

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO
CLERK OF COURTS

LORANTFFY CARE CENTER, INC., :
et al., : Case No. 78 4 0859
Plaintiffs, :
-vs- : CONSENT DECREE
PAUL KLINE, et al., :
Defendants. :

The Complaint having been filed herein on May 24, 1978, and the Counterclaim having been filed herein on June 22, 1978, and Plaintiff Lorantffy Care Center, Inc. (hereinafter Plaintiff) and Defendant James F. McAvoy (succeeding Ned E. Williams), Director of Environmental Protection (hereinafter Defendant), by their respective attorneys having consented to the entry of this Consent Decree:

NOW, THEREFORE, before the taking of any testimony, upon the pleadings and upon consent of the parties hereto, it is Ordered, Adjudged and Decreed as follows:

I.

The provisions of this Consent Decree shall apply to and be binding upon the parties to this action, their officers, directors, agents, servants, employees, and successors; in addition, the provisions of this Consent Decree shall apply to all persons, firms, corporations, and other entities having notice of this Consent Decree and who are, or will be, acting in concert and privity with the Plaintiff to this action or its officers, directors, agents, servants, employees and successors.

II.

Plaintiff agrees to place its wastewater treatment plant under the supervision of the Summit County Sanitary Engineer who shall be responsible for the proper operation and maintenance of the wastewater treatment plant, the taking of samples as specified in this Consent Decree, and the submission of monthly

monitoring reports to the Ohio Environmental Protection Agency; however, said Sanitary Engineer may have routine maintenance performed by employees of Plaintiff so long as technical supervision resides with the Summit County Sanitary Engineer. Within thirty (30) days from the entry of this Decree, Plaintiff shall enter into a contract with a certified operator or with Summit County incorporating the responsibilities specified above.

III.

Plaintiff, with the technical assistance of the Summit County Sanitary Engineer, agrees to operate the wastewater treatment plant as efficiently as possible and in accordance with the following limitations on the quality of effluent discharged by the plant:

- (A) The arithmetic mean of the BOD₅ samples collected in a period of thirty (30) consecutive days shall not exceed a concentration of 10 mg/l. The arithmetic mean of these values for effluent samples collected in a period of seven (7) consecutive days shall not exceed a concentration of 15 mg/l.
- (B) The arithmetic mean of the suspended solids values for effluent samples collected in a period of thirty (30) consecutive days shall not exceed a concentration of 12 mg/l. The arithmetic mean of these values for effluent samples collected in a period of seven (7) consecutive days shall not exceed a concentration of 18 mg/l.
- (C) The effluent values for pH shall remain within the limits of 6.5 to 9.0. The pH limitation is not subject to averaging and must be met at all times.
- (D) The geometric mean of the fecal coliform bacteria values for effluent samples collected in a period of thirty (30) consecutive days shall not exceed 1000 per 100 milliliters. The geometric mean of these values for effluent samples collected in a period of seven (7) consecutive days shall not exceed 2000 per 100 milliliters.
- (E) The chlorine residual at the point of discharge shall remain within the limits of 0.2 to 0.7 mg/l. The chlorine residual limitation is not subject to averaging and must be met at all times.
- (F) The dissolved oxygen concentration of the effluent shall be maintained at a level not less than 5.0 mg/l at all times.

IV.

Plaintiff agrees to effectively monitor the operation and efficiency of the wastewater treatment plant and the quantity and quality of the treated discharge. Monitoring data required shall be reported on the Ohio EPA report form on a monthly basis. Individual reports for each month are to be submitted no later than the 15th of the following month. Copies of the discharge monitoring report form shall be signed and mailed to the Ohio Environmental Protection Agency, Northeast District Office, 2110 E. Aurora Road, Twinsburg, Ohio 44087. The data collected and submitted shall include the following parameters and testing frequencies:

(A) Plant effluent:

<u>Parameter</u>	<u>Frequency</u>	<u>Sample Type</u>
Total Flow, mgd	Daily	Continuous
BOD ₅ , mg/l	1/week	Composite
Suspended solids mg/l	1/week	Composite
pH	Daily	Grab
Dissolved oxygen, mg/l	1/week	Grab
Fecal coliform, N per 100 ml	1/week	Grab
Chlorine residual, mg/l	Daily	Grab
Temperature	Daily	Grab

(B) Plant influent:

<u>Parameter</u>	<u>Frequency</u>	<u>Sample Type</u>
BOD ₅ , mg/l	1/week	Composite
Suspended solids, mg/l	1/week	Composite
pH	Daily	Grab
Temperature	Daily	Grab

(C) The volume (gallons) of sludge pumped out of the plant each month.

(D) Samples of the plant effluent and plant influent shall be taken between the hours of 7:00 a.m. and 7:00 p.m.

V.

Plaintiff agrees to install the following equipment on the wastewater treatment plant:

- (A) Appropriate flow monitoring equipment within 30 days from the entry of this Consent Decree.
- (B) A suitable cover over the sand filters within 30 days from the entry of this Consent Decree.

VI.

If the chlorine residual values as sampled and reported by Plaintiff are out of the allowable range specified in Part III of this Decree for twenty (20) percent or more of the time each month for either three (3) consecutive months or four (4) out of six (6) months, Plaintiff agrees to install and have operational within three (3) months of notification of noncompliance by the Ohio Environmental Protection Agency appropriate equipment for meeting the chlorine residual limitation. Such appropriate equipment includes a larger retention tank and/or a flow proportional gas chlorination device, or other such devices that may be necessary.

VII.

If the BOD₅ or suspended solids values as sampled and reported by Plaintiff are out of compliance with the limitations for those parameters specified in Part III of this Decree for either three (3) consecutive months or four (4) out of six (6) months, Plaintiff agrees to install and have operational within three (3) months of notification of noncompliance by the Ohio Environmental Protection Agency appropriate flow equalization equipment.

VIII.

If after having installed and operated the equipment specified in Parts VI and VII of this Decree, any of the parameters as sampled and reported by Plaintiff are not in compliance with the effluent limitations specified in Part III of this Decree for

either three (3) consecutive months or four (4) out of six (6) months, Plaintiff agrees that, upon notification of noncompliance by the Ohio Environmental Protection Agency, it will:

- (A) Within sixty (60) days of such notification enter into a contract to construct a sewer connecting into the public sewage treatment plant (Loch Raven); and,
- (B) Complete construction of a sewer connecting into the public sewage treatment plant within six (6) months after entering into the contract mentioned in (A) above.

IX.

Notwithstanding any other provision of this Consent Decree, within thirty (30) days of completion of construction of sewers connecting into the public sewage treatment plant (Loch Raven) on Copley Road, North Plainview Drive or Aberth Drive, Copley, Ohio, Plaintiff agrees to construct a service lateral sewer line from its facility to the public sewer.

X.

This Consent Decree shall constitute a complete resolution of this case; however, the Court retains jurisdiction of this suit for the purpose of making any order or decree which it may deem at any time to be necessary to carry out this Judgment.

XI.

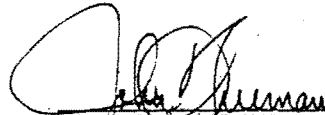
Plaintiff and Defendant shall equally divide and pay the Court costs.

JUDGE DONALD E. McFADDEN

APPROVED:

LORANTFFY CARE CENTER, INC.

By RLR TH Kowk PRES.
Authorized Representative



JOHN C. BRENNAN
Attorney for Plaintiff
1200 I Cascade Plaza
Akron, Ohio 44308
(216) 253-5003

WILLIAM J. BROWN
ATTORNEY GENERAL OF OHIO

By Martha E. Horvitz

MARTHA E. HORVITZ
Assistant Attorney General
Environmental Law Section
30 East Broad Street, 17th Floor
Columbus, Ohio 43215
(614) 466-2766
Attorney for Defendant