

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY OHIO E.P.A.**

FEB -9 2007

In the Matter of:

ENTERED DIRECTOR'S JOURNAL

City of Cleveland Division of Water
1201 Lakeside Avenue
Cleveland, Ohio 44114

: Director's Final Findings
: and Orders



Respondent

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the City of Cleveland Division of Water ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code (R.C.) §§ 6111.03(H) 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

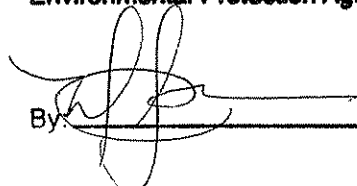
Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in R.C. Chapter 6111, and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has made the following findings:

1. Respondent owns and operates four water treatment plants serving approximately 1.5 million people in the Greater Cleveland area.
2. Respondent's Garret A. Morgan water treatment plant is located at 1245 West 45th Street, Cleveland, Ohio 44102 ("water plant"). The water plant was originally constructed in 1912 and has an approved finished water capacity of 150 MGD. The intake structure for the water plant consists of a 10 foot diameter pipe extending approximately 4.7 miles into Lake Erie.

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:  Date: 2/9/07

3. The water plant was shut down for construction activities from October 23, 2006 through January 3, 2007.
4. When the water plant was restarted, Respondent received numerous taste and odor complaints from customers. As a result of these complaints, the water plant was shut down again on January 28, 2007.
5. Respondent conducted chemical analyses and determined that the compound geosmin was responsible for the taste and odor complaints. Geosmin is a metabolite of certain bacteria, blue-green algae, and green algae. Geosmin has a taste and odor threshold for some people of 5 ng/l (parts per trillion). Geosmin was detected in the intake tunnel for the water plant in concentrations ranging from 10.9 to 32.6 ng/l.
6. Respondent has determined that in order for the water plant to produce potable water, the intake pipe needs to be flushed to remove standing water in the intake which contains geosmin.
7. Respondent has proposed to process the intake water through the water plant. No chemicals will be added. Following sand filtration, water will enter the sedimentation basins. Water will then be discharged from the sedimentation basins to the Cuyahoga River by way of former outfall 001. Accumulated sediment in the basins will be managed by discharging to the Northeast Ohio Regional Sewer District ("NEORS") as part of the standard solids management program at the water plant.
8. The water which will be discharged from the water plant to the Cuyahoga River will be the raw water from Lake Erie which is influent to the water plant. The discharge to the Cuyahoga River is approximately one half mile from Lake Erie.
9. Respondent's alternative would be to discharge all the water to NEORS. The Director has determined that discharging this volume of clean water to NEORS would have a deleterious effect on NEORS's sewerage system and waste water treatment works and potentially cause the discharge of sewage, industrial waste and other waste, as defined in ORC 6111.01, to waters of the state.
10. 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 R.C. Chapter 6111.

V. ORDERS

1. Respondent is authorized to discharge Lake Erie intake water from the sedimentation basins at the water plant to the Cuyahoga River. Prior to discharge, the water shall pass through the water plant and no chemicals shall be added.
2. This authorization to discharge shall expire on April 6, 2007.
3. The discharge shall be monitored for the following parameters:

<u>Storet</u>	<u>Parameter</u>	<u>Monitoring Frequency</u>	<u>Discharge Limits</u>
50050	Flow (MGD)	Daily Total	-
00400	pH (SU)	Daily Grab	6.5 min – 9.0 max
00530	Total Suspended Solids (mg/l)	Daily Composite*	30 ave / 45 max
	Geosmin	Daily Grab	-

* Composite sample to consist of at least 3 grab samples during a 24-hour period

4. Results of all effluent analyses shall be reported to Ohio EPA's Northeast District Office, Division of Surface Water in accordance with Section VIII. of these Orders within thirty (30) days following the date of sample collection.
5. The effluent shall at all times be free of substances:
 - A. In amounts that will settle to form putrescent, or otherwise objectionable, sludge deposits, or that will adversely affect aquatic life or water fowl;
 - B. Of an oily, greasy, or surface-active nature, and of other floating debris, in amounts that will form noticeable accumulations of scum, foam or sheen;
 - C. In amounts that will alter the natural color or odor of the receiving water to such degree as to create a nuisance;
 - D. In amounts that either singly or in combination with other substances are toxic to human, animal, or aquatic life;
 - E. In amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growths become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;
 - F. In amounts that will impair designated instream or downstream water uses.
6. Respondent shall notify the Ohio EPA in accordance with Section VIII. of these

Orders within seven (7) days of completion of the flushing of the intake pipe at the water plant.

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 as defined in OAC Rule 3745-33-03(D).

VII. 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.

VIII. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

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

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Surface Water
Attn: Manager, Stormwater and Enforcement Section
50 West Town Street, Suite 700 [P.O. Box 1049]
Columbus, Ohio 43215 [43216-1049]

[For mailings use the post office box number and zip code in brackets]

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

IX. RESERVATION OF RIGHTS

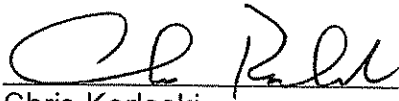
Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance 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 ORC Chapter 6111. or any other applicable law 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 addressed in these Orders.

XIII. EFFECTIVE DATE

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

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Chris Korleski
Director

2/9/07
Date