

SEP 28 2005

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY DIRECTOR'S JOURNAL

In the Matter of:

Columbiana County Board of Commissioners :
105 South Market Street :
Lisbon, Ohio 44432 :
Re: Glenmoor, Substation and La Croft :

Director's Final Findings & Orders

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the Columbiana County Board of Commissioners ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 6117.34 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 thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: [Signature] Date 9/28/05

1. The Glenmoor, Substation and La Croft Areas, (hereafter the "Glenmoor area"), are unincorporated areas in St. Clair and Liverpool Townships, Columbiana County, Ohio.
2. Centralized wastewater treatment facilities are currently unavailable in the Glenmoor area.
3. On October 16, 1997, Ohio EPA received a letter from the Columbiana County Board of Health requesting an investigation of unsanitary conditions in the Glenmoor area pursuant to ORC Section 6117.34. A copy of this letter is attached hereto as "Exhibit 1" which is hereby incorporated into these Findings & Orders as if fully stated herein.
4. On August 14, 1997, Ohio EPA investigated the Glenmoor area and found evidence of unsanitary conditions. Representatives surveyed Carpenter Run road side ditches and an unnamed tributary of Long Run which is a tributary to Little Beaver Creek. Results of the analysis of samples taken during that survey confirmed the existence of unsanitary conditions and documented high levels of bacteria in Carpenter Creek and road side ditches.
5. Many of the homes and commercial establishments located in the Glenmoor area are served by failing on-site sewage disposal systems which discharge raw or partially treated sewage to roadside ditches and storm sewers tributary to the Little Beaver Creek and Carpenter Run. Ohio EPA has not authorized these discharges.
6. The Little Beaver Creek and its tributaries constitute "waters of the state" as defined by ORC Section 6111.01. Discharge of sewage to waters of the state without authorization from Ohio EPA is violation of ORC Sections 6111.04 and 6111.07.
7. On February 1, 1999, Ohio EPA issued Director's Final Findings and Orders to the Columbiana County Commissioners. The administrative action required the county to submit a general plan to abate pollution and correct the unsanitary condition in the Glenmoor area.
8. On August 12, 2002, the Columbiana County Commissioners submitted the final draft of the general plan to address failing septic systems in the Glenmoor area.
9. On September 6, 2002, the Northeast District Office of Ohio EPA issued an authorization letter indicating that the plan was to be implemented in accordance with the schedule provided in the plan.
10. On June 3, 2004, Columbiana County submitted a revised schedule for installation

of sanitary sewers in the Glenmoor area. The revised schedule has been incorporated into these Director's Final Findings and Orders.

11. It is necessary for the protection of the health and welfare of the public that the Columbiana County Commissioners abate the sewage disposal problem and unsanitary conditions in the Glenmoor area per the schedule provided in the general plan as revised. The Director of Ohio EPA has the authority, pursuant to ORC Section 6117.34 to require the county to abate said pollution.

V. ORDERS

1. The Columbiana County Board of Commissioners shall implement the August 12, 2002 general plan to abate pollution in the Glenmoor area per the following schedule.
 - A. Phase I
 - i. As soon as possible, but not later than February 3, 2006, Columbiana County shall submit detailed plans to the Ohio EPA Northeast District Office for Phase I of the Glenmoor area sanitary sewer project.
 - ii. As soon as possible, but not later than June 8, 2007, Columbiana County shall initiate construction of Phase I of the Glenmoor area sanitary sewer project.
 - iii. As soon as possible, but not later than June 15, 2007, Columbiana County shall submit to Ohio EPA Northeast District Office, a status report indicating initiation of construction of Phase I of the Glenmoor area sanitary sewer project.
 - iv. As soon as possible, but not later that April 17, 2008, Columbiana County shall complete construction of Phase I of the sanitary sewer project for the Glenmoor area.
 - v. As soon as possible, but not later than April 24, 2008, Columbiana County shall submit to Ohio EPA Northeast District Office, a status report indicating completion of construction of Phase I of the Glenmoor area sanitary sewer project.

B. Phase II

- i. As soon as possible, but not later than October 20, 2006, Columbiana County shall submit detailed plans to the Ohio EPA Northeast District office for Phase II of the Glenmoor area sanitary sewer project.
 - ii. As soon as possible, but not later than June 27, 2008, Columbiana County shall initiate construction of Phase II of the Glenmoor area sanitary sewer project.
 - iii. As soon as possible, but not later than July 3, 2008, Columbiana County shall submit to Ohio EPA Northeast District Office, a status report indicating initiation of construction of Phase II of the Glenmoor area sanitary sewer project.
 - iv. As soon as possible, but not later than April 23, 2009, Columbiana County shall complete construction of Phase II of the Glenmoor area sanitary sewer project.
 - v. As soon as possible, but not later than April 30, 2009, Columbiana County shall submit to Ohio EPA Northeast District Office, a status report indicating completion of construction of Phase II of the Glenmoor area sanitary sewer project.
2. Respondent shall implement the remainder of the General Plan as expeditiously as possible.

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

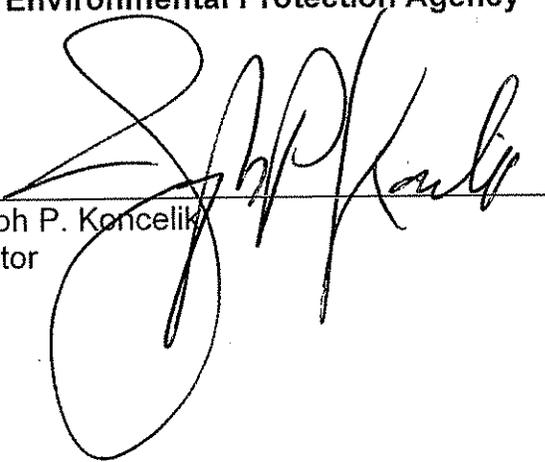
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

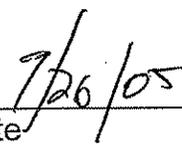
Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

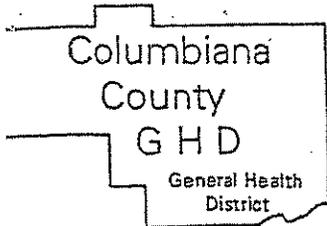


Joseph P. Kancelik
Director



Date

EXHIBIT 1



321 South Beaver Street • Lisbon, Ohio 44432 • (330) 424-0272
PO Box 396 FAX (330) 424-1733

Robert D. Morehead, M.S., M.Ed.
Health Commissioner

October 7, 1997

COLUMBIANA Co. Comm.

DONALD R. SCHREGARDUS, DIRECTOR
1800 Water Mark
Columbus, Ohio 43215-1099

ATTACHMENT 4

Dear Director Schregardus:

The Board of Health of the General Health District of Columbiana County respectfully asks the Ohio Environmental Protection Agency, pursuant to section 6117.34 of the Ohio Revised Code, to investigate the unsanitary conditions that exist in the LaCroft and Glenmoor areas of the Columbiana County. (See enclosed map.)

A preliminary report by John Kwolek of the Northeast District Office of the OEPA appears to show massive septic failure in the Glenmoor area. (See attached.) At my request, Mr. Kwolek plans to do similar testing in the LaCroft area and I fear the results will be equally disturbing.

Small lot sizes and the economic condition in the area make repair of the existing system unfeasible. The magnitude of the failure, from the Department's perspective, is beyond anything a local health department can handle. The only solution is to provide sanitary sewer to the residents of the area. It is our hope that you will give this top priority. The danger to the water of the State as well as the public health nuisance it creates dictates quick action.

If my department or I can be of any assistance in this matter, please do not hesitate to call.

Sincerely,

ROBERT D. MOREHEAD
HEALTH COMMISSIONER

CC: Columbiana County Commissioners
Rep. Sean Logan
State Senator Greg DiDonato
East Liverpool Township Trustees
St. Clair Township Trustees
Bill Skronski, NE District OEPA

CHIEF OF THE DISTRICT
OHIO EPA

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