✓ TO
✓ FM

OhioEPA

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

6/8/2015

Northwestern Water & Sewer District
12560 Middleton Pike
Bowling Green, OH 43402

RE: Directors Final Findings & Orders
NPDES
Wood County
8OU00009

Ladies and Gentlemen:

Transmitted herewith is one copy of the Director's Final Findings and Orders in the referenced matter.

Sincerely,

Ed Swindall

Ed Swindall, Supervisor
Permit Processing Unit
Division of Surface Water

ERS/dks

Enclosure

CERTIFIED MAIL

cc: M. Mann, DSW
R. DeMuth, DSW
B. Schuch, DSW
L. Reeder, DSW
A. Ward, DSW
T. Poffenbarger, NWDO/DSW
Compliance Section
M. McCarron, PIC
H. Griesmer, PIC
B. Fischbein, Legal
M. Shapiro, Legal
P. Fallah, DEFA
Journal Room
File

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	:	
	:	
Northwestern Water and Sewer District	:	**Director's Final Findings**
12560 Middleton Pike	:	**and Orders**
Bowling Green, OH 43402	:	
	:	
Respondent	:	

OHIO E.P.A.
[illegible] - 8 2015

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: 6-8-15

PREAMBLE

It is agreed by the Parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the Northwestern Water and Sewer District ("Respondent" or "Water and Sewer District") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("R.C.") 6111.03 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 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 3745, and the rules adopted thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. The Village of Bairdstown ("Village") is an incorporated municipality located generally in the area east of Bairdstown Road and north of Hancock-Wood County Line Road, Bloom Township, Wood County, Ohio, wherein centralized wastewater facilities are unavailable. (See boundaries in Attachments 1 and 2, which are attached hereto and incorporated by reference as if fully rewritten herein.) The Village is composed of approximately fifty (50) residences and other structures.

2. On May 25, 2006, the Village passed a resolution to become a member of the Water and Sewer District, to provide economical and efficient wastewater collection and water distribution.

3. The Village's unsewered area is served by inadequate or failing on-site home sewage disposal systems that discharge untreated or partially treated sewage into drainage ditches and storm sewers, ultimately flowing into Bull Creek, a "water of the state."

4. Bull Creek was inspected from the CSX rail crossing to about 100 yards above State Route 18 to locate septic discharges and document odor and visual manifestations. Storm sewer tiles discharging septic wastewater were located at Dogwood Street and Sycamore Street, in addition to several discharges from individual home sewage treatment systems.

5. Ohio Administrative Code ("Ohio Admin.Code") 3745-1-04(F) provides that all surface waters of the state, to every extent practical and possible as determined by the Director, shall be free from public health nuisances associated with raw or poorly treated sewage.

6. A public health nuisance is define to exist when an inspection conducted by, or under the supervision of, Ohio EPA documents any or all of the following: odor, color and/or other visual manifestations of raw or poorly treated sewage in waters of the state, and water samples exceed five hundred seventy-six E. coli counts per one hundred milliliters in two or more samples when five or fewer samples are collected.

7. Ohio EPA conducted bacteria sampling on August 26 and August 28, 2014, and documented the following public health nuisance:

Location	***Sample Date /Time***	***E coli (cts/100ml)***	**Observations**[1]	
Bull Creek below Dogwood Street	08/26/2014 9:50 AM	>10,000	Strong Odor Grayish Color Sludge Deposits	Floating Scum Sewage Fungus
	08/28/2014 10:40 AM	>10,000	Strong Odor Grayish Color Sludge Deposits	Floating Scum Sewage Fungus
Bull Creek below Sycamore Street	08/26/2014 10:10 AM	1,800	Moderate Odor Sludge Deposits Grayish/Blackish Color	Floating Scum Sewage Fungus
	08/28/2014 10:50 AM	340	Moderate Odor Sludge Deposits Grayish/Blackish Color	Floating Scum Sewage Fungus

[1]During the sampling the base flow was: (1) stage less than bank full, (2) muddy-brown turbidity absent, (3) pavement/snow melt runoff absent.

8. The sampling data confirmed the existence of a public health nuisance and documented violations of Ohio's general water quality criteria set forth in Ohio Admin.Code 3745-1-04.

9. To address the public health nuisance it is necessary that sewer improvements or sewage treatment or disposal works be constructed, maintained, and operated to service the unsewered area.

10. On September 23, 2014, a letter was sent from Ohio EPA informing the Village of the sampling results and requesting a response as to how the public health nuisance will be addressed.

11. On October 23, 2014, a response was received from Respondent on behalf of the Village, stating that the Village is a member of the Water and Sewer District and that a general plan will be developed to eliminate the public health nuisance.

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 and 6111.45 and Ohio Admin.Code Chapter 3745-42.

13. 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 R.C. Chapter 6111.

V. ORDERS

The Director hereby issues the following Orders:

1. As soon as possible, but not later than three months (3) from the effective date of these Orders, Respondent shall submit to Ohio EPA in accordance with Section X of these Orders, for approval, a general plan for sewage improvements or other methods of abating pollution and correcting the public health nuisance pursuant to R.C. Chapter 6111. The general plan shall address, at a minimum, the following items:

    a. Alternatives for treating sewage from the affected areas including, but not limited to, the following options:

        i. Centralized treatment;

ii. No discharge to surface waters by connecting to existing sewers and directing sanitary sewage flows to the nearest regional wastewater treatment plant;

iii. No discharge to surface waters by utilizing land application for wastewater disposal; and

iv. Limiting the discharge to surface waters by constructing controlled discharge lagoons;

b. Proposed locations of collection and treatment facilities if deemed appropriate; and

c. An implementation schedule for submitting a complete NPDES permit application, and a complete permit to install application and approvable detail plans, awarding construction bids, starting and completing construction, and attaining compliance with R.C. Chapter 6111 and the rules adopted thereunder.

2. Respondent shall implement the general plan in accordance with the implementation schedule, as approved by Ohio EPA.

3. Respondent shall complete the disposal system installation in accordance with the approved permit to install application and achieve compliance with Ohio's water pollution control laws no later than five (5) years from the effective date of these Orders.

4. Within fourteen (14) days of completing the requirement in Order No. 3, Respondent shall provide notice, in writing, to the Ohio EPA in accordance with Section X of these Orders.

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 Ohio Admin.Code 3745-33-03(F)(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 as part of Respondent's sewer system.

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

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northwest District Office
Division of Surface Water
Attn: DSW Enforcement Unit Supervisor
347 North Dunbridge Road
Bowling Green, Ohio 43402

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.

(continued on next page)

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

Director

6/1/15
Date

IT IS SO AGREED:
Northwestern Water and Sewer District

Signature

5/5/15
Date

Jerry Greiner
Printed or Typed Name

President
Title