

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

AUG 13 2008

In the matter of:

ENTERED DIRECTOR'S JOURNAL

Catholic Diocese of Columbus
197 East Gay Street
Columbus, Ohio 43215

: Director's Final Findings
: and Orders

:
: 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.

Respondent

By: Andy Kossler Date: 8-13-08

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the Catholic Diocese of Columbus ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 6111.03, 6111.46 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and its successors in interest liable under Ohio law.

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 there under.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent is the Catholic Diocese of Columbus. Respondent owns and operates St. Mary's Catholic Church located at 5684 and 5670 Groveport Road in Groveport, Ohio.
2. Sewage from Respondent's facility is handled by a small sewage treatment plant (STP) consisting of a holding tank, aeration, clarification, sand filters, and a chlorine contact tank with tablet chlorination. To the best of Ohio EPA's

knowledge, Ohio EPA has no record of any governmental entity approving the installation of this system.

3. Respondent's system is considered a "semi-public disposal system" as defined by OAC Rule 3745-33-01(KK). "Semi-public disposal system" means a disposal system which treats the sanitary sewage discharged from publicly or privately owned buildings or place of assemblage, entertainment, recreation, education, correction, hospitalization, housing or employment, but does not include a disposal system which treats sewage in amounts of more than twenty-five thousand gallons per day; a disposal system for the treatment of sewage that is exempt from the requirements of division (F) of section 6111.04 of the Revised Code; or a disposal system for the treatment of industrial waste.
4. Respondent's STP effluent discharges to a storm water pumping station which also receives storm water runoff and sump pump discharges from church grounds. This storm water pump station pumps the combined storm water and sewage plant effluent across the road to a roadside ditch. The pump station has created a pool area within the ditch. This ditch then enters the Groveport storm sewer system and empties into a swale which enters an unnamed tributary of Big Walnut Creek. The unnamed ditch, swale and unnamed tributary of Big Walnut Creek are all waters of the state as defined by ORC Section 6111.01.
5. The discharge from this system is not authorized by an NPDES permit in violation of ORC Section 6111.04 and 6111.07 and Ohio Administrative Code Chapter 3745-33.
6. Recent water quality sampling by Ohio EPA of the pool of water in the ditch at the outlet of the church storm water pump station has provided the following data:

Date	Fecal Coliform ¹	E. Coli ²	Conditions
10-4-07	2500	700	Dry weather
6-9-08	600	700	Dry weather
6-23-08	50000	N/A ³	Dry weather
7-7-08	400	180	Upstream flow

(counts / 100 ml)

¹ Secondary contact recreation criteria is 5000 FC counts/100 ml

² Secondary contact recreation criteria is 587 E. coli counts/100 ml

N/A – Not available

Indicates an exceedance of the secondary contact recreation criteria.

7. This water quality data demonstrates that Respondent is causing or contributing to unhealthy conditions in the roadside ditch immediately opposite its storm water pumping system. Some of these high bacterial counts exceed the water quality

criteria for secondary contact recreation in Ohio Administrative Code Rule 3745-1-07.

8. There is an existing 12 inch sanitary sewer owned by the Village of Groveport which was constructed in 1997, known as the Greene Pointe Business Park Sanitary Sewer, which is almost directly across the street from the Saint Mary's Church eastern-most property line. The end of this sanitary sewer, according to the Church's consultant, is about 350 feet away from the church building. According to Groveport Sewer Atlas maps, the sewer stub is also approximately 130 feet away from St. Mary's property line and approximately 140 feet from the stormwater pump station which receives the STP effluent.
9. In a letter dated February 13, 2008, Ohio EPA informed Saint Mary's Church that they have an unpermitted sewage treatment plant that discharges to "waters of the state". The letter requested that they discuss with the Village of Groveport connection to sanitary sewer.
10. OAC Rule 3745-33-08(C) provides that "[n]otwithstanding the issuance or non-issuance of an NPDES permit to a semi-public disposal system, whenever the sewage system of a publicly owned treatment works becomes available and accessible, the permittee operating any semi-public disposal system shall abandon the semi-public disposal system and connect it into the publicly owned treatment works."
11. Including Saint Mary's Catholic Church, there are fourteen parcels owned by nine landowners along Groveport Road that are served by individual sewage treatment systems. Seven of these parcels are semi-public facilities, three are single family rental properties, three are private residences and one is a fallow farm field.
12. Bright Innovations, LLC is a semi-public system located along Groveport Road. In 1998, this entity wished to construct warehouse facilities on this parcel and use an existing home leach field to dispose of sewage from these warehouses. Ohio EPA issued a Permit to Install for temporary holding tanks on August 26, 1998. The PTI approved the use of holding tanks for a period of two years from its effective date. After that period of time the facilities would need to connect to sanitary sewer or equivalent. The two year period ended August 26, 2000, and the owners continue to use the septic tanks as holding tanks, occasionally pumping the septage and hauling it to Columbus.
13. Bright Innovations LLC owns a retail strip mall located on Groveport Road and a single family residence on Saltzgaber Road. The retail strip mall appears to have been constructed over a leach field that served the property originally. Currently,

the strip mall is served by an un-permitted septic and leach system in a grassed area along Groveport Road.

14. Access Storage is a semi-public system located along Groveport Road. It consists of an office, rental house, and commercial garage. Sewage treatment for these facilities is reported to be handled by a septic system and leach field. However, no records exist for such a system. As such, it is considered an unpermitted system.
15. The First Baptist Church of Groveport is a semi-public system located along Groveport Road. The church officially annexed into Groveport on November 13, 2003. In March 2004, First Baptist Church contacted Ohio EPA desiring to add a 100 child daycare facility. The wastewater system at the time of the proposed expansion was inadequately sized for this type of use. The church represented that Village officials were planning on extending the Greene Pointe Business Park Sanitary Sewer to serve properties along Groveport Road and anticipated that sewer would be constructed sometime in early 2005. Based on that representation, Ohio EPA, on April 28, 2004, approved the temporary use of the existing septic/leach system providing certain conditions were met. These conditions included that the church would have the septic tanks pumped out weekly and that if after 18 months from April 28, 2004 sanitary sewers were still not constructed, the church was to notify Ohio EPA so Ohio EPA could reevaluate the continued use of the leach field along with the weekly pumping. Given the extremely frequent need for pump out, the system is considered to be failing. This sewer line has yet to be extended.
16. The Groveport Church of Christ is a semi-public system located along Groveport Road. It has a permitted 1,500 gallon septic tank. This system appears to be adequate for the current church size. However, the Groveport Church of Christ has informed the Groveport Village Council that they wish to expand the church and include daycare facility within the near future. As such, they requested sanitary and water service be provided to allow for adequate treatment of wastewater from this facility.
17. The State Water Quality Management (WQM) Plan - Appendix 9-1 Section 25-P1b - *Southeast Quadrant, Management Agencies and Prescriptions* - Table 25-B identifies the Village of Groveport as a management agency with its own satellite sewage collection system within the Columbus City FPA.
18. The WQM plan provide that isolated pockets of existing residential and commercial development presently served by on-lot sewage disposal systems or aeration systems should be connected to central sewer systems where ever practical and feasible.

19. The WQM plan provides that the following factors should be assessed in deciding whether sewers are available and accessible:
 - o The legislative determination that household sewage treatment systems constitute a potential hazard to public health and a potential nuisance to be prevented when possible;
 - o whether a public health nuisance exists;
 - o whether sewers are required by the sanitary code;
 - o best available technology;
 - o technical feasibility;
 - o necessity of obtaining easements;
 - o cost; and
 - o other relevant considerations.
20. An engineering study undertaken by the Village of Groveport to provide sewers, in part, to the unsewered area along Groveport Road indicates sewers are technically feasible.
21. Long term sewer infrastructure needs for this area dictate that the sewer line serving the properties along Groveport Road be a gravity system designed to account for future growth as opposed to multiple force main connections that would have to be abandoned in the future.
22. Ohio EPA has examined the facts at issue and has determined that a publicly owned treatment works is available and accessible to Respondent's property.
23. Ohio EPA Director intends to require other semi public systems to extend the sewer and tie in as the sewer becomes available and accessible to the property in question.
24. The following Orders do not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Any such construction or modification is subject to the PTI requirements of Ohio Administrative Code ("OAC") Chapter 3745-42.
25. Compliance with the ORC Chapter 6111 is not contingent upon the availability or receipt of financial assistance.
26. Ohio EPA 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 ORC Chapter 6111.

V. ORDERS

I hereby issue the following Orders:

1. As soon as possible but not later than 90 days from the effective date of these Orders, Respondent shall submit a Permit to Install (PTI) application along with detailed plans necessary to:
 - a. Extend and then tie into the Greene Pointe Business Park Sanitary Sewer owned by the Village of Groveport currently located across the street from Saint Mary's Church eastern-most property line; and extend through and tie in both church owned properties at 5684 and 5670 Groveport Rd; and
 - b. Properly abandon the current wastewater treatment systems.
2. Should Ohio EPA provide any written comments on the PTI application, Respondent shall respond to Ohio EPA within 14 days with the requested modifications/clarifications.
3. As soon as possible but not later than 120 days from the effective date of the PTI approval, Respondent shall commence construction in accordance with its PTI.
4. As soon as possible but not later than 60 days from commencing construction, Respondent shall complete construction and tie its wastewater into the sewer.
5. Until the compliance date set forth in Order 4, Respondent shall maintain in good working order and operate as efficiently as possible the treatment works and sewerage system currently serving Respondent's facility.

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 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.

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 the Director in accordance with OAC Chapter 3745-47.

X. 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 and/or for the violations described herein. 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

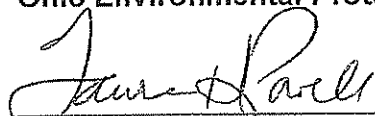
future. Nothing herein shall restrict the right of Respondent to raise any administrative, legal, or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Respondent. Nothing in these orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

XI. 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:

Ohio Environmental Protection Agency



Laura Powell
Assistant Director

8/13/08
Date