoring Requirements table.

"Yearly (1/Year) sampling frequency" means the sampling shall be done in the month of September, unless specifically identified otherwise in the effluent limitations and monitoring requirements table.

"Semi-annual (2/Year) sampling frequency" means the sampling shall be done during the months of June and December, unless specifically identified otherwise.

"Winter" shall be considered to be the period from November 1 through April 30.

"Bypass" means the intentional diversion of waste streams from any portion of the treatment facility.

"Summer" shall be considered to be the period from May 1 through October 31.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

"Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

"Sewage sludge weight" means the weight of sewage sludge, in dry U.S. tons, including admixtures such as liming materials or bulking agents. Monitoring frequencies for sewage sludge parameters are based on the reported sludge weight generated in a calendar year (use the most recent calendar year data when the NPDES permit is up for renewal).

"Sewage sludge fee weight" means the weight of sewage sludge, in dry U.S. tons, excluding admixtures such as liming materials or bulking agents. Annual sewage sludge fees, as per section 3745.11(Y) of the Ohio Revised Code, are based on the reported sludge fee weight for the most recent calendar year.

## 2. GENERAL EFFLUENT LIMITATION

The effluent shall, at all times, be free of substances:

- A. In amounts that will settle to form putrescent, or otherwise objectionable, sludge deposits; or that will adversely affect aquatic life or water fowl;
- B. Of an oily, greasy, or surface-active nature, and of other floating debris, in amounts that will form noticeable accumulations of scum, foam, or sheen;
- C. In amounts that will alter the natural color or odor of the receiving water to such degree as to create a nuisance;
- D. In amounts that either singly or in combination with other substances are toxic to human, animal, or aquatic life;
- E. In amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growth become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;
- F. In amounts that will impair designated instream or downstream water uses

## 3. FACILITY OPERATION AND QUALITY CONTROL

All wastewater treatment works shall be operated in a manner consistent with the following:

- A. At all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with conditions of the permit.
- B. The permittee shall effectively monitor the operation and efficiency of treatment and control facilities and the quantity and quality of the treated discharge.
- C. Maintenance of wastewater treatment works that results in degradation of effluent quality shall be scheduled during non-critical water quality periods and shall be carried out in a manner approved by Ohio EPA as specified in the Paragraph in the PART III entitled, "UNAUTHORIZED DISCHARGES".

## 4. REPORTING

- A. Monitoring data required by this permit shall be submitted monthly on Ohio EPA 4500 Discharge Monitoring Report (DMR) forms using the electronic DMR (e-DMR) internet application. e-DMR allows permitted facilities to enter, sign, and submit DMRs on the internet. e-DMR information is found on the following web page:

<https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/electronic-business-services>

- B. DMRs shall be signed by a facility's Responsible Official or a Delegated Responsible Official (i.e. a person delegated by the Responsible Official). The Responsible Official of a facility is defined as:

1. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (b) The manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

3. In the case of a municipal, state or other public facility, by either the principal executive officer, the ranking elected official or other duly authorized employee.

For e-DMR, the person signing and submitting the DMR will need to obtain an eBusiness Center account and Personal Identification Number (PIN). Additionally, Delegated Responsible Officials must be delegated by the Responsible Official, either on-line using the eBusiness Center's delegation function, or on a paper delegation form provided by Ohio EPA. For more information on the PIN and delegation processes, please view the following web page:

<https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/electronic-business-services-sub/edmr>

C. DMRs submitted using e-DMR shall be submitted to Ohio EPA by the 20th day of the month following the month-of-interest.

D. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified in Section 5. SAMPLING AND ANALYTICAL METHODS, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.

E. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported to the Ohio EPA, but records shall be retained as specified in Section 7. RECORDS RETENTION.

## 5. SAMPLING AND ANALYTICAL METHOD

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored flow. Test procedures for the analysis of pollutants shall conform to regulation 40 CFR 136, "Test Procedures For The Analysis of Pollutants" unless other test procedures have been specified in this permit. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.

## 6. RECORDING OF RESULTS

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

A. The exact place and date of sampling; (time of sampling not required on EPA 4500)

- B. The person(s) who performed the sampling or measurements;
- C. The date the analyses were performed on those samples;
- D. The person(s) who performed the analyses;
- E. The analytical techniques or methods used; and
- F. The results of all analyses and measurements.

#### 7. RECORDS RETENTION

The permittee shall retain all of the following records for the wastewater treatment works for a minimum of three years except those records that pertain to sewage sludge disposal, use, storage, or treatment, which shall be kept for a minimum of five years, including:

- A. All sampling and analytical records (including internal sampling data not reported);
- B. All original recordings for any continuous monitoring instrumentation;
- C. All instrumentation, calibration and maintenance records;
- D. All plant operation and maintenance records;
- E. All reports required by this permit; and
- F. Records of all data used to complete the application for this permit for a period of at least three years, or five years for sewage sludge, from the date of the sample, measurement, report, or application.

These periods will be extended during the course of any unresolved litigation, or when requested by the Regional Administrator or the Ohio EPA. The three year period, or five year period for sewage sludge, for retention of records shall start from the date of sample, measurement, report, or application.

#### 8. AVAILABILITY OF REPORTS

Except for data determined by the Ohio EPA to be entitled to confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate district offices of the Ohio EPA. Both the Clean Water Act and Section 6111.05 Ohio Revised Code state that effluent data and receiving water quality data shall not be considered confidential.

#### 9. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

#### 10. RIGHT OF ENTRY

The permittee shall allow the Director or an authorized representative upon presentation of credentials and other documents as may be required by law to:

A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.

B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.

C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.

D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

## 11. UNAUTHORIZED DISCHARGES

A. Bypass Not Exceeding Limitations - The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 11.B and 11.C.

### B. Notice

1. Anticipated Bypass - If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

2. Unanticipated Bypass - The permittee shall submit notice of an unanticipated bypass as required in paragraph 12.B (24 hour notice).

### C. Prohibition of Bypass

1. Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The permittee submitted notices as required under paragraph 11.B.

2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 11.C.1.

## 12. NONCOMPLIANCE NOTIFICATION

### A. Exceedance of a Daily Maximum Discharge Limit

1. The permittee shall report noncompliance that is the result of any violation of a daily maximum discharge limit for any of the pollutants listed by the Director in the permit by e-mail or telephone within twenty-four (24) hours of discovery.

The permittee may report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

Southeast District Office: sedo24hournpdes@epa.ohio.gov  
Southwest District Office: swdo24hournpdes@epa.ohio.gov  
Northwest District Office: nwdo24hournpdes@epa.ohio.gov  
Northeast District Office: nedo24hournpdes@epa.ohio.gov  
Central District Office: cdo24hournpdes@epa.ohio.gov  
Central Office: co24hournpdes@epa.ohio.gov

The permittee shall attach a noncompliance report to the e-mail. A noncompliance report form is available on the following web site under the Monitoring and Reporting - Non-Compliance Notification section:

<https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/individual-wastewater-discharge-permits>

Or, the permittee may report to the appropriate Ohio EPA district office by telephone toll-free between 8:00 AM and 5:00 PM as follows:

Southeast District Office: (800) 686-7330  
Southwest District Office: (800) 686-8930  
Northwest District Office: (800) 686-6930  
Northeast District Office: (800) 686-6330  
Central District Office: (800) 686-2330  
Central Office: (614) 644-2001

The permittee shall include the following information in the telephone noncompliance report:

- a. The name of the permittee, and a contact name and telephone number;
- b. The limit(s) that has been exceeded;
- c. The extent of the exceedance(s);
- d. The cause of the exceedance(s);
- e. The period of the exceedance(s) including exact dates and times;
- f. If uncorrected, the anticipated time the exceedance(s) is expected to continue; and,
- g. Steps taken to reduce, eliminate or prevent occurrence of the exceedance(s).

**B. Other Permit Violations**

1. The permittee shall report noncompliance that is the result of any unanticipated bypass resulting in an exceedance of any effluent limit in the permit or any upset resulting in an exceedance of any effluent limit in the permit by e-mail or telephone within twenty-four (24) hours of discovery.

The permittee may report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

Southeast District Office: sedo24hournpdes@epa.ohio.gov  
Southwest District Office: swdo24hournpdes@epa.ohio.gov  
Northwest District Office: nwdo24hournpdes@epa.ohio.gov  
Northeast District Office: nedo24hournpdes@epa.ohio.gov  
Central District Office: cdo24hournpdes@epa.ohio.gov  
Central Office: co24hournpdes@epa.ohio.gov

The permittee shall attach a noncompliance report to the e-mail. A noncompliance report form is available on the following web site under the Monitoring and Reporting - Non-Compliance Notification section:

<https://epa.ohio.gov/divisions-and-offices/surface-water/permitting/individual-wastewater-discharge-permits>

Or, the permittee may report to the appropriate Ohio EPA district office by telephone toll-free between 8:00 AM and 5:00 PM as follows:

Southeast District Office: (800) 686-7330  
Southwest District Office: (800) 686-8930  
Northwest District Office: (800) 686-6930  
Northeast District Office: (800) 686-6330  
Central District Office: (800) 686-2330  
Central Office: (614) 644-2001

The permittee shall include the following information in the telephone noncompliance report:

- a. The name of the permittee, and a contact name and telephone number;
- b. The time(s) at which the discharge occurred, and was discovered;
- c. The approximate amount and the characteristics of the discharge;
- d. The stream(s) affected by the discharge;
- e. The circumstances which created the discharge;
- f. The name and telephone number of the person(s) who have knowledge of these circumstances;
- g. What remedial steps are being taken; and,
- h. The name and telephone number of the person(s) responsible for such remedial steps.

2. The permittee shall report noncompliance that is the result of any spill or discharge which may endanger human health or the environment within thirty (30) minutes of discovery by calling the 24-Hour Emergency Hotline toll-free at (800) 282-9378. The permittee shall also report the spill or discharge by e-mail or telephone within twenty-four (24) hours of discovery in accordance with B.1 above.

C. When the telephone option is used for the noncompliance reports required by A and B, the permittee shall submit to the appropriate Ohio EPA district office a confirmation letter and a completed noncompliance report within five (5) days of the discovery of the noncompliance. This follow up report is not necessary for the e-mail option which already includes a completed noncompliance report.

D. If the permittee is unable to meet any date for achieving an event, as specified in a schedule of compliance in their permit, the permittee shall submit a written report to the appropriate Ohio EPA district office within fourteen (14) days of becoming aware of such a situation. The report shall include the following:

1. The compliance event which has been or will be violated;
2. The cause of the violation;
3. The remedial action being taken;
4. The probable date by which compliance will occur; and,
5. The probability of complying with subsequent and final events as scheduled.

E. The permittee shall report all other instances of permit noncompliance not reported under paragraphs A or B of this section on their monthly DMR submission. The DMR shall contain comments that include the information listed in paragraphs A or B as appropriate.

F. If the permittee becomes aware that it failed to submit an application, or submitted incorrect information in an application or in any report to the director, it shall promptly submit such facts or information.

### 13. RESERVED

### 14. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

### 15. AUTHORIZED DISCHARGES

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than, or at a level in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit. Such violations may result in the imposition of civil and/or criminal penalties as provided for in Section 309 of the Act and Ohio Revised Code Sections 6111.09 and 6111.99.

### 16. DISCHARGE CHANGES

The following changes must be reported to the appropriate Ohio EPA district office as soon as practicable:

A. For all treatment works, any significant change in character of the discharge which the permittee knows or has reason to believe has occurred or will occur which would constitute cause for modification or revocation and reissuance. The permittee shall give advance notice to the Director of any planned

changes in the permitted facility or activity which may result in noncompliance with permit requirements. Notification of permit changes or anticipated noncompliance does not stay any permit condition.

B. For publicly owned treatment works:

1. Any proposed plant modification, addition, and/or expansion that will change the capacity or efficiency of the plant;
2. The addition of any new significant industrial discharge; and
3. Changes in the quantity or quality of the wastes from existing tributary industrial discharges which will result in significant new or increased discharges of pollutants.

C. For non-publicly owned treatment works, any proposed facility expansions, production increases, or process modifications, which will result in new, different, or increased discharges of pollutants.

Following this notice, modifications to the permit may be made to reflect any necessary changes in permit conditions, including any necessary effluent limitations for any pollutants not identified and limited herein. A determination will also be made as to whether a National Environmental Policy Act (NEPA) review will be required. Sections 6111.44 and 6111.45, Ohio Revised Code, require that plans for treatment works or improvements to such works be approved by the Director of the Ohio EPA prior to initiation of construction.

D. In addition to the reporting requirements under 40 CFR 122.41(l) and per 40 CFR 122.42(a), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:

1. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit. If that discharge will exceed the highest of the "notification levels" specified in 40 CFR Sections 122.42(a)(1)(i) through 122.42(a)(1)(iv).
2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" specified in 122.42(a)(2)(i) through 122.42(a)(2)(iv).

## 17. TOXIC POLLUTANTS

The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement. Following establishment of such standards or prohibitions, the Director shall modify this permit and so notify the permittee.

## 18. PERMIT MODIFICATION OR REVOCATION

A. After notice and opportunity for a hearing, this permit may be modified or revoked, by the Ohio EPA, in whole or in part during its term for cause including, but not limited to, the following:

1. Violation of any terms or conditions of this permit;
2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or

3. Change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

B. Pursuant to rule 3745-33-04, Ohio Administrative Code, the permittee may at any time apply to the Ohio EPA for modification of any part of this permit. The filing of a request by the permittee for a permit modification or revocation does not stay any permit condition. The application for modification should be received by the appropriate Ohio EPA district office at least ninety days before the date on which it is desired that the modification become effective. The application shall be made only on forms approved by the Ohio EPA.

#### 19. TRANSFER OF OWNERSHIP OR CONTROL

This permit may be transferred or assigned and a new owner or successor can be authorized to discharge from this facility, provided the following requirements are met:

A. The permittee shall notify the succeeding owner or successor of the existence of this permit by a letter, a copy of which shall be forwarded to the appropriate Ohio EPA district office. The copy of that letter will serve as the permittee's notice to the Director of the proposed transfer. The copy of that letter shall be received by the appropriate Ohio EPA district office sixty (60) days prior to the proposed date of transfer;

B. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittee (including acknowledgement that the existing permittee is liable for violations up to that date, and that the new permittee is liable for violations from that date on) shall be submitted to the appropriate Ohio EPA district office within sixty days after receipt by the district office of the copy of the letter from the permittee to the succeeding owner;

At any time during the sixty (60) day period between notification of the proposed transfer and the effective date of the transfer, the Director may prevent the transfer if he concludes that such transfer will jeopardize compliance with the terms and conditions of the permit. If the Director does not prevent transfer, he will modify the permit to reflect the new owner.

#### 20. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

#### 21. SOLIDS DISPOSAL

Collected grit and screenings, and other solids other than sewage sludge, shall be disposed of in such a manner as to prevent entry of those wastes into waters of the state, and in accordance with all applicable laws and rules.

#### 22. CONSTRUCTION AFFECTING NAVIGABLE WATERS

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

#### 23. CIVIL AND CRIMINAL LIABILITY

Except as exempted in the permit conditions on UNAUTHORIZED DISCHARGES or UPSETS, nothing

in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

#### 24. STATE LAWS AND REGULATIONS

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

#### 25. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

#### 26. UPSET

The provisions of 40 CFR Section 122.41(n), relating to "Upset," are specifically incorporated herein by reference in their entirety. For definition of "upset," see Part III, Paragraph 1, DEFINITIONS.

#### 27. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

#### 28. SIGNATORY REQUIREMENTS

All applications submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR 122.22.

All reports submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR Section 122.22.

#### 29. OTHER INFORMATION

A. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

B. ORC 6111.99 provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$25,000 per violation.

C. ORC 6111.99 states that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$25,000 per violation.

D. ORC 6111.99 provides that any person who violates Sections 6111.04, 6111.042, 6111.05, or division (A) of Section 6111.07 of the Revised Code shall be fined not more than \$25,000 or imprisoned not more than one year, or both.

### 30. NEED TO HALT OR REDUCE ACTIVITY

40 CFR 122.41(c) states that it shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with conditions of this permit.

### 31. APPLICABLE FEDERAL RULES

All references to 40 CFR in this permit mean the version of 40 CFR which is effective as of the effective date of this permit.

### 32. AVAILABILITY OF PUBLIC SEWERS

Notwithstanding the issuance or non-issuance of an NPDES permit to a semi-public disposal system, whenever the sewage system of a publicly owned treatment works becomes available and accessible, the permittee operating any semi-public disposal system shall abandon the semi-public disposal system and connect it into the publicly owned treatment works.



March 12, 2026

**Transmitted Electronically**

Mayor Jeffrey Young  
Village of Harrisville  
P.O. Box 209  
Harrisville OH 43974

**Re: Village of Harrisville WWTP  
Notice of Violation (NOV)  
NOV  
NPDES  
Harrison  
OPA00108**

**Subject: Notice of Violation**

Dear Mayor Friend:

Ohio EPA, Division of Surface Water (DSW), conducted a desktop compliance review of the Village of Harrisville’s wastewater treatment plant (WWTP), located on South Back Street, Harrisville, Ohio on March 6, 2026. The goal of our compliance review was to determine your facility’s compliance with Ohio’s environmental laws and regulations and the terms and conditions of the Village of Harrisville’s National Pollutant Discharge Elimination System (NPDES) permit #OPA00108 effective on January 1, 2025. Our desktop compliance review included a review of the NPDES permit and Operator of Record Notification Form.

**Violation**

Ohio EPA DSW observed the one following violation of Ohio’s environmental laws and regulations and the Village of Harrisville’s permit terms and conditions. Ohio EPA DSW recommends you promptly address this violation.

**Violation Description:** There is no Operator of Record (ORC) listed and overseeing the Village of Harrisville’s WWTP. *This is a violation of ORC 6111.07(A), OAC 3745-7-02(A)(2) and Part II of your permit.*

**Requested Action:** Please obtain a Class Professional Operator of Record and submit a complete ORC Notification form to [opcert@epa.ohio.gov](mailto:opcert@epa.ohio.gov). Please copy [baxter.foskuhl@epa.ohio.gov](mailto:baxter.foskuhl@epa.ohio.gov) when submitting the form.

**Conclusion**

**Within 30 days** of receipt of this letter, please provide documentation to Ohio EPA DSW of the actions taken and/or will be taken to resolve the violation cited above. Documentation of

Southeast District Office  
2195 E. Front Street  
Logan, Ohio 43138 U.S.A.

740 | 385 8501  
[epa.ohio.gov](http://epa.ohio.gov)



Village of Harrisville WWTP  
Notice of Violation  
Page 2

steps taken to resolve this violation includes but is not limited to written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to [Baxter.Foskuhl@epa.ohio.gov](mailto:Baxter.Foskuhl@epa.ohio.gov). If circumstances delay resolution of the violation, the Village of Harrisville is requested to contact Ohio EPA DSW to discuss the situation and propose an alternative schedule to resolve the violation in a timely manner.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Chapter 6111.09 of the Ohio Revised Code.

Should you have any questions, please contact me at (740) 380-5289 or by e-mail at [Baxter.Foskuhl@epa.ohio.gov](mailto:Baxter.Foskuhl@epa.ohio.gov).

Sincerely,

*Baxter Foskuhl*

Baxter Foskuhl  
Environmental Specialist II  
Compliance and Enforcement  
Ohio EPA Division of Surface Water  
Southeast District Office

BF/aa

ec: Scott Sheerin, DSW, CO



April 21, 2026

**Transmitted Electronically**

Mayor and Council  
Village of Harrisville.  
P.O. Box 249  
Harrisville, OH 43974

**Re: Harrisville WWTP  
Notice of Violation (NOV)  
NOV  
NPDES  
Harrison County  
OPA00108**

**Subject: Notice of Violation**

Dear Mayor and Council:

Ohio EPA, Division of Surface Water (DSW), conducted reconnaissance inspection of the Village of Harrisville's wastewater treatment plant (WWTP) located on South Back Street on March 27, 2026. As discussed, the goal of our inspection was to determine your facility's compliance with Ohio's environmental laws and regulations and the terms and conditions of the Village of Harrisville's National Pollutant Discharge Elimination System permit #OPA00108 that became effective on January 1, 2025. Our inspection included a review of company operations and written documentation associated with facility operations.

**Violations**

Ohio EPA DSW observed the following three violations of Ohio's environmental laws and regulations and the Village of Harrisville's permit terms and conditions. Ohio EPA recommends you promptly address the violations.

1. **Violation Description:** Ohio EPA records indicate since January 1, 2026, the Village of Harrisville has stopped operating and maintaining the wastewater treatment plant. This is a violation of *ORC 6111.07(A) and Part III, Item 3 of your permit.*

**Additional Information:** At the time of the inspection, the discharge was light brown in color, and had a strong, foul, egg-like odor.

**Requested Action:** Hire an operator to operate the wastewater treatment plant as designed and sample the discharge.

2. **Violation Description:** Ohio EPA records indicate since December 15, 2025, there has been no operator of record (ORC) listed, overseeing the WWTP or operating the Village of Harrisville's WWTP. This is a violation of *ORC 6111.07(A), OAC 3745-7-02(A)(2), and Part II of your permit.*

**Additional Information:** This is the second notice of violation.

**Requested Action:** Hire an ORC to operate the WWTP.

3. **Violation Description:** Ohio EPA records indicate since January 1, 2026, the Village of Harrisville has failed to collect and analyze samples and submit electronic Discharge Monitoring Reports (eDMRs) for the months of January, February and March 2026. This is a violation of *ORC 6111.07(A) and Part III, Item 4(C) of your permit.*

**Requested Action:** Submit the missing reports for January, February, and March 2026. In addition, collect and analyze samples in accordance with your NPDES permit and begin submitting the monthly reports as required by the permit no later than the 15<sup>th</sup> day of each month.

**Conclusion**

**Within 7 days** of receipt of this letter, please provide documentation to Ohio EPA DSW of the actions taken and/or will be taken to resolve the violations cited above. Documentation of steps taken to resolve these violations includes but is not limited to written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to [Baxter.Foskuhl@epa.ohio.gov](mailto:Baxter.Foskuhl@epa.ohio.gov). If circumstances delay resolution of the violations, the Village of Harrisville is requested to contact Ohio EPA DSW to discuss the situation and propose an alternative schedule to resolve the violations in a timely manner.

Failure to comply with Chapter 6111 of the Ohio Revised Code and rules promulgated thereunder may result in an administrative or civil penalty.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Chapter 6111.09 of the Ohio Revised Code.

Should you have any questions, please contact me at (740) 380-5289 and/or [Baxter.Foskuhl@epa.ohio.gov](mailto:Baxter.Foskuhl@epa.ohio.gov).

Sincerely,

*Baxter Foskuhl*

Baxter Foskuhl  
District Representative  
Division of Surface Water  
Southeast District Office

BF/aa

ec: Scott Sheerin, DSW, CO



April 21, 2026

**Transmitted Electronically**

Mayor and Council  
Village of Harrisville  
P.O. Box 249  
Harrisville, OH 43974

**Re: Harrisville WWTP  
Inspection  
Inspection  
NPDES  
Harrison County  
OPA00108**

**Subject: Ohio Environmental Protection Agency NPDES Inspection**

Dear Mayor and Council:

On March 27, 2026, Ohio EPA, Division of Surface Water (DSW) conducted a reconnaissance inspection of the wastewater treatment plant serving the Village of Harrisville, Harrison County, Ohio. Along with myself, Amy Norris, Harrison County Commissioner, and Steven Rocknich, Wastewater Superintendent for Harrison County Water and Sewer Department, were also present during the inspection. No one from the Village of Harrisville attended the inspection.

The purpose of the inspection was to evaluate compliance with the terms and conditions of your National Pollutant Discharge Elimination System (NPDES) permit and to evaluate the operation and maintenance of the plant.

**Findings:**

1. The wastewater treatment plant serving the Village of Harrisville has not been operated and maintained by the Village of Harrisville nor a Professional Operator of Record (ORC) since January 1, 2026.
2. On March 12, 2026, Ohio EPA DSW issued a violation to the Village of Harrisville for not having an ORC listed and overseeing the wastewater treatment plant serving the Village of Harrisville.
3. Influent to the plant was overflowing through a manhole located at the plant. (See Figure 1)
4. Debris from the bar screen had accumulated in a plastic bin and not been disposed of from the facility. (See Figure 2)

5. The rotating biological contactor was not operating. (See Figure 3)
6. The sequence batch reactor (SBR) process control panel was set to automatic for all settings, except for one of two aeration blowers.
7. Mr. Steven Rocknich changed the SBR system's settings to decant mode, resulting in the discharge of the SBR's contents into the headwaters of Sloan Run. The discharge was a light brown color, and had a strong, foul, egg-like odor. (See Figure 4)
8. Records at the plant indicated that the last time any person visited the facility was March 8, 2026. Bench sheets and the logbook left behind at the plant did not indicate that operation and maintenance have occurred since Mr. Jenkins ended operation and maintenance of the Harrisville WWTP on December 31, 2025.

**Recommendations:**

The recommendations set out below are not Orders. The recommendations are offered by Ohio EPA in an effort to provide compliance assistance to your facility.

1. Ohio EPA DSW recommends that the Village of Harrisville obtain and have a professional Operator of Record for the wastewater treatment plant.
2. Ohio EPA DSW recommends contacting Ohio EPA DSW once a professional Operator of Record is obtained and overseeing the wastewater treatment plant.
3. Ohio EPA DSW recommends maintaining a logbook with operational and maintenance records of the wastewater treatment plant.

If you have any questions or comments concerning the enclosed inspection report, please contact me at (740) 380-5289 or e-mail at [Baxter.Foskuhl@epa.ohio.gov](mailto:Baxter.Foskuhl@epa.ohio.gov).

Sincerely,

*Baxter Foskuhl*

Baxter Foskuhl  
Environmental Specialist II  
Compliance and Enforcement  
Ohio EPA Division of Surface Water  
Southeast District Office

BF/aa

ec: Harrison County Commissioners

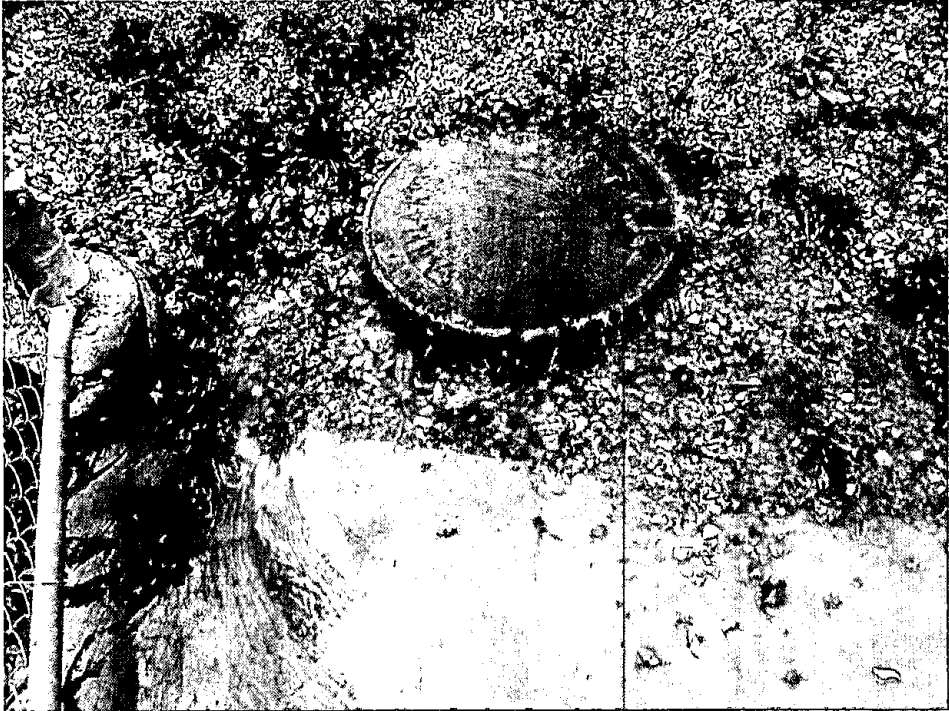
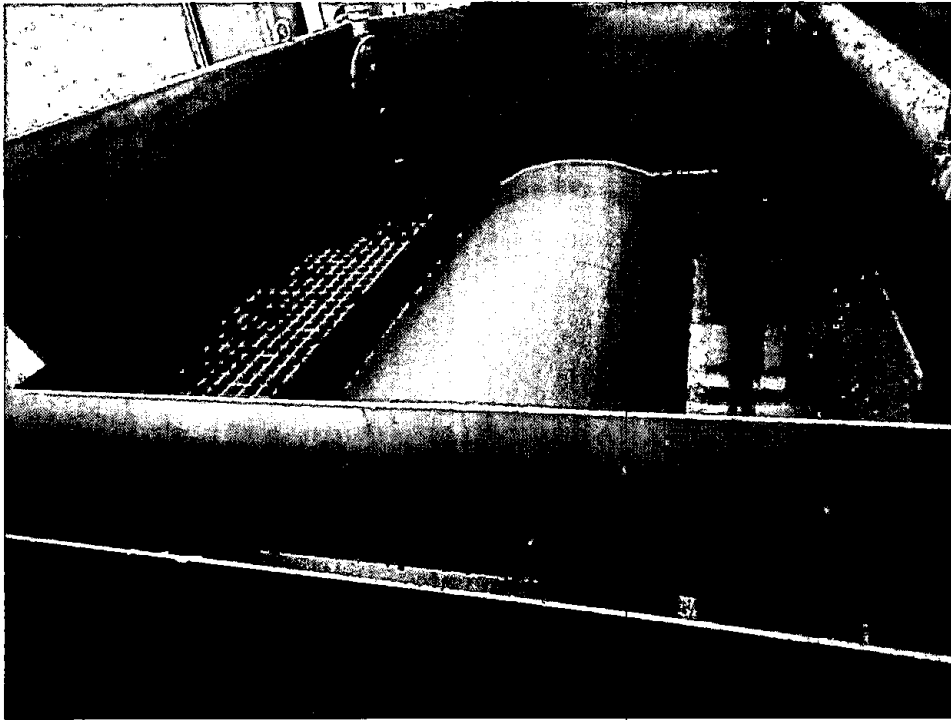


Figure 1



Figure 2



**Figure 3**



**Figure 4**

NPDES Compliance Inspection Report

SECTION A: NATIONAL DATA SYSTEM CODING						
Permit #	NPDES #	Inspection Type	Sig. Non-Compliance	Inspection Date	Entry Time	Exit Time
OH0140139	0PA00108	RI	No	3/23/2026	12:30 p.m.	1:20 p.m.

SECTION B: FACILITY DATA	
Name and Location of Facility Inspected	Permit Effective Date
Harrisville WWTP South Back St., Harrisville, Ohio	1/1/2025
	Permit Expiration Date
	12/31/2028
Name(s) and Title(s) of On-Site Representatives	Phone Numbers
Steve Rocknich, Wastewater Superintendent, Harrison County Amy Norris, Harrison County Commissioner	740-491-0183
Name and Title of Responsible Official	Phone Number
Sherry Friend, Mayor	(740) 546-3321

**Comment:**

- Responsible Officials representing the Village of Harrisville were not present during the inspection.

SECTION C: AREAS EVALUATED DURING INSPECTION		
Evaluated? Y-Yes; N-No	Area Evaluated	Recommendations noted in report? Y – Yes; N – No; N/A – Not Applicable
Y	E. NPDES Compliance	N
Y	F. Operations & Maintenance	Y – employing Operator of Record for plant
Y	G. Operator Certification	Y – logbook with operational and maintenance records
N	H. Collection System	N/A
N	I. Sludge Management	N/A
N/A	J. Storm Water	N/A
N	K. Self-Monitoring Program	N
N	L. Laboratory	N
N	M. Effluent / Receiving Water Observations	N

Signatures	
<i>Baxter Foskuhl</i> 4/21/26	<b>Jennifer Witte</b> <b>4/21/26</b>
Baxter Foskuhl                      Date Compliance and Enforcement Division of Surface Water Southeast District Office	Jennifer Witte                      Date Compliance & Enforcement Supervisor Division of Surface Water Southeast District Office

### Compliance Data for Harrisville WWTP between 3/1/2025 and 3/1/2026

**Summary**

Permit Effluent Limit Violations: 7  
 Permit Effluent Code Events: 0  
 Permit Effluent Frequency Violations: 0 \*12 missing data reports.  
 Compliance Schedule Milestones Not Entered: 0

Limit Violations							
Reporting Period	Station	Parameter	Limit Type	Limit	Reported Value	Violation Date	
July 2025	001	CBOD 5 day	30D Conc	10	15.	7/1/2025	
December 2025	001	Nitrogen, Ammonia (NH3	30D Conc	3.0	42.1	12/1/2025	
December 2025	001	Nitrogen, Ammonia (NH3	30D Qty	0.37	1.43	12/1/2025	
December 2025	001	Nitrogen, Ammonia (NH3	7D Conc	4.5	49.2	12/8/2025	
December 2025	001	Nitrogen, Ammonia (NH3	7D Qty	0.554	1.676	12/8/2025	
December 2025	001	Nitrogen, Ammonia (NH3	7D Conc	4.5	38.3	12/22/2025	
December 2025	001	Nitrogen, Ammonia (NH3	7D Qty	0.554	1.015	12/22/2025	

Missing eDMRs		
Station	Required Report Period	DMR Received
001	March 2025	No
300	March 2025	No
001	April 2025	No
300	April 2025	No
001	May 2025	No
300	May 2025	No
001	June 2025	No
300	June 2025	No
001	January 2026	No
300	January 2026	No
001	February 2026	No
300	February 2026	No

**High Flow Data for Harrisville WWTP between 3/1/2025 and 3/1/2026**

Top 10 Flows	
Date	Flows (MGD)
11/20/2025	0.044
11/21/2025	0.043
11/22/2025	0.024
12/29/2025	0.023
11/28/2025	0.021
12/4/2025	0.020
12/5/2025	0.019
11/29/2025	0.018
8/18/2025	0.017
11/24/2025	0.016
Average	0.009

**SECTION D: PERMIT VERIFICATION**

	Yes	No	N/A
a. Correct name and mailing address of permittee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Correct name and location of receiving waters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Flows and loadings conform with NPDES permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
d. Treatment processes are as described in permit application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
e. New treatment process added since last inspection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
f. Notification given to State of new, different or increased discharges	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. All discharges are permitted	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
h. Number and location of discharge points are as described in permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Are all storm water discharges properly permitted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

**SECTION E: COMPLIANCE**

	Yes	No	N/A
a. NPDES renewal app submitted 180 days prior to expiration	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Permittee has a compliance schedule	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Document containing compliance schedule	N/A		
d. Permittee is meeting compliance schedule	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Any bypasses since last inspection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
f. Regulatory agency notified of all bypasses	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Permittee or representative reporting all noncompliance per Part III of NPDES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SECTION F: OPERATION AND MAINTENANCE**

a. Standby power available	Generator
b. Standby power provides power to which treatment components?	All treatment components of system
c. Which treatment components have alarm system available for power or equipment failures?	Primary tank has high level alarm, SBR system has high level alarm

		Yes	No
d. All treatment units in service other than backup units		<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Routine and preventative maintenance scheduled and performed		<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Any major equipment breakdown since last inspection		<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Operation and maintenance manual provided and maintained		<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Any operational problems due to influent quality or quantity since last inspection		<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Are WWTP operations changed during high-flow events?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Does your facility accept trucked in wastewater, and if so, from what sources?	No		

**Comment:**

- As of the date of this letter, the facility has not been maintained by a professional Operator of Record since December 31, 2025.

**SECTION G: OPERATOR CERTIFICATION**

a. Wastewater Treatment Works Classification	1		
	Yes	No	N/A
b. Operator of Record holds unexpired license of class required by Permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Current Operator of Record form submitted?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d. Copy certificate(s) and renewal card(s) of all professional operators displayed on-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
e. Minimum operator staffing requirements fulfilled (OAC 3745-7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
f. If required (Class A or 1), are daily visits conducted by an owner's representative?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. If a Staffing Reduction plan has been approved, are the stipulations of the plan being met?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Has the Operator of Record submitted written notifications to the permittee, Ohio EPA and, if applicable, any local environmental agencies when a collection system overflow, treatment plant bypass or effluent limit violation has occurred?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Professional Operator of Record logbook provided?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
j. Logbook location	No logbook maintained on-site		
k. Logbook Format	No logbook maintained on-site		
l. Has the professional Operator of Record(s) completed their electronic time submission (DMR or other option)?	No		

m. Do the electronic time submissions match the logbook?	No		
Logbook contains the following:			
n. Identification of treatment works	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
o. Date/times of arrival/departure for Operator of Record and any other operator required by OAC 3745-7	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
p. Daily record of operator and maintenance activities (including preventative maintenance, repairs and request for repairs, process control test results, etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
q. Laboratory results (unless documented on bench sheets)	No		
r. Identification of person making entries	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**SECTION H: COLLECTION SYSTEM - Not evaluated**

**SECTION I: SLUDGE MANAGEMENT - Not evaluated**

**SECTION J: STORM WATER PROGRAM - Not Evaluated**

**SECTION K: SELF-MONITORING PROGRAM - Not evaluated**

**SECTION L: LABORATORY - Not evaluated**

**SECTION M: EFFLUENT/RECEIVING WATER OBSERVATIONS**

Outfall Number	Outfall sign in place	Oil Sheen	Grease	Turbidity	Foam	Solids	Color	Other
001	Yes	No	No	No	No	No	Light brown	N/A

**Comment:**

- Contents discharged to the headwaters of Sloan Run were light brown and had a strong, foul, egg-like odor.



**EXHIBIT**  
**A-5**



**EXHIBIT**  
**A-6**



**EXHIBIT**  
**A-7**

**EXHIBIT**

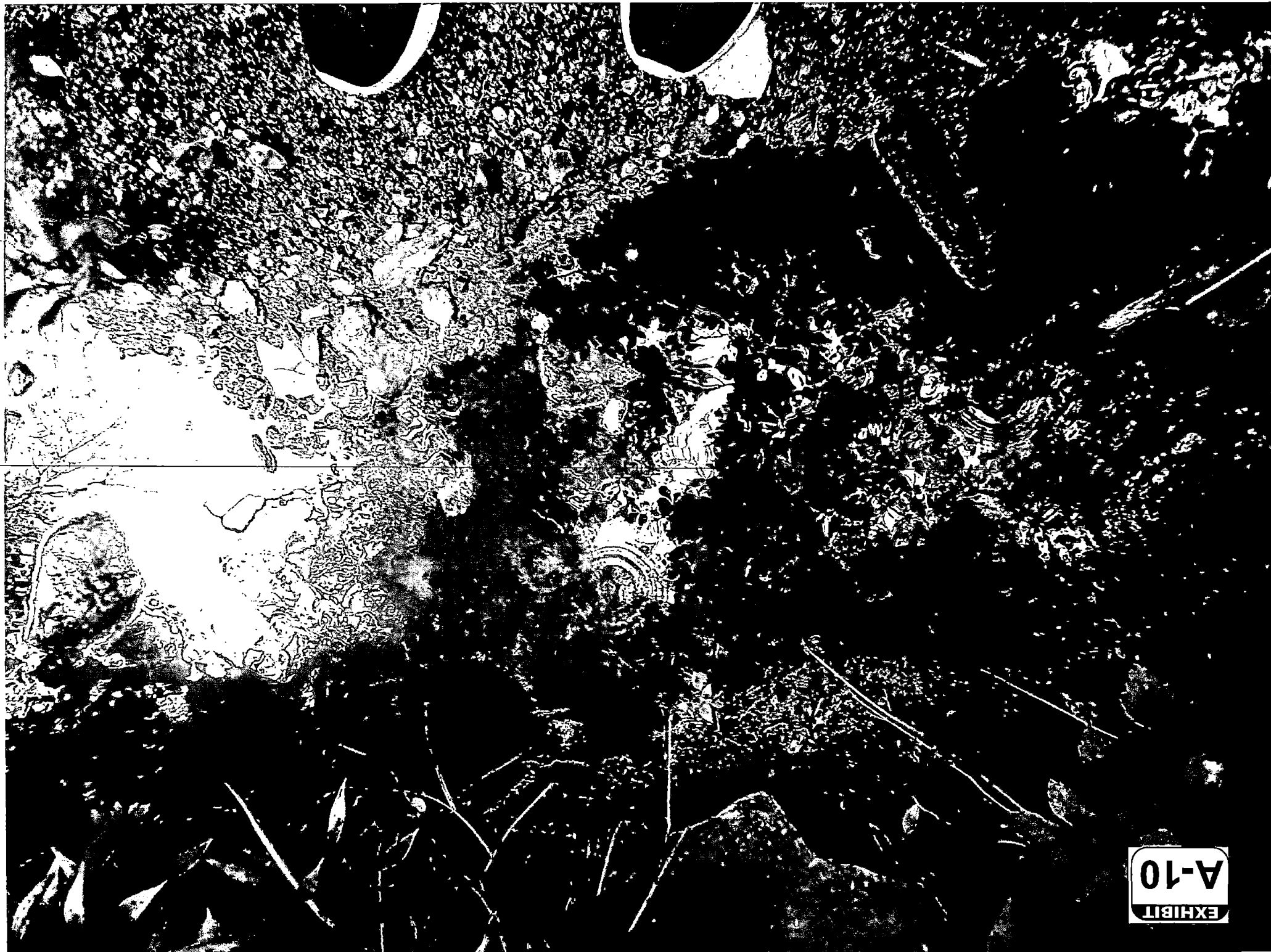
**A-8**



EXHIBIT

A-9





**A-10**  
**EXHIBIT**

EXHIBIT  
A-11



EXHIBIT  
A-12



**IN THE COURT OF COMMON PLEAS  
HARRISON COUNTY, OHIO**

<b>STATE OF OHIO ex rel.</b>	:	<b>CASE NO.</b>
<b>DAVE YOST</b>	:	
<b>ATTORNEY GENERAL OF OHIO</b>	:	<b>JUDGE</b>
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>THE VILLAGE OF</b>	:	
<b>HARRISVILLE</b>	:	
	:	
<b>Defendant.</b>	:	

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**PROPOSED TEMPORARY RESTRAINING ORDER**

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On review of the Motion for Temporary Restraining Order and Preliminary Injunction filed on May 22, 2026 by Plaintiff State of Ohio, ex rel. Dave Yost, Ohio Attorney General, the Court finds the Motion well-taken and sustains the same. Evidence presented pursuant to Civ.R. 65 demonstrates to the satisfaction of the Court that Defendant is violating R.C. Chapter 6111 and the rules adopted thereunder and that continued violations threaten to cause the discharge of sewage to Sloan Run. This order is granted without due notice due to these threats.

The Court hereby temporarily restrains, pursuant to R.C. 6111.07(B) and Civ.R. 65, Defendant Village of Harrisville (“Defendant”).

Defendant is ordered and enjoined to:

1. Within 5 days of the effective date of this Order, obtain and maintain a professional operator of record;

2. Inspect the wastewater treatment plant daily and provide a log documenting these inspections to the Ohio Environmental Protection Agency ("Ohio EPA") on a weekly basis;
3. Immediately empty the trash collection system at the wastewater treatment plant and continue to do so as needed to sure it no longer fills to the top;
4. Immediately cease overflows at the wastewater treatment plant;
5. Immediately submit all outstanding discharge monitoring reports to Ohio EPA; and
6. Immediately contact Ohio EPA upon knowledge of any actual or potential overflows at the wastewater treatment plant.

All actions taken pursuant to this order shall be performed in accordance with the requirements of R.C. Chapter 6111 and the rules promulgated thereunder. This Order remains in effect until further order of the Court, and the Court retains jurisdiction to administer and enforce this Order.

The Court has additionally scheduled a preliminary injunction hearing in this matter for \_\_\_\_\_ at \_\_\_\_\_ AM/PM to determine whether Defendant's compliance with this Order and any such subsequent relief as may then be necessary. No surety or bond shall be required of the State of Ohio.

**IT IS SO ORDERED.**

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**JUDGE  
HARRISON COUNTY COURT OF COMMON  
PLEAS**