

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.

OHIO E.P.A.

DEC 29 2006

ENTERED DIRECTOR'S JOURNAL

By: Emily Jackson Date: 12-29-06

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:
Village of Crooksville
22 China Street
Crooksville, Ohio 43731

Respondent.

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Director's Final Findings
and Orders

PREAMBLE

Respondent Village of Crooksville ("Respondent") and the Director of the Ohio Environmental Protection Agency ("the Director") agree as follows:

I. JURISDICTION

These Final Findings and Orders are issued by the Director to Respondent pursuant to the authority vested in the Director under Ohio Revised Code §§ 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. No change in ownership of all or any part of Respondent's sanitary sewerage system 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 ORC Chapter 6111. and the rules promulgated thereunder.

IV. FINDINGS

The Director has made the following findings:

1. Respondent owns and operates a sewerage system which consists of separate sanitary sewers that collect domestic sewage generated in Respondent of Crooksville and convey the domestic sewage to the Roseville wastewater treatment plant.
2. Respondent sewerage system includes nine pump stations. The pump stations are identified by Respondent as: A-1, A-2, B-1, B-2, B-3, B-4, B-5, B-6, and B-7. From 1990 to present the Ohio Environmental Protection Agency ("Ohio EPA") has received numerous complaints from local residents alleging odors from pump stations and sanitary sewer overflows (SSOs) during wet weather events.
3. On January 6, 2004, Respondent reported to Ohio EPA that SSOs occurred at pump stations A-1 and B-6 on January 3, 2004, and January 4, 2004.
4. On June 15, 2004, Respondent reported to Ohio EPA that SSOs occurred at pump station B-6 and manhole #11 on June 11, 2004.
5. On September 8, 2004, Ohio EPA staff observed and photographed SSOs at pump station B-6 and manhole #11.
6. On September 9, 2004, Ohio EPA staff observed and photographed SSOs at pump station B-6 and manhole #70.
7. On September 13, 2004, Respondent reported to Ohio EPA the SSOs that had been observed by Ohio EPA staff on September 8, 2004, and September 9, 2004.
8. On September 20, 2004, Respondent reported by letter to Ohio EPA that SSOs occurred at pump station B-6 and manhole #97 on September 17, 2004, and September 18, 2004.
9. The SSOs referenced in paragraphs 3 to 8 above discharge domestic sewage to ditches and unnamed tributaries of Moxahala Creek, and to Moxahala Creek. The ditches and unnamed tributaries of Moxahala Creek, and Moxahala Creek, are defined as waters of the state pursuant to ORC § 6111.01.
10. The discharge of sanitary sewage to waters of the state without a valid NPDES permit is a violation of ORC § 6111.04. Respondent does not hold a valid NPDES permit.

11. 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 pursuant to those sections. Each day of violation is a separate offense.
12. These 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 requirements of ORC §§ 6111.44 and 6111.45 and OAC 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 their relation to the benefits to the people of the state to be derived from such compliance in accomplishing the purposes of ORC Chapter 6111.
14. Nothing in these Orders is intended and shall be construed to prevent the Ohio EPA from seeking from Respondent further repairs, replacements and upgrades to Respondent's sewer collection system that the Director believes are necessary to bring the system in compliance with R.C. Chapter 6111 and rules adopted hereunder.

V. ORDERS

1. Within sixty (60) days after the effective date of these Orders, Respondent shall submit a general plan, and any application necessary to obtain a permit to install, for the repair and replacement and upgrading of all pump stations that are part of Respondent's sewerage collection system.
2. Within one hundred eighty (180) days of the effective date of these Orders, Respondent shall commence construction of the approved repairs, replacements and upgrades referenced in Order No. 1.
3. Within eighteen (18) months of the effective date of these Orders, Respondent shall complete construction of the approved repairs, replacements and upgrades referenced in Order No. 1.
4. Every 90 days from the effective date of these Orders until the entire project is

complete, Respondent shall submit to Ohio EPA reports on the on the progress it has made implementing the repairs, replacements and upgrades identified in the general plan submitted pursuant to Order No. 1. These reports shall identify aspects of the repairs, replacements and upgrades that have commenced and/or have been completed and the dates that those repairs, replacements and upgrades were commenced or completed.

5. Within thirty (30) days of receipt of any written comments from Ohio EPA regarding the submittals required under Order Nos. 1 through 4 above, Respondent shall make any requested changes or modifications and/or submit any additional requested information to Ohio EPA.
6. Within sixty (60) days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of Five Thousand Dollars (\$5,000.00) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 6111. Payment shall be made by an official check made payable to ATreasurer, State of Ohio@ for Five Thousand Dollars (\$5,000.00). The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent and the Facility. A copy of the check should be sent to the Ohio EPA, Southeast District Office at the following address:

Ohio Environmental Protection Agency
Southeast District Office
Division of Surface Water
Attn: DSW Enforcement Unit Supervisor
2195 Front Street
Logan, Ohio 43138

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 Respondent. For purposes of these Orders, a responsible official is defined in OAC Rule 3745-33-03(D)(4) for a municipality.

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 Respondent's SSOs.

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.

X. NOTICE

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

Ohio Environmental Protection Agency
Southeast District Office
Division of Surface Water
Attn: DSW Enforcement Unit Supervisor
2195 Front Street
Logan, Ohio 43138

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Surface Water
Attn: DSW Enforcement Coordinator
122 South Front Street, [P.O. Box 1049]
Columbus, Ohio 43215 [43216-1049]

[For mailings use the post office box number and zip code in brackets]

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, 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, the 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

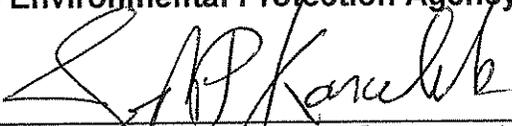
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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:

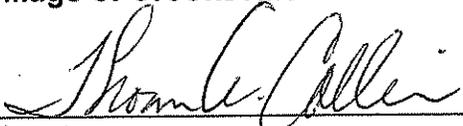
Ohio Environmental Protection Agency


~~Christopher Jones~~ Joseph P. Kancelik
Director

12/28/06
Date

IT IS SO AGREED:

Village of Crooksville


Signature

12/4/06
Date

Thomas C. Collins
Printed or Typed Name

Village Administrator
Title