OHIO E.P.A.
DEC 10 2007
ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Sandusky County Commissioners	:	**Director's Final Findings**
622 Croghan Street	:	**and Orders**
Fremont, Ohio 43420	:	
	:	
	:	
Respondent	:	

PREAMBLE

It is agreed by the Parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the Sandusky County Commissioners ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 6117.34 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 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 Chapter 6111, and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. The Village of Wightman's Grove is an unincorporated subdivision located in Riley Township, Sandusky County, Ohio ("the Wightman's Grove Area.") The Wightman's Grove Area consists of approximately 93 residences and businesses located along Coonrod Road to the south, Lagoon Drive to the west, Main Street to the north along the Sandusky River, Plover Avenue and Main Street running between Coonrod Road and Main Street, and Huss Drive and Vollmar Court, extending off of Main Street.

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.

By: _____ **Date:** 12-10-07

3. Centralized wastewater treatment facilities are currently unavailable in the Wightman's Grove Area.

4. The Wightman's Grove Area is served by inadequate or failing on-site or aeration sewage disposal systems that discharge raw or partially treated sewage to roadside ditches, storm drains, and/or storm sewers, (referred to as "drainage systems"). The drainage systems for Wightman's Grove discharge to unnamed tributaries of the Sandusky River. The unnamed tributaries of the Sandusky River are defined as "waters of the state" pursuant to ORC § 6111.01.

5. On October 17, 2003, the Sandusky County Board of Health ("Board of Health") passed Resolution 03-20, issuing a written complaint under ORC § 6117.34, alleging that unsanitary conditions exist in the Wightman's Grove Area due to untreated sanitary sewage discharges. Said resolution is set forth in Attachment A, which is attached hereto and incorporated herein, as if fully written within. Ohio EPA received a copy of the resolution in a letter from the Board of Health dated October 22, 2003.

6. Pursuant to ORC § 6117.34, whenever the board of health of a general health district makes a complaint in writing to Ohio EPA that unsanitary conditions exist in any county, the Director forthwith shall inquire into and investigate the conditions complained of in said complaint.

7. In the summer of 2004, Ohio EPA conducted an investigation of the conditions alleged in the Board of Health's ORC § 6117.34 complaint for the Wightman's Grove Area. Ohio EPA staff observed conditions indicative of untreated sewage in the drainage systems and unnamed tributaries of the Sandusky River, along with odors of untreated sewage evident. Samples taken on July 13, 2004 and September 20, 2004, confirmed the presence of fecal coliform bacteria exceeding the state's water quality standards. The sampling results are set forth in Attachment B, which is attached hereto and incorporated herein, as if fully written within.

8. On April 21, 2005, the Board of Health submitted a letter recommending the installation of sanitary sewers to address the problem of inadequate treatment of sewage in the Wightman's Grove Area.

9. The sampling data and subsequent investigation by Ohio EPA confirmed the existence of unsanitary conditions, documented violations of Ohio's general water quality criteria set forth in OAC Rule 3745-1-04, and demonstrated a public health nuisance in accordance with OAC Rule 3745-1-04.

10. Small lot sizes, in conjunction with local soil conditions and local hydrology, make

the installation of replacement or repair of existing on-site sewage disposal systems an unacceptable solution to remedy the unsanitary conditions.

11. Pursuant to ORC § 6117.34, if, upon investigation of the complaint, the Director finds that it is necessary to the public health and welfare that sanitary facilities be acquired or constructed, maintained, and operated to serve any territory outside municipal corporations in any county, the Director shall notify the board of county commissioners of the county of that finding and order that corrective action be taken.

12. It is necessary for the public health and welfare that sewer improvements or sewage treatment or disposal works be constructed, maintained, and operated to service the unincorporated communities.

13. 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 (PTI) requirements of ORC §§ 6111.44 and 6111.45 and OAC Chapter 3745-42.

V. ORDERS

1. Within twelve (12) months after the effective date of these Orders, Respondent shall submit to Ohio EPA, for review and approval, a general plan for abating pollution and correcting the unsanitary conditions within the Wightman's Grove Area. The general plan shall address, at a minimum, the following items:

   a. Alternatives for treating sewage from the affected areas including, but not limited to, the following options:

      i. Centralized treatment;

      ii. No discharge to surface waters by connecting to existing sewers and directing sanitary sewage flows to the nearest regional wastewater treatment plant;

      iii. No discharge to surface waters by utilizing land application for wastewater disposal; and

      iv. Limiting the discharge to surface waters by constructing controlled discharge lagoons.

b. Proposed locations of collection and treatment facilities if deemed appropriate.

c. Cost estimates for the required improvements and cost effectiveness analysis of the alternatives based on total present worth. The cost effectiveness analysis must include the total construction costs of each alternative as well as operation, maintenance, and replacement costs, and should use the following assumptions:

i. The analysis must be for a twenty (20) year period; and

ii. Assume an interest rate of 6.5% per annum.

d. The financial mechanisms to be used to fund the required improvements, as well as the operation, maintenance, and replacement costs.

e. Implementation schedule for submitting a complete NPDES permit application, if necessary, a complete permit to install (PTI) application and approvable detail plans, awarding construction bids, starting and completing construction, and attaining compliance with ORC Chapter 6111 and the administrative rules promulgated thereunder.

2. Upon Ohio EPA's approval of the general plan, Respondent shall implement the general plan in accordance with the implementation schedule required by Order 1.e.

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 the Respondent. For purposes of these Orders, a responsible

official is as defined in OAC Rule 3745-33-03(D)(4) for a municipal, state, or other public facility.

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 Facility.

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

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northwest District Office
Division of Surface Water
Attn: DSW Enforcement Unit Supervisor
347 North Dunbridge Road
Bowling Green, Ohio 43402

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, 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 AND AGREED:
Ohio Environmental Protection Agency

Chris Korleski
Director

12-7-07
Date

IT IS SO AGREED:
Sandusky County Commissioners

Signature — Date: 11-13-07

Terry Thatcher
Printed or Typed Name

President, Board of County Commissioners, Sandusky County, Ohio
Title

Signature — Date: 11-13-07

Dan Liskai
Printed or Typed Name

Commissioner
Title

Signature — Date: 11-13-07

Brad Smith
Printed or Typed Name

Commissioner
Title

Attachment A

Sandusky County Department of Public Health

"Serving Fremont, Clyde and All of Rural Sandusky County"

David G. Pollick
Health Commissioner

RESOLUTION 03-20

WHEREAS, THE SANDUSKY COUNTY BOARD OF HEALTH is charged with the administration and enforcement of laws and regulations to protect the public health and the environment; and

WHEREAS THE BOARD OF HEALTH investigates reports of public health nuisance conditions in the Sandusky County General Health District under authority of Ohio Revised Code 3707.01; and

WHEREAS THE BOARD OF HEALTH has investigated and documented public health nuisance conditions in the Wightman's Grove area of Riley Township caused by the discharge of partially and/or untreated sewage into the waters of the State of Ohio.

NOW, THEREFORE, BE IT RESOLVED, as per Ohio Revised Code 6117.34, the Board of Health of the Sandusky County Combined General Health District is initiating a complaint to the Ohio E.P.A. to investigate these unsanitary conditions as described and issue orders for correction.

VOTING THEREON:

Chudzinski	
J. Mason	✓
L. Mason	✓
Lauer	✓
Gierhart	✓
Wise	
Yuhas	✓
Woodruff	✓

LINDA MASON, PRESIDENT

DAVID G. POLLICK, SECRETARY

DATE OCTOBER 17, 2003

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AN EQUAL OPPORTUNITY EMPLOYER/PROVIDER

Attachment B

INTER-OFFICE COMMUNICATION

To: MaryBeth Cohen, ES II, DSW
From: Brent Kuenzli, ES II, DSW, WQ
Date: February 9, 2004
Subject: Village of Wightmans Grove

An investigation into the unsanitary conditions reported in the Village of Wightmans Grove was conducted during the summer of 2004. The community does not provide centralized collection and treatment for sanitary wastewater and therefore sewage is treated by on-lot systems. An initial reconnaissance of the study area concluded that waste streams from many of these on-lot systems are connected to the village storm sewer system or discharge directly to surface water.

Septic system effluent in the road side along Coonrod Road had a grey to black color and distinctive "rotten egg" odor due to anaerobic decomposition of organic matter and resulting emission of hydrogen sulfide. Substrates within the ditch were covered with sludge and had growths of bacteria present. Surface water grabs were collected at two locations on July 13 and September 20, 2004. Sample sites were selected to evaluate impact from the discharges. Bacteriological samples were delivered same day to Jones and Henry Laboratories in Northwood, OH for fecal coliform analysis. All samples were collected, preserved, shipped, and analyzed according to protocol contained in the Manual of Ohio EPA Surveillance Methods and Quality Assurance Practices.

The samples were collected from unnamed tributaries/ditches located in the Sandusky River watershed. These unnamed tributaries/ditches do not have a beneficial use designated in the Ohio water quality standards (3745-1-11). Limited resource water (LRW) use designation apply to all water bodies which are not assigned an aquatic life use designation (3745-1-07 (A)(4)). The fecal coliform criteria established to prevent public health nuisances is 5000 colonies per 100 ml.

Water quality standard exceedances that were documented are highlighted bold in Table 1. The attached map identifies sample site locations.

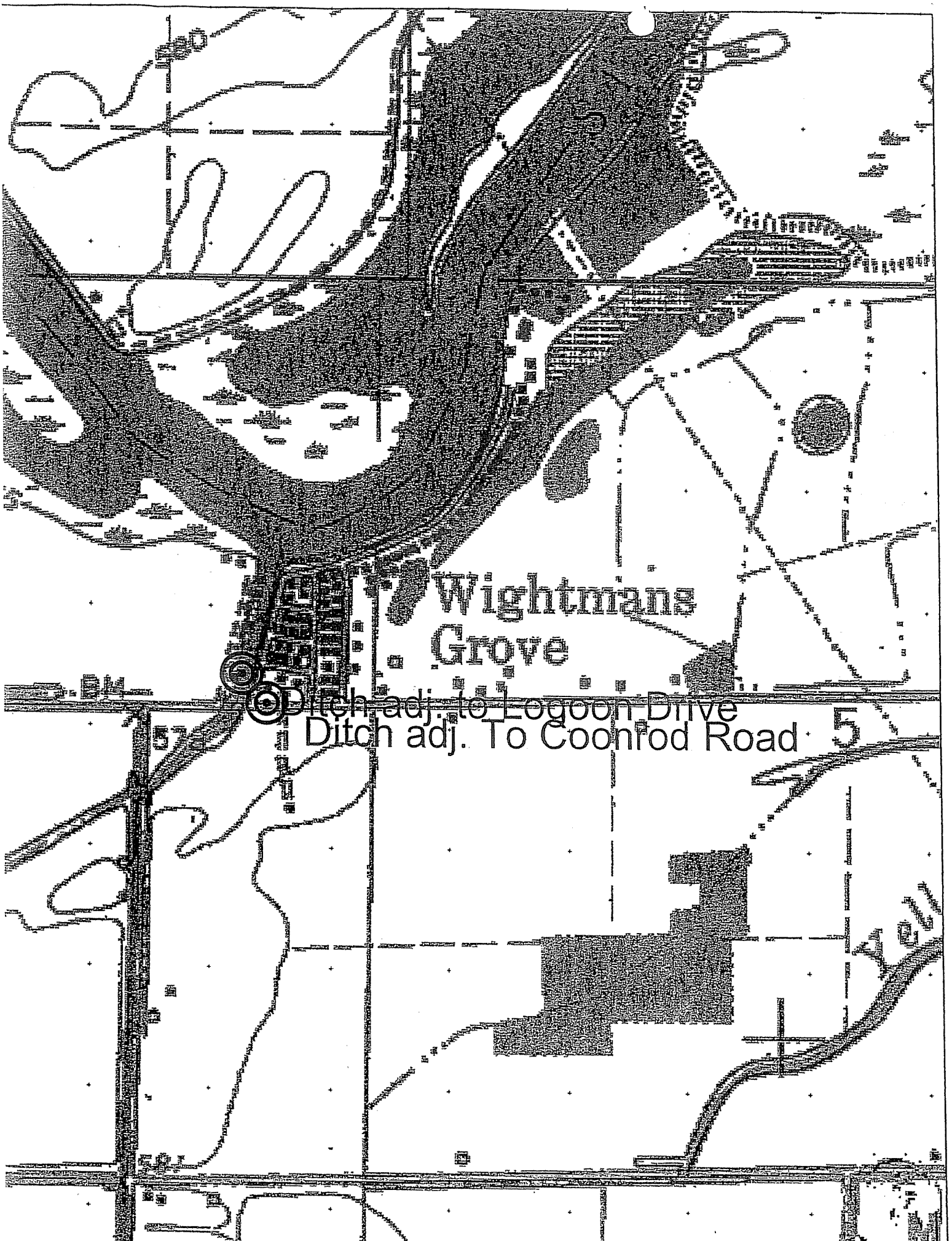
Table 1. Results microbiological samples collected during the 2004 investigation. Values highlighted **bold** exceed the water quality standards.

Ditch adj. To Coonrod Road

Date:	071304	092004	092004
Time:	1040 hrs	0925 hrs	1130 hrs
Fecal coliform (#/100 ml)	3900	**49000**	**300000**

Ditch adj. to Logoon Drive (Twp. 206)

Date:	071304	092004	092004
Time:	1030 hrs	0930 hrs	1135 hrs.
Fecal coliform (#/100 ml)	**8400**	1200	1200



ault> - 2 Markers, Length = 213 feet

Ditch adj. To Coonrod Road - 041° 25' 18.0" N, 083°

Ditch adj. to Logoon Drive - 041° 25' 19.6" N, 083° 0