BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: GEO Consultants Corporation 325 Kentucky Avenue Kevil, Kentucky 42053

Director's Final Findings and Orders

Respondent

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to GEO Consultants Corporation (the "Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("R.C.") 6111.03(H).

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 R.C. Chapter 6111 and the rules adopted thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. GEO Consultants Corporation ("GEO") is a geological engineering and environmental services company located at 325 Kentucky Avenue, Kevil, Kentucky 42053.

2. GEO has been awarded a contract from the US Army Corps of Engineers ("USACE") to perform well maintenance and testing work at the Bolivar Dam located at 11614 Glenpark Rd NE, Bolivar, OH 44612.

3. GEO will be performing chemical rehabilitation on two of the relief wells at the dam. These wells are designed to relieve sub-surface hydraulic pressure at the base of the dam. The relief wells are not directly connected to the body of water that the dam is designed to hold back. Each well contains a screened (perforated) section that allows water to flow into the well.

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: [Signature] Date: 5-24-17
4. GEO will clean two wells using chemical rehabilitation via a mild acid solution. As the well is cleaned the acidic properties of the solution are neutralized and the water collected is considered non-hazardous. The chemical rehabilitation to be used on this project is a method of cleaning known as Blended Chemical and Heat Treatment (BCHT).

5. After the wells are cleaned, the cleaning solution will be pumped and stored in an onsite portable holding tank. Prior to discharge, the water will be tested for pH and samples will be collected for laboratory analysis to ensure the discharge will meet the limits contained in these Orders or in a subsequent NPDES permit.

6. Discharge will be via a flexible hose with an attached filter sock to reduce sediment or solids. The discharge will be to land surfaces adjacent to the receiving water pursuant to USACE guidance. The discharge point will employ best management practices and be designed to reduce or eliminate soil erosion.

7. GEO plans to begin to work at the site on June 5, 2017, and complete any work by June 30, 2017. The anticipated discharge is planned to occur during the middle of the project.

8. ORC Section 6111.04(A) provides:

   (1) No person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state.

   (2) Such an action prohibited under division (A)(1) of this section is hereby declared to be a public nuisance.

Divisions (A)(1) and (2) of this section do not apply if the person causing pollution or placing or causing to be placed wastes in a location in which they cause pollution of any waters of the state holds a valid, unexpired permit, or renewal of a permit, governing the causing or placement as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person’s application for renewal of such a permit is pending.

9. The director of environmental protection may do any of the following under ORC Section 6111.04(H)(4):

   Issue, modify, or revoke orders to prevent, control, or abate water pollution by such means as the following: Requiring compliance with any standard or rule adopted under section 6111.01 to 6111.05 of the Revised Code or term or condition of a permit.
10. Chapter 3754-1-04 “Criteria applicable to all waters” in sections (A) through (F) provides:

The following general water quality criteria shall apply to all surface waters of the state including mixing zones. To every extent practical and possible as determined by the director, these waters shall be:

(A) Free from suspended solids or other substances that enter the waters as a result of human activity and that will settle to form putrescent or otherwise objectionable sludge deposits, or that will adversely affect aquatic life;

(B) Free from floating debris, oil, scum and other floating materials entering the waters as a result of human activity in amounts sufficient to be unsightly or cause degradation;

(C) Free from materials entering the waters as a result of human activity producing color, odor or other conditions in such a degree as to create a nuisance;

(D) Free from substances entering the waters as a result of human activity in concentrations that are toxic or harmful to human, animal or aquatic life and/or are rapidly lethal in the mixing zone;

(E) Free from nutrients entering the waters as a result of human activity in concentrations that create nuisance growths of aquatic weeds and algae;

(F) Free from public health nuisances associated with raw or poorly treated sewage. A public health [sic] nuisance shall be deemed to exist when the conditions set forth in paragraph (F)(1) of this rule are demonstrated.


12. Due to the timing of the discharge and project, and the current renewal status of the General Permit, Respondent cannot obtain coverage under the General Permit at this time. Until such time as permit coverage has been obtained or the discharge is eliminated, compliance with these Orders is intended to manage the discharge to protect public health and the environment.

13. R.C. 6111.07(A) prohibits any person from violating, or failing to perform, any duty imposed by R.C. 6111.01 to 6111.08, or violating any rule.
11. 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 R.C. Chapter 6111.

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 requirements of applicable state and local laws.

V. ORDERS

1. Until such time as these Orders are terminated or revoked, Respondent shall comply with effluent limits and monitoring obligations set forth in Attachment A.

2. Sample and testing for pH shall be done prior to discharge to ensure compliance with the pH limits contained in Attachment A.

3. Samples shall be collected during each discharge.

4. Samples shall be collected at fifty percent (50%) of volume of discharge.

5. All samples shall be collected and analyzed using the approved methods in 40 CFR 136.

6. All samples shall be collected as grab samples.

7. Results of sample analysis shall be submitted to Ohio EPA’s Southeast District Office within thirty (30) days of collection.

8. Authorization for discharge under these orders shall expire on August 1, 2017.

VI. TERMINATION

Respondent may seek termination of these Orders upon obtaining an individual NPDES permit authorizing the discharge or terminates the discharge in a lawful manner.

VII. 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 rules applicable to Respondent.
VIII. NOTICE

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

Ohio Environmental Protection Agency
Division of Surface Water
Southeast District Office
2195 Front Street
Logan, Ohio 43138
Attn: Enforcement Supervisor, Division of Surface Water

IX. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with these Orders and/or for any of the violations described herein. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to R.C. Chapter 6111 or any other applicable law in the future. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

X. APPEAL

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to R.C. 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of $70.00, made payable to "Treasurer, State of Ohio," which the Commission, in its discretion, may reduce if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
30 East Broad Street, 4th Floor
Columbus, Ohio 43215
XI. EFFECTIVE DATE

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

IT IS SO ORDERED:
Ohio Environmental Protection Agency

Craig W. Butler
Director

5/24/17
Date
# Attachment A: Limits and Monitoring Requirements for Temporary Discharge

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<th>Parameter</th>
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