OHIO E.P.A.

APR - 8 2011

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Village of Blanchester	:	**Director's Final Findings**
P.O. Box 158	:	**and Orders**
318 E. Main Street, Suite 102	:	
Blanchester, OH 45107	:	
	:	
Respondent	:	

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: 4-8-11

PREAMBLE

It is agreed by the Parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the Village of Blanchester ("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, its assigns and successors in interest liable under Ohio law. No change in the composition of Respondent or the ownership of Respondent's wastewater treatment plant and/or sewerage system which are the subject of these Orders 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 of Ohio EPA has made the following findings:

1. Respondent is an incorporated village located in Clinton County, Ohio.

2. Respondent is the owner and operator of a wastewater treatment plant ("WWTP") located at 600 West Main Street, Blanchester, Ohio. Respondent also

8. Part III.12 of Respondent's NPDES permit requires the reporting by telephone within 24 hours of any unanticipated bypass or any upset which exceeds effluent limits, or any violation of a maximum daily discharge limitation. Telephone reports are to be confirmed in writing within five days of the discharge. Respondent failed to report the illicit sanitary sewer connections from June 30, 2001 until June 7, 2007 for one bypass, and until September 13, 2007 for the other bypass, and failed to report the SSO near 427 Bourbon Street prior to July 10, 2006.

9. On January 5, 2005, Ohio EPA sent a Notice of Violation ("NOV") informing Respondent of violations of effluent limitations for copper and total suspended solids in Respondent's NPDES permit. The NOV required a plan of action to bring the discharge from Respondent's WWTP into compliance with the terms and conditions of Respondent's NPDES permit to be submitted to Ohio EPA by April 1, 2005.

10. Respondent did not submit the requested plan of action. However, in June 2005, Respondent did contact Ohio EPA's Compliance Assistance Unit ("CAU") and worked with the CAU in an attempt to identify the causes of the copper and total suspended solids exceedances.

11. The probable cause of the total residual copper violations was determined to be the addition of a copper containing algaecide to water reservoirs by Respondent's water treatment plant operators. The slurry produced as a byproduct of the water treatment process and discharged to the WWTP contains high concentrations of copper.

12. Respondent violated terms and conditions of its NPDES permit, including the effluent limitations for total suspended solids and copper, on numerous occasions as cited in Attachment II. Each violation cited in Attachment II constitutes a separate violation of ORC §§ 6111.04 and 6111.07. Attachment II is hereby incorporated into these Findings and Orders as if fully stated herein.

13. In October 2005, Respondent submitted a project nomination form to Ohio EPA's Division of Environmental & Financial Assistance for multi-phase improvements to the WWTP and associated sanitary sewerage system. Respondent then submitted a Master Plan for improvements to the WWTP and associated sanitary sewerage system dated February 27, 2007. An amended Master Plan was submitted on August 28, 2008. Respondent's amended Master Plan identified three phases of improvements:

    a. Phase 1: Installation of an equalization basin and wet-weather pump station. Respondent submitted permit to install ("PTI") Application No.

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 achieve compliance with the effluent limitations for copper in its NPDES permit or renewal thereof as soon as possible but no later than the schedule below.

   a. Respondent shall incorporate local effluent limitations for industrial dischargers into its sewer use ordinance and implement such limits (pertaining to copper and any other pertinent metal indentified during the study phase) by no later than June 30, 2011. These limits shall be established utilizing Ohio EPA industrial pretreatment protocol.

   b. As soon as possible, but no later than June 30, 2011, Respondent shall submit to Ohio EPA for approval, in accordance with Section X. of these Orders, a plan to achieve compliance with the effluent limitations for copper in Respondent's NPDES permit or renewal thereof. This plan shall include a list of alternatives, construction/design costs and operation/maintenance costs associated with each alternative, treatability pros and cons for each alternative (including any results from pilot tests), the selection of a preferred alternative, and a schedule for implementation of the preferred alternative.

   c. Within thirty (30) days of receipt of notification from Ohio EPA, Respondent shall provide Ohio EPA, in accordance with Section X. of these Orders, with a response addressing any comments or deficiencies and/or submitting any additional information requested with regard to any of the submittals required by Order No. 1.b.

   d. Upon Ohio EPA's review and approval of the preferred alternative and implementation schedule, Respondent shall implement the schedule as approved.

   e. Within fourteen (14) days of completing each requirement pursuant to Orders Nos. 1.a. and 1.d., Respondent shall provide notice in writing to the Ohio EPA in accordance with Section X. of these Orders, of the completion of each step in the schedule of implementation.

compliance with the terms and conditions of NPDES permit No. 1PB00003*FD and renewals thereof.

4. Respondent shall not install sewerage, or treatment works for sewage disposal or new disposal systems, including but not limited to sanitary sewers, at any location without first receiving prior approval from the Director as required by law.

5. Respondent shall pay to the Ohio EPA the amount of ten thousand dollars ($10,000.00) in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC § 6111.09. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" for eight thousand dollars ($8,000.00) within thirty (30) days of the effective date of these Orders. The official check, together with a letter identifying Respondent, shall be submitted to Brenda Case or her successor at:

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

A photocopy of the check shall be sent to Ohio EPA, Southwest District Office, in accordance with Section X. of these Orders.

6. In lieu of paying the remaining two thousand dollars ($2,000.00) of the civil penalty, 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 two thousand dollars ($2,000.00) 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 that amount. The official check and a cover letter identifying the Respondent shall be submitted to Brenda Case, or her successor at:

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

A copy of both checks shall be sent to Mark Mann, Environmental Manager, Storm Water and Enforcement Section, or his successor, at the following address:

regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to the Respondent.

IX. MODIFICATIONS

These Orders may be modified by the 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 EPA, Southwest District Office
Attn: DSW Enforcement Unit Supervisor
401 East Fifth Street
Dayton, Ohio 45402

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 those 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

Attachment I

Village of Blanchester Sanitary Sewer Overflows

Friendship Acres 901 Cherry St.	417 Bourbon St.	WWTW
	5/22/2010	5/22/2010
		8/4/2009
		7/31/2009
		12/24/2008
		12/16/2008
6/4/2008		6/4/2008
4/4/2008		4/4/2008
3/19/2008		3/19/2008
3/18/2008		3/18/2008
3/4/2008		3/4/2008
2/4/2008		2/4/2008
10/23/2007		10/23/2007
9/13/2006		9/13/2006
9/12/2006		9/12/2006

*WWTW SSO discharges to Second Creek, Cherry St. discharges to Whitaker Run

October 2007	Total Suspended Solids	7D Qty	67	185.012
October 2007	Nitrogen, Ammonia (NH3	7D Qty	10	11.6011
November 2007	Total Suspended Solids	30D Conc	12	13.15
November 2007	Total Suspended Solids	7D Conc	18	23.2
November 2007	Total Suspended Solids	7D Qty	67	78.6489
December 2007	Total Suspended Solids	30D Conc	12	17.6
December 2007	Total Suspended Solids	7D Conc	18	29.8
December 2007	Total Suspended Solids	30D Qty	45	85.4055
December 2007	Total Suspended Solids	7D Qty	67	113.210
December 2007	Copper, Total Recoverable	30D Conc	15	21.76
December 2007	Copper, Total Recoverable	30D Qty	0.056	.12455
December 2007	Total Suspended Solids	7D Qty	67	96.3777
December 2007	Copper, Total Recoverable	1D Qty	0.090	.12455
December 2007	Total Suspended Solids	7D Qty	67	87.5632
January 2008	Total Suspended Solids	30D Conc	12	13.6
January 2008	Total Suspended Solids	30D Qty	45	46.0104
January 2008	Total Suspended Solids	7D Conc	18	18.8
February 2008	Total Suspended Solids	30D Qty	45	48.4157
February 2008	Total Suspended Solids	7D Qty	67	68.0913
March 2008	Total Suspended Solids	30D Qty	45	46.3057
March 2008	Total Suspended Solids	7D Qty	67	81.2572
May 2008	Total Suspended Solids	30D Conc	12	21.4
May 2008	Total Suspended Solids	7D Conc	18	45.
May 2008	Total Suspended Solids	30D Qty	45	82.7364
May 2008	Total Suspended Solids	7D Qty	67	119.455
May 2008	Total Suspended Solids	7D Conc	18	22.
May 2008	Total Suspended Solids	7D Qty	67	103.609
May 2008	Total Suspended Solids	7D Qty	67	81.5175
June 2008	Copper, Total Recoverable	30D Conc	15	25.84
June 2008	Total Suspended Solids	7D Conc	18	20.4
June 2008	Copper, Total Recoverable	1D Conc	24	25.84
August 2008	Total Suspended Solids	30D Conc	12	19.35
August 2008	Total Suspended Solids	7D Conc	18	27.
August 2008	Copper, Total Recoverable	30D Conc	15	32.58
August 2008	Total Suspended Solids	7D Conc	18	22.2
August 2008	Copper, Total Recoverable	1D Conc	24	32.58
September 2008	Total Suspended Solids	30D Conc	12	18.5333
September 2008	Total Suspended Solids	7D Conc	18	18.8
September 2008	Total Suspended Solids	7D Conc	18	22.8
October 2008	Total Suspended Solids	30D Conc	12	14.6666
October 2008	Total Suspended Solids	7D Conc	18	22.4
December 2008	Copper, Total Recoverable	30D Conc	15	17.18
March 2009	Total Suspended Solids	30D Conc	12	12.0888
March 2009	Total Suspended Solids	7D Conc	18	18.2
May 2009	Total Suspended Solids	7D Conc	18	25.4
June 2009	Total Suspended Solids	30D Conc	12	15.7333
June 2009	Total Suspended Solids	7D Conc	18	21.8
June 2009	Total Suspended Solids	7D Qty	67	82.1469