

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY OHIO E.P.A.

In the matter of:

JAN 15 2013

Edison Local School District  
140 S. Main Street  
Milan, OH 44846

ENTERED DIRECTOR'S JOURNAL  
Director's Final Findings  
and Orders

Respondent:

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

By Dmy Lasser Date: 1-15-13

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Edison Local School District ("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 its successors in interest liable under Ohio law.

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 there under.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent owns and operates a wastewater treatment plant ("WWTP") located at 2603 State Route 113 East, Milan, Erie County, 44846.
2. Respondent holds an expired National Pollutant Discharge Elimination System ("NPDES") permit, number 2PR00174\*BD, for the discharges from the WWTP.
3. Ohio EPA received an NPDES permit renewal application on July 17, 2012 from Respondent.
4. Respondent discharges to "waters of the state" as defined by ORC Section 6111.01.

5. This document does not modify NPDES Permit No. 2PR00174\*BD. The purpose of this document is to correct a condition of noncompliance with NPDES Permit No. 2PR00174\*BD and not to alter said permit.
6. Pursuant to ORC Section 6111.04(C), no person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit.
7. Pursuant to ORC Section 6111.07(A), no person shall violate or fail to perform any duty imposed by ORC Sections 6111.01 to 6111.08 or violate any order, rule, or term or condition of a permit issued or adopted by the Director of Ohio EPA pursuant to those sections. Each day of violation is a separate offense.
8. The Ohio EPA has sent Respondent at least two (2) Notice of Violations ("NOVs") in an effort to address the compliance issues at the WWTP. Attachment I contains two of the Respondent's NOV letters. Attachment I is hereby incorporated into these Findings and Orders as if fully stated herein.
9. 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 PTI requirements of Ohio Administrative Code ("OAC") Chapter 3745-42.
10. Compliance with the ORC Chapter 6111 is not contingent upon the availability or receipt of financial assistance.
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 purposes of ORC Chapter 6111.

## V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall not cause, permit or allow the installation or modification of a disposal system at any location in Ohio without first receiving a permit to install (PTI) or plan approval from the Director as required by OAC Rule 3745-42-02 and ORC 6111.45.
2. Respondent shall achieve compliance with the final effluent limitations of its currently-effective NPDES permit, and any successor permit, as expeditiously as practicable, but not later than the following schedule:

- a. Within twelve (12) months of the effective date of the PTI, which was submitted on November 5, 2012, Respondent shall achieve compliance with the final effluent limitations in its NPDES permit or any successor permit.
3. Until the date specified in the schedule listed in Order No. 2(a) in which Respondent's WWTP is able to attain compliance with final effluent limitations in its currently-effective NPDES permit, No. 2PR00174\*BD, or any successor permit, Respondent shall properly operate and maintain its existing WWTP to achieve the best quality effluent possible.
4. Respondent shall pay the amount of five thousand dollars (\$5,000) 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". The official check shall be submitted to Carol Butler, or her successor, together with a letter identify the Respondent, to:

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

A copy of the check shall be sent to Mark Mann, Environmental 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

## **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 defined in OAC Rule 3745-33-03(D)(1) for a corporation, OAC Rule 3745-33-03(D)(2) for a partnership, OAC Rule 3745-33-03(D)(3) for a sole proprietorship, and 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 site.

## **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. RESERVATION OF RIGHTS**

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

## **XI. 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.

## **XII. EFFECTIVE DATE**

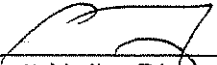
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**XIII. 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**

  
\_\_\_\_\_  
Scott Nally, Director

1/11/13  
\_\_\_\_\_  
Date

**IT IS SO AGREED:**

**Edison Local School District**

  
\_\_\_\_\_  
Signature

December 27, 2012  
\_\_\_\_\_  
Date

Thomas C. Roth  
\_\_\_\_\_  
Printed or Typed Name

Superintendent  
\_\_\_\_\_  
Title

# Attachment 1



Environmental  
Protection Agency

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

Re: Erie County  
Edison High School  
Berlin-Milan Middle School  
NPDES Permit/ Notice of  
Violation

May 17, 2011

Mr. Bill Pahl, Interim Superintendent  
Berlin-Milan Local Schools  
140 South Main Street  
Milan, Ohio 44846

Dear Mr. Pahl:

On April 14, 2011, an inspection was made of the sewerage facilities serving the Edison High and Middle Schools. Mr. Chris Rankin, Maintenance was present and provided information on facility operations. My comments and recommendations are as follows:

Edison H.S.- At the time of my visit both operation and maintenance appeared good and a clear final effluent was observed being discharged to the receiving stream. Mr. Rankin informed me that a baffle was installed in the clarifier, low flow fixtures were installed in the school and more environmentally friendly cleaning products are now being used. These are all positive actions.

A review of your NPDES monthly discharge monitoring reports since last inspection, indicate continued ammonia violations despite the above noted actions. A copy is enclosed for your review, as well as a copy of the NPDES schedule of compliance requiring improvements in the form of flow equalization and sludge holding equipment by December 1, 2010. A permit to install was obtained in February 2010, but the improvements have not been installed. Note that this permit to install will expire August 9, 2011. If you do not anticipate construction beginning prior to August, a one-year extension can be requested in writing prior to that date.

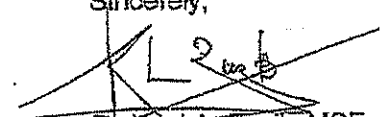
Please be aware that that the board is in violation of the compliance schedule, and is subject to possible enforcement action from this agency. Please notify me in writing or email within 21 days of receiving this letter with your plans to install the improvements.

Mr. Bill Pahl  
May 17, 2011  
Page Two

Middle School – Adequate operation and maintenance at this facility has been lacking in the past, however, Mr. Rankin has made great efforts in improving all aspects of plant operations. Both sand filters are scheduled to be renovated, and a motor/blower unit and EQ pump have been replaced. Water reduction efforts and cleaning product replacement have also been implemented at this school. A very clear final effluent was observed prior to discharge. NPDES monthly discharge monitoring reports also continue to indicate violations.

We appreciate Mr. Rankin's efforts to improve operations at these facilities. Enclosed are the completed inspection reports and list of violations. I will await your response regarding the High School improvements. If you have any questions, or feel a meeting is necessary to discuss these issues, please call me at (419) 373-3020 or email at rick.zuzik@epa.state.oh.us.

Sincerely,



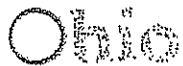
Richard A. Zuzik, MSE  
Division of Surface Water

/cs

Enclosures

pc: Erie County Health Department  
DSW, NWDO File





Environmental  
Protection Agency

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

Re: Notice of Violation  
Erie County  
Edison High School  
NPDES Permit

June 20, 2012

Mr. Thomas Roth, Superintendent  
Edison Local School District  
140 South Main Street  
Milan, Ohio 44846-9770

Dear Mr. Roth:

On June 13, 2012, a meeting was held to inform you and discuss National Pollutant Discharge Elimination System (NPDES) permit compliance issues at the Edison High School wastewater treatment plant (WWTP). Mr. Chris Rankin, your maintenance supervisor, was also present. An inspection was made following our meeting. A summary of our conversation and recommendations are as follows:

The current NPDES permit has an effective date of December 1, 2007, and expires on November 30, 2012. In order to address prior chronic NPDES permit violations, a Schedule of Compliance was included in the permit providing three years to install wastewater treatment improvements in the form of flow equalization facilities and a sludge holding tank. These were required to be installed by December 1, 2010, and the District has been in violation of this permit condition since then. A Permit to Install (PTI) was obtained in February 2010, but the improvements have not been installed. The prior superintendents were informed of the NPDES permit violation in letters dated August 31, 2010, and May 17, 2011. We requested responses in order to gain compliance; however, none were forthcoming.

I am once again asking the District to notify me in writing within 30 days of receiving this letter of your plans to install the required improvements. Please include a fixed date schedule indicating when final installation can be completed. I informed you that it will be necessary to resubmit the PTI application since the original permit has long since expired.

As previously noted, the District has been in violation of the NPDES compliance schedule since December 1, 2010. Should you fail to satisfactorily respond, I am prepared to recommend escalated enforcement action in order to gain your compliance.

Northwest District Office  
347 North Dunbridge Road  
Bowling Green, OH 43402-9398

419 | 352 8461  
419 | 352 8468 (fax)  
www.epa.ohio.gov

Mr. Thomas Roth  
June 20, 2012  
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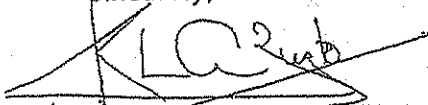
During my inspection, I found all major treatment components in operation and a clear final effluent being discharged from the plant. Mr. Rankin discovered a buried 4,000 gallon trash trap, which was recently cleaned for the first time. This should aid in overall operations. Monthly NPDES discharge monitoring reports are being received and a review of data continues to report chronic final effluent ammonia violations. A copy of the violations was provided at the meeting. A copy of my completed inspection report is enclosed.

I also informed you that the NPDES permit expires on November 30, 2012. I provided you a copy of our January 30, 2012, notification letter informing you of the expiration date and the renewal application and applicable fee is due six months prior to expiration. The renewal was due May 30, 2012. We have not received the renewal application and Mr. Rankin stated that he would submit it as soon as possible.

Although currently well maintained by Mr. Rankin, this treatment plant was originally installed to serve the high school in the early 1970's, and is approximately 40 years old. The current improvement project would be the second major upgrade in the last ten years. This type of sewage treatment facility was not designed for permanent usage, and the board should begin evaluating long term plans for its eventual elimination and replacement by a pump station and force main to the Village of Milan.

I will await your response. If any of the above is incorrect, or you have any questions, please call me at (419) 373-3020 or email at [rick.zuzik@epa.state.oh.us](mailto:rick.zuzik@epa.state.oh.us).

Sincerely,



Richard A. Zuzik, MSE  
Division of Surface Water

/jlm

Enclosure

pc: Erie County Health Department  
AKE Environmental

ec: Tracking