

By: Kelly A. Mac Date: _____

BEFORE THE

12/1/2020

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

**Village of Willshire
P.O. Box 110
Willshire, Ohio 45898**

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**Director's Final Findings
and Orders**

Respondent

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the Village of Willshire ("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 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 ORC Chapters 6111 and 3745, and the rules promulgated thereunder.

IV. FINDINGS

Water Treatment Plant Wastewater Discharge

1. The Village of Willshire Water Treatment Plant ("WTP") is located at 601 Green Street, Willshire, Ohio 45898. The Village operates the WTP which discharges its wastewater into Bowen Ditch, and the Village holds a National Pollutant Discharge Elimination System ("NPDES") permit (2IZ00132) for this discharge. Pursuant to its NPDES Permit, the Village is required to submit Discharge Monitoring Reports ("DMRs") monthly. The Village has not submitted any DMRs from May 2018 through at least February 2020.
2. An inspection of the WTP took place on February 4, 2020. An inspection report was issued on February 13, 2020, and a Notice of Violation letter ("NOV") was sent to

Mayor and Council on February 19, 2020. There has been no response from the Village.

Wastewater Treatment Plant

3. The Village of Willshire Wastewater Treatment Plant ("WWTP") is located at 105 N. Hogan Street, Willshire, Ohio 45898, Van Wert County. The WWTP is an existing wastewater treatment system which discharges into the St. Marys River. The Village WWTP holds an NPDES permit (2PA00013) for this discharge, which contains a schedule of compliance for WWTP upgrades.
4. On December 2, 2019, the Ohio EPA, Division of Surface Water, sent an email to the Professional Operator of Record for the Village WWTP, asking if the milestones in the NPDES Permit had been completed and for dates to be provided. The Operator of Record responded that he was unaware of the milestones and would talk with the Mayor to see if they had been completed
5. On December 16, 2019, the Operator of Record responded by email stating the Mayor did not have any current information other than that a contractor had come out to review the plant. DSW informed the Mayor about the number of violations since the start of the permit and that the Village was in Significant Non-Compliance for E. coli.
6. On February 4, 2020, DSW did a Compliance and Evaluation Inspection of the WWTP. During the inspection, the following violations of Ohio's water pollution control laws and terms of the NPDES permit were noted:
 - a) **ORC 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 without first receiving a permit from the director to do so.
Violation Description: Respondent reported violations of effluent limits for CBOD exceeding effluent limits by greater than 40% in at least two months out of a six month period, E.coli exceeding effluent limits by greater than 20% in at least two months out of a six month period, and chlorine residual exceeding effluent limits in at least four months out of a six month period. As a result of the effluent limit violations, the facility is in significant noncompliance (SNC) for CBODs, E. coli, and chlorine residual.
 - b) **ORC 6111.07(A)**: No person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term or condition of a permit issued or adopted by the director of environmental protection pursuant to those sections. Each day of violation is a separate offense.

Violation Description: Respondent failed to comply with milestones (a) through (f) for construction upgrades to the WWTP as required by the NPDES permit schedule of compliance, in violation of R.C. 6111.07(A).

- c) **OAC 3745-33-08(3)**: Discharge Monitoring Reports (“DMRs”) submitted shall be submitted to Ohio EPA by the 20th day of the month following the month-of-interest.
Violation Description: Respondent failed to submit DMRs for Outfalls 001 and 300 for July 2017 and May 2018.
- d) **OAC 3745-7-0S(C)**: Operators of record of a sewerage system or treatment works shall display a copy of their certificate for public examination at the treatment plant or principal office of the owner.
Violation Description: The operator certificate had not been displayed.
- e) **ORC 6111.44(A) and OAC 3745-42-02**: no person shall cause, permit or allow the installation of a new disposal system or cause, permit or allow the modification of a disposal system without first obtaining an individual permit to install, a general permit to install or plan approval in accordance with this chapter.
Violation Description: Respondent installed a liquid chlorination and dechlorination process, without a Permit to Install (PTI).
- f) **OAC 3745-33-08(12)**: (a) A sign shall be posted at each outfall under permit.
Violation Description: Respondent failed to install an outfall sign on the riverbank at the outfall location as required by the NPDES permit.
- g) **NPDES Part III, Section 12(A)(1)**: The permittee shall report noncompliance that is the result of any violation of a daily maximum discharge limit for any of the pollutants listed by the Director in the permit by e-mail or telephone within twenty-four (24) hours of discovery.
Violation Description Respondent exceeded the maximum daily limit violations for residual chlorine and did not report this to Ohio EPA within 24 hours of discovery as required by the NPDES permit. There were 68 maximum daily limit violations between May 2017 and October 2018 and no notification was given to Ohio EPA.
- h) **OAC 3745-7-02 (A)(2)**: Each person owning or operating a treatment works or public sewerage system shall designate one or more professional operator of record to oversee the technical operation of the treatment works, sewerage system, or each wastewater treatment facility. Except as provided for in paragraphs (E) to (G) of this rule, each professional operator of record shall have a valid certification of a class equal to or greater than the classification of the treatment works, sewerage system, or wastewater treatment facility.
Violation Description: There was no Operator of Record listed for the collection system.

7. An inspection letter was issued to the Village of Willshire on February 14, 2020, and a Notice of Violation letter was issued to Respondent on February 19, 2020 detailing the above violations. To address the violations, the Village was asked to: 1) establish a plan to prevent significant noncompliance due to effluent limit violations, 2) submit missing DMRs, 3) submit recommendations on plant upgrades to Ohio EPA, 4) provide a new timeline for the schedule of compliance, 5) have the Professional Operator of Record certificate on display, 6) install a new outfall sign, 7) establish a plan to notify Ohio EPA within 24 hours when a maximum daily limit violation has occurred, 8) submit a PTI for the new liquid chlorination/dechlorination system that was installed, and 9) submit paperwork to appoint a Professional Operator of Record for the collection system.
8. The Director has given consideration to, and based her 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

1. Respondent shall immediately comply with all terms and conditions of NPDES permit number 2PR00170*DD and shall operate and maintain the WWTP in good working order.
2. Within thirty (30) days of the effective date of these Orders, Respondent shall submit a permit to install ("PTI") for the chlorination/dechlorination that was installed in accordance with the requirements set forth in OAC Chapter 3745-42.
3. Within thirty (30) days of the effective date of these Orders, Respondent shall submit to Ohio EPA a report which summarizes an evaluation of each component of the WWTP and identifies corrective actions necessary to improve plant performance, including installation of a new outfall sign.
4. Within sixty (60) days of the effective date of these Orders, Respondent shall perform all corrective actions necessary to achieve compliance with all effluent limits contained in its NPDES permit.
5. Within thirty (30) days after the effective date of these Orders, Respondent shall submit all missing eDMRs for both the WTP and WWTP and shall immediately begin submitting all required monthly eDMRs on time.
6. Respondent shall pay 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. 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". The official check shall be submitted to Carol Butler, or her successor, together with a letter identify the Respondent, to:

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

A copy of the check shall be sent to Larry Reeder, Environmental Manager, Enforcement Section, or his successor, at the following address:

Division of Surface Water
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

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(F).

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. 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.

XIV. SIGNATORY AUTHORITY

Each undersigned representative or 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




Laurie A. Stevenson, Director

12/1/2020

Date

IT IS SO AGREED:

Village of Willshire


Signature
Amos Stauffer Jr.
Printed or Typed Name
MAYOR
Title

11-18-20
Date