



4. Respondent's November and December 1998, monthly operating reports ("MORs") indicate that there was no WWTP influent from November 7, 1998, until December 22, 1998. Based on historical flow data, Respondent discharged approximately 3.1 million gallons of raw sewage to waters of the state through the Dixon Street CSO (station no. 2PB00044004).
5. Respondent did not notify Ohio EPA during the unauthorized discharge described in Finding 4 above, as required by Part III, Section 11 of its permit.
6. Respondent failed to report an unanticipated lift station bypass within 24 hours of discovery, as required by Part III, Section 11 of its permit. This overflow at the East Blaine Street CSO (station no. 2PB00044003) began on May 25, 1999 and continued through May 28, 1999. Respondent notified Ohio EPA of the bypass after repairs were made and the overflow ended.
7. Respondent has exceeded permit limitations for the following parameters at outfall 2PB00044002 in at least the following months:

<u>Parameter</u>	<u>Months</u>
pH	5/95, 7/95, 8/95, 9/95, 11/95, 12/95, 1/96, 2/96, 3/96, 4/96, 5/96, 6/96, 1/97, 3/97, 6/97, 7/97, 8/97, 9/97, 10/97, 1/98, 5/98, 10/98, 11/98, 12/98, 2/99, 3/99, 4/99, 5/99, 6/99, 7/99, 8/99, 9/99, 1/00, 3/00, 4/00, 5/00
fecal coliform	5/95, 7/95, 8/95, 9/95, 10/95, 5/96, 6/96, 5/97, 6/97, 7/97, 8/97, 9/97, 10/97, 5/98, 10/98, 5/99, 8/99, 9/99, 5/00
dissolved oxygen	8/95, 8/97, 9/97, 5/98, 1/99, 8/99, 3/00
CBOD	3/96, 4/96, 3/98, 5/98, 3/99, 5/99, 3/00, 4/00
suspended solids	6/96, 3/97, 10/98, 12/98, 2/99, 3/99, 5/99, 8/99, 9/99, 10/99, 3/00, 5/00

This list does not account for multiple violations of the same parameter in the same month and does not distinguish between daily, weekly, or monthly violations nor between violations of concentration or loading limits.

8. Respondent did not submit detail plans for Phase 1 of the sewer improvements by June 1, 1999, as required by the Schedule of Compliance in Part II of its permit.

9. Respondent has failed to sample/report all parameters in compliance with the monitoring requirements of its permit.
10. Respondent has failed to limit discharges from its CSOs to wet weather periods only, as required in Part II, D. of its permit.
11. Respondent did not submit noncompliance notification for violations detailed in Finding No.7 above, as required by Part III, Section 12 of its permit.
12. Ohio EPA has notified Respondent of violations in numerous "notice of violation" ("NOV") letters; Respondent has failed to respond to these NOV's, as required by its permit.
13. Respondent is not in compliance with its permit, in violation of RC §§ 6111.04 and 6111.07.
14. 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 RC Chapter 6111.

#### ORDERS

1. Upon the effective date of this Order, Respondent shall achieve compliance with all effluent limitations, sampling and monitoring requirements, reporting and response requirements, and all other terms and conditions specified in its permit.
2. Upon the effective date of this Order, Respondent shall respond in writing to any future notice of violation letters received from Ohio EPA. Any unanticipated bypasses shall be reported to Ohio EPA's spill number (1-800-282-9378) in accordance with the notification procedures outlined in Respondent's permit, Part III, Sections 11 and 12.
3. Respondent shall continue to contract with an Ohio EPA Certified Operator (Class I) to perform daily analysis and monitoring when qualified Village WWTP staff are not available.
4. Respondent shall implement the following schedule of compliance:
  - a. Advertise for construction bids, receive bids, and award contracts for Phase I-A sewer improvements as soon as possible, but no later than August 9, 2001.
  - b. Commence construction for Phase 1-A as soon as possible, but no later than September 10, 2001.

- c. Complete construction and initiate operation of Phase 1-A as soon as possible, but no later than March 15, 2002.
  - d. Submit to the Northwest District Office a fixed date compliance schedule for Phase 2 of the CSO elimination project as soon as possible, but no later than December 31, 2001.
  - e. Submit written status reports to the Northwest District Office every four months beginning on the effective date of this Order.
5. Within seven (7) days following the deadline to comply with each Order, Respondent shall submit written verification of compliance to:

Ohio EPA Northwest District Office  
Attn: DSW Enforcement Group Leader  
347 N. Dunbridge Road  
Bowling Green, Ohio 43402

6. Respondent shall pay to the Ohio EPA the amount of five thousand dollars (\$5,000) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to RC Chapter 6111. This payment shall be made by tendering a certified check made payable to "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:

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

(ATTN: Vickie Galilei)

A photocopy of the check shall be sent to Ohio EPA Northwest District Office (Attn: DSW Enforcement Group Leader).

#### 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.

### 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 RC 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 the Chief of Ohio EPA, Division of Surface Water acknowledges this demonstration and certification in writing.

This certification shall be submitted by Respondent to the Northwest District Office (Attn: DSW Enforcement Group Leader) and shall be signed by a responsible official of Respondent. 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 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. The certification shall contain the following attestation:

*"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."*

### 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 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. Compliance with these Orders shall be in full accord and satisfaction of Respondent's liability for

the violations specifically cited herein. 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.

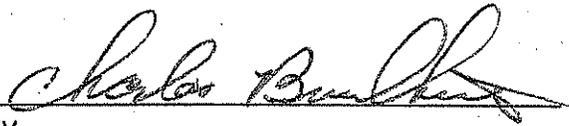
Respondent hereby waives the right to appeal the issuance, terms and service of these Orders, and it hereby waives any and all rights it might have to seek administrative or judicial review of these Orders either in law or equity.

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.

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:**

The Village of Forest

  
By

7-12-01  
Date

Administrator  
Title

**IT IS SO AGREED TO AND ORDERED:**

Ohio Environmental Protection Agency

  
Christopher Jones  
Director

8-10-01  
Date