

IN THE COURT OF COMMON PLEAS
COLUMBIANA COUNTY, OHIO

STATE OF OHIO, ex rel.
WILLIAM J. BROWN
ATTORNEY GENERAL OF OHIO,

Case No. 79 CIV-479

Plaintiff,

FILED

JUDGE KENNEDY

vs.

ORDER AND ENTRY

CITY OF EAST LIVERPOOL,
OHIO,

FEB 12 1982

Defendant.

COLUMBIANA COUNTY
COMMON PLEAS COURT
Carl L. Stacey, Clerk

The Complaint was filed in this case on April 16, 1979, seeking both injunctive relief and a civil penalty. The case proceeded to trial on February 19, 1980. After two days of trial, the Court directed a verdict granting the plaintiff's request for injunctive relief but dismissing its request for a civil penalty. An entry to that effect was filed in this matter on March 14, 1980.

The injunction issued by this Court on March 14, 1980 stands since no appeal was filed or maintained as to that part of the Court's order. However, the dismissal of plaintiff's request for a civil penalty was reversed by the court of appeals by decision dated May 6, 1981; the case was remanded to this Court for a determination on the merits of plaintiff's request for a civil penalty.

The parties to this matter have now consented to the entry of this Order on remand in resolution of the remaining issues before this Court. It is, therefore, ORDERED, ADJUDGED and DECREED that:

I.

The City of East Liverpool is enjoined to make the following specific repairs and/or improvements to its sewerage system,

which repairs and/or improvements shall be completed in accordance with the schedule set forth in paragraph II below:

- a. Central Avenue Lift Station: Purchase and install a new water seal to replace the one which is defective, repair dry well electrical outlets, pump control and float system and clean and repack valves;
- b. Korkus Alley Lift Station: Purchase and install a new raw waste pump (with sufficient capacity to handle the total peak influent flow) to replace the missing pump, purchase and install a new dewatering pump, and repair dry-well lights and electrical outlets;
- c. Keene Street Lift Station: Purchase and install two new raw waste pumps (each with sufficient capacity to handle the total peak influent flow), a new check valve to replace the defective one and a new pump controller float system, and repair the dewatering pump, the heater system and dry-well lights and electrical outlets;
- d. Pleasant Heights Lift Station: Purchase and install a new raw waste pump (with sufficient capacity to handle the total peak influent flow) to replace the missing pump, repair dry-well cross beam, clean dry-well valves and repack stuffing boxes, install a new dewatering pump discharge line and a new sump pump discharge line, repair wall cracks and repair dry well lights and electrical outlets;
- e. Spare Parts: Purchase necessary additional spare parts (minimum expenditure of \$2500.00) for existing 4", 6", and 8" pumps and for newly installed pumps and replace such spare parts in future as used so as to maintain a reliable inventory;

- f. Miscellaneous: Clean diversion boxes and wet wells of rocks and debris and maintain in clean condition. Also purchase and install a new water seal in the main pump building and repair the west settling tank and place it back in service.

The above-items are, in the judgment of the Court, items which need to be addressed on a priority basis. Of course, the City is required to also take any other action, or make any other repairs or improvements, necessary to maintain full compliance with this Court's order of March 14, 1980 as well as the provisions of applicable statutes, regulations and the City's Facilities Plan.

II.

The repairs and/or improvements set forth in paragraph I above shall be completed by the City in accordance with the following schedule:

- a. Submit approvable plans and specifications to Ohio EPA by March 8, 1982;
- b. Obtain Ohio EPA approval of the plans and specifications by April 5, 1982 (the City to be responsible for assuring that the plans and specifications are complete and consistent with Ohio EPA requirements, and that any additional information necessary to Ohio EPA's review is submitted expeditiously so as to allow for approval by the above date);
- c. Advertise for bids by April 12, 1982;
- d. Open bids by May 12, 1982;
- e. Award construction contract by May 26, 1982;
- f. Initiate construction by June 26, 1982;
- g. Complete construction by November 30, 1982;
- h. Submit reports on the status of progress with the required repairs and/or improvements to counsel for plaintiff (copy to Ohio EPA) by the first of each month from February, 1982 through and including January, 1983.

III.

Pursuant to Revised Code Section 6111.09, the City of East Liverpool is hereby assessed a civil penalty for past violations in the amount of Ten Thousand Dollars (\$10,000.00). The City shall deliver to counsel for plaintiff, immediately following the issuance of this order, for payment into the general revenue fund of the state treasury, a certified check for the above amount made payable to "Treasurer, State of Ohio".

IV.

The costs of this action are hereby assessed against the defendant City of East Liverpool.

5-12-82
DATE

RICHARD D. KENNEDY

RICHARD D. KENNEDY, Judge
Columbiana County Court of
Common Pleas

Approved:

WILLIAM J. BROWN
ATTORNEY GENERAL OF OHIO

BY:

Edward P. Walker
EDWARD P. WALKER
Assistant Attorney General
Environmental Law Section
30 East Broad Street, 17th Floor
Columbus, Ohio 43215
(614) 466-2766
Attorney for Plaintiff State of Ohio.

Daniel Buzzard

DAVID BUZZARD
126 West Sixth Street
East Liverpool, Ohio 43920
Attorney for Defendant City of
East Liverpool

CITY OF EAST LIVERPOOL
Board of Public Utilities

BY: *Alfred H. Frazier* Chairman 7/1/82
MEMBER

BY: *D. M. ...* 03/05/82
MEMBER

BY: *Earl F. ...* 7/5/82
MEMBER