

OHIO E.P.A.

MAR 31 2010

ENTERED DIRECTOR'S JOURNAL

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the matter of:

Darke County Board of Commissioners : Director's Final Findings
Administration Building : and Orders
520 South Broadway :
Greenville, OH 45331 :

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Modified Final Findings and Orders ("Modified Orders") are issued to the Darke 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") §§ 6111.03 and 3745.01.

II. PARTIES BOUND

These Modified 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 Modified Orders shall have the same meaning as defined in ORC Chapter 6111 and the rules promulgated thereunder.

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: Shirley Lassiter Date: 3-31-10

IV. FINDINGS

1. On March 5, 2008, the Director issued Final Findings and Orders ("2008 Orders") to Respondent, Darke County Board of Commissioners. A copy of the 2008 Orders are attached hereto and incorporated by reference as if fully re-written herein.
2. The 2008 Findings and Orders addressed non compliance pertaining to Respondent's NPDES permit for a wastewater treatment plant that served a county owned property at 7666 Greenville-Celina Road, Greenville, OH 45331.
3. The 2008 Findings and Orders resulted in the elimination of the wastewater treatment plant by requiring the property to be tied into the City of Greenville's sanitary sewer collection system. The Orders also assessed a civil penalty in the amount of \$43,264.00.
4. Order No. 8 allowed for implementation of certain Supplemental Environmental Projects in lieu of payment of a portion of the civil penalty in the amount of \$20,992.00.
5. Order No. 9 required the SEP projects be completed within two (2) years of the effective date of the Orders and any remaining balance of unexpended funds to be remitted to Ohio EPA.
6. The SEP project set forth in Order No. 8a involved the construction of grass waterway designed to reduce sediment and nutrient loadings to an unnamed tributary of Indian Creek. This project was scaled back in size and this has resulted in \$4,000.00 of excess funds being available from this project.
7. The SEP project set forth in Order No. 8b involved the construction of grass waterway designed to reduce sediment and nutrient loadings to the Stillwater River. This project was completed.
8. The SEP projects set forth in Order Nos. 8c and 8d involved a residential soil sampling initiative to help determine if residents are over applying nitrogen and phosphorus on residential lawns and installation of a Rain Garden(s) for public display and education as a tool to promote the reduction of storm water pollutants discharged into streams and rivers. These projects were implemented but had a budget surplus in the amount of \$2,282.74.
9. Respondent has approached Ohio EPA about substituting another grass waterway project to use the \$6,282.74 balance of these SEP funds. This will require the modification of the Orders to allow this project to proceed. Respondent and Ohio EPA desire to modify Orders No 8 and 9 of the 2008 Findings and Orders as provided herein.

10. With the exception of the revisions to Orders No. 8 and 9 of the 2008 Orders, which will be modified herein, all other provisions of the 2008 Orders shall remain in full force and effect.
11. The following Modified Orders do not constitute authorization or approval of the construction of any physical structure or facilities.
12. Compliance with the ORC Chapter 6111 is not contingent upon the availability or receipt of financial assistance.
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 Modified Orders and to evidence relating to conditions calculated to result from compliance with these Modified 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

Order No. 8 and 9 of the 2008 Orders is hereby modified as follows:

8. In lieu of paying the remaining \$6,282.74 of civil penalty set forth in Order No. 5, Respondent shall fund, in partnership with the Darke County Soil and Water Conservation District, the following Supplemental Environmental Project:
 - a. Construction of grass waterway totalling 1.4 acres located on (Parcel ID No. I34-0-111-21-00-00-10300/Farm Service Agency Tract No. 487009). The project is designed to reduce sediment and nutrient loadings to Kraut Creek;
9. Within one (1) year of the effective date of these Modified Orders, Respondent shall provide Ohio EPA with a detailed financial accounting demonstrating the funds were expended for the project detailed in Order 8a. Should Respondent fail to expend any portion of the \$6,282.74 within one (1) year of the effective date of these Modified Orders, Respondent shall pay the unspent balance to Ohio EPA in accordance with the provisions of Order No. 5.

VI. TERMINATION

Respondent's obligations under these Modified Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Modified Orders and the Chief of

Ohio EPA's Division of Surface Water acknowledges, in writing, the termination of these Modified 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 Modified Orders, a responsible official is defined in OAC Rule 3745-33-03(E)(1) for a corporation, OAC Rule 3745-33-03(E)(2) for a partnership, OAC Rule 3745-33-03(E)(3) for a sole proprietorship, and OAC Rule 3745-33-03(E)(4) for a municipal, state, or other public facility.

VII. OTHER CLAIMS

Nothing in these Modified 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 Modified 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 Modified Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Modified Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Modified 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 Modified 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 Modified Orders, Respondent consents to the issuance of these Modified Orders and agrees to comply with these Modified Orders. Compliance with these Modified 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 Modified Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Modified Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Modified 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 Modified Orders notwithstanding such appeal and intervention unless these Modified Orders are stayed, vacated or modified.

XII. EFFECTIVE DATE

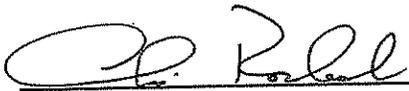
The effective date of these Modified Orders is the date these Modified Orders are entered into the Ohio EPA Director's journal.

XIII. SIGNATORY AUTHORITY

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

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

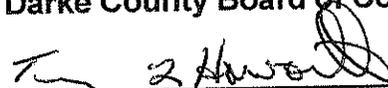


Chris Korleski
Director

3/29/10
Date

IT IS SO AGREED:

Darke County Board of Commissioners

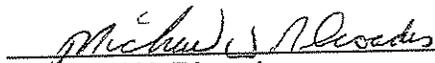


Terry L. Haworth, Chairman

3-10-2010
Date



Diane L. Delaplane, Vice Chairman



Michael W. Rhoades

ATTACHMENT

OHIO E.P.A.

MAR -5 2008

ENTRINED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

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520 South Broadway :
Greenville, OH 45331 :

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 Darke 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") §§ 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 thereunder.

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: 3-5-08

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent is the Darke County Board of Commissioners. Respondent owns and operates MRDD wastewater treatment plant (MRDD) and associated combined sewer system located at 7666 Greenville-Celina Road, Greenville, OH 45331.
2. Respondent holds a valid, unexpired National Pollutant Discharge Elimination System (NPDES) permit, number 1PZ00011/OH0133825 (effective October 2, 2003), for the discharges from MRDD to an unnamed tributary of Boyd Creek via the MRDD outfall (station no. 1PZ000111001).
3. Boyd Creek and its unnamed tributaries constitute "waters of the state" as defined by ORC Section 6111.01.
4. 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.
5. 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.
6. Respondent violated terms and conditions of its NPDES permit on numerous occasions as cited in Attachment I. Each violation cited in Attachment I constitutes a separate violation of ORC Sections 6111.04 and 6111.07. Attachment I is hereby incorporated into these Findings & Orders as if fully stated herein.
7. Respondent is in violation of the Schedule of Compliance milestone outlined in its NPDES permit (Part I,C). Respondent has failed to submit a Permit-to-Install (PTI) application and detail plans for upgrades to the wastewater treatment plant by May 1, 2004 in violation of Part I,C.1.a. Respondent has also failed to commence construction for upgrades to the wastewater treatment plant by November 1, 2004 in violation of Part I,C.1.b.
8. Respondent is in violation of reporting requirements outlined in its NPDES permit (Part III, Item 4) for failure to submit the monthly operating reports (MORs) for outfalls 001 and 588. Specifically, Respondent failed to submit MORs for November 2003, December 2003, January 2004, February 2004, March 2004, August 2004, and January 2006.

9. Respondent is in violation of Interim Effluent Limitations and Monitoring Requirements outlined in its NPDES permit (Part I.A). Respondent has failed to monitor outfall in accordance with the frequency requirements.
10. Respondent is in violation of Part II.K. in its NPDES permit. Respondent has failed to submit the requisite Annual Sewage Sludge Reports for calendar years 2003 and 2004.
11. The Ohio EPA has sent Respondent multiple Notice of Violations (NOVs) in an effort to address the compliance issues at the MRDD.
12. On November 5, 2004, a meeting was held with Respondent at which Respondent indicated that it was in discussions with the City of Greenville over the possibility of extending City services to facilities being served by MRDD. In a letter dated March 15, 2005, Respondent stated that a PTI application would be submitted to Ohio EPA to extend sewers from the City of Greenville to MRDD by May 2005. Ohio EPA has not received the PTI application. An e-mail from a representative of the Commissioners dated January 14, 2007 stated that Respondent plans on finalizing plans, applying for Ohio EPA approval and securing funding for the tie-in within the next year. Respondent submitted an application for a Permit to Install (PTI) on May 25, 2007 to tie in the MRDD facility to the City of Greenville. The PTI No. 616992 was issued on August 27, 2007.
13. 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 OAC Chapter 3745-42.
14. This document does not modify NPDES Permit No. 1PZ00011/OH0133825. The purpose of this document is to correct a condition of noncompliance with NPDES Permit No. 1PZ00011/OH0133825 and not to alter said permit. The purpose of the effluent limitations and monitoring requirements that are attached to these Orders as Attachment II is to assess compliance with these Orders and not to authorize discharges of pollutants in excess of the permissive discharges specified under Respondent's NPDES permit.
15. Compliance with the ORC Chapter 6111 is not contingent upon the availability or receipt of financial assistance.
16. 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 construct sewers for a sanitary sewer extension to tie-in to the City of Greenville and abandon its wastewater treatment plant located at 7666 Greenville-Celina Road in accordance with PTI No. 616992 as expeditiously as practicable, but not later than the dates contained in the following schedule:
 - a. Advertise for construction bids, receive bids, and award contracts as soon as possible, but no later than three (3) months from the effective date of these Orders;
 - b. Commence construction as soon as possible, but no later than six (6) months from the effective date of these Orders;
 - c. Complete construction as soon as possible but no later than twelve (12) months from the effective date of these Orders.
2. Until the compliance date set forth in Order 1, Respondent shall maintain in good working order and operate as efficiently as possible the treatment works and sewerage system as defined in ORC 6111.01 to achieve compliance with the terms and conditions of this permit NPDES permit No. 1PZ00111*AD.
3. Within 7 days of the milestones specified in Orders No. 1, Respondent shall submit to Ohio EPA, written notification of the status of compliance with such Order.
4. Respondent shall report any noncompliance with these Orders in accordance with Part III, Paragraph 12, of its NPDES permit.
5. Respondent shall pay to Ohio EPA forty three thousand, two hundred and sixty four (\$43,264.00) in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to Chapter 6111 of the Ohio Revised Code. 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" for \$13,619.00 of the total amount. This payment shall be made by tendering a check payable to the "Treasurer, State of Ohio" for the full amount within thirty (30) days after the effective date of these Findings and Orders to the following address:

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

A photo copy of the check shall be sent to Ohio EPA's Southwest District Office at:

Ohio Environmental Protection Agency
Southwest District Office
401 E. Fifth Street,
Dayton, Ohio 45402

6. In lieu of paying \$8,653.00 of the civil penalty set forth in Order No. 5, Respondent shall, within thirty (30) days of the effective date of these Orders, fund a supplemental environmental project (SEP) by making a contribution in the amount of \$8,653.00 to Ohio EPA's Clean Diesel School Bus Fund (Fund 5CD). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for said amount. The official check and a cover letter identifying the Respondent shall be submitted to Brenda Case, or her successor at:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

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

7. Should Respondent fail to fund the SEP within the required time frame set forth in Order No. 6, Respondent shall immediately pay to Ohio EPA \$8,653.00 of the civil penalty in accordance with the procedures in Order No. 5.
8. In lieu of paying the remaining \$20,992.00 of civil penalty set forth in Order No. 5, Respondent shall fund, in partnership with the Darke County Soil and Water Conservation District, the following Supplemental Environmental Projects, in order of preference, until the total funding amount of \$20,992.00 is exhausted:
 - a. Construction of grass waterway measuring 1,652 feet and totalling 1.51 acres located on Parcel ID No. (U77-0-311-17-00-00-40101)/Farm Service

Agency Tract No. 1587. The project is designed to reduce sediment and nutrient loadings to an unnamed tributary of Indian Creek;

- b. Construction of grass waterway measuring 270 feet located on Parcel ID No. (J37-0-114-34-00-00-20100)/Farm Service Agency Tract No. 246. The project is designed to reduce sediment and nutrient loadings to the Stillwater River;
 - c. Residential soil sampling initiative to help determine if residents are over applying nitrogen and phosphorus on residential lawns;
 - d. Installation of a Rain Garden(s) for public display and education as a tool to promote the reduction of storm water pollutants discharged into streams and rivers.
9. Within two (2) years of the effective date of these Orders, Respondent shall provide Ohio EPA with a detailed financial accounting demonstrating the funds were expended for the projects set forth in Orders. Should Respondent fail to expend any portion of the \$20,992 within two (2) years of the effective date of these Orders, Respondent shall pay the unspent balance to Ohio EPA in accordance with the provisions of Order No. 5.

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


Chris Korleski
Director

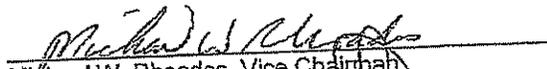
2/29/08
Date

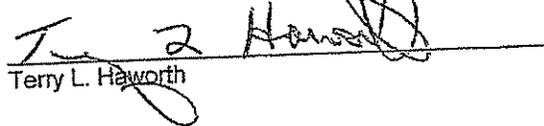
IT IS SO AGREED:

Darke County Board of Commissioners


Robert L. Downing, Chairman

2-4-08
Date


Michael W. Rhoades, Vice Chairman


Terry L. Haworth

ATTACHMENT I

EFFLUENT LIMIT VIOLATIONS FOR OUTFALL 001

Reporting Period	Parameter	Limit Type	Limit	Reported Value	Violation Date
April 2004	Total Suspended Solids	30D Conc	30.0	132.	4/1/2004
April 2004	Total Suspended Solids	7D Conc	45.0	132.	4/15/2004
April 2004	CBOD 5 day	30D Conc	25.0	78.	4/1/2004
April 2004	CBOD 5 day	7D Conc	40.0	78.	4/15/2004
May 2004	Dissolved Oxygen	1D Conc	5.0	4.6	5/26/2004
May 2004	Dissolved Oxygen	1D Conc	5.0	4.	5/28/2004
May 2004	Total Suspended Solids	30D Conc	30.0	84.	5/1/2004
May 2004	Total Suspended Solids	7D Conc	45.0	84.	5/22/2004
May 2004	CBOD 5 day	30D Conc	25.0	75.	5/1/2004
May 2004	CBOD 5 day	7D Conc	40.0	75.	5/22/2004
May 2004	Fecal Coliform	30D Conc	1000	4600.	6/1/2004
June 2004	Fecal Coliform	7D Conc	2000	4600.	6/22/2004
June 2004	Fecal Coliform	30D Conc	1000	19200.	7/1/2004
July 2004	Fecal Coliform	7D Conc	2000	19200.	7/22/2004
July 2004	Fecal Coliform	30D Conc	1000	20000.	9/1/2004
September 2004	Fecal Coliform	7D Conc	2000	20000.	9/8/2004
September 2004	CBOD 5 day	30D Conc	25.0	54.	9/1/2004
September 2004	CBOD 5 day	7D Conc	40.0	54.	9/8/2004
September 2004	CBOD 5 day	1D Conc	5.0	4.8	10/14/2004
October 2004	Total Suspended Solids	30D Conc	30.0	42.	10/1/2004
October 2004	Fecal Coliform	30D Conc	1000	40000.	10/1/2004
October 2004	Fecal Coliform	7D Conc	2000	40000.	10/8/2004
October 2004	CBOD 5 day	30D Conc	25.0	150.	10/1/2004
October 2004	CBOD 5 day	7D Conc	40.0	150.	10/8/2004
October 2004	CBOD 5 day	30D Qty	0.9	1.32854	10/1/2004
November 2004	Dissolved Oxygen	1D Conc	5.0	4.9	11/4/2004
November 2004	Dissolved Oxygen	1D Conc	5.0	4.9	11/8/2004
November 2004	Total Suspended Solids	30D Conc	30.0	58.	11/1/2004
November 2004	Total Suspended Solids	7D Conc	45.0	58.	11/15/2004
November 2004	CBOD 5 day	30D Conc	25.0	120.	11/1/2004
November 2004	CBOD 5 day	7D Conc	40.0	120.	11/15/2004
November 2004	CBOD 5 day	30D Qty	0.9	1.06283	11/1/2004
January 2005	Total Suspended Solids	30D Conc	30.0	38.	1/1/2005
January 2005	CBOD 5 day	30D Conc	25.0	39.	1/1/2005
February 2005	Total Suspended Solids	30D Conc	30.0	53.	2/1/2005
February 2005	Total Suspended Solids	7D Conc	45.0	53.	2/15/2005
March 2005	Dissolved Oxygen	1D Conc	5.0	4.9	3/22/2005
March 2005	Dissolved Oxygen	1D Conc	5.0	4.5	4/18/2005
April 2005	Total Suspended Solids	30D Conc	30.0	42.	4/1/2005
April 2005	CBOD 5 day	30D Conc	25.0	75.	4/1/2005
April 2005	CBOD 5 day	7D Conc	40.0	75.	4/1/2005
April 2005	CBOD 5 day	1D Conc	5.0	3.7	5/9/2005
May 2005	Dissolved Oxygen	1D Conc	5.0	2.8	5/16/2005
May 2005	Dissolved Oxygen	1D Conc	5.0	3.9	5/23/2005
May 2005	Dissolved Oxygen	1D Conc	5.0	3.1	5/31/2005
May 2005	Fecal Coliform	30D Conc	1000	36000.	5/1/2005
May 2005	Fecal Coliform	7D Conc	2000	36000.	5/8/2005

Reporting Period	Parameter	Limit Type	Limit	Reported Value	Violation Date
June 2005	Dissolved Oxygen	1D Conc	5.0	2.6	6/3/2005
June 2005	Dissolved Oxygen	1D Conc	5.0	3.	6/10/2005
June 2005	Dissolved Oxygen	1D Conc	5.0	3.6	6/17/2005
June 2005	Dissolved Oxygen	1D Conc	5.0	4.1	6/24/2005
June 2005	Dissolved Oxygen	1D Conc	5.0	3.7	6/30/2005
June 2005	Fecal Coliform	30D Conc	1000	53600.	6/1/2005
June 2005	Fecal Coliform	7D Conc	2000	53600.	6/1/2005
June 2005	Fecal Coliform	30D Conc	1000	51000.	7/1/2005
July 2005	Fecal Coliform	7D Conc	2000	51000.	7/1/2005
July 2005	Fecal Coliform	7D Conc	30.0	33.	8/1/2005
August 2005	Total Suspended Solids	30D Conc	1000	5000.	8/1/2005
August 2005	Fecal Coliform	30D Conc	1000	5000.	8/22/2005
August 2005	Fecal Coliform	7D Conc	2000	5000.	8/22/2005
September 2005	Fecal Coliform	30D Conc	1000	21000.	9/1/2005
September 2005	Fecal Coliform	7D Conc	2000	21000.	9/8/2005
October 2005	Dissolved Oxygen	1D Conc	5.0	4.9	10/3/2005
October 2005	Dissolved Oxygen	1D Conc	5.0	3.	10/11/2005
October 2005	Dissolved Oxygen	1D Conc	5.0	4.	10/25/2005
October 2005	Fecal Coliform	30D Conc	1000	42000.	10/1/2005
October 2005	Fecal Coliform	7D Conc	2000	42000.	10/8/2005
November 2005	Dissolved Oxygen	1D Conc	6.0	5.1	11/18/2005
November 2005	Dissolved Oxygen	1D Conc	6.0	5.9	11/23/2005
February 2006	Total Suspended Solids	30D Conc	12.0	58.	2/1/2006
February 2006	Total Suspended Solids	7D Conc	18.0	58.	2/8/2006
February 2006	Total Suspended Solids	30D Qty	0.45	.5137	2/1/2006
February 2006	Nitrogen, Ammonia (NH3)	30D Conc	2.5	3.8	2/1/2006
February 2006	Nitrogen, Ammonia (NH3)	7D Conc	3.75	3.8	2/8/2006
February 2006	CBOD 5 day	30D Conc	10.0	36.	2/1/2006
February 2006	CBOD 5 day	7D Conc	15.0	36.	2/8/2006
February 2006	CBOD 5 day	7D Conc	15.0	36.	2/8/2006
March 2006	Dissolved Oxygen	1D Conc	6.0	5.6	3/1/2006
March 2006	Dissolved Oxygen	1D Conc	6.0	5.2	3/8/2006
March 2006	Dissolved Oxygen	1D Conc	6.0	5.8	3/15/2006
March 2006	Dissolved Oxygen	1D Conc	6.0	5.6	3/22/2006
March 2006	Dissolved Oxygen	1D Conc	6.0	5.6	3/29/2006
March 2006	Dissolved Oxygen	1D Conc	6.0	5.6	3/29/2006
March 2006	Total Suspended Solids	30D Conc	12.0	50.	3/1/2006
March 2006	Total Suspended Solids	7D Conc	18.0	50.	3/15/2006
March 2006	Nitrogen, Ammonia (NH3)	30D Conc	2.5	6.4	3/1/2006
March 2006	Nitrogen, Ammonia (NH3)	7D Conc	3.75	6.4	3/15/2006
March 2006	CBOD 5 day	30D Conc	10.0	19.	3/1/2006
March 2006	CBOD 5 day	7D Conc	15.0	19.	3/15/2006
March 2006	CBOD 5 day	7D Conc	15.0	19.	3/15/2006
April 2006	Dissolved Oxygen	1D Conc	6.0	5.2	4/3/2006
April 2006	Dissolved Oxygen	1D Conc	6.0	5.6	4/10/2006
April 2006	Dissolved Oxygen	1D Conc	6.0	5.6	4/24/2006
April 2006	Total Suspended Solids	30D Conc	12.0	42.	4/1/2006
April 2006	Total Suspended Solids	7D Conc	18.0	42.	4/8/2006
April 2006	Nitrogen, Ammonia (NH3)	30D Conc	2.5	5.8	4/1/2006
April 2006	Nitrogen, Ammonia (NH3)	7D Conc	3.75	5.8	4/8/2006
April 2006	CBOD 5 day	30D Conc	10.0	27.	4/1/2006
April 2006	CBOD 5 day	7D Conc	15.0	27.	4/8/2006
April 2006	CBOD 5 day	7D Conc	15.0	27.	4/8/2006
May 2006	Dissolved Oxygen	1D Conc	6.0	5.	5/2/2006
May 2006	Dissolved Oxygen	1D Conc	6.0	5.4	5/9/2006

Reporting Period	Parameter	Limit Type	Limit	Reported Value	Violation Date
May 2006	Dissolved Oxygen	1D Conc	6.0	5.5	5/16/2006
May 2006	Dissolved Oxygen	1D Conc	6.0	5.2	5/23/2006
May 2006	Total Suspended Solids	30D Conc	12.0	30.	5/1/2006
May 2006	Total Suspended Solids	7D Conc	18.0	30.	5/8/2006
May 2006	Fecal Coliform	30D Conc	1000	3750.	5/1/2006
May 2006	Fecal Coliform	7D Conc	2000	3750.	5/8/2006
May 2006	CBOD 5 day	30D Conc	10.0	27.	5/1/2006
May 2006	CBOD 5 day	7D Conc	15.0	27.	5/8/2006
June 2006	Total Suspended Solids	30D Conc	12.0	62.	6/1/2006
June 2006	Total Suspended Solids	7D Conc	18.0	62.	6/22/2006
June 2006	Total Suspended Solids	30D Qty	0.45	.54913	6/1/2006
June 2006	Nitrogen, Ammonia (NH3)	30D Conc	1.0	2.4	6/1/2006
June 2006	Nitrogen, Ammonia (NH3)	7D Conc	1.5	2.4	6/22/2006
June 2006	Fecal Coliform	30D Conc	1000	34000.	6/1/2006
June 2006	Fecal Coliform	7D Conc	2000	34000.	6/22/2006
June 2006	CBOD 5 day	30D Conc	10.0	42.	6/1/2006
June 2006	CBOD 5 day	7D Conc	15.0	42.	6/22/2006
July 2006	Dissolved Oxygen	1D Conc	6.0	5.6	7/10/2006
July 2006	Dissolved Oxygen	1D Conc	6.0	5.6	7/17/2006
July 2006	Dissolved Oxygen	1D Conc	6.0	5.7	7/24/2006
July 2006	Nitrogen, Ammonia (NH3)	30D Conc	1.0	1.6	7/1/2006
July 2006	Nitrogen, Ammonia (NH3)	7D Conc	1.5	1.6	7/15/2006
July 2006	Fecal Coliform	30D Conc	1000	26000.	7/1/2006
July 2006	Fecal Coliform	7D Conc	2000	26000.	7/15/2006
July 2006	Fecal Coliform	7D Conc	2000	26000.	7/15/2006
August 2006	Dissolved Oxygen	1D Conc	6.0	5.1	8/22/2006
August 2006	Dissolved Oxygen	1D Conc	6.0	5.7	8/29/2006
August 2006	Total Suspended Solids	30D Conc	12.0	16.	8/1/2006
August 2006	Fecal Coliform	30D Conc	1000	17000.	8/1/2006
August 2006	Fecal Coliform	7D Conc	2000	17000.	8/22/2006
September 2006	Dissolved Oxygen	1D Conc	6.0	5.7	9/1/2006
September 2006	Dissolved Oxygen	1D Conc	6.0	5.7	9/8/2006
September 2006	Dissolved Oxygen	1D Conc	6.0	5.1	9/15/2006
September 2006	Dissolved Oxygen	1D Conc	6.0	5.2	9/22/2006
September 2006	Dissolved Oxygen	1D Conc	6.0	5.2	9/29/2006
September 2006	Total Suspended Solids	30D Conc	12.0	30.	9/1/2006
September 2006	Total Suspended Solids	7D Conc	18.0	30.	9/8/2006
September 2006	Nitrogen, Ammonia (NH3)	30D Conc	1.0	14.	9/1/2006
September 2006	Nitrogen, Ammonia (NH3)	7D Conc	1.5	14.	9/8/2006
September 2006	Nitrogen, Ammonia (NH3)	7D Qty	0.06	.124	9/8/2006
September 2006	Fecal Coliform	30D Conc	1000	127000.	9/1/2006
September 2006	Fecal Coliform	7D Conc	2000	127000.	9/8/2006
September 2006	CBOD 5 day	30D Conc	10.0	50.	9/1/2006
September 2006	CBOD 5 day	7D Conc	15.0	50.	9/8/2006
September 2006	CBOD 5 day	30D Qty	0.38	.44285	9/1/2006
October 2006	Dissolved Oxygen	1D Conc	6.0	5.1	10/3/2006
October 2006	Dissolved Oxygen	1D Conc	6.0	5.1	10/10/2006
October 2006	Dissolved Oxygen	1D Conc	6.0	5.2	10/24/2006
October 2006	Total Suspended Solids	30D Conc	12.0	38.	10/1/2006
October 2006	Total Suspended Solids	7D Conc	18.0	38.	10/8/2006
October 2006	Nitrogen, Ammonia (NH3)	30D Conc	1.0	17.	10/1/2006

Reporting Period	Parameter	Limit Type	Limit	Reported Value	Violation Date
October 2006	Nitrogen, Ammonia (NH3)	7D Conc	1.5	17.	10/8/2006
October 2006	Nitrogen, Ammonia (NH3)	7D Qty	0.06	.15057	10/8/2006
October 2006	Fecal Coliform	30D Conc	1000	55000.	10/1/2006
October 2006	Fecal Coliform	7D Conc	2000	55000.	10/8/2006
October 2006	CBOD 5 day	30D Conc	10.0	80.	10/1/2006
October 2006	CBOD 5 day	7D Conc	15.0	80.	10/8/2006
October 2006	CBOD 5 day	30D Qty	0.38	.70855	10/1/2006
October 2006	CBOD 5 day	7D Qty	0.57	.70855	10/8/2006
November 2006	Dissolved Oxygen	1D Conc	6.0	5.1	11/15/2006
November 2006	Dissolved Oxygen	1D Conc	6.0	5.7	11/22/2006
November 2006	Total Suspended Solids	30D Conc	12.0	17.	11/1/2006
November 2006	Nitrogen, Ammonia (NH3)	30D Conc	2.5	10.	11/1/2006
November 2006	Nitrogen, Ammonia (NH3)	7D Conc	3.75	10.	11/8/2006
November 2006	CBOD 5 day	30D Conc	10.0	27.	11/1/2006
November 2006	CBOD 5 day	7D Conc	15.0	27.	11/8/2006

ATTACHMENT II

FREQUENCY VIOLATIONS FOR OUTFALL 001

Reporting Period	Parameter	Sample Frequency	Expected	Reported
November 2003	Water Temperature	1/Week	4	0
November 2003	Color, Severity	1/Day	18	0
November 2003	Odor, Severity	1/Day	18	0
November 2003	Turbidity, Severity	1/Day	18	0
November 2003	Flow Rate	1/Day	30	0
November 2003	Dissolved Oxygen	1/Week	4	0
November 2003	Total Suspended Solids	1/Month	1	0
November 2003	Nitrogen, Ammonia (NH3)	1/Month	1	0
November 2003	CBOD 5 day	1/Month	1	0
December 2003	Water Temperature	1/Week	4	0
December 2003	Color, Severity	1/Day	22	0
December 2003	Odor, Severity	1/Day	22	0
December 2003	Turbidity, Severity	1/Day	22	0
December 2003	Flow Rate	1/Day	31	0
December 2003	Dissolved Oxygen	1/Week	4	0
December 2003	Total Suspended Solids	1/Month	1	0
December 2003	Nitrogen, Ammonia (NH3)	1/Month	1	0
December 2003	CBOD 5 day	1/Month	1	0
January 2004	Water Temperature	1/Week	4	0
January 2004	Color, Severity	1/Day	20	0
January 2004	Odor, Severity	1/Day	20	0
January 2004	Turbidity, Severity	1/Day	20	0
January 2004	Flow Rate	1/Day	31	0
January 2004	Dissolved Oxygen	1/Week	4	0
January 2004	Total Suspended Solids	1/Month	1	0
January 2004	Nitrogen, Ammonia (NH3)	1/Month	1	0
January 2004	CBOD 5 day	1/Month	1	0
February 2004	Water Temperature	1/Week	4	0
February 2004	Color, Severity	1/Day	19	0
February 2004	Odor, Severity	1/Day	19	0
February 2004	Turbidity, Severity	1/Day	19	0
February 2004	Flow Rate	1/Day	29	0
February 2004	Dissolved Oxygen	1/Week	4	0
February 2004	Total Suspended Solids	1/Month	1	0
February 2004	Nitrogen, Ammonia (NH3)	1/Month	1	0
February 2004	CBOD 5 day	1/Month	1	0
March 2004	Water Temperature	1/Week	4	0
March 2004	Color, Severity	1/Day	23	0
March 2004	Odor, Severity	1/Day	23	0
March 2004	Turbidity, Severity	1/Day	23	0
March 2004	Flow Rate	1/Day	31	0
March 2004	Dissolved Oxygen	1/Week	4	0
March 2004	Total Suspended Solids	1/Month	1	0
March 2004	Nitrogen, Ammonia (NH3)	1/Month	1	0
March 2004	CBOD 5 day	1/Month	1	0
April 2004	Water Temperature	1/Week	4	0

Reporting Period	Parameter	Sample Frequency	Expected	Reported
April 2004	Odor, Severity	1/Day	22	0
April 2004	Turbidity, Severity	1/Day	22	0
April 2004	Flow Rate	1/Day	30	0
April 2004	Dissolved Oxygen	1/Week	4	0
May 2004	Fecal Coliform	1/Month	1	0
May 2004	Water Temperature	1/Week	4	1
May 2004	Chlorine, Total Residu	1/2Weeks	2	0
May 2004	Dissolved Oxygen	1/Week	4	1
June 2004	Chlorine, Total Residu	1/2Weeks	2	0
June 2004	Chlorine, Total Residu	1/2Weeks	2	0
July 2004	Water Temperature	1/Week	4	0
August 2004	Color, Severity	1/Day	22	0
August 2004	Odor, Severity	1/Day	22	0
August 2004	Turbidity, Severity	1/Day	22	0
August 2004	Flow Rate	1/Day	31	0
August 2004	Dissolved Oxygen	1/Week	4	0
August 2004	Chlorine, Total Residu	1/2Weeks	2	0
August 2004	Fecal Coliform	1/Month	1	0
August 2004	Total Suspended Solids	1/Month	1	0
August 2004	Nitrogen, Ammonia (NH3)	1/Month	1	0
August 2004	CBOD 5 day	1/Month	1	0
September 2004	Chlorine, Total Residu	1/2Weeks	2	0
October 2004	Chlorine, Total Residu	1/2Weeks	2	0
May 2005	Chlorine, Total Residu	1/2Weeks	2	0
June 2005	Chlorine, Total Residu	1/2Weeks	2	0
July 2005	Chlorine, Total Residu	1/2Weeks	2	0
August 2005	Chlorine, Total Residu	1/2Weeks	2	0
September 2005	Chlorine, Total Residu	1/2Weeks	2	0
October 2005	Chlorine, Total Residu	1/2Weeks	2	0
January 2006	Water Temperature	1/Week	4	0
January 2006	Color, Severity	1/Day	22	0
January 2006	Odor, Severity	1/Day	22	0
January 2006	Turbidity, Severity	1/Day	22	0
January 2006	Flow Rate	1/Day	31	0
January 2006	Dissolved Oxygen	1/Week	4	0
January 2006	Total Suspended Solids	1/Month	1	0
January 2006	Nitrogen, Ammonia (NH3)	1/Month	1	0
January 2006	CBOD 5 day	1/Month	1	0
May 2006	Chlorine, Total Residu	1/2Weeks	2	0
June 2006	Chlorine, Total Residu	1/2Weeks	2	0
July 2006	Chlorine, Total Residu	1/2Weeks	2	0
August 2006	Chlorine, Total Residu	1/2Weeks	2	0
September 2006	Chlorine, Total Residu	1/2Weeks	2	0
October 2006	Chlorine, Total Residu	1/2Weeks	2	0