



Village of Ansonia  
Director's Final Findings and Orders  
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5. Pursuant to condition Part I, C.2.A. of the NPDES permit, Ansonia shall by May 1, 1995, submit to SWDO, for approval, two copies of a proposal for a monitoring program that satisfied objectives set forth in said condition.
6. Pursuant to condition Part I, C.2.B. of the NPDES permit, Ansonia shall by November 1, 1996, submit to SWDO two copies of a report on the characterization of the collection system and the combined sewer overflows.
7. Pursuant to condition Part I, C.3. of the NPDES permit, Ansonia shall by November 1, 1996, submit the results of a study characterizing the fecal coliform levels in the Stillwater River, upstream and downstream of Ansonia's combined sewer overflow discharges.
8. The documents referred to in Findings Nos. 4,5,6, and 7 were not submitted in a timely manner.
9. In a letter dated August 10, 2000, SWDO inform Ansonia that a review of the self-monitoring reports for January 1998 to June 2000, indicated violations of the following parameters of Ansonia's NPDES permit: pH (11 occurrences), fecal coliform (1 occurrence), and CBOD<sub>5</sub> (4 occurrences).
10. In a letter dated September 12, 2001, SWDO inform Ansonia that a review of the self-monitoring report for July, 2001, indicated violations of the following parameters of Ansonia's NPDES permit: pH (23 occurrences), dissolved oxygen (3 occurrences), CBOD<sub>5</sub> (3 occurrences), and total suspended solids (4 occurrences).
11. Ansonia has abated all violations set forth above.
12. Noncompliance with conditions of a NPDES permit are violations of ORC §§ 6111.04 and 6111.07
13. The purpose of these Orders is not to modify nor alter the NPDES permit, but to address Ansonia's noncompliance with said permit.
14. The Director has given consideration to and based his determination on evidence relating to the technical feasibility and the economic reasonableness of complying with these Orders, 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 ORC Chapter 6111.

### Orders

Ansonia shall achieve compliance with the NPDES permit as expeditiously as practicable, but not later than the date set forth in the following schedule:

1. Within thirty (30) days after the effective date of these Orders, Ansonia shall pay to Ohio EPA the amount of ten thousand dollars (\$10,000) in settlement of Ohio EPA's claims for civil penalties which may be assessed for noncompliance pursuant to ORC Chapter 6111. Payment shall be made by tendering a certified check for said amount to Ohio EPA, Department 631, Columbus, Ohio 43265-0631, made payable to "Treasurer, State of Ohio." A copy of this check shall be submitted to SWDO.

### 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. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to Respondent's operation of the WWTP and sewerage system.

### Reservation of Rights

These Orders do not prevent Ohio EPA from enforcing 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. These Orders do not prevent Ohio EPA from exercising its authority to require Respondent to perform additional activities pursuant to ORC Chapter 6111, or any other applicable law in the future. These Orders do not restrict the right of Respondent to raise any administrative, legal or equitable claim or defense for any additional activities that Ohio EPA may seek to require of Respondent. These Orders do not limit the authority of Ohio EPA to seek relief for violations not cited in these Orders.

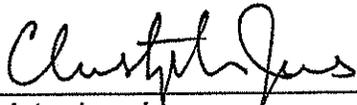
### Termination

Respondent's obligations under these Orders shall be satisfied and terminate when Respondent demonstrates in writing and certifies to the satisfaction of Ohio EPA that all obligations under these Orders have been performed and Ohio EPA's Division of Surface Water acknowledges the termination of these Orders in writing.

This certification shall be submitted by Respondent to the Southwest District Office (ATTN: DSW Enforcement Group Leader) and shall be signed by a responsible official of Ansonia. A responsible official is as defined in OAC rule 3745-33-03(D)(1) for a corporation, OAC rule 3745-33-03(D)(2) for a partnership, OAC 3745-33-03(D)(3) rule for a sole proprietorship, and OAC 3745-33-03(D)(4) rule for a municipal, state, or other public facility. The certification shall contain the following certification:

*"I certify under the penalty of law that I have personally examined and am familiar with the information contained in or accompanying this certification, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information contained in or accompanying this certification is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment."*

**IT IS SO ORDERED:**



Christopher Jones  
Director

8-29-02

Date

**Waiver**

In order to resolve disputed claims, without admission of fact, violation or liability, Respondent agrees to comply with these Orders, and Respondent agrees that these Orders are lawful and reasonable, and that the times provided for compliance herein are reasonable. Ohio EPA specifically does not waive its right to pursue actions and civil penalties as set forth in the Reservation of Rights paragraph of these Orders.

Respondent hereby waives the right to appeal the issuance, terms and service of these Orders, and it hereby waives any and all rights it might have to seek administrative or judicial review of these Orders either in law or equity.

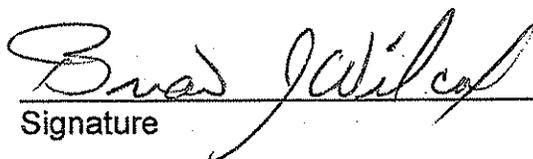
Notwithstanding the preceding, Ohio EPA and Respondent agree that in the event that these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent agrees to continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated, or modified.

**SIGNATORY AUTHORITY**

Each undersigned representative of a signatory to these Orders certifies that he or she is fully authorized to enter into the terms and conditions of these Orders and to legally bind such signatory to this document.

**IT IS SO AGREED:**

**Village of Ansonia**

  
Signature

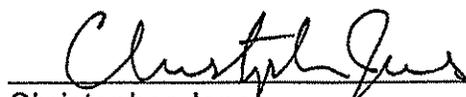
Date: July 31, 2002

Village Administrator

Title

**IT IS SO AGREED:**

**Ohio Environmental Protection Agency**

  
Christopher Jones  
Director

Date: 8-29-02