

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

OCT 23 2013

In the Matter of:

Fairfield County Board of Commissioners  
210 East Main Street  
Lancaster, Ohio 43130  
(Pleasant Lea Water Reclamation Facility)

Respondent

ENTERED DIRECTOR'S JOURNAL

**Director's Final Findings  
and Orders**

I certify this to be a true and accurate copy of the  
official documents as filed in the records of the Ohio  
Environmental Protection Agency.

**PREAMBLE**

It is agreed by the parties hereto as follows:

By: Im. Kessler Date: 10-23-13

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to the Fairfield County Board of Commissioners ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 6111.03 and 3745.01.

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in the composition of Respondent or the ownership or operation of the Pleasant Lea Water Reclamation Facility ("Pleasant Lea") identified below shall in any way alter Respondent's obligations under these Orders.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC § 6111.01 and the rules adopted thereunder.

**IV. FINDINGS**

The Director of Ohio EPA has determined the following findings:

1. Respondent owns and operates Pleasant Lea, located on Meadow Brook Drive, Pleasant Township, Fairfield County, which discharges to an unnamed tributary to Pleasant Run pursuant to Ohio National Pollutant Discharge Elimination System ("NPDES") Permit No. 4PG00030\*ED.
2. The above-described unnamed tributary is a "waters of the state," as defined in ORC § 6111.01(H).
3. The facility's NPDES permit expired on July 31, 2012; Respondent timely filed renewal application therefor on November 17, 2011.

**NPDES Permit Violations**  
***Site Inspections***

4. Ohio EPA performed a compliance evaluation inspection ("CEI") and reconnaissance inspections ("Recon") and sent a Notice of Violation Letter ("NOV") on the dates set forth in Attachment 1; Table 2, which Attachment is attached hereto and incorporated by reference as if fully rewritten herein.

***Pleasant Lea***

5. From January 2010 to September, 2012, Pleasant Lea reported the effluent limit violations set forth in Attachment 2, which Attachment is attached hereto and incorporated by reference as if fully rewritten herein.
6. Respondent reported one sanitary sewer overflow ("SSO") event in January 2008, two SSO events in March 2008, one SSO event in June 2009, and one SSO event in July 2011.
7. Respondent notified Ohio EPA that prior to the effective date of these Orders, Respondent implemented measures to abate the NPDES permit violations that had occurred at Pleasant Lea.

**Finding of Violations**

8. Premised on the above findings, Respondent has violated ORC § 6111.07(A).

**Director's Considerations**

9. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purpose of ORC Chapter 6111.
10. ORC § 6111.60 requires that in the enforcement of the Federal Water Pollution Control Act as applied to publicly owned sewerage systems, the Director, to the extent allowable under that Act and regulations adopted thereunder, shall consider, to the extent applicable, specified criteria.
11. In the issuance of these Orders the Director has considered the applicable ORC § 6111.60 criteria.

12. The following Orders do 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. Any such construction or modification is subject to the permit to install and plan approval requirements of ORC §§ 6111.44(A) and 6111.45 and Ohio Administrative Code Chapter 3745-42.

#### **V. ORDERS**

1. Respondent shall pay the amount of eight thousand one hundred nine dollars (\$8,109.00) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 6111. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for such amount, with the official check submitted to Carol Butler, or her successor, together with a letter identifying the Respondent, to:

Office of Fiscal Administration  
Ohio Environmental Protection Agency  
P.O. Box 1049  
Columbus, Ohio 43216-1049

A photocopy of the check shall be sent to Ohio EPA in accordance with Section X of these Orders and Mark Mann, Enforcement Manager, Storm Water and Enforcement Section, or his successor, at the following address:

Ohio EPA  
Division of Surface Water  
P.O. Box 1049  
Columbus, Ohio 43216-1049

2. It is hereby provided and understood that twenty percent (20%) of the total payment shall be placed in Ohio EPA's Clean Diesel School Bus Fund (Fund 5CD), for expenditure in accordance with such fund.

#### **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Surface Water acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is defined in OAC Rule 3745-33-03.

#### **VII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to activities occurring on or at the facilities.

#### **VIII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

#### **IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

#### **X. NOTICE**

Unless otherwise stated herein, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Central District Office  
Attn: Enforcement Supervisor  
Division of Surface Water  
50 West Town Street  
Columbus, OH 43215

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

#### **XI. RESERVATION OF RIGHTS**

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

## **XII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, as well as violations known by Ohio EPA by virtue of inspections performed by Ohio EPA, or information reported to Ohio EPA by Respondent by way of discharge monitoring reports or other written or electronic communications, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

## **XIII. EFFECTIVE DATE**

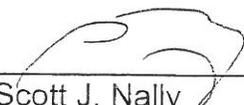
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

## **XIV. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

### **IT IS SO ORDERED:**

**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Scott J. Nally  
Director

10/23/13  
\_\_\_\_\_  
Date

**IT IS SO AGREED:**  
**Fairfield County Commissioners**

  
By \_\_\_\_\_  
Print Name Steven A DAVIS  
Title President

10-01-13  
Date

  
By \_\_\_\_\_  
Print Name David L Levay  
Title President

10-01-13  
Date

  
By \_\_\_\_\_  
Print Name Mike Kiger  
Title COMMISSIONER

10-01-13  
Date

## Summary of NOVs and inspections sent

Table 2: Pleasant Lea NOVs and Inspections

Inspection Type	Inspection Start Date	Inspection End Date	Other Violations	Results Reported
CEI	6/13/2008	6/26/2008		
NOV	10/4/2010		Yes No	5/1/2008 - 9/1/2010
Recon	12/28/2006	3/2/2007		
Recon	8/31/2010	10/4/2010		

Get New Data

Permit No	Reporting Period	Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
4PG00030*ED	January 2010	001	00610	Nitrogen, Ammonia (NH3)	30D Conc	3.0	5.93333	1/1/2010
4PG00030*ED	January 2010	001	00610	Nitrogen, Ammonia (NH3)	7D Conc	4.5	14.4	1/8/2010
4PG00030*ED	February 2010	001	00610	Nitrogen, Ammonia (NH3)	7D Conc	4.5	8.36	2/1/2010
4PG00030*ED	June 2010	001	31616	Fecal Coliform	7D Conc	2000	3300.	6/1/2010
4PG00030*ED	May 2011	001	00530	Total Suspended Solids	7D Qty	2.7	3.20211	5/22/2011
4PG00030*ED	June 2011	001	50060	Chlorine, Total Residu	1D Conc	10.019	.06	6/24/2011
4PG00030*ED	December 2011	001	00530	Total Suspended Solids	7D Qty	3.5	4.80695	12/1/2011
4PG00030*ED	May 2012	001	50060	Chlorine, Total Residu	1D Conc	10.019	.05	5/18/2012
4PG00030*ED	June 2012	001	50060	Chlorine, Total Residu	1D Conc	10.019	.05	6/8/2012
4PG00030*ED	June 2012	001	50060	Chlorine, Total Residu	1D Conc	10.019	.05	6/12/2012
4PG00030*ED	July 2012	001	50060	Chlorine, Total Residu	1D Conc	10.019	.05	7/9/2012
4PG00030*ED	July 2012	001	50060	Chlorine, Total Residu	1D Conc	10.019	.05	7/12/2012
4PG00030*ED	August 2012	001	50060	Chlorine, Total Residu	1D Conc	10.019	.05	8/22/2012
4PG00030*ED	August 2012	001	50060	Chlorine, Total Residu	1D Conc	10.019	.05	8/27/2012
4PG00030*ED	September 2012	001	50060	Chlorine, Total Residu	1D Conc	10.019	.05	9/10/2012
4PG00030*ED	September 2012	001	50060	Chlorine, Total Residu	1D Conc	10.019	.05	9/14/2012
4PG00030*ED	September 2012	001	50060	Chlorine, Total Residu	1D Conc	10.019	.05	9/19/2012