

4. Respondent has failed to meet permit conditions on numerous occasions. Violations included total suspended solids, BOD5, oil and grease, and failure to submit a timely permit renewal application. A listing of violations are set forth in Attachment 1, which is hereby fully incorporated into these Orders as if fully written herein.
5. Respondent is not in compliance with its permit, in violation of RC §§ 6111.04 and 6111.07.
6. The purpose of these Orders is not to modify nor alter the permit, but to address Respondent's noncompliance with said permit.
7. The Director has given consideration to and based his determination on evidence relating to the technical feasibility and the economic reasonableness of complying with these Orders, 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 purpose of RC Chapter 6111.

ORDERS

1. Respondent shall achieve compliance with the permit as expediently as practicable, but not later than the dates set forth in the following schedule:
 - a. The process wastewater discharged through outfall 3IQ00046001 and boiler blowdown and ion exchange regeneration discharged through outfall 3IQ00046002, shall be connected to a public sanitary sewerage system within six (6) months of whenever such system becomes available.
 - b. Within three (3) months, Respondent shall submit to the Ohio EPA, Northeast District Office, a plan to achieve compliance with the effluent limitations specified in the permit. Until procedures or equipment are in place to attain compliance with effluent limitations specified in the permit, Respondent shall efficiently operate all treatment or control facilities or systems installed or used by Respondent necessary to achieve compliance with final effluent limitation specified for outfall 3IQ00046001.
2. Respondent shall report any noncompliance with these Orders and its permit, in accordance with Part III, Paragraph 12, of its permit.
3. Within thirty (30) days of the effective date of these Orders, Respondent shall pay the amount of five thousand dollars (\$5,000) in settlement of Ohio EPA's claim for civil penalties, which may be assessed under RC Chapter 6111. This payment shall be made by tendering a certified check for the full amount, made payable to "Treasurer, State of Ohio" to the following address

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

A copy of said check shall be sent to the Ohio EPA, Northeast District Office, at the address set forth in the section of these Orders entitled "Termination."

OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be taken 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 and its operations.

RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with these Orders. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to RC Chapter 6111, or any other applicable law or rule in the future. Nothing herein shall restrict the right of Respondent to raise any administrative, legal or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Respondent. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not cited in these Orders.

These Orders are not, and shall not be construed to be, a permit, plan approval or other authorization issued pursuant to any statute or rule. These Orders specifically do not authorize the construction of any new disposal system or sewerage or treatment works for sewerage disposal at any location. Respondent must obtain all permits, approvals and authorizations as required by law. Ohio EPA reserves all rights, privileges and causes of action except as specifically provided herein.

TERMINATION

These Orders shall terminate when Respondent demonstrates in writing and certifies to the satisfaction of the Ohio EPA that all obligations under these Orders have been performed, and the Chief of Ohio EPA's Division of Surface Water acknowledges the termination of these Orders in writing.

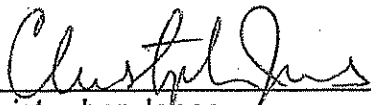
This certification shall be submitted by Respondent to:

Ohio Environmental Protection Agency
Northeast District Office
Attn: DSW Enforcement Unit Supervisor
2110 East Aurora Road
Twinsburg, OH 44087

The certification shall be signed by a responsible official of the 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 are familiar with the information contained in or accompanying this certification, and based on 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."

IT IS SO ORDERED:



Christopher Jones
Director

5-6-02
Date

VIII. 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 cited in these Orders, Respondent agrees to comply with these Orders, Respondent agrees that these Orders are lawful and reasonable, and Respondent agrees that the times provided for compliance herein are reasonable. Compliance with these Orders shall be a 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. Respondent does not waive the right to challenge the Ohio EPA's subsequent interpretation and/or enforcement of these Orders.

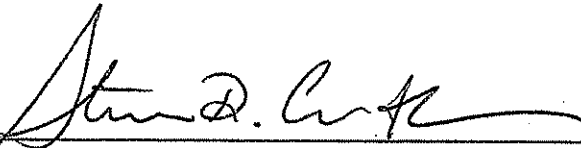
Notwithstanding the preceding, Ohio EPA and Respondent agree that in the event that these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent agrees to continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated, or modified.

IX. SIGNATORY AUTHORITY

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:

Multibase, Inc.

By: 

Date: 4-15-2002

Title: DIRECTOR - FINANCE & ADMINISTRATION

IT IS SO AGREED:

Ohio Environmental Protection Agency



Christopher Jones
Director

Date: 5-6-02

Appendix 1

<u>Violation Summary</u>	<u>Date of Violation</u>
Station 001, BOD5 Rpt'd Value : 7.2066 Limit : 5.1 (Daily quantity max)	2/6/00
Station 001, Oil/Grease, Total ,Rpt'd Value : 9.9621 Limit : 2.2 (Daily quantity max)	2/6/00
Station 001, Oil/Grease, Total ,Rpt'd Value : 47 Limit : 10 (Daily concentration max)	2/6/00
Station 001, BOD5 Rpt'd Value : 34 Limit : 24 (Daily concentration max)	2/6/00
Station 001, TSS ,Rpt'd Value : 3.9894 Limit : 3.7 (Daily quantity max)	4/3/00
Station 001, TSS ,Rpt'd Value : 4.8032 Limit : 3.7 (Daily quantity max)	6/4/00
Station 001, TSS ,Rpt'd Value : 27 Limit : 17 (Daily concentration max)	6/4/00
Station 001, TSS ,Rpt'd Value : 4.8032 Limit : 3.7 (Daily quantity max)	6/4/00
Station 001, TSS ,Rpt'd Value : 27 Limit : 17 (Daily concentration max)	6/4/00
Station 001, Oil/Grease, Total ,Rpt'd Value : 14 Limit : 10 (Daily concentration max)	7/8/00
Station 001, TSS ,Rpt'd Value : 76.1088 Limit : 3.7 (Daily quantity max)	8/11/00
Station 001, TSS ,Rpt'd Value : 457 Limit : 17 (Daily concentration max)	8/11/00
Station 001, Oil/Grease, Total ,Rpt'd Value : 3.6677 Limit : 2.2 (Daily quantity max)	9/5/00
Station 001, Oil/Grease, Total ,Rpt'd Value : 17 Limit : 10 (Daily concentration max)	9/5/00
Station 001, TSS ,Rpt'd Value : 6.3588 Limit : 3.7 (Daily quantity max)	10/3/00
Station 001, TSS ,Rpt'd Value : 28 Limit : 17 (Daily concentration max)	10/3/00
Station 001, TSS ,Rpt'd Value : 22.9485 Limit : 3.7 (Daily quantity max)	12/2/00
Station 001, Oil/Grease, Total ,Rpt'd Value : 3.7434 Limit : 2.2 (Daily quantity max)	12/2/00
Station 001, Oil/Grease, Total ,Rpt'd Value : 23 Limit : 10 (Daily concentration max)	12/2/00
Station 001, TSS ,Rpt'd Value : 141 Limit : 17 (Daily concentration max)	12/2/00
Station 001, TSS ,Rpt'd Value : 21 Limit : 17 (Daily concentration max)	1/3/01
Station 001, TSS ,Rpt'd Value : 23 Limit : 17 (Daily concentration max)	4/2/01
Station 001, TSS ,Rpt'd Value : 5.6775 Limit : 3.7 (Daily quantity max)	7/5/01
Station 001, TSS ,Rpt'd Value : 30 Limit : 17 (Daily concentration max)	7/5/01
Station 001, TSS ,Rpt'd Value : 19 Limit : 17 (Daily concentration max)	8/1/01
Station 001, TSS ,Rpt'd Value : 4.33 Limit : 3.7 (Daily quantity max)	9/6/01
Station 001, TSS ,Rpt'd Value : 22 Limit : 17 (Daily concentration max)	9/6/01