



officers, employees, assigns, successors in interest and any person acting in concert or privity with any of them. Defendant shall provide a copy of this Consent Order to each contractor it employs to perform work itemized herein, and each general contractor shall provide a copy of this Consent Order to each of its subcontractors for such work.

### III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint that Defendant has operated its wastewater treatment plant and sewer system in such a manner as to result in numerous violations of the requirements of NPDES Permit No. 2PB00009\*BD issued to it by the Director of Ohio EPA and in violation of the water pollution laws of the State of Ohio. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendant for all claims under such laws alleged in the Complaint. Nothing in this Order shall be construed to limit the authority of the State of Ohio to seek relief for claims or conditions not alleged in the Complaint, or for violation of claims alleged in the Complaint which occur after the filing of the Complaint.

### IV. COMPLIANCE SCHEDULE

4. Defendant is hereby enjoined and ordered to immediately comply with the requirements of Chapter 6111 of the

Ohio Revised Code and the terms and conditions of the rules and regulations adopted under that Chapter and its currently effective NPDES Permit, and any renewals or modifications thereof, except for the final effluent limitations set forth in said permit. Between the effective date of this Consent Order and December 1, 1992 Defendant is enjoined to comply with the interim effluent limitations set forth in Appendix "A" attached hereto. The interim effluent limits contained in Appendix "A" do not constitute an NPDES permit or a modification of any existing permit. After December 1, 1992, Defendant is enjoined to meet the final effluent standards set forth in its NPDES permit No. 2PB00009\*BD and any renewals or modifications thereof. Defendant is hereby enjoined to properly operate and maintain its wastewater treatment plant and any associated equipment and structures.

#### V. CONSTRUCTION SCHEDULE

5. Defendant is enjoined and ordered to: (1) eliminate discharge overflows and bypasses from its sanitary sewer system, (2) complete construction of the improvements to its wastewater treatment plant and (3) attain compliance with the final effluent limitations of NPDES permit No. 2PB00009\*BD and any modifications or renewals thereof in accordance with the following schedule:

TASK

COMPLETION DATE

- (a) Submit sewer report on infiltration and inflow and general plan of improvements to Ohio EPA. 11-15-90  
(Completed)
- (b) Begin project design work on sewer separation, overflow collection, pump station revision, force main replacement, and waste water treatment plant improvements. 12-01-90
- (c) Submittal of approvable Plans and Specifications to Ohio EPA. 6-01-91
- (d) Advertisement for Bids 8-01-91
- (e) Contracts Execution 10-1-91
- (f) Initiation of Construction 12-1-91
- (g) Completion of construction on sewer separation, overflow collection, pump station revision, force main replacement and wastewater treatment improvements to ensure compliance with final effluent limits and the elimination of overflows and bypasses. 8-01-92
- (h) Attain compliance with final effluent limitations and eliminate overflows and bypasses. 12-1-92

Within seven days from each completion date listed above, Defendant shall submit a written report stating whether or not Defendant has performed the action set forth therein to Ohio EPA's Northwest District Office.

This Consent Order does not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Approval for any such construction or

modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state or local laws, rules or regulations.

V. CIVIL PENALTY

6. Defendant shall pay to the State of Ohio a civil penalty of Seven Thousand, Five Hundred Dollars (\$7,500.00). The penalty shall be paid by delivering to counsel for Plaintiff, or his/her successor, a certified check for that amount, payable to the order of "Treasurer, State of Ohio" within forty-five (45) days from the date of entry of this Consent Order.

VI. STIPULATED PENALTIES

7. In the event that Defendant fails to meet any of the requirements of this Consent Order set forth in Paragraphs 4 and 5(a) through 5(g), including any scheduled milestone requirement, the Defendant shall, immediately and automatically be liable for and shall pay a stipulated penalty according to the following payment schedule. For each day of failure to meet a requirement, up to thirty (30) days - Five Hundred Dollars (\$500.00) per day for each requirement not met. For each day of failure to meet a requirement, from thirty-one (31) to sixty days (60) - One Thousand Dollars (\$1,000.00) per day for each requirement not met. For each day of failure to meet a

requirement, from sixty-one (61) to ninety (90) days - Two Thousand Five Hundred Dollars (\$2,500.00) per day for each requirement not met. For each day of failure to meet a requirement, over ninety days (90) days - Three Thousand Five Hundred Dollars (\$3,500.00) per day for each requirement not met.

8. In the event that Defendant fails to meet any of the requirements of 5(n), the Defendant shall immediately and automatically be liable for payment of a stipulated penalty of Five Thousand Dollars (\$5,000.00) per day of each violation of said requirement. The Defendant shall be liable for an additional stipulated penalty of One Thousand Dollars (\$1,000.00) per day of each violation if the failure to comply continues for more than (30) days, i.e. Six Thousand Dollars (\$6,000.00) per day of each violation. In the event that failure to comply with the requirements of Subparagraph 5(g) continues more than sixty (60) days, Defendant shall be liable for an additional Four Thousand Dollars (\$4,000.00) per day of each violation, i.e., Ten Thousand Dollars (\$10,000.00) per day of each violation.

9. Any payment required to be made under the provisions of Paragraph 7 or 8 of this Order shall be made by delivering to Plaintiff's counsel, or his/her successor, a certified check or checks for the appropriate amounts, within forty-five (45) days from the date of the failure to meet the requirement of the Consent Order, made payable to "Treasurer, State of Ohio".

## INTERIM

## EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS for Outfall 2PB00009001

1. EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
REPORTING Code	UNITS	PARAMETER	Concentration		Loading*		Meas. Freq.	Sample Type
			Other Units (Specify)	30 day	7 day	30 day		
50050	MGD	Flow	-	-	-	-	Daily	Continuous
00010	°C	Temperature	-	-	-	-	Daily	Max. Ind. Therm.
00530	mg/l	Suspended Solids	85	160	-	-	2/Week	Composite
00310	mg/l	BOD <sub>5</sub>	70	85	-	-	2/Week	Composite
00610	mg/l	Ammonia (N)	-	-	-	-	1/Month	Composite
00665	mg/l	Phos., Total	-	-	-	-	1/Month	Composite
00550	mg/l	Oil & Grease	-	-	-	-	1/Qtr.	Grab
80082	mg/l	CBOD <sub>5</sub>	-	-	-	-	2/Week	Composite
00620	mg/l	Nitrate (N)	-	-	-	-	1/Month	Composite
00615	mg/l	Nitrate (N)	-	-	-	-	1/Month	Composite

- The pH (Reporting Code 00400 (average)) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored daily by grab sample.
- The Dissolved Oxygen (Reporting Code 00300) shall be maintained at a level not less than 5.0 mg/l and shall be monitored daily by grab sample.
- See Part III, Other Requirements in NPDES Permit 2PB00009\*BD, and any modifications or renewals thereof.