BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

The Scioto County Commissioners
602 7th Street
Portsmouth, Ohio 45662

Respondent

Director's Final Findings and Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the Scioto County Commissioners ("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) 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 wastewater treatment plant and its collection system, 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 R.C. Chapters 6111 and the rules adopted thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Southern Ohio Correctional Facility wastewater treatment works ("WWTP") is located at 22 Cook Road, Lucasville, Ohio, Scioto County.

2. Southern Ohio Correctional Facility is served by a 0.60 MGD WWTP, consisting of a bar screen, grit removal, aerated grease removal unit, an oxidation ditch, and UV disinfection. The treated effluent is discharged to Candy Run, a water of the State.
3. The discharge is permitted under Ohio National Pollutant Discharge Elimination System ("NPDES") permit, No. 0PP00078*FD. NPDES permit No. 0PP00078*FD which was issued on March 4, 2015 and effective April 1, 2015.

4. On February 15, 2017, the Ohio Department of Rehabilitation and Corrections ("ODRC") entered into Director's Final Findings and Orders ("2017 Orders") with Ohio EPA to perform upgrades to the Southern Ohio Correctional Facility's WWTP and corresponding sewer line.

5. Section 5 of Senate Bill 66 (132nd General Assembly) authorized the sale of the Southern Ohio Correctional Facility's WWTP and corresponding sewer collection system.

6. Pursuant to SB 66, ODRC has entered into a legal agreement with Respondent to sell the Southern Ohio Correctional Facility's WWTP and corresponding sewer collection system line to Respondent. The agreement is predicated on Ohio EPA agreeing to modify the 2017 Orders to release ODRC from obligations under said Orders and requiring Respondent to assume obligations for needed upgrades to the WWTP and sewer collection system.

7. The 2017 Orders required ODRC to submit a General Plan to address upgrades necessary to allow ODRC to meet NPDES permit compliance obligations.

8. ODRC submitted a General Plan under the 2017 Orders to Ohio EPA in April of 2017.

9. ODRC submitted a Permit to Install (PTI) application to Ohio EPA on March 16, 2018 for rehabilitation of the WWTP and corresponding sewer line. Ohio EPA approved the PTI application and issued Permit No. 1219159 on May 1, 2018. ODRC has not begun construction under the PTI.

10. Ohio EPA has modified the 2017 Orders with ODRC to remove obligations for upgrades to the Southern Ohio Correction Facility in favor of requiring upgrades by the Scioto County Commissioners under these Director's Findings and Orders.

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 permit to install and plan approval requirements of R.C. 6111.44(A) and 6111.45 and OAC Chapter 3745-42.

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 public water system. Any such construction or modification is subject to the plan approval requirements of R.C. 6109.07(A) and OAC Chapter 3745-91.

V. ORDERS

Southern Ohio Correctional Facility

1. Within seven (7) days of these Orders, Respondent shall, in coordination with the Ohio Department of Rehabilitation and Corrections, take any necessary actions to facilitate the Ohio Department of Rehabilitation and Corrections’ application to Ohio EPA to transfer Permit to Install Number 1219159 to the Scioto County Commissioners.

2. Within seven (7) days of these Orders, Respondent shall, in coordination with the Ohio Department of Rehabilitation and Corrections, take any necessary actions to facilitate the Ohio Department of Rehabilitation and Corrections’ application to Ohio EPA to transfer National Pollutant Elimination Discharge Permit Number 0PP00078*FD to the Scioto County Commissioners.

3. No later than June 1, 2020, Respondent shall commence construction under Permit to Install Number 121959.

4. No later than June 1, 2021, Respondent shall complete construction under Permit to Install Number 121959.

5. No later than June 1, 2022, Respondent shall have completed all necessary upgrades to the wastewater treatment plant and corresponding sewer collection system.

6. Until the compliance dates set forth in Orders 1 through 5, Respondent shall maintain in good working order and operate as efficiently as possible the treatment works and sewerage system as defined in ORC 6111.01 to achieve compliance with the terms and conditions of NPDES permit No. 0PP00078*FD.
7. Respondent shall notify Ohio EPA within 7 days of completion of each Order, in writing, to the following address:

Ohio Environmental Protection Agency  
Southeast District Office  
2195 Front Street  
Logan, Ohio 43402  
ATTN: Enforcement Supervisor, Division of Surface Water

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrate 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 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 any of the WWTPs.

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

**Southern Ohio Correctional Facility**

Ohio Environmental Protection Agency  
Southeast District Office  
2195 Front Street  
Logan, Ohio 43402  
ATTN: Enforcement Supervisor, Division of Surface Water

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]
Craig Butler
Director

12-27-18
Date

IT IS SO AGREED:

[Signature]
Bryan K. Davis

[Printed or Typed Name]
Commissioner

12/28/2018
Date

Title