BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Jones Estates, LLC
2310 S. Miami Blvd
Durham, NC 27703

Respondent

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:

I. JURISDICTION

These Director’s Final Findings and Orders ("Orders") are issued to Jones Estates, LLC ("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, its parents, subsidiaries, affiliates, members, agents, and successors in interest liable under Ohio law. No change in the ownership of Respondent or the Facility described in Finding No. 1 of these Orders 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 Chapters 6111 and 3745, and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has made the following findings:

1. Respondent, a limited liability company registered in Ohio, owns and operates
the Pleasant Acres Mobile Home Park ("Facility"), located at 6106 London-Groveport Road, Pleasant Township, Franklin County, Ohio, which it purchased on or about February 28, 2019.

2. The wastewater treatment plant ("WWTP") at the Facility discharges "sewage" as defined in ORC § 6111.01, into an unnamed tributary to Big Darby Creek. The unnamed tributary and Big Darby Creek constitute "waters of the state" as defined in ORC § 6111.01.

3. The Big Darby Creek has been designated a State and National Scenic River with an exceptional warm water habitat and primary contact recreation designations. To protect this resource, Ohio EPA sampled and established a total maximum daily load (TMDL) that could be discharged into the Big Darby Creek without degrading water quality.

4. The previous owner of the Facility held an Ohio National Pollutant Discharge Elimination System ("NPDES") permit, No. 4PV00101*BD, which authorized the discharge described in Finding No. 2. The permit expired on February 28, 2006.

5. NPDES permit No. 4PV00101*BD contained Condition 32 that stated: "Not withstanding [sic] the issuance or non-issuance of an NPDES permit to a semi-public disposal system, whenever the sewage system of a publicly owned treatment works becomes available and accessible, the permittee operating any semi-public disposal system shall abandon the semi-public disposal system and connect it into the publicly owned treatment works."

6. Pursuant to Director's Final Findings and Orders, the Franklin County Board of Commissioners built the Darbydale Wastewater Treatment Plant to provide a centralized wastewater treatment system for the Darbydale Area. The Darbydale Area includes Pleasant Acres Mobile Home Park ("MHP").

7. The Facility was notified by letter from the Franklin County Sanitary Engineer, dated September 7, 2005, that the Darbydale Wastewater and Collection System was fully operational and able to accept sewer discharge. The letter stated that December 15, 2005, was the deadline for connections to the Darbydale system to be completed.

8. The Facility failed to submit a permit to install ("PTI") for connecting the Facility to the public sanitary sewer and has not connected the Facility to the Darbydale Wastewater and Collection System. This violated Condition 32 of NPDES permit No. 4PV00101*BD.
9. Ohio Administrative Code ("OAC") 3745-33-08(B) provides: "No NPDES permit shall be issued for a semi-public system whenever the sewage system of a publicly owned treatment works is available and accessible." Ohio EPA was, therefore, unable to renew the expired NPDES permit for the Facility.

10. ORC § 6111.04(A) prohibits any person from causing pollution or causing any sewage, industrial waste or other waste to be placed in any location where they cause pollution of waters of the State of Ohio, except if such discharges occur in accordance with a permit issued by the Director.

11. The Facility has been discharging sewage into waters of the state without a permit in violation of ORC § 6111.04 from March 1, 2006 until the present.

12. ORC § 6111.07(A) prohibits any person from violating, or failing to perform, any duty imposed by ORC §§ 6111.01 to 6111.08, or violating any order, rule, or term or condition of any permit issued or adopted by the Director pursuant to those sections. Each day of violation is a separate offense.

13. A public sanitary sewer system is available and accessible to the Facility.

14. These Orders do not constitute authorization of or approval for, the construction or modification of any physical structure or facilities. Any such construction or modification is subject to the permit to install requirements of ORC §§ 6111.44 and 6111.45 and OAC Chapter 3745-42.

15. Compliance with ORC Chapter 6111. is not contingent upon the availability or receipt of financial assistance.

16. The Director has given consideration to, and based her 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 purposes of ORC Chapter 6111.

V. ORDERS

1. Respondent shall complete the following steps to remove excessive inflow and infiltration ("I & I") from the Facility's sanitary sewer collection system:
a. By May 1, 2019, Respondent shall submit to Ohio EPA for concurrence, in accordance with Section X. of these Orders, a report on the results of the evaluation of the Facility's sanitary sewer collection system. The I & I report shall include the following:

i. The results of the evaluation of the sanitary sewer collection system to determine sources/causes of excessive I & I;

ii. Actions taken to improve the collection system;

iii. Recommended actions for removing excessive I & I and any other improvements necessary to enhance collection system performance;

iv. A schedule for implementing the recommended actions and improvements for the collection system;

v. If an evaluation of the storm sewers at the Facility was performed, the results of the evaluation of the storm sewers, any improvements necessary to enhance the performance of the storm sewers, and a schedule for implementing the improvements to the storm sewers.

b. Upon Ohio EPA's concurrence with the report, Respondent shall implement the actions and improvements recommended in the report that do not require a permit to install ("PTI") from Ohio EPA in accordance with the schedule included in the report as accepted by Ohio EPA, and shall complete such actions and improvements in accordance with the schedule or by October 1, 2019, whichever is earlier;

c. Either as part of the PTI application submitted to Ohio EPA in accordance with Order No. 2.a., or separately prior to the PTI application submitted in accordance with Order No. 2.a., Respondent shall submit to Ohio EPA in accordance with Section X. of these Orders, approvable detailed plans and a complete and approvable PTI application and schedule for any necessary sanitary sewer collection system improvements that require a PTI from Ohio EPA;

d. Upon approval of the PTI, Respondent shall commence construction of any sanitary sewer collection system improvements in accordance with the approved PTI and schedule;
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e. Respondent shall complete construction of any sanitary sewer collection system improvements in accordance with the approved PTI and schedule;

f. Within seven (7) days of commencement and completion of the Facility’s sanitary sewer collection system improvements and storm sewer improvements required by Order No. 1, Respondent shall provide written notification to Ohio EPA in accordance with Section X. of these Orders.

2. Respondent shall complete the following steps to connect the Facility to Franklin County’s sanitary sewerage system:

a. By August 1, 2019, Respondent shall submit to Ohio EPA a complete and approvable PTI application and approvable detail plans for all necessary sewer connection facilities, including a pump station and associated force main sewer line, for connection of the Facility to the Franklin County sanitary sewerage system;

b. As soon as feasible after approval of the PTI but no later than June 1, 2020, Respondent shall commence construction of the necessary sewer connection facilities for connection of the Facility to the Franklin County sanitary sewerage system;

c. By no later than December 31, 2020, Respondent shall complete construction of the necessary sewer connection facilities for connection of the Facility to the Franklin County sanitary sewerage system, connect the Facility to the Franklin County sanitary sewerage system, and immediately place the sewer connection facilities into operation;

d. Within seven (7) days of commencement and completion of construction of the necessary sewer connection facilities, and placement of the sewer connection facilities into operation, as required by Order No. 2, Respondent shall provide written notification to Ohio EPA in accordance with Section X. of these Orders.

3. Within fourteen (14) days of receipt of notification from Ohio EPA, Respondent shall provide to Ohio EPA, in accordance with Section X. of these Orders, a response addressing any comments or deficiencies and/or submit any additional information requested with regard to any of the submittals required by Orders Nos. 1 and 2.

4. Within sixty (60) days of connecting the Facility to the Franklin County sanitary
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sewerage system, Respondent shall decommission any parts of the Facility’s existing WWTP not being used as part of the sewer connection facilities as follows:

a. Seal or remove the outfall pipe;

b. Clean out all wastewater and sludge from the concrete tanks, remove all metal, piping and wire, collapse the concrete tanks in place and raise the area to grade, or dispose of the concrete in accordance with Order No. 4.c. below;

c. Remove all piping, conduit, steel tanks, and mechanical equipment, such as blowers and pumps, from the site for salvage, sale or disposal in a licensed construction and demolition debris landfill or solid waste landfill.

5. Respondent shall comply with ORC Chapter 6111 and rules adopted thereunder.

6. Respondent shall operate and maintain the Facility’s WWTP in accordance with all of the terms and conditions in Attachment A to these Orders until the connection of the Facility to the Franklin County sanitary sewerage system is in operation. All monitoring data and other reports required to be submitted by the terms and conditions set out in Attachment A shall be submitted to Ohio EPA as specified in Attachment A using permit number 4PV00101.

7. From the effective date of these Orders until Franklin County assumes ownership of the sewer connection facilities, Respondent shall comply with OAC Rule 3745-7-02(A)(2), by ensuring an operator of record with a valid Class I certification or above is employed or under contract to oversee the technical operation of the WWTP or the sewer connection facilities.

a. Respondent shall submit to Ohio EPA, in accordance with Section X. of these Orders, an Operator of Record Notification Form in the event of a change in Respondent’s certified operator.

b. If Respondent enters into a contract with a certified operator, it shall meet the requirements in OAC 3745-7-02(D).

c. Respondent shall require its operator of record to meet the minimum staffing requirements in OAC 3745-7-04(C)(1).

d. Respondent shall require its operator of record to meet the recordkeeping requirements and other responsibilities in OAC 3745-7-09.
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(F).

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 or the Facility.

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  
Division of Surface Water  
Attn: DSW Enforcement Unit Supervisor  
50 West Town Street, Suite 700  
[P.O. Box 1049]  
Columbus, Ohio 43215 [43216-1049]

and to:

Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Surface Water  
Attn: Manager, Enforcement Section  
50 West Town Street, Suite 700  
[P.O. Box 1049]  
Columbus, Ohio 43215 [43216-1049]

[For mailings use the P.O. Box number and zip code in brackets.]

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

[Signature]
Laurie A. Stevenson
Director

[Date]
3/4/19
IT IS SO AGREED:

Jones Estates, LLC

[Signature]

[Printed or Typed Name]

[Title]

3/5/19
Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date and lasting until the expiration date, the Defendants are authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 4PV00101001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 - Final

<table>
<thead>
<tr>
<th>Effluent Characteristic</th>
<th>Discharge Limitations</th>
<th>Monitoring Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parameter</td>
<td>Concentration Specified Units</td>
<td>Loading* kg/day</td>
</tr>
<tr>
<td></td>
<td>Maximum Minimum Weekly Monthly Daily Weekly Monthly</td>
<td></td>
</tr>
<tr>
<td>00010 - Water Temperature - °C</td>
<td>- - - - - -</td>
<td>- - - - - -</td>
</tr>
<tr>
<td>00083 - Color, Severity - Units</td>
<td>- - - - - -</td>
<td>- - - - - -</td>
</tr>
<tr>
<td>00300 - Dissolved Oxygen - mg/l</td>
<td>- 6.0 - - -</td>
<td>- - - - - -</td>
</tr>
<tr>
<td>00400 - pH - S.U.</td>
<td>9.0 6.5 - - -</td>
<td>- - - - - -</td>
</tr>
<tr>
<td>00530 - Total Suspended Solids - mg/l</td>
<td>- - 18 12 -</td>
<td>- - 2.66 1.77</td>
</tr>
<tr>
<td>00610 - Nitrogen, Ammonia (NH3) - mg/l</td>
<td>- 1.5 1.0 -</td>
<td>- .22 .15</td>
</tr>
<tr>
<td>00610 - Nitrogen, Ammonia (NH3) - mg/l</td>
<td>- 4.5 3.0 -</td>
<td>- .67 .44</td>
</tr>
<tr>
<td>01330 - Odor, Severity - Units</td>
<td>- - - - - -</td>
<td>- - - - - -</td>
</tr>
<tr>
<td>01350 - Turbidity, Severity - Units</td>
<td>- - - - - -</td>
<td>- - - - - -</td>
</tr>
<tr>
<td>31616 - Fecal Coliform - #/100 ml</td>
<td>- - 2000 1000 -</td>
<td>- - - - - -</td>
</tr>
<tr>
<td>50050 - Flow Rate - MGD</td>
<td>- - - - - -</td>
<td>- - - - - -</td>
</tr>
<tr>
<td>50060 - Chlorine, Total Residual - mg/l</td>
<td>0.019 - - - -</td>
<td>2.22 1.48</td>
</tr>
<tr>
<td>80082 - CBOD 5 day - mg/l</td>
<td>- - 15 10 -</td>
<td>- - - - - -</td>
</tr>
</tbody>
</table>

Notes for station 4PV00101001:
* Effluent loadings based on average design flow of 0.039 MGD.
See Part II, Item G.
See Part II, Item D.

1. Sludge Monitoring. During the period beginning on the effective date and lasting until the expiration date, the Defendants shall monitor the treatment works' final sludge at Station Number 4PV00101588, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 588 - Final

<table>
<thead>
<tr>
<th>Effluent Characteristic</th>
<th>Discharge Limitations</th>
<th>Monitoring Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Concentration Specified Units</td>
<td>Loading* kg/day Measuring Type Months</td>
</tr>
<tr>
<td>70316 - Sludge Weight - Dry Tons</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

* When sludge is removed from the wastewater treatment facility and disposal of by hauling it to a POTW or placed in a mixed solid waste landfill. If no sludge is removed during the month, leave data area blank and enter "No sludge removed during month" in the "Additional Remarks" section (signature required).

** Calculated total for the sampling period.

See Part II, Item K.
Part II. OTHER REQUIREMENTS

A. The wastewater treatment works must be under supervision of a Class I State certified operator as required by rule 3745-7-02 of the Ohio Administrative Code.

B. Description of the location of the required sampling stations are as follows:

<table>
<thead>
<tr>
<th>Sampling Station</th>
<th>Description of Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>4PV00101001</td>
<td>Discharge from WWTP at sample well prior to entering unnamed tributary to Big Darby Creek</td>
</tr>
<tr>
<td></td>
<td>(Lat: 39W 51' 18&quot;; Long: 83N 09' 57&quot;)</td>
</tr>
<tr>
<td>4PV00101588</td>
<td>Sludge taken to POTW</td>
</tr>
</tbody>
</table>

C. All parameters, except flow, need not be monitored on days when the plant is not normally staffed (Saturdays, Sundays, and Holidays). On those days, report "AN" on the monthly report form.

D. If Severity Units are required for Turbidity, Odor, or Color, use the following table to determine the value between 0 and 4 that is reported.

<table>
<thead>
<tr>
<th>Reported Value</th>
<th>Severity Description</th>
<th>Turbidity</th>
<th>Odor</th>
<th>Color</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>None</td>
<td>Clear</td>
<td>None</td>
<td>Colorless</td>
</tr>
<tr>
<td>1</td>
<td>Mild</td>
<td>Light Solids</td>
<td>Musty</td>
<td>Grey</td>
</tr>
<tr>
<td>2</td>
<td>Moderate</td>
<td>Heavy Solids</td>
<td>Septic</td>
<td>Black</td>
</tr>
<tr>
<td>3</td>
<td>Serious</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Extreme</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Interpolate between the descriptive phrases.

E. Composite samples shall be comprised of at least three grab samples proportionate in volume to the sewage flow rate at the time of sampling and collected at intervals of at least 30 minutes, but not more than 2 hours, during the period that the plant is staffed on each day for sampling. Such samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's overall performance.

F. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's performance.
G. Effluent disinfection is not directly required, however, the entity is required to meet all applicable discharge permit limits. If disinfection facilities exist, they shall be maintained in an operable condition. Any design of wastewater treatment facilities should provide for the capability to install disinfection if required at a future time. Disinfection may be required if future bacteriological studies or emergency conditions indicate the need.

H. The chlorine residual limitation is being reevaluated by Ohio EPA. Upon completion of reevaluation, a more stringent chlorine residual limitation may be required, and this permit may be modified to incorporate the revised limitation.

I. POTWs that accept hazardous wastes by truck, rail, or dedicated pipeline are considered to be hazardous waste treatment, storage, and disposal facilities (TSDFs) and are subject to regulation under the Resource Conservation and Recovery Act (RCRA). Under the "permit-by-rule" regulation found at 40 CFR 270.60(c), a POTW must

1. comply with all conditions of its NPDES permit,
2. obtain a RCRA ID number and comply with certain manifest and reporting requirements under RCRA,
3. satisfy corrective action requirements, and
4. meet all federal, state, and local pretreatment requirements.

J. Final permit limitations based on preliminary or approved waste load allocations are subject to change based on modifications to or finalization of the allocation or report or changes to Water Quality Standards. Monitoring requirements and/or special conditions of this permit are subject to change based on regulatory or policy changes.

K. Not later than January 31 of each calendar year, the Defendants shall submit two (2) copies of a report summarizing the sludge disposal and/or reuse activities of the facility during the previous year. One copy of the report shall be sent to the Ohio EPA, Division of Surface Water, Central Office, and one copy of the report shall be sent to the Central District Office. This report shall address:

1) Amount of sludge disposed of/reused in dry tons.

2) Method(s) of disposal/reuse.

3) Summary of all analyses made on the sludge, including any priority pollutant scans that may have been performed. (If a priority pollutant scan has been conducted as a part of the pretreatment program, the most recent analysis should be submitted.)

4) Problems encountered including any complaints received. The cause or reason for the problem and corrective actions taken to solve the problem should also be included. Any incidents of interference with the method of sludge disposal shall be
identified, along with the cause of interference (i.e., excessive metals concentration, contaminated sludge, etc.) and the corrective actions taken.

PART III - GENERAL CONDITIONS

1. DEFINITIONS

"Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

"Average weekly" discharge limitation means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week. Each of the following 7-day periods is defined as a calendar week: Week 1 is Days 1 - 7 of the month; Week 2 is Days 8 - 14; Week 3 is Days 15 - 21; and Week 4 is Days 22 - 28. If the "daily discharge" on days 29, 30 or 31 exceeds the "average weekly" discharge limitation, Ohio EPA may elect to evaluate the last 7 days of the month as Week 4 instead of Days 22 - 28. Compliance with fecal coliform bacteria or E coli bacteria limitations shall be determined using the geometric mean.

"Average monthly" discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. Compliance with fecal coliform bacteria or E coli bacteria limitations shall be determined using the geometric mean.

"85 percent removal" means the arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period.

"Absolute Limitations" Compliance with limitations having descriptions of "shall not be less than," "nor greater than," "shall not exceed," "minimum," or "maximum" shall be determined from any single value for effluent samples and/or measurements collected.

"Net concentration" shall mean the difference between the concentration of a given substance in a sample taken of the discharge and the concentration of the same substances in a sample taken at the intake which supplies water to the given process. For the purpose of this definition, samples that are taken to determine the net concentration shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.
"Net Load" shall mean the difference between the load of a given substance as calculated from a sample taken of the discharge and the load of the same substance in a sample taken at the intake which supplies water to given process. For purposes of this definition, samples that are taken to determine the net loading shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

"MGD" means million gallons per day.

"mg/l" means milligrams per liter.

"ug/l" means micrograms per liter.

"ng/l" means nanograms per liter.

"S.U." means standard pH unit.

"kg/day" means kilograms per day.

"Reporting Code" is a five digit number used by the Ohio EPA in processing reported data. The reporting code does not imply the type of analysis used nor the sampling techniques employed.

"Quarterly (1/Quarter) sampling frequency" means the sampling shall be done in the months of March, June, August, and December, unless specifically identified otherwise in the Effluent Limitations and Monitoring Requirements table.

"Yearly (1/Year) sampling frequency" means the sampling shall be done in the month of September, unless specifically identified otherwise in the effluent limitations and monitoring requirements table.

"Semi-annual (2/Year) sampling frequency" means the sampling shall be done during the months of June and December, unless specifically identified otherwise.

"Winter" shall be considered to be the period from November 1 through April 30.

"Bypass" means the intentional diversion of waste streams from any portion of the treatment facility.

"Summer" shall be considered to be the period from May 1 through October 31.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Defendants. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

"Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.
"Sewage sludge weight" means the weight of sewage sludge, in dry U.S. tons, including admixtures such as liming materials or bulking agents. Monitoring frequencies for sewage sludge parameters are based on the reported sludge weight generated in a calendar year (use the most recent calendar year data when the NPDES permit is up for renewal).

"Sewage sludge fee weight" means the weight of sewage sludge, in dry U.S. tons, excluding admixtures such as liming materials or bulking agents. Annual sewage sludge fees, as per section 3745.11(Y) of the Ohio Revised Code, are based on the reported sludge fee weight for the most recent calendar year.

2. GENERAL EFFLUENT LIMITATIONS

The effluent shall, at all times, be free of substances:

A. In amounts that will settle to form putrescent, or otherwise objectionable, sludge deposits; or that will adversely affect aquatic life or waterfowl;

B. Of an oily, greasy, or surface-active nature, and of other floating debris, in amounts that will form noticeable accumulations of scum, foam or sheen;

C. In amounts that will alter the natural color or odor of the receiving water to such degree as to create a nuisance;

D. In amounts that either singly or in combination with other substances are toxic to human, animal, or aquatic life;

E. In amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growths become injurious to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;

F. In amounts that will impair designated instream or downstream water uses.

3. FACILITY OPERATION AND QUALITY CONTROL

All wastewater treatment works shall be operated in a manner consistent with the following:

A. At all times, the Defendants shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the Defendants necessary to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by Defendants only when the operation is necessary to achieve compliance with conditions of the permit.

B. The Defendants shall effectively monitor the operation and efficiency of treatment and control facilities and the quantity and quality of the treated discharge.

C. Maintenance of wastewater treatment works that results in degradation of effluent quality shall be scheduled during non-critical water quality periods and shall be carried out in a manner approved by Ohio EPA as specified in the Paragraph in the PART III entitled, "UNAUTHORIZED DISCHARGES".

4. REPORTING

A. Monitoring data required by this permit may be submitted in hardcopy format on the Ohio EPA 4500 report form pre-printed by Ohio EPA or an approved facsimile. Ohio EPA 4500 report forms for each individual sampling station are to be received no later than the 15th day of the month following the month-of-interest. The original report form must be signed and mailed to:
Monitoring data may also be submitted electronically using Ohio EPA developed SWIMware software. Data must be transmitted to Ohio EPA via electronic mail or the bulletin board system by the 20th day of the month following the month-of-interest. A Surface Water Information Management System (SWIMS) Memorandum of Agreement (MOA) must be signed by the responsible official and submitted to Ohio EPA to receive an authorized Personal Identification Number (PIN) prior to sending data electronically. A hardcopy of the Ohio EPA 4500 form must be generated via SWIMware, signed and maintained onsite for records retention purposes.

B. If the Defendants monitor any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified below, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.

C. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported on Ohio EPA report form (4500) but records shall be retained as specified in the paragraph entitled "RECORDS RETENTION".

5. SAMPLING AND ANALYTICAL METHOD

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored flow. Test procedures for the analysis of pollutants shall conform to regulation 40 CFR 136, "Test Procedures For The Analysis of Pollutants" unless other test procedures have been specified in this permit. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to insure accuracy of measurements.

6. RECORDING OF RESULTS

For each measurement or sample taken pursuant to the requirements of this permit, the Defendants shall record the following information:

A. The exact place and date of sampling; (time of sampling not required on EPA 4500)

B. The person(s) who performed the sampling or measurements;

C. The date the analyses were performed on those samples;

D. The person(s) who performed the analyses;

E. The analytical techniques or methods used; and

F. The results of all analyses and measurements.

7. RECORDS RETENTION

The Defendants shall retain all of the following records for the wastewater treatment works for a minimum of three years except those records that pertain to sewage sludge disposal, use, storage, or treatment, which shall be kept for a minimum of five years, including:

A. All sampling and analytical records (including internal sampling data not reported);
B. All original recordings for any continuous monitoring instrumentation;

C. All instrumentation, calibration and maintenance records;

D. All plant operation and maintenance records;

E. All reports required by this permit; and

F. Records of all data used to complete the application for this permit for a period of at least three years, or five years for sewage sludge, from the date of the sample, measurement, report, or application.

These periods will be extended during the course of any unresolved litigation, or when requested by the Regional Administrator or the Ohio EPA. The three year period, or five year period for sewage sludge, for retention of records shall start from the date of sample, measurement, report, or application.

8. AVAILABILITY OF REPORTS

Except for data determined by the Ohio EPA to be entitled to confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate district offices of the Ohio EPA. Both the Clean Water Act and Section 6111.05 Ohio Revised Code state that effluent data and receiving water quality data shall not be considered confidential.

9. DUTY TO PROVIDE INFORMATION

The Defendants shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with this permit. The Defendants shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

10. RIGHT OF ENTRY

The Defendants shall allow the Director or an authorized representative upon presentation of credentials and other documents as may be required by law to:

A. Enter upon the Defendants's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.

B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.

C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.

D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

11. UNAUTHORIZED DISCHARGES

A. Bypassing or diverting of wastewater from the treatment works is prohibited unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
3. The Defendants submitted notices as required under paragraph D of this section.

B. If the Defendants knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

C. The Director may approve an unanticipated bypass after considering its adverse effects, if the Director determines that it has met the three conditions listed in paragraph 11.A. of this section.

D. The Defendants shall submit notice of an unanticipated bypass as required in section 12. A.

E. The Defendants may allow any bypass to occur which does not cause effluent limitations to be exceeded if that bypass is for essential maintenance to assure efficient operation.
12. NONCOMPLIANCE NOTIFICATION

A. The Defendants shall by telephone report any of the following within twenty-four (24) hours of discovery at (toll free) 1-800-282-9378:

1. Any noncompliance which may endanger health or the environment;
2. Any unanticipated bypass which exceeds any effluent limitation in the permit; or
3. Any upset which exceeds any effluent limitation in the permit.
4. Any violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit.

B. For the telephone reports required by Part 12.A., the following information must be included:

1. The times at which the discharge occurred, and was discovered;
2. The approximate amount and the characteristics of the discharge;
3. The stream(s) affected by the discharge;
4. The circumstances which created the discharge;
5. The names and telephone numbers of the persons who have knowledge of these circumstances;
6. What remedial steps are being taken; and
7. The names and telephone numbers of the persons responsible for such remedial steps.

C. These telephone reports shall be confirmed in writing within five days of the discovery of the discharge and/or noncompliance and submitted to the appropriate Ohio EPA district office. The report shall include the following:

1. The limitation(s) which has been exceeded;
2. The extent of the exceedance(s);
3. The cause of the exceedance(s);
4. The period of the exceedance(s) including exact dates and times;
5. If uncorrected, the anticipated time the exceedance(s) is expected to continue, and
6. Steps being taken to reduce, eliminate, and/or prevent occurrence of the exceedance(s).

D. Compliance Schedule Events:

If the Defendants are unable to meet any date for achieving an event, as specified in the schedule of compliance, the Defendants shall submit a written report to the appropriate district office of the Ohio EPA within 14 days of becoming aware of such situation. The report shall include the following:

1. The compliance event which has been or will be violated;
2. The cause of the violation;
3. The remedial action being taken;
4. The probable date by which compliance will occur; and

5. The probability of complying with subsequent and final events as scheduled.

E. The Defendants shall report all instances of noncompliance not reported under paragraphs A, B, or C of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraphs B and C of this section.

F. Where the Defendants become aware that they failed to submit any relevant application or submitted incorrect information in a permit application or in any report to the director, they shall promptly submit such facts or information.

13. RESERVED

14. DUTY TO MITIGATE

The Defendants shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

15. AUTHORIZED DISCHARGES

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than, or at a level in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit. Such violations may result in the imposition of civil and/or criminal penalties as provided for in Section 309 of the Act and Ohio Revised Code Sections 6111.09 and 6111.99.

16. DISCHARGE CHANGES

The following changes must be reported to the appropriate Ohio EPA district office as soon as practicable:

A. For all treatment works, any significant change in character of the discharge which the Defendants knows or has reason to believe has occurred or will occur which would constitute cause for modification or revocation and reissuance. The Defendants shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

Notification of permit changes or anticipated noncompliance does not stay any permit condition.

B. For publicly owned treatment works:

1. Any proposed plant modification, addition, and/or expansion that will change the capacity or efficiency of the plant;

2. The addition of any new significant industrial discharge; and

3. Changes in the quantity or quality of the wastes from existing tributary industrial discharges which will result in significant new or increased discharges of pollutants.

C. For non-publicly owned treatment works, any proposed facility expansions, production increases, or process modifications, which will result in new, different, or increased discharges of pollutants.

Following this notice, modifications to the permit may be made to reflect any necessary changes in permit conditions, including any necessary effluent limitations for any pollutants not identified and limited herein. A determination will also be made as to whether a National Environmental Policy Act
(NEPA) review will be required. Sections 6111.44 and 6111.45, Ohio Revised Code, require that plans for treatment works or improvements to such works be approved by the Director of the Ohio EPA prior to initiation of construction.

D. In addition to the reporting requirements under 40 CFR 122.41(I) and per 40 CFR 122.42(a), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:

1. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit. If that discharge will exceed the highest of the "notification levels" specified in 40 CFR Sections 122.42(a)(1)(i) through 122.42(a)(1)(iv).

2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" specified in 122.42(a)(2)(i) through 122.42(a)(2)(iv).

17. TOXIC POLLUTANTS

The Defendants shall comply with effluent standards or prohibitions established under Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement. Following establishment of such standards or prohibitions, the Director shall modify this permit and so notify the Defendants.

18. PERMIT MODIFICATION OR REVOCATION

A. After notice and opportunity for a hearing, this permit may be modified or revoked, by the Ohio EPA, in whole or in part during its term for cause including, but not limited to, the following:

1. Violation of any terms or conditions of this permit;

2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or

3. Change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

B. Pursuant to rule 3745-33-04, Ohio Administrative Code, the Defendants may at any time apply to the Ohio EPA for modification of any part of this permit. The filing of a request by the Defendants for a permit modification or revocation does not stay any permit condition. The application for modification should be received by the appropriate Ohio EPA district office at least ninety days before the date on which it is desired that the modification become effective. The application shall be made only on forms approved by the Ohio EPA.

19. TRANSFER OF OWNERSHIP OR CONTROL

This permit may be transferred or assigned and a new owner or successor can be authorized to discharge from this facility, provided the following requirements are met:

A. The Defendants shall notify the succeeding owner or successor of the existence of this permit by a letter, a copy of which shall be forwarded to the appropriate Ohio EPA district office. The copy of that letter will serve as the Defendants' notice to the Director of the proposed transfer. The copy of that letter shall be received by the appropriate Ohio EPA district office sixty (60) days prior to the proposed date of transfer;
B. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new Defendants (including acknowledgement that the existing Defendants is liable for violations up to that date, and that the new Defendants is liable for violations from that date on) shall be submitted to the appropriate Ohio EPA district office within sixty days after receipt by the district office of the copy of the letter from the Defendants to the succeeding owner.

At any time during the sixty (60) day period between notification of the proposed transfer and the effective date of the transfer, the Director may prevent the transfer if he concludes that such transfer will jeopardize compliance with the terms and conditions of the permit. If he does not prevent transfer, he will modify the permit to reflect the new owner.

20. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Defendants from any responsibilities, liabilities, or penalties to which the Defendants are or may be subject under Section 311 of the Clean Water Act.

21. SOLIDS DISPOSAL

Collected grit and screenings, and other solids other than sewage sludge, shall be disposed of in such a manner as to prevent entry of those wastes into waters of the state, and in accordance with all applicable laws and rules.

22. CONSTRUCTION AFFECTING NAVIGABLE WATERS

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

23. CIVIL AND CRIMINAL LIABILITY

Except as exempted in the permit conditions on UNAUTHORIZED DISCHARGES or UPSETS, nothing in this permit shall be construed to relieve the Defendants from civil or criminal penalties for noncompliance.

24. STATE LAWS AND REGULATIONS

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Defendants from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

25. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

26. UPSET

The provisions of 40 CFR Section 122.41(n), relating to "Upset," are specifically incorporated herein by reference in their entirety. For definition of "upset," see Part III, Paragraph 1, DEFINITIONS.

27. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
28. SIGNATORY REQUIREMENTS

All applications submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR 122.22.

All reports submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR Section 122.22.

29. OTHER INFORMATION

A. Where the Defendants become aware that they failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Director, they shall promptly submit such facts or information.

B. ORC 6111.99 provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $25,000 per violation.

C. ORC 6111.99 states that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $25,000 per violation.

D. ORC 6111.99 provides that any person who violates Sections 6111.04, 6111.042, 6111.05, or division (A) of Section 6111.07 of the Revised Code shall be fined not more than $25,000 or imprisoned not more than one year, or both.

30. NEED TO HALT OR REDUCE ACTIVITY

40 CFR 122.41(c) states that it shall not be a defense for Defendants in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with conditions of this permit.

31. APPLICABLE FEDERAL RULES

All references to 40 CFR in this permit mean the version of 40 CFR which is effective as of the effective date of this permit.

32. AVAILABILITY OF PUBLIC SEWERS

Notwithstanding the issuance or non-issuance of an NPDES permit to a semi-public disposal system, whenever the sewage system of a publicly owned treatment works becomes available and accessible, the Defendants operating any semi-public disposal system shall abandon the semi-public disposal system and connect it into the publicly owned treatment works.