

CITY OF CLYDE, OHIO

**CHERRY STREET
PHASE I IMPROVEMENTS
PROJECT**

**The Ohio Public Works Commission
Round 33
Funding Application Package**

SEPTEMBER 2018



Prepared by:

Blanchard Design Associates, Inc.

Engineers - Surveyors- Planners

1016 N. Blanchard Street, Suite A

P.O. Box 246

Findlay, Ohio 45839-0246



City of Clyde

September 4, 2018

Narrative for the Cherry Street, Phase I Improvements Project City of Clyde

On December 1, 2004 the City of Clyde (OH) and the United States entered into a Consent Decree in the action captioned *United States and the State of Ohio v. City of Clyde, Ohio*. It is the express purpose of the Consent Decree to further the goals of the Clean Water Act and the Ohio Revised Code Chapter 6111 and to enable Clyde to come into compliance with the Act and the Ohio Revised Code. The Consent Decree requires Clyde to expeditiously achieve, and at all times maintain, full compliance with its NPDES Permit and all applicable federal, state, and local laws and regulations. The city shall remain under the Consent Decree until all requirements of the decree's Section XXII. TERMINATION have occurred.

The West Cherry Street Sewer Separation Project, Phase I described in this application is another sewer separation needed by the city to further ensure full compliance with its NPDES Permit, now and in the future. The project involves the installation of separate and independent storm and sanitary sewers. The proposed sanitary and storm sewer installations will be at a depth of approximately thirteen feet (13'). Waterline replacement is also a function of the overall project as it is too close to the sanitary sewer, per EPA standards, and it has been documented as prone to breakage during any type of construction activity. Due to the installation of sanitary sewers, storm sewers and waterlines, the existing roadway will not be salvageable. Full depth pavement replacement on Cherry Street would also be required in order to re-grade the existing profile of the road to achieve positive drainage through the use of combination curbs/gutters and storm basins. The existing base and pavement will be widened as necessary to meet the AASHTO Low Volume Road Design Standards and/or the ODOT L&D Manual as applicable.

Funding these sewer separation projects has become increasingly difficult over the past several years. It is made even harder by the fact that the state has practically eliminated Local Government Funding. In reality, from a financial standpoint, the Cherry Street Improvement will not be possible without the 35% match from the OPWC. Please feel free to contact me with any questions or concerns.

Sincerely,

Paul H. Fiser
Manager
City of Clyde (OH)

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FUNDING APPLICATION

SECTION 1



State of Ohio
Public Works Commission
Application for Financial Assistance

IMPORTANT: Please consult "Instructions for Financial Assistance for Capital Infrastructure Projects" for guidance in completion of this form.

Applicant

Applicant: City of Clyde Subdivision Code: 143-16308

District Number: 5 County: Sandusky Date: 09/04/2018

Contact: Kevin W. Fahy, P.E. Phone: (419) 425-2830
(The individual who will be available during business hours and who can best answer or coordinate the response to questions)

Email: kfahy@blancharddesign.com FAX: (419) 425-2118

Project

Project Name: Cherry Street Phase I Improvement Project Zip Code: 43410

Subdivision Type	Project Type	Funding Request Summary
<small>(Select one)</small>	<small>(Select single largest component by \$)</small>	<small>(Automatically populates from page 2)</small>
<input type="checkbox"/> 1. County	<input type="checkbox"/> 1. Road	Total Project Cost: <u>777,000 .00</u>
<input checked="" type="checkbox"/> 2. City	<input type="checkbox"/> 2. Bridge/Culvert	1. Grant: <u>275,000 .00</u>
<input type="checkbox"/> 3. Township	<input type="checkbox"/> 3. Water Supply	2. Loan: <u>0 .00</u>
<input type="checkbox"/> 4. Village	<input checked="" type="checkbox"/> 4. Wastewater	3. Loan Assistance/ Credit Enhancement: <u>0 .00</u>
<input type="checkbox"/> 5. Water (6119 Water District)	<input type="checkbox"/> 5. Solid Waste	Funding Requested: <u>275,000 .00</u>
	<input type="checkbox"/> 6. Stormwater	

District Recommendation (To be completed by the District Committee)

Funding Type Requested	SCIP Loan - Rate: _____ % Term: _____ Yrs	Amount: _____ .00
<small>(Select one)</small>		
<input type="checkbox"/> State Capital Improvement Program	RLP Loan - Rate: _____ % Term: _____ Yrs	Amount: _____ .00
<input type="checkbox"/> Local Transportation Improvement Program	Grant:	Amount: _____ .00
<input type="checkbox"/> Revolving Loan Program	LTIP:	Amount: _____ .00
<input type="checkbox"/> Small Government Program	Loan Assistance / Credit Enhancement:	Amount: _____ .00
District SG Priority: _____		

For OPWC Use Only

STATUS	Grant Amount: _____ .00	Loan Type: <input type="checkbox"/> SCIP <input type="checkbox"/> RLP
Project Number: _____	Loan Amount: _____ .00	Date Construction End: _____
_____	Total Funding: _____ .00	Date Maturity: _____
Release Date: _____	Local Participation: _____ %	Rate: _____ %
OPWC Approval: _____	OPWC Participation: _____ %	Term: _____ Yrs

1.0 Project Financial Information (All Costs Rounded to Nearest Dollar)

1.1 Project Estimated Costs

Engineering Services

Preliminary Design:	<u>7,000</u> .00	
Final Design:	<u>33,000</u> .00	
Construction Administration:	<u>38,000</u> .00	
Total Engineering Services:	a.) <u>78,000</u> .00	<u>12</u> %
Right of Way:	b.) _____ .00	
Construction:	c.) <u>664,000</u> .00	
Materials Purchased Directly:	d.) _____ .00	
Permits, Advertising, Legal:	e.) _____ .00	
Construction Contingencies:	f.) <u>35,000</u> .00	<u>5</u> %
Total Estimated Costs:	g.) <u>777,000</u> .00	

1.2 Project Financial Resources

Local Resources

Local In-Kind or Force Account:	a.) _____ .00	
Local Revenues:	b.) <u>502,000</u> .00	
Other Public Revenues:	c.) _____ .00	
ODOT / FHWA PID: _____	d.) _____ .00	
USDA Rural Development:	e.) _____ .00	
OEPA / OWDA:	f.) _____ .00	
CDBG:	g.) _____ .00	
<input type="checkbox"/> County Entitlement or Community Dev. "Formula"		
<input type="checkbox"/> Department of Development		
Other: _____	h.) _____ .00	
Subtotal Local Resources:	i.) <u>502,000</u> .00	<u>65</u> %

OPWC Funds (Check all requested and enter Amount)

Grant: <u>100</u> % of OPWC Funds	j.) <u>275,000</u> .00	
Loan: <u>0</u> % of OPWC Funds	k.) _____ .00	
Loan Assistance / Credit Enhancement:	l.) <u>0</u> .00	
Subtotal OPWC Funds:	m.) <u>275,000</u> .00	<u>35</u> %
Total Financial Resources:	n.) <u>777,000</u> .00	<u>100</u> %

1.3 Availability of Local Funds

Attach a statement signed by the Chief Financial Officer listed in section 5.2 certifying all local resources required for the project will be available on or before the earliest date listed in the Project Schedule section. The OPWC Agreement will not be released until the local resources are certified. Failure to meet local share may result in termination of the project. Applicant needs to provide written confirmation for funds coming from other funding sources.

2.0 Repair / Replacement or New / Expansion

2.1 Total Portion of Project Repair / Replacement:	<u>777,000</u> .00	<u>100</u> %	A Farmland Preservation letter is required for any impact to farmland
2.2 Total Portion of Project New / Expansion:	<u>0</u> .00	<u>0</u> %	
2.3 Total Project:	<u>777,000</u> .00	<u>100</u> %	

3.0 Project Schedule

3.1 Engineering / Design / Right of Way	Begin Date: <u>10/01/2018</u>	End Date: <u>06/01/2019</u>
3.2 Bid Advertisement and Award	Begin Date: <u>06/01/2019</u>	End Date: <u>07/01/2019</u>
3.3 Construction	Begin Date: <u>08/01/2019</u>	End Date: <u>12/30/2019</u>

Construction cannot begin prior to release of executed Project Agreement and issuance of Notice to Proceed.

Failure to meet project schedule may result in termination of agreement for approved projects. Modification of dates must be requested in writing by project official of record and approved by the Commission once the Project Agreement has been executed.

4.0 Project Information

If the project is multi-jurisdictional, information must be consolidated in this section.

4.1 Useful Life / Cost Estimate / Age of Infrastructure

Project Useful Life: 30 Years Age: 1934 (Year built or year of last major improvement)

Attach Registered Professional Engineer's statement, with seal or stamp and signature confirming the project's useful life indicated above and detailed cost estimate.

4.2 User Information

Road or Bridge: Current ADT _____ Year _____ Projected ADT _____ Year _____

Water / Wastewater: Based on monthly usage of 4,500 gallons per household; attach current ordinances.

Residential Water Rate Current \$ 41.76 Proposed \$ 41.76

Number of households served: 2,640

Residential Wastewater Rate Current \$ 39.00 Proposed \$ 39.00

Number of households served: 2,640

Stormwater: Number of households served: 25

4.3 Project Description

- A: SPECIFIC LOCATION** (Supply a written location description that includes the project termini; a map does not replace this requirement.) 500 character limit.

West Cherry Street from Main Street (St. Rt. 101); west approx. 1,000 feet (to the bend west of George St.)

- B: PROJECT COMPONENTS** (Describe the specific work to be completed; the engineer's estimate does not replace this requirement) 1,000 character limit.

This project is a combined sewer separation improvement. The existing vitrified clay combined sewer will be replaced with a dedicated storm sewer with curb inlets and catchbasins and a new PVC sanitary sewer. New sanitary and storm service laterals will be installed to each property. The existing 4" ductile iron waterline is undersized, brittle and prone to breaking during adjacent sewer excavation. It will be replaced with an 8" PVC waterline with copper services to each residence. Due to the replacement of sanitary and storm sewers, service laterals, waterline and services, the existing roadway will not be salvageable and will be excavated and re-graded to provide positive drainage.

- C: PHYSICAL DIMENSIONS** (Describe the physical dimensions of the existing facility and the proposed facility. Include length, width, quantity and sizes, mgd capacity, etc in detail.) 500 character limit.

The proposed sewer separation project includes:

1,000 LF Storm Sewer (18" & 12")

945 LF Sanitary Sewer Main Replacement (10")

950 LF 8" Waterline Replacement

1,000 LF Street Reconstruction (curb & gutter, pavement, walk and drive approach replacement)

5.0 Project Officials

Changes in Project Officials must be submitted in writing from an officer of record.

5.1 Chief Executive Officer (Person authorized in legislation to sign project agreements)

Name: Paul Fiser
Title: City Manager
Address: 222 North Main Street

City: Clyde State: OH Zip: 43410
Phone: (419) 547-6898
FAX: (419) 547-3586
E-Mail: pfiser@clydeohio.org

5.2 Chief Financial Officer (Can not also serve as CEO)

Name: Craig Davis
Title: Finance Director
Address: 222 North Main Street

City: Clyde State: OH Zip: 43410
Phone: (419) 547-0575
FAX: (419) 547-3586
E-Mail: cdavis@clydeohio.org

5.3 Project Manager

Name: Kevin W. Fahy, P.E.
Title: Project Engineer (Blanchard Design Associates)
Address: P.O. Box 246
1016 N. Blanchard St. Suite A
City: Findlay State: OH Zip: 45840
Phone: (419) 425-2830
FAX: (419) 425-2118
E-Mail: kfahy@blancharddesign.com

6.0 Attachments / Completeness review

Confirm in the boxes below that each Item listed is attached (Check each box)

- A certified copy of the legislation by the governing body of the applicant authorizing a designated official to sign and submit this application and execute contracts. This individual should sign under 7.0, Applicant Certification, below.
- A certification signed by the applicant's chief financial officer stating the amount of all local share funds required for the project will be available on or before the dates listed in the Project Schedule section. If the application involves a request for loan (RLP or SCIP), a certification signed by the CFO which identifies a specific revenue source for repaying the loan also must be attached. Both certifications can be accomplished in the same letter.
- A registered professional engineer's detailed cost estimate and useful life statement, as required in 164-1-13, 164-1-14, and 164-1-16 of the Ohio Administrative Code. Estimates shall contain an engineer's seal or stamp and signature.
- A cooperative agreement (if the project involves more than one subdivision or district) which identifies the fiscal and administrative responsibilities of each participant.
- Farmland Preservation Review - The Governor's Executive Order 98-IV, "Ohio Farmland Protection Policy" requires the Commission to establish guidelines on how it will take protection of productive agricultural and grazing land into account in its funding decision making process. Please include a Farm Land Preservation statement for projects that have an impact on farmland.
- Capital Improvements Report. CIR Required by O.R.C. Chapter 164.06 on standard form.
- Supporting Documentation: Materials such as additional project description, photographs, economic impact (temporary and/or full time jobs likely to be created as a result of the project), accident reports, impact on school zones, and other information to assist your district committee in ranking your project. Be sure to include supplements which may be required by your local District Public Works Integrating Committee.

7.0 Applicant Certification

The undersigned certifies: (1) he/she is legally authorized to request and accept financial assistance from the Ohio Public Works Commission as identified in the attached legislation; (2) to the best of his/her knowledge and belief, all representations that are part of this application are true and correct; (3) all official documents and commitments of the applicant that are part of this application have been duly authorized by the governing body of the applicant; and, (4) should the requested financial assistance be provided, that in the execution of this project, the applicant will comply with all assurances required by Ohio Law, including those involving Buy Ohio and prevailing wages.

Applicant certifies that physical construction on the project as defined in the application has NOT begun, and will not begin until a Project Agreement for this project has been executed with the Ohio Public Works Commission. Action to the contrary will result in termination of the agreement and withdrawal of Ohio Public Works Commission funding from the project.

Paul Fiser, City Manager

Certifying Representative (Printed form, Type or Print Name and Title)

Paul Fiser 9-4-2018

Original Signature / Date Signed

ENGINEER'S ESTIMATE
PROJECT LOCATION MAP
SECTION 2

City of Clyde, Ohio
Cherry Street Phase I Improvement Project
 Construction Estimate - August 24, 2018

ODOT #	Description	EST. QTY	UNIT	UNIT COST FIGURES			EXTENDED TOTAL
				MATERIAL	LABOR	TOTAL	
C Sanitary Sewer							
202	Remove Existing Brick Sewer MH	4	EA	0.00	350.00	350.00	1,400.00
603	10" PVC SDR-26 Sanitary Sewer Main	950	LF	45.00	50.00	95.00	90,250.00
603	6" Sanitary Sewer Lateral	500	LF	35.00	45.00	80.00	40,000.00
603	8x8x6 Sanitary Wye	23	EA	50.00	100.00	150.00	3,450.00
603	6x6x6 Sanitary Cleanout & Casting	23	EA	275.00	125.00	400.00	9,200.00
604	4' Sanitary Manhole w/casting	4	EA	1,800.00	1,700.00	3,500.00	14,000.00
SPEC	Connect to Existing Brick Combined Sewer MH	1	EA	300.00	1,700.00	2,000.00	2,000.00
SUB-TOTAL							\$160,300.00
C Storm Sewer							
202	Remove Existing Catchbasin	9	EA	0.00	250.00	250.00	2,250.00
SPEC	Connect to Existing Storm Structure	1	LS	250.00	1,500.00	1,750.00	1,750.00
603	18" RCP Storm Sewer	920	LF	45.00	50.00	95.00	87,400.00
603	12" RCP Storm Sewer	80	LF	20.00	25.00	45.00	3,600.00
603	6" Inserta-Tee	23	EA	50.00	50.00	100.00	2,300.00
603	6" PVC Storm Lateral	500	LF	12.00	13.00	25.00	12,500.00
604	5' Dia. Storm Manhole w/curb Casting	4	EA	2,200.00	1,200.00	3,400.00	13,600.00
604	ODOT Type 3A Inlet Catchbasin w/casting	4	EA	1,500.00	1,000.00	2,500.00	10,000.00
SUB-TOTAL							\$133,400.00
Water Line Replacement							
648	8" PVC Waterline	950	LF	25.00	25.00	50.00	47,500.00
648	Fire Hydrant Assembly	2	EA	3,500.00	1,000.00	4,500.00	9,000.00
648	8" Tapping Gate & Valve	1	EA	1,500.00	1,500.00	3,000.00	3,000.00
648	8" Tee	2	EA	300.00	300.00	600.00	1,200.00
648	8" Gate Valve	5	EA	700.00	700.00	1,400.00	7,000.00
648	6" Cut In Sleeve	3	EA	150.00	150.00	300.00	900.00
648	3/4 Copper Service	500	LF	15.00	20.00	35.00	17,500.00
648	Curb Box	23	EA	50.00	100.00	150.00	3,450.00
648	Ex. Hydrant Removal	2	EA	0.00	225.00	225.00	450.00
648	Cut and Plug Existing Line	4	EA	50.00	200.00	250.00	1,000.00
SUB-TOTAL							\$91,000.00
Pavement Reconstruction							
203	Asphalt & Brick Pavement Removal	22,000	SF	0.00	0.70	0.70	15,400.00
203	Excavation (12" Avg.)	799	CY	0.00	10.00	10.00	7,990.00
203	Subgrade preparation	2,500	SY	0.00	1.00	1.00	2,500.00
304	6" Compacted Aggregate Base	820	TN	12.00	8.00	20.00	16,400.00
301	3" Bituminous Asphalt Base	350	TN	40.00	30.00	70.00	24,500.00
609	Concrete Curb and Gutter	2,030	LF	10.00	6.00	16.00	32,480.00
448	Asphalt Pavement (4")	450	TN	60.00	30.00	90.00	40,500.00
605	6" Underdrain	2,030	LF	3.00	3.00	6.00	12,180.00
SUB-TOTAL							\$151,950.00
C Incidentals							
SPEC	Bonding & Insurance	1	LS	0.00	8,000.00	8,000.00	8,000.00
624	Mobilization	1	LS	0.00	7,500.00	7,500.00	7,500.00
614	Maintenance of Traffic	1	LS	0.00	5,000.00	5,000.00	5,000.00
203	Concrete Sidewalk Removal	6,000	SF	0.00	0.50	0.50	3,000.00
203	Driveway Removal	2,500	SF	0.00	0.50	0.50	1,250.00
304	Undercut & 12" #1&2 Agg. Base	1,000	CY	15.00	20.00	35.00	35,000.00
304	Geotextile Fabric	1,200	SY	3.00	3.00	6.00	7,200.00
451	Concrete Drive Replacement 6"	2,500	SF	3.00	3.00	6.00	15,000.00
451	Concrete Sidewalk Replacement	6,000	SF	3.00	2.00	5.00	30,000.00
659	Furnish Topsoil, Seeding & Mulching	1	LS	1,500.00	3,500.00	5,000.00	5,000.00
SPEC	Construction Layout Staking	8	DY	100.00	1,200.00	1,300.00	10,400.00
SUB-TOTAL							\$127,350.00

Total Estimated Construction Cost	\$664,000
Construction Contingency (Approx. 5%)	\$35,000
Engineering - Preliminary	\$7,000
Final Design	\$33,000
Contract Administration	\$8,000
Project Observation Services	\$30,000
TOTAL ESTIMATED PROJECT COST	\$777,000

The Estimated Useful Life of the Cherry Street Phase I Improvement Project is Thirty (30) Years.

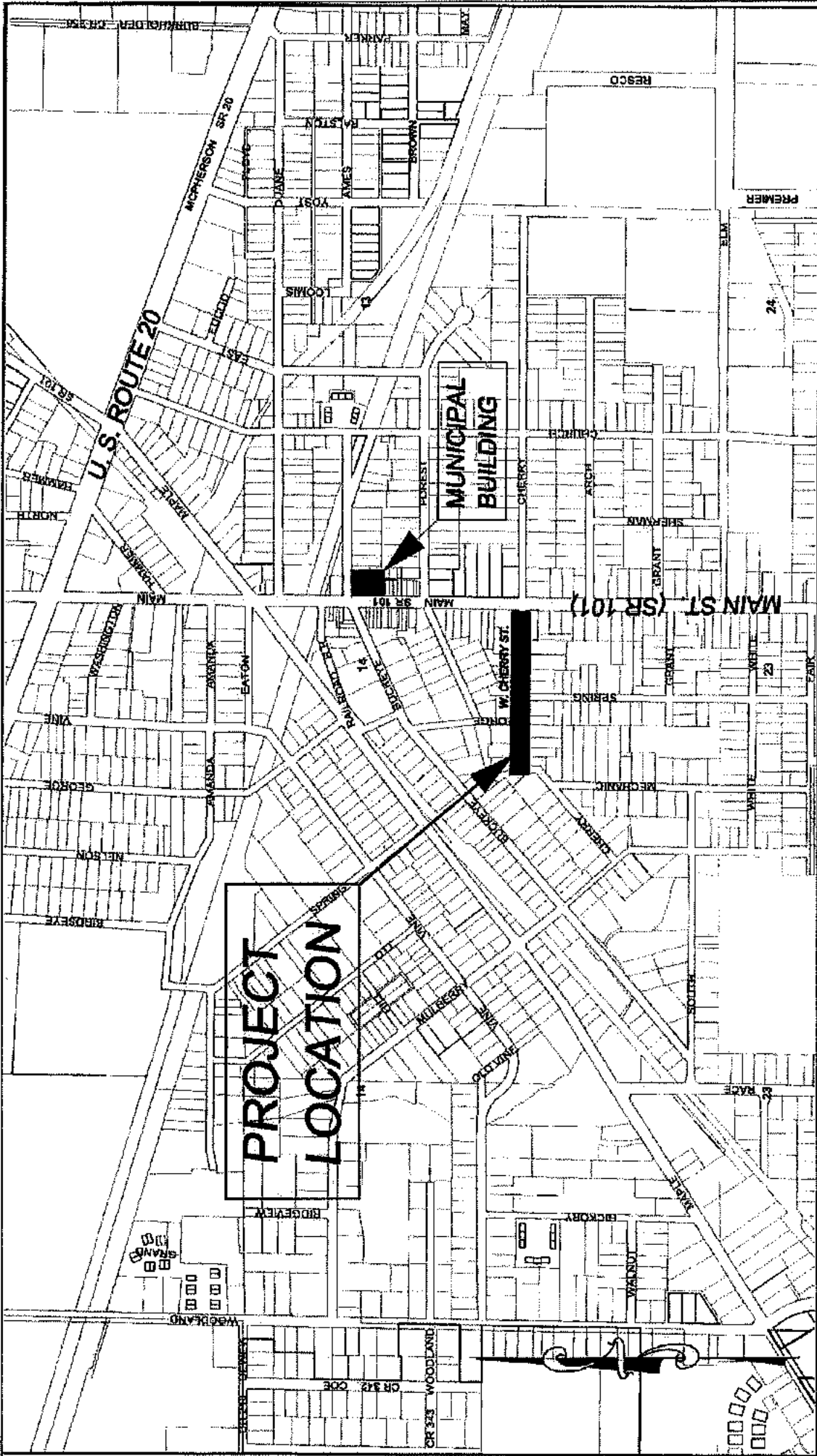
Kevin W. Fahy, P.E. #64044

Date

9/4/18

Blanchard Design Associates, Inc.
 1016 N. Blanchard St.; P.O. Box 246
 Findlay, Ohio 45840





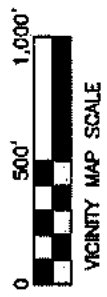
**PROJECT
LOCATION**

**MUNICIPAL
BUILDING**

MAIN ST. (SR 101)

W. CHERRY ST.

**City of Clyde, Ohio
Cherry Street Phase I Improvement Project**




FISCAL OFFICER CERTIFICATE

SECTION 3

CHIEF FINANCIAL OFFICER'S CERTIFICATION OF LOCAL FUNDS

September 4, 2018

I, Craig Davis, the duly appointed Finance Director of the City of Clyde, Ohio, do hereby certify that the City of Clyde has the amount of \$502,000 in the City's PERMANENT IMPROVEMENT FUND and that this amount will be used to pay the local share for the CHERRY STREET PHASE I IMPROVEMENTS PROJECT when it is required.



Craig Davis, Finance Director
City of Clyde, Ohio

CITY MANAGER AUTHORIZATION

SECTION 4

RESOLUTION NO 2018-22

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED.

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the infrastructure improvement herein above described is planning to make capital improvements to the project known as the **Year 2019: CHERRY STREET (PHASE I) IMPROVEMENTS**, and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Clyde, Ohio:

SECTION 1. The City Manager is hereby authorized to apply to the OPWC for funds as described above.

SECTION 2. The City Manager is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance, provided that any agreements requiring financial participation by the City shall first require additional approval legislation by this Council.

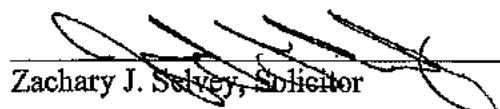
SECTION 3. That this Resolution shall go into effect on and after the earliest period allowed by law.

PASSED: 3-20-18


G. Scott Black, Mayor

ATTEST: Janet R. Dickman
Clerk of Council

APPROVED AS TO FORM:


Zachary J. Selvey, Solicitor

WATER & SEWER RATE ORDINANCES

SECTION 5

AN ORDINANCE RESCINDING CLYDE CODIFIED ORDINANCES, SECTION 933.03 WATER CHARGES AND ESTABLISHING A NEW SECTION 933.03 WATER CHARGES FOR THE CITY OF CLYDE, OHIO.

BE IT ORDAINED by the Council of the City of Clyde, State of Ohio:

SECTION 1. 933.03 WATER CHARGES

The following rates are established for the product and services of the Clyde Water Treatment Plant and Environmental Services Water Distribution. These rates reflect a twenty-five percent (25%) increase for the remainder of 2008 and a three percent (3%) increase for years 2009, 2010 and 2011.

For Customers located Inside City Limits:

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Customer Charge: (\$/month)	5.66	5.83	6.01	6.19
Commodity Charge: (\$/1000 gal.)				
First 3000 gal.	7.08	7.29	7.51	7.73
3001 to 28,000 gal.	5.66	5.83	6.01	6.19
Over 28,000 gal.	3.96	4.08	4.20	4.33
Capacity Charge: (\$/month)				
5/8"	2.84	2.92	3.01	3.10
3/4"	5.66	5.83	6.01	6.19
1"	14.16	14.59	15.02	15.48
1-1/2"	28.33	29.17	30.05	30.95
2"	70.80	72.92	75.11	77.37
3"	141.60	145.85	150.22	154.73
4"	283.21	291.71	300.46	309.47
6"	708.03	729.27	751.14	773.68
8"	1,293.75	1,332.56	1,372.54	1,413.72
Minimum Charge: (\$/month) – This is the Customer Charge plus the Capacity Charge.				
5/8"	8.50	8.75	9.02	9.29
3/4"	11.32	22.98	12.02	12.38
1"	19.82	20.42	21.03	21.67
1-1/2"	33.99	35.00	36.06	37.14
2"	76.46	78.75	81.12	83.56
3"	147.26	151.68	156.23	160.92
4"	288.87	297.54	306.47	315.66
6"	713.69	735.10	757.15	779.87
8"	1299.41	1,338.39	1,378.55	1,419.91
Bulk water rates: (\$/1000 gal)	8.50	8.76	9.02	9.29

For customers located Outside City Limits:

Customer Charge: (\$/month)	8.50	8.76	9.02	9.29
Commodity Charge: (\$/1000 gal.)				
First 3000 gal.	10.64	10.96	11.29	11.63
3001 to 28,000 gal.	8.50	8.76	9.02	9.29
Over 28,000 gal.	5.95	6.13	6.31	6.50
Capacity Charge: (\$/month)				
5/8"	4.25	4.38	4.51	4.65
3/4"	8.50	8.76	9.02	9.29
1"	21.24	21.88	22.54	23.22
1-1/2"	42.49	43.76	45.07	46.42
2"	106.20	109.39	112.67	116.05
3"	212.41	218.78	225.34	232.10
4"	424.81	437.55	450.68	464.20
6"	1,060.95	1,092.78	1,125.56	1,159.33
8"	2,128.13	2,191.97	2,257.73	2,325.46

Minimum Charge: (\$/month) -- This is the Customer Charge plus the Capacity Charge.

5/8"	12.75	13.14	13.53	13.94
3/4"	17.00	17.52	18.04	18.58
1"	29.74	30.64	31.56	32.51
1-1/2"	50.99	52.52	54.09	55.71
2"	114.70	118.15	121.69	125.34
3"	220.91	227.54	234.36	241.39
4"	433.31	446.31	459.70	473.49
6"	1,069.45	1,101.54	1,134.58	1,168.62
8"	2,136.63	2,200.73	2,266.75	2,334.75

Bulk water rates: 8.50 8.76 9.02 9.29

SECTION 2. That this Ordinance shall take effect and be in force at the earliest period allowed by law.

PASSED: 4/15/08


G. Scott Black, Mayor

ATTEST: James Steinbauer
Clerk of Council

APPROVED AS TO FORM:


Barry W. Bova, Solicitor

ORDINANCE NO. 2014- 24

AN ORDINANCE RESCINDING CLYDE CODIFIED ORDINANCES, SECTION 925.08 (a) CLASS 1 USERS – RESIDENTIAL AND COMMERCIAL AND CLASS 2 USERS – MANUFACTURING AND INDUSTRIES BY ESTABLISHING A NEW SECTION 925 .08 (a) CLASS 1 USERS – RESIDENTIAL AND COMMERCIAL AND CLASS 2 USERS – MANUFACTURING AND INDUSTRIES FOR THE CITY OF CLYDE, OHIO.

BE IT ORDAINED by the Council of the City of Clyde, State of Ohio:

SECTION 1. SECTION 925 .08 (a) CLASS 1 USERS – RESIDENTIAL AND COMMERCIAL AND CLASS 2 USERS – MANUFACTURING AND INDUSTRIES

The following rates are established for the services of the Clyde Wastewater Treatment Plant and Environmental Services Sewer Collection. These rates reflect an approximate nine percent (9%) increase *beginning July 1, 2014* for the remainder of 2014 and an approximate nine (9%) percent increase for each of the years 2015 and 2016 respectively.

The following charges and fees are hereby adopted effective herewith as the bill charge, bill charge investment (as described in Section 925.08(c)(11)A., "Replacement Fund"), and volume charge until otherwise modified by councilmatic resolution:

Minimum Charges (per month):	<u>2014</u>	<u>2015</u>	<u>2016</u>
Bill Charge:	\$7.55	\$8.25	\$9.00
Bill Charge Investment:	3.20	3.50	3.80
Volume Charge (per 1,000 gallons):			
Inside City Limits:	\$5.50	\$6.00	\$6.55
Outside City Limits:	8.25	9.00	9.83

SECTION 2. That this Ordinance shall take effect and be in force at the earliest period allowed by law.

PASSED: 5-20-14


G. Scott Black, Mayor

ATTEST: Janet R. Dickman
Clerk of Council

APPROVED AS TO FORM:


Barry W. Bova, Solicitor

DISTRICT 5 PROJECT QUESTIONNAIRE

SECTION 6

Revised: April 17, 2018

**DISTRICT 5
CAPITAL IMPROVEMENT PROJECTS
QUESTIONNAIRE
ROUND 33**

Name of Applicant: City of Clyde, Ohio
Project Title: Cherry Street Phase I Improvement Project

The following questions are to be answered for each application submitted for State Issue II SCIP, LTIP and Loan Projects. Please provide specific information using the best documentation available to you. Justification of your responses to these questions will be required if your project is selected for funding, so please provide correct and accurate responses. **Communities and Townships under 5,000 in population should also complete the Small Government Criteria.**

1. What percentage of the project in repair A= ¹⁰⁰___%, replacement B= ___%, expansion C= ___%, and new D= ___%? (Use dollar amounts of project to figure percentages and make sure the total equals one hundred(100) percent) A+B= ___% C+D= ___%

Repair/Replacement = Repair or Replacement of public facilities owned by the government (any subdivision of the state).

New/Expansion = Replacement of privately owned wells, septic systems, private water or wastewater systems, etc.

2. Give the physical condition rating:

Closed or Not Operating: The condition is unusable, dangerous and unsafe. The primary components have failed. The infrastructure is not functioning at all.

Critical: The condition is causing or contributing to a serious non-compliance situation and is threatening the intended design level of service. The infrastructure is functioning at seriously diminished capacity. Imminent failure is anticipated within 18 months. Repair and/or replacement is required to eliminate the critical condition and meet current design standards. **(For Road Projects structural repair items would represent a minimum of 25% of the total Project Cost).**

Poor: The condition is substandard and requires repair/replacement in order to return to the intended level of service and comply with current design standards. Infrastructure contains a major deficiency and is functioning at a diminished capacity.

Fair: The condition is average, not good or poor. The infrastructure is still functioning as originally intended. Minor deficiencies exist requiring repair to continue to function as originally intended and/or to meet current design standards.

- Good: The condition is safe and suitable to purpose. Infrastructure is functioning as originally intended, but requires minor repairs and/or upgrades to meet current design standards.
- Excellent: The condition is new, or requires no repair. Or, no supporting documentation has been submitted.

*** In order to receive points provide supporting documentation (e.g. photos, a narrative, maintenance history, or third party findings) to justifying the rating.**

3. If the proposed project is not approved what category would best represent the impact on the general health and/or public safety?

ROADS

- Extremely Critical: Resurfacing, Restoration, Rehabilitation and Reconstruction (4R) of a Major Access Road.*
- Critical: Resurfacing, Restoration and Rehabilitation (3R) of a Major Access Road.*
- Major: Resurfacing, Restoration, Rehabilitation and Reconstruction (4R) of a Minor Access Road.*
- Moderate: Resurfacing, Restoration and Rehabilitation (3R) of a Minor Access Road.*
- Minimal: Preventative Maintenance of a Major Access Road.
- No Impact: Preventative Maintenance of a Minor Access Road.

Projects that have a variety of work will be scored in the LOWEST category of work contained in the Construction Estimate.

Road/Street Classifications:

- Major Access Road:* Roads or streets that have a dual function of providing access to adjacent properties and providing through or connecting service between other roads.
- Minor Access Road:* Roads or streets that primarily provide access to adjacent properties without through continuity, such as cul-de-sacs or loop roads or streets.
- Preventative Maintenance:* Non Structural Pavement work such as chip sealing, cape sealing, microsurfacing, crack sealing, etc.

*(3R) Resurfacing, Restoration and Rehabilitation - Improvements to existing roadways, which have as their main purpose, the restoration of the physical features (pavement, curb, guardrail, etc.) without altering the original design elements.

*(4R) Resurfacing, Restoration, Rehabilitation and Reconstruction - Much like 3R, except that 4R allows for the complete reconstruction of the roadway and alteration of certain design elements (i.e., lane widths, shoulder

width, SSD, etc.).

BRIDGES SUFFICIENCY RATING

- Extremely Critical: 0-25, or a General Appraisal rating of 3 or less.
- Critical: 27-50, or a General Appraisal rating of 4.
- Major: 51-65 or a General Appraisal rating of 5 or 6.
- Moderate: 66-80 or a General Appraisal rating of 7.
- Minimal: 81-100 or a General Appraisal rating of more than 7.
- No Impact: Bridge on a new roadway.

WASTEWATER TREATMENT PLANTS

- Extremely Critical: Environmental Protection Agency (EPA) orders in the form of a consent decree, findings and orders or court order. Health Department Construction Ban.
- Critical: Improvements ordered by the Environmental Protection Agency (EPA) in the form of NPDES Orders.
- Major: Replace deficient appurtenances. Update existing processes due to EPA recommendations.
- Moderate: Increase capacity to meet current needs or update processes to improve effluent quality.
- Minimal: New/Expansion project to meet a specific development proposal.
- No Impact: New/Expansion to meet future or projected needs.

WATER TREATMENT PLANT

- Extremely Critical: EPA orders in the form of a consent decree, findings and orders or court order.
- Critical: Improvements to meet Environmental Protection Agency (EPA) Safe Drinking Water Regulations and/or NPDES Orders.
- Major: Replace deficient appurtenances. Update existing processes due to EPA recommendations.
- Moderate: Increase capacity to meet current needs or update processes to improve water quality.
- Minimal: New/Expansion project to meet a specific development proposal.
- No Impact: New/Expansion to meet future or projected needs.

COMBINED SEWER SEPARATIONS (May be construction of either new storm or sanitary sewer as long as the result is two separate sewer systems.)

Extremely Critical: EPA orders in the form of a consent decree, findings and orders or court order. Health Department Construction Ban.

Critical: Separate, due to chronic backup or flooding in basements.

Major: Separate, due to documented water quality impairment, or due to EPA recommendations.

Moderate: Separate, due to specific development proposal within or upstream of the combined system area.

Minimal: Separate, to conform to current design standards.

No Impact: No positive health effect.

STORM SEWERS

Extremely Critical: EPA orders in the form of a consent decree, findings and orders or court order.

Critical: Chronic flooding (structure damage).

Major: Inadequate capacity (land damage).

Moderate: Inadequate capacity with no associated damage.

Minimal: New/Expansion to meet current needs.

No Impact: New/Expansion to meet future or project needs.

CULVERTS

Extremely Critical: Structurally deficient or functionally obsolete. Deterioration has already caused a safety Critical: hazard to the public.

Critical: Inadequate capacity with land damage and the existing or high probability of property damage.

Major: Inadequate capacity (land damage).

Moderate: Inadequate capacity with no associated damage.

Minimal: New/Expansion to meet current needs.

No Impact: New/Expansion to meet future or projected needs.

SANITARY SEWERS

Extremely Critical: EPA orders in the form of a consent decree, findings and orders or court order. Health Department Construction Ban.

Critical: Replace, due to chronic pipe failure, chronic backup or flooding in basements. Improvements ordered by the Environmental Protection Agency (EPA) in the form of NPDES Orders.

Major: Replace, due to inadequate capacity or infiltration, or due to EPA recommendations.

Moderate: Rehabilitate to increase capacity to meet current needs or to reduce inflow and infiltration.

Minimal: New/Expansion project to meet a specific development proposal.

No Impact: New/Expansion to meet future or projected needs.

SANITARY LIFT STATIONS AND FORCE MAINS

Extremely Critical: Structurally deficient. Deterioration has already caused a safety/health hazard to the public, or, EPA orders in the form of a consent decree, findings and orders or court order.

Critical: Inadequate capacity with actual or a high probability of property damage. Improvements ordered by the Environmental Protection Agency (EPA) in the form of NPDES Orders.

Major: EPA recommendations, or, reduces a probable health and/or safety problem.

Moderate: Rehabilitate to increase capacity to meet current needs.

Minimal: New/Expansion to meet a specific development proposal.

No Impact: New/Expansion to meet future or projected needs.

WATER PUMP STATIONS

Extremely Critical: Structurally deficient. Deterioration has already caused a safety hazard to the public, or, EPA orders in the form of a consent decree, findings and orders or court order.

Critical: Inadequate capacity with the inability to maintain pressure required for fire flows.

Major: Replace due to inadequate capacity or EPA recommendations.

Moderate: Rehabilitate to increase capacity to meet current needs.

Minimal: New/Expansion to meet a specific development proposal.

No Impact: New/Expansion to meet future or projected needs.

WATER LINES/WATER TOWERS

Extremely Critical: Solve low water pressure or excessive incidents of main breaks in project area.

Critical: Replace, due to deficiency such as excessive corrosion, etc.

Major: Replace undersized water lines as upgrading process.

Moderate: Increase capacity to meet current needs.

Minimal: New/Expansion project to meet a specific development proposal.

No Impact: New/Expansion to meet future or projected needs.

OTHER

Extremely Critical: There is a present health and/or safety threat.

Critical: The project will provide immediate health and/or safety benefit.

Major: The project will reduce a probable health and/or safety problem.

Moderate: The project will delay a health and/or safety problem.

Minimal: A possible future health and/or safety problem mitigation.

No Impact: No health and/or safety effect.

NOTE: Combined projects that can be rated in more than one subset may be rated in the other category at the discretion of the District 5 Executive Committee. In general, the majority of the cost or scope of the project shall determine the category under which the project will be scored.

(Submittals without supporting documentation will receive 0 Points for this question.)

Extremely Critical , Critical ____, Major ____, Moderate ____, Minimal ____, No Impact ____. Explain your answer.

See attached EPA Consent Decree and NPDES compliance schedule supporting sewer separation. Waterline replacement is incorporated due to age, pipe material and the existing line's proximity to sewer replacement excavation. Full width pavement reconstruction will be necessary due to the majority of the road being damaged or removed due to installation of new separate sanitary and storm sewers, waterline and service laterals.

4. Identify the amount of local funds that will be used on the project as a percentage of the total project cost.

A.) Amount of Local Funds = \$ 502,000

B.) Total Project Cost = \$ 777,000

RATIO OF LOCAL FUNDS DIVIDED by TOTAL PROJECT COSTS (A/B)= 65 %

Note: Local funds should be considered funds derived from the applicant budget or loans funds to be paid back through local budget, assessments, rates or tax revenues collected by the applicant.

5. Identify the amount of other funding sources to be used on the project, excluding State Issue II or LTIP Funds, as a percentage of the total project cost.

Grants ___% Gifts ___%, Contributions ___%

Other ___% (explain) _____ , Total 0 %

Note: Grant funds and other revenues not contributed or collected through taxes by the applicant should be considered other funds. The Scope of Work for each Funding Source must be the same.

6. Total Amount of SCIP and Loan Funding Requested- An Applicant can request a grant per the categories below for points as indicated on the Priority Rating Sheet. If the Applicant is including a loan request equal to, but not exceeding 50% of the OPWC funding amounts listed below, there will be no point penalty. If loan funds requested are more than 50%, points as listed in the Priority Rating Sheet will apply.

- _____ \$500,001 or More
- _____ \$400,001-\$500,000
- _____ \$325,001-\$400,000
- _____ \$275,001-\$325,000
- X \$175,001-\$275,000
- _____ \$175,000 or Less

There are times when the District spends all of the grant money and has loan money remaining. When this happens, the district makes a loan offer in the amount of the requested grant to the communities that were not funded. The offers are made in the order of scoring. We need to know if you are not successful in obtaining grant dollars for your project if you would be interested in loan money:

YES X NO _____

(This will only be considered if you are not funded with grant money and there is remaining loan money.) **Please note: if you answer "no" you will not be contacted, only if you answer "yes" will an offer be made in the event that there is loan money remaining.**

7. If the proposed project is funded, will its completion directly result in the creation of permanent full-time equivalent (FTE) jobs (FTE jobs shall be defined as 35 hours/week) ? Yes ___ No X . If yes, how many jobs within eighteen months? ___ Will the completed project retain jobs that would otherwise be

permanently lost? Yes ___ No . If yes, how many jobs _____ **will be created/retrained** within 18 months **following the completion of the improvements?**

(Supporting documentation in the form of letter from affected industrial or commercial enterprises that specify full time equivalent jobs that will be retained or created directly by the installation or improvement of Public infrastructure. Additional items such as; 1) newspaper articles or other media news accounts, 2) public meeting minutes, and/or 3) a letter from the County Economic Development Director or State of Ohio Economic Development Professional that alludes to the requirement for the infrastructure improvement to support the business. Submittals without supporting documentation will receive 0 points for this question.)

8. What is the total number of existing users that will directly benefit from the proposed project if completed? 2,000 + (Use households served, traffic counts, etc. and explain the basis by which you arrived at your number.) **The City's entire population (including neighboring communities) will benefit by the reduction of CSO events which are a public health hazard.**

9. Is subdivision's population less than 5,000 Yes ___ No
If yes, continue. You may want to design your project per Small Government Project Evaluation Criteria, released for the current OPWC Round to assist in evaluating your project for potential Small Government Funding. The Small Government Criteria is available on the OPWC website at <http://www.pwc.state.oh.us/Meth.SG.PDF> If No, skip to Question 11.

10. **OHIO PUBLIC WORKS COMMISSION SMALL GOVERNMENT PROGRAM GUIDELINES**

All projects that are sponsored by a subdivision with a population of 5,000 or less, and not earning enough points for District Funding from SCIP or LTIP Funds, are then rated using the Small Government Program Rating Criteria for the corresponding funding round. In order to be rated the entity must submit the Small Government Supplement and their required budgets with their application. **Only infrastructure that is village- or township- owned is eligible for assistance.** The following policies have been adopted by the Small Government Commission:

- District Integrating Committees may submit up to seven (7) applications for consideration by the Commission. All 7 must be ranked, however, only the top five (5) will be scored. The remaining two (2) will be held as contingency projects should an application be withdrawn.
- Grants are limited to \$500,000. Any assistance above that amount must be in the form of a loan.
- Grants for new or expanded infrastructure cannot exceed 50% of the project estimate.
- The Commission may deny funding for water and sewer systems that are deemed to be more

cost-effective if regionalized.

- If a water or sewer project is determined to be affordable, the project will be offered a loan rather than a grant. Pay special attention to the **Water & Wastewater Affordability Supplemental and the Small Government Water & Wastewater Affordability Calculation Worksheet**. Both are available on the **Small Government Program Tab** at <http://www.pwc.state.oh.us/SmallGovernment.html>

- Should there be more projects that meet the “annual score” than there is funding, the tie breaker is those projects which scored highest under Health & Safety, with the second tie breaker being Condition. If multiple projects have equivalent Health & Safety and Condition scores they are arranged according to the amount of assistance from low to high. Once the funded projects are announced, “contingency projects” may be funded from project under-runs by continuing down the approved project list.

- Supplemental assistance is not provided to projects previously funded by the Commission.

- Applicants have 30 days from receipt of application by OPWC without exception to provide additional documentation to make the application more competitive under the Small Government criteria. Applications will be scored after the 30-day period has expired. The applicants for each District's two (2) contingency projects will have the same 30-day period to submit supplemental information but these applications will not be scored unless necessary to do so. **It is each applicant's responsibility for determining the need for supplemental material. The applicant will not be asked for or notified of missing information unless the Commission has changed the project type and it affects the documentation required. Important information may include, but is not limited to: age of infrastructure, traffic counts or utility users, median income information, user rates ordinances, and the Auditor's Certificate of Estimated Revenues or documentation from the Auditor of State that subdivision is in a state of fiscal emergency.**

If you desire to have your Round 33 project considered for Small Government Funding please download the Small Government Evaluation Criteria applicable to Round 33 by accessing the OPWC Website at <http://www.pwc.state.oh.us/Meth.SG.PDF>. Please complete the Small Government Evaluation Criteria and attach all required supporting documentation and attach it to the District 5 Questionnaire for Round 32.

11. MANDATORY INFORMATION, DISTRICT 5, DISCRETIONARY RANKING POINTS

List all specific user fees: Amount or
ROAD & BRIDGE PROJECTS: (OHIO REVISED CODE) Percentage

Permissive license fee	4504.02 or 4504.06 _____
	4504.15 or 4504.17 _____
	4504.16 or 4504.171 _____
	4504.172 _____
	4504.18 _____

Special property taxes	5555.48 _____
	5555.49 _____

Municipal Income Tax _____

County Sales Tax _____

Others _____

(DO NOT INCLUDE SCHOOL TAXES)

SPECIFIC PROJECT AREA INFORMATION.

Median household income \$50,339 (2012-2016 ACS 5yr Estimate)

Monthly utility rate: Water \$ 41.76

Sewer \$ 39.00

Other _____

List any special user fees or assessment (be specific)

POLITICAL SUBDIVISION= City of Clyde

COUNTY= Sandusky County

DISCRETIONARY POINTS (BY DISTRICT COMMITTEE ONLY)= _____

(25-20-15)

Date: 9-4-2018

Signature: Paul Fiser

Title: City Manager

Address: 222 N. Main Street; Clyde, Ohio 43410

Phone: (419) 547-6898

FAX: (419) 547-3588

Email: pfiser@clydeohio.org

District 5

Capital Improvement Project

Priority Rating Sheet, Round 33

COUNTY: Sandusky Co.										Revised 04/17/18								
PROJECT: Cherry Street Phase I Improvement Project										PROJECT NUMBER								
EST. COST: \$ 777,000																		
No.	"A" WEIGHT FACTOR	CRITERIA TO BE CONSIDERED	"B" PRIORITY FACTORS							"A"x"B"	Priority Factors						No.	
			0	2	4	6	8	10	0		2	4	6	8	10			
1	1	(Repair or Replace) vs. (New or Expansion)							X	10	0% + Repair or Replacement	20% + Repair or Replacement	40% + Repair or Replacement	60%+ Repair or Replacement	80%+ Repair or Replacement	100%+ Repair or Replacement	X	1
2	1.5	Existing Physical Condition. Must submit substantiating documentation and CIR (100% New or Expansion = 0 Points)						X	12	Excellent	Good	Fair	Poor	Critical	Closed or Not Operating	X	2	
3	2	Public Health and/or Public Safety Concerns Submittals without supporting documentation will receive 0 points for this criterion							X	20	No Impact	Minimal	Moderate	Major	Critical	Extremely Critical	X	3
4	2	Percentage of Local Share (Local funds are funds derived from the applicant budget or a loan to be paid back through the applicant budget, assessments, rates or tax revenues) *							X	20	0%+	10%+	20%+	30%+	40%+	50%+	X	4
5	1	OTHER FUNDING SOURCES (Excluding Issue II Funds) (Grants and other revenues not contributed or collected through taxes by the applicant; including Gifts, Contributions, etc. - must submit copy of award or status letter.)	X							0	0%+	10%+	20%+	30%+	40%+	50%+	X	5
No.	"A" WEIGHT FACTOR	CRITERIA TO BE CONSIDERED	"B" PRIORITY FACTORS							"A"x"B"	Priority Factors						No.	
											-9	-8	0	8	9	10		
6	2	OPWC Grant and Loan Funding Requested. Please refer to Item 6 on Questionnaire for Clarification.	-9	-8	0	8	9	10	X	18	Grant or Loan Only \$500,001	\$400,001 to \$500,000	\$325,001 to \$400,000	\$275,001 to \$325,000	\$175,001 to \$275,000	\$175,000 or less	X	6
	2		-9	-8	0	8	9	10			Grant/Loan Combination \$750,000	\$600,001 to \$750,000	\$487,501 to \$600,000	\$412,501 to \$487,500	\$262,501 to \$412,500	\$262,500 or less		6
When scoring a project that is only grant or only loan. Please use the chart labeled "Grant or Loan Only". When scoring a grant/loan combination, score the project for the grant in the first chart, then use the second chart labeled "Grant/Loan Combination" to score the total (grant and loan combined). Use the lower of the two as the score.																		
No.	"A" WEIGHT FACTOR	CRITERIA TO BE CONSIDERED	"B" PRIORITY FACTORS							"A"x"B"	Priority Factors						No.	
7	1	Will the Proposed Project Create Permanent Jobs or retain jobs that would otherwise be permanently lost (Written Documentation Required)	X							0	0+ jobs	7+ jobs	15 + jobs	25 + jobs	50 + jobs	100 + jobs	X	8
8	1	Benefits to Existing Users such as households, (Equivalent dwelling units), traffic Counts, etc.						X	10	0+	100+	350+	500+	750+	1000+	X	9	
9		SUBTOTAL RANKING POINTS (MAX = 115)								90	Other Info: Does this project have a significant impact on productive farmland? YES <input checked="" type="radio"/> NO Attach impact statement if yes. Is the Applicant ready to proceed to bids after State Approval within 6 months? <input checked="" type="radio"/> YES <input type="radio"/> NO							
10		COUNTY PRIORITY POINTS (25-20 15)																
11		DISCRETIONARY POINTS (BY DISTRICT ONLY) (MAX = 12)																
12		GRAND TOTAL RANKING POINTS																

* Applicants must certify local share contribution. Specify, all funding sources to be utilized as local share at the time of application submittal.

OEPA CONSENT DECREE
NPDES COMPLIANCE SCHEDULE
SECTION 7

Paul Fiser

From: donna.kirkbride@pwc.state.oh.us
Sent: Friday, February 03, 2017 1:21 PM
To: Jack Meyers; Ron Lajti; Brian Craft; burkholder@fulton-net.com; jmoyer@co.sandusky.oh.us; Ed Kidston; dce@defiance-county.com; Chad Crosby; 'tmcgarvey@windstream.net'; Bill Cody; Paul Fiser
Cc: Dennis Miller
Subject: FW: Request for City of Clyde LTCP
Attachments: Legal Review Complete __mas__ City of Clyde LTCP.pdf; SKMBT_65417013010280.pdf

All,

Just FYI. I called EPA and confirmed that the Consent Decree was for the entire City.

Thanks,

Donna

COMPLETE DOCUMENT ON FILE IN CLERK'S OFFICE
I hereby certify that this instrument, document no. 9, filed on 2/1/04, is a true and correct copy of the electronically filed original.

ORIGINAL

Attest: Geri M. Smith, Clerk
U.S. District Court
Northern District of Ohio

By: Curtis Reynolds
Deputy Clerk

LODGED
~~XXXXXX~~
~~XXXXXX~~

SEP 29 PM 3:56
U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

UNITED STATES OF AMERICA
and the
STATE of OHIO,

Plaintiffs,
v.
CITY OF CLYDE, OHIO,

Defendant.

3:04CV7587
(consol with 3:04cv7588)

CIVIL ACTION NO.:

JUDGE DAVID A. KATZ

CONSENT DECREE

BACKGROUND

The United States, on behalf of the Administrator of the Environmental Protection Agency ("EPA"), has filed a complaint alleging that the City of Clyde, Ohio ("Clyde" or "the City") has repeatedly violated the Clean Water Act (the "Act"), 33 U.S.C. § 1251 *et seq.*, the regulations implementing the Act, and the terms and conditions of Clyde's 1994, 1997, and 2002 National Pollutant Discharge Elimination System ("NPDES") Permits.

The United States named the State of Ohio ("Ohio") as a defendant pursuant to Section 309(e) of the Clean Water Act, 33 U.S.C. § 1319(e) and Ohio moved to realign as a plaintiff in this action, and filed a Complaint against Clyde. The State's action was consolidated with the United States' action.

The City owns, operates and maintains the City of Clyde Wastewater Treatment Plant ("WWTP"), a Publicly Owned Treatment Works ("POTW"), as defined in 40 C.F.R. § 122.2, and 403.3(o), located at 749 West McPherson Highway, Clyde, Sandusky County, Ohio, which treats sanitary wastewater produced in and around the City of Clyde.

Clyde owns, operates and maintains the City of Clyde's collection system which transports storm water and sanitary wastewater produced in and around Clyde to the WWTP for

treatment.

Clyde's POTW was subject to the terms and conditions of Ohio EPA Permit No. 2PD00004*JD, an NPDES Permit issued in 1994 and modified and renumbered to 2PD00004*KD, and is subject to the terms and conditions of Ohio EPA Permit No. 2PD00004*LD, an NPDES Permit issued in 1997, and the currently effective NPDES Permit 2PD00004*MD.

Since the United States notified the City of its claims in this case, the City has taken significant actions to remedy the alleged violations. As a result, the City has, prior to the lodging of this Consent Decree, eliminated all but one of the combined sewer overflows that are the subject of the United States' Complaint and has otherwise made substantial improvements in the operation and maintenance of its sewage collection and treatment system. The United States and the State of Ohio have taken those actions by the City into account in entering into this Decree.

The Parties recognize, and the Court by entering this Consent Decree finds, that this Consent Decree has been negotiated by the Parties in good faith and will avoid prolonged and complicated litigation between the Parties, and that this Consent Decree is fair, reasonable, and in the public interest.

NOW, THEREFORE, before the taking of any testimony, without the adjudication or admission of any issue of fact or law except as provided in Section I, below, and with the consent of the Parties, IT IS HEREBY ADJUDGED, ORDERED, AND DECREED as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter of this action, and over the parties hereto, pursuant to 28 U.S.C. §§ 1331, 1345, and 1355 and Section 309(b) of the Act, 33 U.S.C. § 1319(b). Venue is proper in the Northern District of Ohio, Western Division, pursuant to 28 U.S.C. §§ 1391(b) and (c), 1395(a), and Section 309(b) of the Act, 33 U.S.C. § 1319(b).

For purposes of this Decree, Defendant does not contest the Court's jurisdiction over this action or over Defendant and does not contest venue in this judicial district.

2. For purposes of this Consent Decree, Defendant agrees that the Complaints state claims upon which relief may be granted pursuant to Section(s) 301(a), 309(b) and (d), 405(d) and (e) of the Clean Water Act ("Act"), 33 U.S.C. §§ 1311(a), 1319(b) and (d), and 1345(d) and (e).

3. Notice of the commencement of this action has been given to the State of Ohio, as required by Section 309(b) of the Act, 33 U.S.C. § 1319(b).

II. PARTIES BOUND AND SCOPE OF CONSENT DECREE

4. The provisions of this Consent Decree shall apply to and be binding upon the United States, the State of Ohio, and Clyde, and upon Clyde's elected officials, officers, agents, employees, trustees, successors, assigns, and all persons, firms, contractors and corporations acting through, for or under the control or direction of the City of Clyde to the extent they perform, or have responsibility to perform, any responsibilities of the City under this Consent Decree.

5. Clyde shall promptly provide a copy of this Consent Decree to each consultant and contractor selected or retained to perform any activity required by this Consent Decree.

6. No later than forty-five (45) days prior to transfer of any ownership interest, operation management, or other control of the POTW, Clyde shall give written notice of any such planned transfer to EPA Region 5, the United States Attorney for the Northern District of Ohio, Western Division, the United States Department of Justice, the State of Ohio and Ohio EPA. Clyde shall provide a copy of this Consent Decree to any such transferee or successor in interest. Clyde shall also require, as a condition of any such sale or transfer, that the purchaser or transferee agrees in

writing to be bound by this Consent Decree and submit to the jurisdiction of this Court for its enforcement.

7. In any action to enforce this Consent Decree, Clyde shall not raise as a defense the lack of notice to any of its elected officials, officers, agents, employees, trustees, successors, assigns, and all persons, firms, contractors and corporations acting through, for or under the control or direction of Clyde to take any actions necessary to comply with the provisions of the Consent Decree.

III. OBJECTIVES

8. It is the express purpose of the parties entering into this Consent Decree to further the goals of the Clean Water Act, 33 U.S.C. §§ 1251-1387 and Ohio Revised Code Chapter 6111 ("R. C. Chapter 6111"), and to enable Clyde to come into compliance with the Act and the Ohio Revised Code. All obligations in this Consent Decree shall be interpreted in a manner consistent with requiring Clyde to expeditiously achieve, and at all times maintain, full compliance with its NPDES Permit and all applicable federal, state, and local laws and regulations.

IV. DEFINITIONS

9. Unless otherwise defined herein, terms used in this Consent Decree shall have the meaning given to those terms in Clyde's NPDES Permit, the Clean Water Act, and the regulations promulgated thereunder.

10. The following terms used in this Consent Decree shall be defined as follows:

- (a) "Calendar Quarter" shall mean the three-month periods ending on March 31st, June 30th, September 30th, and December 31st.
- (b) "City" shall mean the City of Clyde, Ohio.

- (c) "Collection System" or "Sewer System" means the wastewater collection and transmission system owned or operated by Clyde, designed to collect and convey municipal sewage (domestic, commercial and industrial) and/or storm water to the WWTP.
- (d) "Combined Sewer Overflow" or "CSO" shall mean the discharge from the collection system at a point prior to the WWTP.
- (e) "Complaint" shall mean the civil complaint filed by the United States and the State in this action;
- (f) "Consent Decree" shall mean this Consent Decree.
- (g) "Date of Entry" shall mean the date the Consent Decree is approved and signed by a United States District Court Judge.
- (h) "Date of Lodging" shall mean the date the Consent Decree is filed for lodging with the Clerk of the Court for the United States District Court for the Northern District of Ohio, Western Division.
- (i) "Day" or "Days" as used herein shall mean a calendar day or calendar days, unless otherwise indicated. When the day a report or other deliverable is due under this Consent Decree falls on a Saturday, Sunday, federal holiday or legal holiday for the City, the City shall have until the next business day for submission of such report or other deliverable.
- (j) "Defendant" shall mean the City of Clyde, Ohio;

- (k) "Effective Date" shall mean the date of entry of this Consent Decree by the Court (after satisfaction of the public notice and comment procedures set forth in Section XX of this Consent Decree);
- (l) "U. S. EPA" shall mean the United States Environmental Protection Agency and any successor departments or agencies of the United States;
- (m) "Facility" shall mean Defendant's Wastewater Treatment Plant which is a Publicly Owned Treatment Works located in Clyde, Ohio.
- (n) "Paragraph" shall mean a portion of this Decree identified by an arabic numeral;
- (o) "Parties" shall mean the United States, the State of Ohio, and Defendant;
- (p) "Permit" means Clyde's National Pollutant Discharge Elimination System Permit, #2PD0004*MD which became effective on July 1, 2002, and any effective Permit that succeeds it including any renewals, modifications, or changes thereof issued to Clyde.
- (q) "Wastewater Treatment Plant" ("WWTP") shall refer to the City of Clyde's Wastewater Treatment Plant, which is a Publicly Owned Treatment Works ("POTW") as that term is defined in 40 C.F.R §§ 122.2 and 403.3.

V. PERMANENT INJUNCTION & COMPLIANCE REQUIREMENTS

11. Clyde shall achieve and maintain compliance with Clyde's Permit and the provisions of the Act, 33 U.S.C. §1281 et seq., and Ohio Revised Code Chapter 6111, and the rules promulgated thereunder, and with the compliance program and schedules set forth below.

12. Clyde agrees that it will not authorize or allow any connection of flow or extensions to its sewer system except in accordance with the following terms and conditions. Clyde shall

not connect any additional sources of wastewater (new tap/hook-up, connection or extension) to its sewer system without first documenting clean water removal adequate to offset the volume of flow and the quantity of the pollutants that Clyde proposes be added to the system above any CSO in the sewer system. For each downstream CSO there shall be neither an increase in the duration or frequency of the discharges, nor a decrease in the water quality of the discharge. At a minimum for the addition of any sources of wastewater, Clyde must demonstrate through the annual reporting provisions of paragraph 15, below, that at least five gallons of clean water (inflow and infiltration or storm water) has been removed from the area above the CSO for every gallon of wastewater proposed to be added through a tap in connection or extension or other flow increase upstream of the CSO. Consistent with its Permit, Clyde must also demonstrate compliance with this paragraph when applying for a Permit to Install or when conducting a full anti degradation review.

13. Clyde may connect additional wastewater flows contingent upon both the issuance of a Permit to Install ("PTI") from Ohio EPA and the completion by Clyde of sufficient inflow and infiltration or storm water removal reduction projects prior to the connection of such flow to meet the requirements outlined in paragraph (12) above. Even when a PTI is not required prior to connection, such as for an individual residential "tap" to an existing sewer, removal credits or offset consistent with paragraph (12) above will be needed prior to connection of the new business, home or any other source of wastewater.

14. Clyde's clean water removal credit/offset will require at least a 5 to 1 flow offset ratio, and is to be evaluated upon "peak flow" conditions. The conditions to be utilized are the peak hourly flow ("peak GPD") for the additional flow or sewer line extension project and the 10 - year 1 - hour storm event (calculated gallons removed during a one hour storm event) to characterize the flow reduction portion of the project.

15. Clyde shall develop a tracking system and shall document the amount of Inflow and

Infiltration ("I/I") or other clean water removal, along with the allocation of credits. A narrative report and map which identifies and defines the specific areas of the City where I/I removal has been completed or where sewers have been separated and used for flow credits shall be submitted to Ohio EPA annually no later than the 30th day of January of each year, with a copy to U.S. EPA. This narrative and map should be updated annually or sooner if necessary with additional removal credit submittals.

16. Clyde's prohibition on addition of any flows without off set/removal credits under the clean water removal credit program described above shall continue in any sections of the sewer system where all downstream CSOs have not yet been removed from the system.

17. All sewer taps, connections and extensions will require removal credits, regardless of the location of the proposed flow increase, as the treatment plant and collection system may be impacted. As more flow is directed through separate sewer lines to the WWTP, the increased flows from the separate sewers may displace combined sewage flows that the WWTP had previously been capable of treating. For all sewer connections other than those upstream of a CSO (as addressed above), a 1:1 removal ratio (peak flow to 10 year-1 hour storm event) will be required for any sewer connection or extension tributary to any other portion of the sewer system.

18. In accordance with its Permit, Clyde shall monitor outfall # 2PD00004010 (1A and 1B combined) for floatable solids within 24 hours of a rain event. This outfall shall be sampled in accordance with Clyde's Permit.

19. Clyde shall install a Combined Sewer Screening Facility at outfall # 2PD00004010 (1A and 1B combined). Clyde shall complete this work under the following schedule:

- a. No later than May 1, 2003, Clyde shall complete all necessary flow monitoring in order to prepare the engineering design and submit the Permit to Install and detail drawing to Ohio EPA. (PTI application was received and pending prior to date of lodging of the Consent Decree).

- b. No later than August 1, 2003, Clyde shall complete and submit to Ohio EPA an approvable Permit to Install and detailed plan of the Combined Sewer Screening Facility for outfall # 2PD00004010 (1A and 1B combined). (PTI application was received and pending prior to date of lodging of the Consent Decree).
- c. No later than September 1, 2004, Clyde shall start construction on the Combined Sewer Screening Facility for outfall # 2PD00004010 (1A and 1B combined). This work shall be done in accordance with the approved Permit to Install as referenced in paragraph (b).
- d. No later than September 1, 2005, Clyde shall complete the post construction monitoring of outfall # 2PD00004010 (1A and 1B combined) to determine if the Combined Sewer Overflow Screening Facility has eliminated floatable solids from being discharged from the outfall during a rain event.
- e. No later than December 1, 2005, Clyde shall submit to Ohio EPA a report detailing the results of the post construction monitoring of outfall # 2PD00004010 (1A and 1B combined).

20. No later than January 1, 2004, Clyde shall complete wet weather stress testing of its wastewater treatment plant. This testing shall be done in accordance with the Permit and the Wet Weather Stress Testing Plan of Study that was previously submitted and approved by Ohio EPA.

21. No later than July 1, 2004, Clyde shall submit to Ohio EPA and U.S. EPA a report of the results of the wet weather stress testing. This report shall include the raw data and analysis of the plant's capabilities.

22. Clyde shall develop a Long-term Control Plan ("LTCP") in accordance with U.S. EPA's 1994 Combined Sewer Overflow Policy, 59 Fed. Reg. 18688 (April 19, 1994). This plan

shall be submitted to Ohio EPA for approval on or before January 1, 2006, and to U.S. EPA for review. This plan shall include but not be limited to a characterization, monitoring and modeling of the combined sewer system, CSO control evaluation and cost performance curves. This analysis should include but not be limited to an analysis of sewer separation and /or express sewers as potential control, an implementation schedule, operation plan, and a post construction compliance monitoring plan.

23. As part of the proposed implementation schedule submitted pursuant to paragraph 22, above, Clyde shall provide a construction schedule to Ohio EPA and U.S. EPA. As part of this construction schedule Clyde shall propose at least 3 milestones for which stipulated penalties shall apply pursuant to Section IX , if the milestones are not achieved in accordance with the approved implementation schedule for the LTCP. The milestones proposed by Clyde shall relate to and be consistent with the proposed implementation schedule and shall be based upon objective criteria such that Clyde, Ohio EPA, and U.S. EPA, shall each be capable of, on the associated milestone date, determining with certainty whether Clyde has completed that milestone. The final milestone shall be the submission of the post construction monitoring program report.

24. Upon approval by Ohio EPA and U.S. EPA of the LTCP, the approved LTCP shall be incorporated into and made an enforceable part of this Consent Decree, and Clyde shall implement the approved LTCP in accordance with the schedule included in the approved LTCP.

25. Implementation of its approved LTCP shall not relieve Clyde of its obligation to comply with the requirements of its Permit, including, but not limited to, general water quality and technology-based effluent limitations.

VI. FUNDING

26. Compliance with the terms of this Consent Decree by Clyde is not conditioned on the

receipt of federal or state grant funding. In addition, failure to comply is not excused by the lack of federal or state grant funds, or by the processing of any applications for the same.

VII. REPORTING

27. Beginning forty-five (45) days after the end of the next calendar quarter after entry this Consent Decree and forty-five (45) days after the end of every calendar quarter thereafter until this Consent Decree terminates in accordance with Section XXII, below, Clyde shall submit a written Status Report to U.S. EPA and Ohio EPA in conjunction with its Monthly Operating Report for the month following the end of the calendar quarter. In each Status Report, Clyde shall provide the following:

(a) a statement setting forth the deadlines and other terms that Clyde is required by this Consent Decree to meet since the date of the last quarterly statement, whether and to what extent Clyde has met these requirements, and the reasons for any noncompliance; and

(b) a general description of the work completed within the three-month period, and a projection of work to be performed pursuant to this Consent Decree during the three-month period. Clyde shall notify U.S. EPA and Ohio EPA of any anticipated delay, but such notice shall not, by itself, excuse the delay.

28. Until the termination of this Consent Decree pursuant to Section XXII below, Clyde shall submit to U.S. EPA a copy of each report which it is required by Clyde's Permit to submit to Ohio EPA at the time such reports are due to Ohio EPA, including Monthly Operating Reports and Unauthorized Discharge Reports.

29. Defendant shall submit any plan, report, or other item that is required to be submitted for approval pursuant to this Consent Decree to both U.S. EPA and Ohio EPA. The Plaintiffs may approve the submittal or decline to approve it and provide written comments through Ohio EPA. Within 45 days of receiving Ohio EPA's written comments, unless otherwise specified in the

comment letter, Defendant shall either: (i) modify the submittal consistent with Ohio EPA's written comments and provide the submittal to U.S. EPA, and to Ohio EPA for final approval; or (ii) if, in the event that U.S. EPA exercises its statutory authority to withhold final approval, submit the matter for dispute resolution under Section X of this Decree. Upon receipt of final approval of the submittal, or upon completion of the submittal pursuant to dispute resolution, Defendant shall implement the submittal in accordance with the approved schedule.

30. Clyde shall retain all underlying documents from which it has compiled any report or other submission required by this Consent Decree until four years after termination, pursuant to Section XXII, of that part of the Consent Decree to which those documents relate. Clyde will be permitted to dispose of the records after it has provided Ohio EPA and U.S. EPA with written notification that the documents will be destroyed in 30 days unless Clyde receives written objection from either of the Plaintiffs.

VIII. CIVIL PENALTY

31. Clyde shall pay, as provided for in Paragraph 32 and 33 below, a civil penalty in the amount of \$35,000 for past violations as alleged by the United States and the State in the complaint through the date of lodging of this Consent Decree.

32. Within 30 days of the date of entry of this Consent Decree, Clyde shall pay \$17,500 to the United States. Clyde shall make payment of this amount to the United States by tendering a check payable to the "Treasurer, United States of America," and sending it to the United States Attorney for the Northern District of Ohio, Western Division, Four Seagate, Suite 308, Toledo, Ohio 43604. At the time of payment, Clyde shall simultaneously send written notice of payment and a copy of any transmittal documentation (referencing the above-captioned case name and civil action number, and DJ# 90-5-1-1-06524) to the Plaintiffs in accordance with Section XI, (Notices and Submissions) of this Decree.

33. Within 60 days of the date of entry of this Consent Decree, Clyde shall pay \$17,500 to the "State of Ohio" sending it to Jena Suhadolnik, Administrative Assistant (or her successor) Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215.

34. The United States and the State of Ohio shall be deemed judgment creditors for purposes of collection of this penalty.

35. If Clyde fails to tender all or any portion of the civil penalty payment within sixty days (60) of the date of entry of this Consent Decree, interest on the unpaid amount shall accrue and be paid from the date said payment was due, in accordance with the provisions of 28 U.S.C. § 1961.

IX. STIPULATED PENALTIES

36. If Clyde fails to comply with any daily maximum effluent limitations, any 7-day average (weekly average) limitations, or 30-day average (monthly average) limitations contained in its Permit or any monitoring requirements of its Permit, Clyde shall pay the following stipulated penalties, as applicable:

<u>Any daily maximum effluent limitation</u>	
<u>violated or monitoring violation</u>	<u>\$250 per day per violation</u>
<u>Any weekly average violation</u>	<u>\$450 per day per violation</u>
<u>Any monthly average violation</u>	<u>\$650 per day per violation</u>

37. Clyde shall pay a stipulated penalty for any unauthorized or unpermitted discharge from Clyde's wastewater treatment plant or from Clyde's collection system of \$1,500.00 per day.

38. If Clyde fails to comply with any deadline or requirement set forth in Section V, Permanent Injunction, Clyde shall pay the following stipulated penalties:

<u>Period of Failure to Comply</u>	<u>Stipulated Penalty</u>
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1 st to 30 th day	\$500 per day
31 st to 60 th day	\$750 per day
after 60th day	\$1,000 per day

39. If Clyde fails to comply with any of the approved LTCP milestone dates proposed in accordance with Paragraph 23, Clyde shall pay the following stipulated penalties with respect to each of the approved milestones:

<u>Period of Failure</u>	<u>Stipulated Penalty</u>
1 st to 30 th day	\$500 per day
31 st to 60 th day	\$750 per day
After 60th day	\$1,000.00 per day

40. All stipulated penalties shall begin to accrue on the day after the complete performance is due or the day a violation occurs and shall continue to accrue through the final day of completion of the activity or correction of the noncompliance. Any payment required to be made under the provisions of Section IX of this Decree shall be paid, as in Section VIII, within 30 days to both the State of Ohio and U.S. EPA. Fifty percent (50%) of the penalty shall be paid to the United States by certified or cashiers check payable to the "Treasurer, United States of America" and shall be tendered to the United States Attorney for the Northern District of Ohio, Western Division, Four Seagate, Suite 308, Toledo, Ohio 43604. Fifty percent (50%) of the penalty shall be paid to the State of Ohio by cashier's check or certified funds payable to "Treasurer, State of Ohio" and sent to : Jena Suhadolnik, Administrative Assistant (or her successor), Environmental Enforcement Section, 30 East Broad Street, 25th Floor Columbus, Ohio 43215-3428.

41. Accompanying both the letter to the United States and the State of Ohio shall be a description of the specific failure of the Consent Decree and/or NPDES Permit term and/or condition which was not complied with, and the date(s) of non-compliance. The payment of

stipulated penalties by Defendant and the acceptance of such stipulated penalties by Plaintiffs for specific violations pursuant to Section V shall not be construed to limit Plaintiffs' authority to seek additional relief or to otherwise seek judicial enforcement of this Consent Decree.

42. Notwithstanding any provisions of this Section, the United States and the State of Ohio may, in their unreviewable discretion, waive any portion of the stipulated penalties that accrue pursuant to this Consent Decree.

X. CERTIFICATION OF SUBMISSIONS

43. Any report, plan, proposal, or other submission which is required of Clyde by this consent decree, including reports, plans, proposals, or other submissions which are required of Clyde by its NPDES Permit, shall be signed by an official or authorized agent of Clyde and shall include the following certification:

I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision. Based on my inquiry of the person or persons who gathered the information, or their supervisors, the information submitted herewith is, to the best of my knowledge and belief, true, accurate, complete, and not misleading. I am aware that there are significant penalties for submitting false information, including possible fines or imprisonment for intentionally submitting false information or other knowing violations.

XI. NOTICES & SUBMISSIONS

44. Except as otherwise specified, when written notification to or communication with the United States, U.S. EPA Region 5, the State of Ohio, Ohio EPA or Clyde is required or necessary by the terms of this Consent Decree, it shall be addressed as set forth below.

As to the United States:

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
Post Office Box 7611
Ben Franklin Station
Washington, D.C. 20044-7611

As to U.S. EPA, Region 5:
U.S. EPA Region 5 - Water Division
Water Enforcement and Compliance Assurance Branch
77 West Jackson Boulevard (WC-15J)
Chicago, Illinois 60604-3590

As to the United States Attorney for the Northern District of Ohio,

Western Division:

Office of the United States Attorney
Northern District of Ohio, Western Division
Four Seagate, Suite 308
Toledo, Ohio 43604

As to the City of Clyde:

City Manager's Office
222 N. Main St.
Clyde, Ohio 43410

As to the State of Ohio:

Attorney General's Office
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43215-3428

As to Ohio EPA:

c/o Bill Landshof
Lazarus Government Center
122 S. Front St.
Columbus, OH 43215

OHIO EPA
Northwest Dist. Office
347 N. Dunbridge Rd.
Bowling Green, OH 43402

45. Notifications to or communications with U.S. EPA, the United States, the State of Ohio, Ohio EPA or the City of Clyde shall be deemed submitted on the date they are postmarked and/or sent by first class or overnight mail, or by facsimile.

XII. RIGHT OF ENTRY

46. Until termination of this Consent Decree, U.S. EPA or its representatives, contractors, and consultants, shall have the authority to enter Clyde's POTW, at reasonable times

and upon presentation of credentials, for the purpose of:

1. monitoring the progress of activities required by this Consent Decree,
2. verifying any data or other information submitted to EPA or by Clyde pursuant to this Consent Decree,
3. obtaining samples and, upon request, splits of any samples taken by Clyde, and
4. assessing Clyde's compliance with this Consent Decree.

47. Notwithstanding the above paragraph, U.S. EPA's right to inspect, enter, examine, copy records, take samples, and otherwise monitor Clyde's POTW, as provided by any statute, regulation, or permit, shall not be abridged by this Consent Decree.

48. No Section of this Consent Decree in any way limits or affects any right of entry and inspection, or any other statutory rights and authorities, held by the United States and U.S. EPA, and the State of Ohio and Ohio EPA, pursuant to applicable federal or state laws, regulations or permits

XIII. FORCE MAJEURE BETWEEN THE UNITED STATES AND CLYDE

49. For purposes of this Consent Decree, a force majeure event is an event that is caused by unforeseen circumstances beyond the control of Clyde, its contractors, or its consultants. Unanticipated or increased costs or expenses associated with the implementation of this Consent Decree, changed financial circumstances, or technical infeasibility shall not, in any event, be deemed force majeure events. This section shall not apply to, and force majeure shall not excuse, violations of discharge or effluent limitations.

50. If any event occurs that causes or is likely to cause Clyde to violate any provision of this Consent Decree, Clyde shall notify EPA Region 5, orally and in writing by fax, within ten

(10) business days of the event. In addition, Clyde shall separately notify the United States Department of Justice, in writing, within ten (10) business days of the event. Notices to EPA and the United States Department of Justice shall reference this Section of the Consent Decree, and shall describe the actual and/or anticipated duration of the violation or delay, the nature and causes of the violation or delay, and all measures taken or to be taken by Clyde to prevent or minimize the violation or delay.

51. Any failure to provide the notice required by this Section of the Consent Decree shall render inapplicable any claim that the event giving rise to Clyde's obligation to provide such notice is a force majeure event, and shall constitute a waiver of Clyde's rights under this Section.

52. If, after being notified of an event causing or likely to cause a violation or delay in the fulfillment of Clyde's obligations under this Consent Decree, U.S. EPA agrees that the event in question has been or will be caused by unforeseen circumstances that are beyond the control of Clyde, its contractors, or its consultants, the time for performance of such obligations may be extended for a period not to exceed the delay resulting from such circumstances, and Clyde shall not be liable for Stipulated Penalties for the period or violations resulting from those unforeseen circumstances.

53. U.S. EPA shall send a written notification to Clyde of U.S. EPA's agreement or disagreement with Clyde's force majeure claim within thirty (30) days of receipt of Clyde's written notification of violation or delay. If U.S. EPA does not agree with Clyde's force majeure claim, Clyde may submit the issue to the Court for resolution pursuant to the "Dispute Resolution" provisions of Section XXI of this Consent Decree within thirty (30) days of receipt of U.S. EPA's written notification that U.S. EPA does not agree with Clyde's force majeure claim. Clyde shall bear the burden of demonstrating that its noncompliance should be excused pursuant to the force majeure provision of this Consent Decree.

54. Unless otherwise agreed to in writing by the parties, Stipulated Penalties, plus

interest, shall accrue during the process described by this Section of the Consent Decree. Stipulated Penalties for specific violations shall not be due from Clyde where the City prevails on the issue of such violations in Court, or if U.S. EPA agrees that the violation may be excused on the basis of the force majeure provisions of the decree. In all other circumstances, Stipulated Penalties shall be due and payable within thirty (30) days of Clyde's receipt of notice from U.S. EPA that U.S. EPA does not believe that a force majeure event has occurred, or within thirty (30) days after the matter has been decided by the District Court.

XIV. POTENTIAL FORCE MAJEURE BETWEEN OHIO AND CLYDE

55. If any event occurs that causes or may delay the completion of any requirement of this Consent Decree or causes or is likely to cause Clyde to violate any provision of this Consent Decree, whether or not due to a Potential Force Majeure event, Clyde shall so notify Ohio EPA and the Ohio Attorney General's office, in writing, within ten (10) business days of the event. The notice shall reference this Section of the Consent Decree and shall describe in detail the bases for Ohio's contention that it experienced a Potential Force Majeure event, the nature and causes of the violation or delay, all measures taken or to be taken by Clyde to prevent or minimize the noncompliance, delay or event, and the timetable by which those measures will be implemented. Failure to so notify Ohio EPA and the Ohio Attorney General's Office shall constitute a waiver of any claim of Force Majeure as to the event in question.

56. In any action by the State of Ohio to enforce any of the provisions of this Consent Decree, Clyde may raise at that time that it is entitled to a defense that its conduct was caused by reasons entirely beyond its control or the control of any entity controlled by Clyde, including its consultants and contractors. While the State of Ohio does not agree that such a defense exists, it is, however, hereby agreed upon by the Defendant and the Plaintiff that it is premature at this time to raise and adjudicate the existence of such a defense and that the appropriate time at which

to adjudicate the existence of such a defense is at the time that an enforcement action is commenced by the State of Ohio. At that time the burden of proving that any potential force majeure event was or will be caused by circumstances entirely beyond Clyde's control or the control of any entity controlled by Clyde, including its consultants and contractors shall rest with the Defendant. Nothing in this Section is intended to relieve Clyde of its duty to use all due diligence to complete the requirements of this Consent Decree in a timely manner or of Clyde's obligation to meet all discharge limitations and other obligations contained in Clyde's current Permit. Unanticipated or increased costs or changed financial circumstances are not Force Majeure events. Failure to apply for a required Permit or approval, or to provide in a timely manner all information required to obtain a Permit or approval necessary to meet the requirements of this Decree, are not Force Majeure events. Violations of discharge or effluent limitations are not Force Majeure events. An extension of one compliance date based on a particular event does not mean that Defendant qualifies for an extension of a subsequent compliance date. Defendant must make an individual showing of proof regarding each incremental step or other requirement for which an extension is sought.

XV. EFFECT OF SETTLEMENT

57. This Consent Decree fully resolves all civil claims against Clyde for violations of the Clean Water Act, 33 U.S.C. §§ 1251-1387, and regulations promulgated thereunder alleged in the Complaint filed by the United States. The alleged violations resolved by this Consent Decree include those occurring prior to and through the date of the lodging of this Consent Decree with the Court.

58. This Consent Decree fully resolves all civil claims against Clyde for violations of the Clean Water Act, 33 U.S.C. §§ 1251-1387, regulations promulgated thereunder, and R.C. Ch.

6111, alleged in the Complaint filed by the State of Ohio. The alleged violations resolved by this Consent Decree include those occurring prior to and through the date of the lodging of this Consent Decree with the Court.

XVI. NON-WAIVER PROVISIONS & RESERVATION OF RIGHTS

59. This Decree is not and shall not be construed as either an NPDES Permit or a modification of any existing NPDES Permit.

60. By entering into this Consent Decree, the United States and the State of Ohio do not warrant in any manner that Clyde's complete compliance with the terms of this Consent Decree will result in compliance with the provisions of the Clean Water Act, 33 U.S.C. §§ 1251-1387, regulations promulgated thereunder, or with Ohio R.C. Ch. 6111, and other State or local laws.

61. This Consent Decree shall not affect Clyde's obligation to comply with its NPDES Permit and with all applicable federal, state and local laws, regulations and permits. Notwithstanding any U.S. EPA or Ohio EPA review that may occur, Clyde shall remain solely responsible for its compliance with the terms of the Consent Decree and with all applicable laws, regulations and permits. The Consent Decree does not relieve Clyde of its obligation to obtain all required Permits and approvals under state, federal and local law, including obtaining Permits to Install and/or planned approvals from Ohio EPA.

62. Nothing in this Consent Decree shall be construed as authorizing the occurrence of unpermitted or dry weather CSOs from the Clyde collection system or WWTP.

63. Nothing in this Consent Decree shall be construed as authorizing the occurrence of an unauthorized discharge from the Clyde collection system or WWTP.

64. The United States and the State of Ohio expressly reserve, and nothing herein shall be construed to limit, its right to pursue all remedies available for violations of any federal or state laws or regulations not specifically pleaded in the civil Complaints filed in this matter.

65. This Consent Decree shall not be construed to limit the rights of the United States and the State of Ohio to undertake any criminal enforcement activity against any person or entity.

66. This Consent Decree shall not be construed to limit the authority of the United States or the State of Ohio to undertake any actions in response to conditions that may present an imminent and substantial endangerment to the public health, welfare or the environment, or waters or natural resources of the State.

67. Clyde's execution of this Consent Decree shall not be construed as an admission by Clyde of any facts that would limit or affect any right Clyde may have to seek or receive State or Federal loan or grant funds.

XVII. COSTS OF SUIT

68. The United States, the State of Ohio and the City of Clyde shall bear their own costs and attorney's fees in this action.

XVIII. CONSENT DECREE MODIFICATIONS

69. This Consent Decree represents the entire agreement between the Parties and cannot be modified by any prior oral or written agreement, representation or understanding.

70. The terms of this Consent Decree may be modified only by a subsequent written agreement signed by all the Parties. Where the modification constitutes a material change to any term of this Decree, it shall be effective only upon approval by the Court. The terms and schedules contained in this Decree, if any, may be modified upon written agreement of the Parties without Court approval, unless any such modification effects a material change to the terms of this Consent Decree or materially affects the Defendant's ability to meet the objectives of this Decree.

XIX. PUBLIC NOTICE & COMMENT

71. This Consent Decree shall be lodged with the Court for a period of not less than thirty days for public notice and comment in accordance with the requirements of 28 C.F.R. § 50.7. The United States reserves the right to withdraw or withhold its consent to this Decree on the basis of such comments if the comments regarding the Consent Decree disclose facts or considerations indicating that the Consent Decree is inappropriate, improper or inadequate. Clyde consents to entry of this Consent Decree without further notice.

XX. CONTINUING JURISDICTION OF THE COURT

72. The Court shall retain jurisdiction to enforce the terms and conditions of this Consent Decree, to interpret the rights and obligations of the Parties to the Consent Decree, to resolve any disputes arising hereunder, and for such purposes as may be necessary or appropriate for the construction or execution of this Consent Decree. Such jurisdiction shall not terminate until all requirements of this Consent Decree have been completed and all disputes arising under this Consent Decree have been resolved.

XXI. DISPUTE RESOLUTION

73. A. This Court shall retain jurisdiction of this matter for the purposes of implementing and enforcing the terms and conditions of this Consent Decree and for the purpose of adjudicating all disputes among the United States and Clyde that may arise under the provisions of this Consent Decree, to the extent that Paragraph C, below, provides for resolution of disputes by the Court.

B. The issuance, renewal, modification, denial or revocation of a Permit and the issuance of orders or other actions of the Director of Environmental Protection, are not subject to

dispute resolution under this Decree but, rather shall be subject to challenge under Chapter 3745, Ohio Revised Code. The term "actions of the Director of Environmental Protection" shall be consistent with the definitions set forth in Chapter 3745, Ohio Revised Code.

C. Except as provided in Paragraph B, above, if any dispute between the United States and Clyde arises with respect to the meaning, application, implementation, interpretation, amendment or modification of this Consent Decree, or with respect to Defendant's compliance with this Decree, the United States and Clyde agree to follow the following procedures:

1). If any Party believes it has a dispute with any other Party, it shall notify all the other Parties in writing, including notice to the U.S. Department of Justice, and setting forth the matter(s) in dispute, and the Parties will proceed initially to resolve the matter in dispute by informal means. Such period of informal negotiations shall not exceed thirty (30) days from the date the notice was sent, unless the Parties, by written agreement, extend the thirty (30) day period.

2). If the parties have not resolved a dispute by informal negotiations, then the position advanced by U.S. EPA shall be considered binding, unless the dispute is submitted to the Court within the time period and in accordance with the other requirements prescribed by this Section.

3). If an agreement is not reached during the informal negotiations period, Clyde may, within thirty (30) days thereafter, serve on the United States and file with the Court, a motion and memorandum setting forth the nature of the dispute and a proposal for resolution. The United States shall have thirty (30) days to file its response, and may advocate one or more alternative proposals for resolution. In any dispute between Clyde and the United States, Clyde shall have the burden of proving that its position is in accordance with all terms and conditions of the Consent Decree by a preponderance of the evidence, and the standard of review shall be that provided by applicable law.

74. The dispute resolution procedure in this Section shall be the exclusive mechanism for resolving disputes arising between the United States and Clyde under or with respect to implementation of this Consent Decree except as provided in Paragraph B, above. Any order or directive issued to Clyde which asserts facts or conclusions pertaining to Clyde's compliance with the Decree, purports to define Clyde's obligations under this Decree, or orders or requires Clyde to perform tasks in order to attain compliance with this Decree, are subject to dispute resolution under this Decree.

75. The invocation of dispute resolution procedures under this Section shall not extend, postpone, or affect in any way any obligation of Clyde under this Consent Decree not directly in dispute. For ongoing violations, stipulated penalties with respect to the disputed matter shall continue to accrue but payment to the United States shall be stayed pending resolution of the dispute. Notwithstanding the stay of payment, stipulated penalties shall accrue from the first day of noncompliance with any applicable provision of this Consent Decree until such noncompliance ceases, unless the Court rules otherwise. In the event that Clyde does not prevail on the disputed issue, stipulated penalties shall be assessed and paid as provided in the "Stipulated Penalties" Section of this Consent Decree.

XXII. TERMINATION

76. This Decree shall terminate by the Court's Order granting a motion of any party to the Court after all of the following have occurred:

A. Clyde has achieved full compliance with all provisions contained in this Consent Decree and with all provisions of its NPDES Permit and has maintained such compliance for 24 consecutive months;

B. Clyde has paid all stipulated penalties due under this Consent Decree and there

are no outstanding disputes between the parties or pending before the Court pursuant to the dispute resolution provisions of this Consent Decree;

C. Clyde has certified, pursuant to Section X, above, compliance with the above requirements to the Court and to U.S. EPA and Ohio EPA;

XXIII. EFFECTIVE DATE

77. This Consent Decree is effective upon the date of its entry by the Court.

XXIV. AUTHORITY TO SIGN

78. Each undersigned representative of Clyde, the State, and the Assistant Attorney General for the Environment and Natural Resources Division of the Department of Justice certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Decree and to execute and legally bind the Party he or she represents to this document. The individuals executing this Consent Decree on behalf of the Defendant represent that they are duly authorized to execute this Consent Decree on its behalf.

XXV. APPROVAL AND ENTRY OF CONSENT DECREE

79. The Parties hereby consent to the entry of this Consent Decree and submit it to the Court so that it may be approved and entered. Upon approval and entry of this Consent Decree by the Court, this Consent Decree shall constitute a final judgment between the United States, the State, and Clyde. The Court finds that there is no just reason for delay and therefore enters this judgment as a final judgment under Fed. R. Civ. P. 54 and 58.

SO ORDERED THIS 1st DAY OF December, 2004.

s/ DAVID A. KATZ

United States District Judge

THE UNDERSIGNED PARTY enters into this Consent Decree in this action captioned United States and the State of Ohio v. City of Clyde, Ohio (N.D. Ohio):

FOR THE UNITED STATES OF AMERICA

Tom Sansonetti

THOMAS L. SANSONETTI
Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice

Mary Reed

MARY REED
Trial Attorney
Environmental Enforcement Section
United States Department of Justice
P.O. Box 7611, Ben Franklin Station
Washington, D.C. 20044
(202) 514-2580

GREG WHITE
United States Attorney

Holly Sydow

HOLLY SYDOW
Assistant United States Attorney
Four Seagate, Suite 308
Toledo, Ohio 43604
(419) 259-6376

THE UNDERSIGNED PARTY enters into this Consent Decree in this action captioned United States and the State of Ohio v. City of Clyde, Ohio (N.D. Ohio):

**FOR THE UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY:**

*Mark P. Hill
3/15*



THOMAS V. SKINNER
Acting Assistant Administrator for
Enforcement & Compliance Assurance

BHARAT MATHUR
Acting Regional Administrator
United States Environmental Protection
Agency, Region 5

JOSE C. de LEON
Associate Regional Counsel
United States Environmental Protection
Agency, Region 5
77 W. Jackson Blvd. (C-14J)
Chicago, IL 60604

THE UNDERSIGNED PARTY enters into this Consent Decree in this action captioned United States and the State of Ohio v. City of Clyde, Ohio (N.D. Ohio):

**FOR THE UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY:**



BHARAT MATHUR
Acting Regional Administrator
United States Environmental Protection
Agency, Region 5

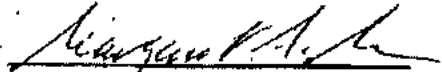


JOSE C. de LEON
Associate Regional Counsel
United States Environmental Protection
Agency, Region 5
77 W. Jackson Blvd. (C-14J)
Chicago, IL 60604

**THE UNDERSIGNED PARTY enters into this Consent Decree in this action captioned
United States and the State of Ohio v. City of Clyde, Ohio (N.D. Ohio):**

FOR PLAINTIFF, STATE OF OHIO:

**JIM PETRO
ATTORNEY GENERAL OF OHIO**



MARGARET A. MALONE (0021770)

TERI JO FINFROCK (0037903)

Assistant Attorneys General

Environmental Enforcement Section

30 East Broad Street, 25th Floor

Columbus, Ohio 43215-3428

Telephone: (614) 466-2766

Facsimile: (614) 644-1926

mmalone@ag.state.oh.us

tfinfrock@ag.state.oh.us

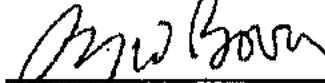
**THE UNDERSIGNED PARTY enters into this Consent Decree in this action captioned
United States and the State of Ohio v. City of Clyde, Ohio (N.D. Ohio):**

FOR DEFENDANT CITY OF CLYDE:



**DANIEL E. WEAVER, City Manager
City of Clyde, Ohio**

Approved as to Form:



**BARRY W. BOVA, City Solicitor
City of Clyde, Ohio**

Application No. OH0024686

Issue Date: August 28, 2017

Effective Date: October 1, 2017

Expiration Date: September 30, 2022

Ohio Environmental Protection Agency
Authorization to Discharge Under the
National Pollutant Discharge Elimination System

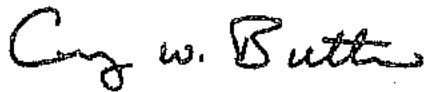
In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereinafter referred to as the "Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

City of Clyde

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the City of Clyde wastewater treatment works located at 749 West McPherson Highway, Clyde, Ohio, Sandusky County and discharging to Raccoon Creek in accordance with the conditions specified in Parts I, II, and III of this permit.

This permit is conditioned upon payment of applicable fees as required by Section 3745.11 of the Ohio Revised Code.

This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA no later than 180 days prior to the above date of expiration.



Craig W. Butler
Director

Total Pages: 52

Part I, A - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: 2PD00004001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 - Final

Effluent Characteristic Parameter	Discharge Limitations				Monitoring Requirements			
	Maximum Concentration	Minimum Concentration	Specified Units	Loading* kg/day	Measuring Frequency	Sampling Type	Monitoring Months	
00010 - Water Temperature - C	-	-	-	-	1/Day	Multiple Grab	All	
00300 - Dissolved Oxygen - mg/l	-	7.0	-	-	1/Day	Multiple Grab	Summer	
00300 - Dissolved Oxygen - mg/l	-	5.0	-	-	1/Day	Multiple Grab	Winter	
00530 - Total Suspended Solids - mg/l	-	-	18.0	130	3/Week	24hr Composite	Summer	
00530 - Total Suspended Solids - mg/l	-	-	45.0	324	3/Week	24hr Composite	Winter	
00550 - Oil and Grease, Total - mg/l	10.0	-	-	-	1/2 Weeks	Grab	All	
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	1.5	10.8	3/Week	24hr Composite	Summer	
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	4.5	32.4	3/Week	24hr Composite	Winter	
00625 - Nitrogen Kjeldahl, Total - mg/l	-	-	-	-	1/Month	24hr Composite	All	
00630 - Nitrite Plus Nitrate, Total - mg/l	-	-	-	-	1/Month	24hr Composite	All	
00665 - Phosphorus, Total (P) - mg/l	0.5	-	-	-	1/Year	Calculated	November	
00665 - Phosphorus, Total (P) - mg/l	-	-	1.0	7.2	1/Week	24hr Composite	All	
00671 - Orthophosphate, Dissolved (as P) - mg/l	-	-	-	-	1/Month	Grab	All	
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	1/Quarter	24hr Composite	Quarterly	
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	1/Quarter	24hr Composite	Quarterly	
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	2/Year	24hr Composite	Feb. and Aug.	
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	2/Year	24hr Composite	Feb. and Aug.	
01118 - Chromium, Total Recoverable - ug/l	-	-	-	-	2/Year	24hr Composite	Feb. and Aug.	

Effluent Characteristic Parameter	Discharge Limitations			Monitoring Requirements		
	Concentration Specified	Loading* kg/day	Measuring Frequency	Sampling Type	Monitoring Months	
	Maximum Minimum	Weekly Monthly	Daily Monthly	Weekly Monthly	24hr Composite	Feb. and Aug.
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	2/Year	24hr Composite
01220 - Chromium, Dissolved Hexavalent - ug/l	-	-	-	-	1/Quarter	Grab
31648 - E. coli - #/100 ml	-	284	126	-	3/Week	Grab
50050 - Flow Rate - MGD	-	-	-	-	1/Day	Continuous
50092 - Mercury, Total (Low Level) - ng/l	1700	-	2.7	0.00002	1/Month	Grab
51173 - Cyanide, Free (Low-Level) - ug/l	-	-	-	-	1/Month	Grab
61425 - Acute Toxicity, Ceriodaphnia dubia - TUa	-	-	-	-	1/Year	24hr Composite
61426 - Chronic Toxicity, Ceriodaphnia dubia - TUc	-	-	-	-	1/Year	24hr Composite
61427 - Acute Toxicity, Pimephales promelas - TUa	-	-	-	-	1/Year	24hr Composite
61428 - Chronic Toxicity, Pimephales promelas - TUc	-	-	-	-	1/Year	24hr Composite
61941 - pH, Maximum - S.U.	9.0	-	-	-	1/Day	Multiple Grab
61942 - pH, Minimum - S.U.	-	6.5	-	-	1/Day	Multiple Grab
70300 - Residue, Total Filterable - mg/l	-	-	-	-	1/2 Weeks	24hr Composite
80082 - CBOD 5 day - mg/l	-	40.0	25.0	180	3/Week	24hr Composite
80082 - CBOD 5 day - mg/l	-	12.0	8.0	57.6	3/Week	24hr Composite

Notes for station 2PD00004001:

- a. Effluent loadings based on average design flow of 1.9 MGD.
- b. Nickel, zinc, cadmium, lead, total chromium, copper, and mercury - See Part II, Item N.
- c. Dissolved hexavalent chromium - See Part II, Items O and AD.
- d. Mercury - See Part II, Items O, Z, AA, and AB.
- e. Free cyanide - See Part II, Items O and W.
- f. Ortho-P - See Part II, Item V.
- g. Phosphorus daily maximum concentration limit is actually a calculated seasonal average concentration in mg/L. See Part II, Item AE.

Part I, B. - CSO MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

1. CSO Monitoring. During the period beginning on the effective date and lasting until the expiration date, the permittee shall monitor at Station Number 2PD00004010, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of CSO sampling.

Table - CSO Monitoring - 010 - Final

Effluent Characteristic Parameter	Discharge Limitations				Monitoring Requirements			
	Concentration Maximum/Minimum	Specified Units	Weekly Monthly	Daily	Measuring Frequency	Sampling Type	Monitoring Months	
00530 - Total Suspended Solids - mg/l	-	-	-	-	1/Month	Grab	All	
74062 - Overflow Occurrence - No./Month	-	-	-	-	When Disch.	Total	All	
74063 - Overflow Volume - Million Gallons	-	-	-	-	When Disch.	24hr Total	All	
80082 - CBOD 5 day - mg/l	-	-	-	-	1/Month	Grab	All	

NOTES for Station Number 2PD00004010:

- a. Subject to the terms and conditions of this permit, including the General Effluent Limitations in Part III, Item 2, the permittee is authorized to discharge from this station only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system.
- b. A Discharge Monitoring Report (DMR) for this station must be submitted every month.
- c. Overflow Occurrences: If a discharge from this station occurs intermittently during a day, starting and stopping several times, count "1" occurrence for that day. If a discharge from this station occurs on more than one day but is the result of a continuing precipitation event, it should be counted as one occurrence. Report total occurrences for the month on Day 1 of the DMR.
- d. Overflow Volume shall be reported on each day there is a discharge through this station. Data for total suspended solids and CBOD shall be reported once per month.

Part I, B. - SSO MONITORING EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. SSO Monitoring. During the period beginning on the effective date and lasting until the expiration date, the permittee shall monitor at Station Number 2PD00004300, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - SSO Monitoring - 300 - Final

Effluent Characteristic	Discharge Limitations				Monitoring Requirements		
	Concentration Maximum	Concentration Minimum	Weekly Specified Units	Loading* kg/day	Measuring Frequency	Sampling Type	Monitoring Months
Parameter							
74062 - Overflow Occurrence - No./Month	-	-	-	-	1/Month	Total	All

NOTES for Station Number 2PD00004300:

- A sanitary sewer overflow is an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. Although the above table indicates that the Measuring Frequency for Overflow Occurrence is 1/Month, the intent of that provision is to specify a reporting frequency for Overflow Occurrence, not a monitoring frequency. The monitoring requirement under this permit is that these overflows shall be monitored on each day when they discharge. Only sanitary sewer overflows that enter waters of the state, either directly or through a storm sewer or other conveyance, must be reported under this monitoring station.
- For the purpose of counting occurrences, each location on the sanitary sewer system where there is an overflow, spill, release, or diversion of wastewater on a given day that enters waters of the state is counted as one occurrence. For example, if on a given day overflows occur from a manhole at one location and from a damaged pipe at another location and they both enter waters of the state, record two occurrences for that day. If overflows from both locations continue on the following day, record two occurrences for the following day. At the end of the month, total the daily occurrences and report this number on Day 1 of the DMR. If there are no overflows during the entire month, report "zero" (0).

c. All sanitary sewer overflows are prohibited.

d. See Part II, Items F and G.

Part I, B. - SLUDGE MONITORING REQUIREMENTS

3. Sludge Monitoring. During the period beginning on the effective date and lasting until the expiration date, the permittee shall monitor the treatment works' final sludge at Station Number 2PD00004581, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 581 - Final

Effluent Characteristic Parameter	Discharge Limitations				Monitoring Requirements				
	Concentration Maximum Minimum	Specified Units	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00611 - Ammonia (NH3) In Sludge - mg/kg	-	-	-	-	-	-	1/Year	Composite	December
00627 - Nitrogen Kjeldahl, Total In Sludge - mg/kg	-	-	-	-	-	-	1/Year	Composite	December
00668 - Phosphorus, Total In Sludge - mg/kg	-	-	-	-	-	-	1/Year	Composite	December
00938 - Potassium In Sludge - mg/kg	-	-	-	-	-	-	1/Year	Composite	December
01003 - Arsenic, Total In Sludge - mg/kg	75	-	-	-	-	-	1/Year	Composite	December
01028 - Cadmium, Total In Sludge - mg/kg	85	-	-	-	-	-	1/Year	Composite	December
01043 - Copper, Total In Sludge - mg/kg	4300	-	-	-	-	-	1/Year	Composite	December
01052 - Lead, Total In Sludge - mg/kg	840	-	-	-	-	-	1/Year	Composite	December
01068 - Nickel, Total In Sludge - mg/kg	420	-	-	-	-	-	1/Year	Composite	December
01093 - Zinc, Total In Sludge - mg/kg	7500	-	-	-	-	-	1/Year	Composite	December
01148 - Selenium, Total In Sludge - mg/kg	100	-	-	-	-	-	1/Year	Composite	December
51129 - Sludge Free Weight - dry tons	-	-	-	-	-	-	1/Year	Total	December
51131 - Fecal Coliform in Sludge - CFU/gram	2000000	-	-	-	-	-	1/Year	Multiple Grab	December
70316 - Sludge Weight - Dry Tons	-	-	-	-	-	-	1/Year	Total	December
71921 - Mercury, Total In Sludge - mg/kg	57	-	-	-	-	-	1/Year	Composite	December
78465 - Molybdenum In Sludge - mg/kg	75	-	-	-	-	-	1/Year	Composite	December

NOTES for Station Number 2PD00004588:

- a. Monitoring is required when sewage sludge is removed from the permittee's facility for application to the land. The monitoring data shall be reported on the December Discharge Monitoring Report (DMR). The monitoring data can be collected at any time during the reporting period.
- b. Metal analysis must be completed during each reporting period whether or not sewage sludge is removed from the facility and applied to the land. Alternatively, the number of composite samples collected and reported prior to the next land application event shall be increased to account for the reporting period(s) in which land application did not occur. If all accumulated sewage sludge has been removed and hauled to a landfill, incinerated or transferred to another NPDES permit holder, then the metal analysis is not required.
- c. If no sewage sludge is removed from the facility during the reporting period, enter the results for the metal analysis on the DMR and enter "0" for sludge weight and sludge fee weight.
- d. If no sewage sludge is removed from the facility during the reporting period and no metal analysis is completed during the reporting period, select the "No Discharge" check box on the data entry form and PIN the eDMR.
- e. If metal analysis has not been completed previously during each reporting period: when sewage sludge is removed from the facility all metal analysis results shall be reported on the applicable DMR by entering the separate results on different days within the DMR. For example, if no sewage sludge has been removed from the facility for a full calendar year, and quarterly monitoring is required by the permit, then five (four from the previous year and one for the current monitoring period) separate composite samples of the sewage sludge are required to be collected and analyzed for metals prior to removal from the facility. The first sample result may be entered on the first day of the DMR, the second result on the second day of the DMR, and so on. A note may then be added to indicate the actual day(s) when the samples were collected.
- f. It is recommended that composite samples of the sewage sludge be collected and analyzed close enough to the time of land application to be reflective of the sludge's current quality, but not so close that the results of the analysis are not available prior to land applying the sludge.
- g. The permittee shall maintain the appropriate records on site to verify that the requirements of Pathogen Reduction and Vector Attraction Reduction have been met.
- h. Units of mg/kg are on a dry weight basis.
- i. Sludge weight is a calculated total for the year. To convert from gallons of liquid sewage sludge to dry tons of sewage sludge: dry tons = gallons x 8.34 (lbs/gallon) x 0.0005 (tons/lb) x decimal fraction total solids.
- j. Sludge fee weight means sludge weight, in dry U.S. tons, excluding any admixtures such as liming material or bulking agents.

k. To sample for fecal coliform, the treatment plant should collect and analyze a grab sample every other day over a two week period for a total of seven grab samples when practical. Each of the grab samples shall be analyzed independently to determine the MPN/g (or CFU/g when applicable) of fecal coliform in the individual sample. The geometric mean of those seven results shall be reported on the DMR. Each fecal coliform sample must be delivered to the analytical lab within six hours after the sample has been collected, in accordance with the requirements for Part 9221 E. or part 9222 D., "Standard Methods for the Examination of Water and Wastewater". This process must be completed prior to sewage sludge being removed from the treatment facility.

l. See Part II, Items Q, R, S, and T.

Part I, B. - SLUDGE MONITORING REQUIREMENTS

4. Sludge Monitoring. During the period beginning on the effective date and lasting until the expiration date, the permittee shall monitor the treatment works' final sludge at Station Number 2PD00004586, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 586 - Final

Effluent Characteristic Parameter	Discharge Limitations				Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months	
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	
51129 - Sludge Fee Weight - dry tons	-	-	-	-	-	1/Year	Total	December

NOTES for Station Number 2PD00004586:

- a. Monitoring is required when sewage sludge is removed from the permittee's facility for disposal in a mixed solid waste landfill. The total Sludge Fee Weight of sewage sludge disposed of in a mixed solid waste landfill for the entire year shall be reported on the December Discharge Monitoring Report (DMR).
- b. If no sewage sludge is removed from the Permittee's facility for disposal in a mixed solid waste landfill during the year, select the "No Discharge" check box on the data entry form and PIN the eDMR.
- c. Sludge fee weight means sludge weight, in dry U.S. tons, excluding any admixtures such as liming material or bulking agents.
- d. See Part II, Items Q, R, S, and T.

Part I, B. - SLUDGE MONITORING REQUIREMENTS

5. Sludge Monitoring. During the period beginning on the effective date and lasting until the expiration date, the permittee shall monitor the treatment works' final sludge at Station Number 2PD00004588, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 588 - Final

Effluent Characteristic	Discharge Limitations				Monitoring Requirements				
	Concentration Specified	Units	Loading* kg/day	Measuring Frequency	Sampling Type	Monitoring Months			
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Total	
80991 - Sludge Volume, Gallons - Gals	-	-	-	-	-	-	-	1/Year	December

NOTES for Station Number 2PD00004588:

- a. Monitoring is required when sewage sludge is removed from the permittee's facility for transfer to another NPDES permit holder. The total sludge weight or sludge volume transferred to another NPDES permit holder for the entire year shall be reported on the December Discharge Monitoring Report (DMR).
- b. If no sewage sludge is removed from the Permittee's facility for transfer to another NPDES permit holder during the year, select the "No Discharge" check box on the data entry form and PIN the eDMR.
- c. Sludge weight is a calculated total for the year. To convert from gallons of liquid sewage sludge to dry tons of sewage sludge: dry tons = gallons x 8.34 (lbs/gallon) x 0.0005 (tons/lb) x decimal fraction total solids.
- d. See Part II, Items Q, R, S, and T.

Part I, B. - INFLUENT MONITORING REQUIREMENTS

6. Inluent Monitoring. During the period beginning on the effective date and lasting until the expiration date, the permittee shall monitor the treatment works' influent wastewater at Station Number 2PD00004601, and report to the Ohio EPA in accordance with the following table. Samples of influent used for determination of net values or percent removal must be taken the same day as those samples of effluent used for that determination. See Part II, OTHER REQUIREMENTS, for location of influent sampling.

Table - Inluent Monitoring - 601 - Final

Effluent Characteristic Parameter	Discharge Limitations			Monitoring Requirements					
	Concentration Specified Maximum Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00400 - pH - S.U.	-	-	-	-	-	-	1/Day	Grab	All
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	-	3/Week	24hr Composite	All
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	1/Quarter	24hr Composite	Quarterly
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	2/Year	24hr Composite	Semi-annual
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	-	-	2/Year	24hr Composite	Semi-annual
01118 - Chromium, Total Recoverable - ug/l	-	-	-	-	-	-	2/Year	24hr Composite	Semi-annual
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	2/Year	24hr Composite	Semi-annual
01220 - Chromium, Dissolved Hexavalent - ug/l	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	-	-	1/Month	Grab	All
51173 - Cyanide, Free (Low-Level) - ug/l	-	-	-	-	-	-	1/Month	Grab	All
80082 - CBOD 5 day - mg/l	-	-	-	-	-	-	3/Week	24hr Composite	All

NOTES for Station Number 2PD00004601:

- a. Nickel, zinc, cadmium, lead, chromium, copper - See Part II, Item N.
- b. Mercury, dissolved hexavalent chromium, and free cyanide- See Part II, Item P.

Part I, B. - UPSTREAM MONITORING REQUIREMENTS

7. Upstream Monitoring. During the period beginning on the effective date and lasting until the expiration date, the permittee shall monitor the receiving stream, upstream of the point of discharge at Station Number 2PD00004801, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - Upstream Monitoring - 801 - Final

Effluent Characteristic Parameter	Discharge Limitations			Monitoring Requirements		
	Concentration Maximum Minimum	Specified Units	Loading* Daily Weekly Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00010 - Water Temperature - C	-	-	-	1/Month	Grab	All
00300 - Dissolved Oxygen - mg/l	-	-	-	1/Month	Grab	All
00400 - pH - S.U.	-	-	-	1/Month	Grab	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	1/Month	Grab	All
00625 - Nitrogen Kjeldahl, Total - mg/l	-	-	-	1/Month	Grab	All
00630 - Nitrite Plus Nitrate, Total - mg/l	-	-	-	1/Month	Grab	All
00665 - Phosphorus, Total (P) - mg/l	-	-	-	1/Month	Grab	All
31648 - E. coli - #/100 ml	-	-	-	1/Month	Grab	Summer
61432 - 48-Hr. Acute Toxicity Ceriodaphnia dubia - % Affected	-	-	-	1/Year	Grab	August
61435 - 96-Hr. Acute Toxicity Pimephales promelas - % Affected	-	-	-	1/Year	Grab	August
61438 - 7-Day Chronic Toxicity Ceriodaphnia dubia - % Affected	-	-	-	1/Year	Grab	August
61441 - 7-Day Chronic Toxicity Pimephales promelas - % Affected	-	-	-	1/Year	Grab	August

Part I, B. - DOWNSTREAM-FARFIELD MONITORING REQUIREMENTS

8. Downstream-Farfield Monitoring. During the period beginning on the effective date and lasting until the expiration date, the permittee shall monitor the receiving stream, downstream of the point of discharge, at Station Number 2PD00004901, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - Downstream-Farfield Monitoring - 901 - Final

Effluent Characteristic Parameter	Discharge Limitations			Monitoring Requirements		
	Concentration Maximum Minimum	Specified Units	Loading* Daily Weekly Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00010 - Water Temperature - C	-	-	-	1/Month	Grab	All
00300 - Dissolved Oxygen - mg/l	-	-	-	1/Month	Grab	All
00400 - pH - S.U.	-	-	-	1/Month	Grab	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	1/Month	Grab	All
00625 - Nitrogen Kjeldahl, Total - mg/l	-	-	-	1/Month	Grab	All
00630 - Nitrite Plus Nitrate, Total - mg/l	-	-	-	1/Month	Grab	All
00665 - Phosphorus, Total (P) - mg/l	-	-	-	1/Month	Grab	All
00900 - Hardness, Total (CaCO3) - mg/l	-	-	-	1/Month	Grab	All
31648 - E. coli - #/100 ml	-	-	-	1/Month	Grab	Summer

NOTES for Station Number 2PD00004901:

a. All parameters - See Part II, Item N.

Part I, C - Schedule of Compliance

A. Municipal Pretreatment Schedule

1. The permittee shall evaluate the adequacy of local industrial user limitations to prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW, pass through the POTW in amounts that exceed water quality standard-based limits, be incompatible with the POTW, or limit wastewater or sludge use options. Technical justification for revising local industrial user limitations to attain compliance with final table limits, along with a pretreatment program modification request, or technical justification for retaining existing local industrial user limitations shall be submitted to Ohio EPA, Central Office Pretreatment Unit and to Ohio EPA, Northwest District Office, as soon as possible, but no later than six months from the effective date of this permit. (Event Code 52599)

Technical justification is required for arsenic, cadmium, total chromium, dissolved hexavalent chromium, copper, free cyanide, lead, mercury, molybdenum, nickel, selenium, silver, and zinc unless screening of wastewater and sludge indicate these pollutants are not present in significant amounts. Technical justification is also required for any other pollutants where a local limit may be necessary to protect against pass through, interference or sludge disposal.

To demonstrate technical justification for new local industrial user limits or justification for retaining existing limits, a local limits technical justification report shall be submitted to Ohio EPA. The report shall be consistent with the guidance, procedures and methodologies found in Ohio EPA's and USEPA's local limits guidance documents available at <http://epa.ohio.gov/dsw/pretreatment/guidance.aspx>.

The report shall include the following:

- a. Identification of and justification for pollutants of concern for which local limits will be developed.
- b. Treatment plant flow and industrial flows to which local limits will be applied. If the POTW is accepting any hauled waste include for each type of hauled waste (e.g. landfill leachate, septage), at least 5 data points detailing the dates and volumes of discharge and sampling results for all the pollutants of concern.
- c. Domestic/background concentrations. To determine domestic/background concentrations, the permittee shall, at a minimum, sample at three different locations for five consecutive days or two different locations for seven consecutive days. These locations shall, to the extent possible, convey only domestic wastewater.
- d. Treatment plant removal efficiencies. Whenever possible, site specific removal efficiencies shall be determined using actual plant data with analytical detection levels that are sensitive enough to provide values above the reporting level (RL) or practical quantification limit (PQL).
- e. A comparison of maximum allowable headworks loadings based on all applicable criteria. Criteria may include sludge disposal, NPDES permit limits, waste load allocation values, and interference with biological processes such as activated sludge, sludge digestion, nitrification, etc. Calculation tables can be found on the Ohio EPA website at <http://www.epa.ohio.gov/dsw/pretreatment/guidance.aspx>.

- f. If revised industrial user discharge limits are proposed, the method of allocating available pollutant loads to industrial users.
- g. If narrative or best management practices (BMPs) are proposed as local limits, information on how they will be implemented. When appropriate, industrial user discharge limits may include narrative local limits requiring industrial users to develop and implement BMPs. These narrative local limits may be used either alone or as a supplement to numeric limits.
- h. Supporting data, assumptions, and methodologies used in establishing the information in item 1.a through 1.g above.
- i. If changes to previously approved local limit values are required, the stamp and signature of a licensed Ohio professional engineer. If the existing local limits are deemed protective, a licensed Ohio professional engineer stamp and signature is not required.
2. Revisions. The permittee shall submit a revised local limit technical justification report within 90 days of receiving notification from Ohio EPA of deficiencies in the submitted report.
3. If revisions to local industrial user limitations including best management practices are determined to be necessary, the permittee shall incorporate revised local industrial user limitations in all industrial user control documents, as applicable, no later than 4 months after the date of Ohio EPA's approval.
4. Sampling Methods
- a. Mercury: If the permittee uses EPA Method 245.1 or 245.2 to sample domestic background locations and mercury concentrations are below detection, the permittee shall use EPA method 1631 or 245.7 to quantify domestic background contributions of mercury.
- b. Free Cyanide: The permittee shall use ASTM D7237 or OIA-1677-09 - flow injection followed by gas diffusion amperometry to quantify domestic background contributions of free cyanide.

B. Long-Term Control Plan Post-Construction Compliance Monitoring Plan

1. No later than 6 months after the effective date of this permit, the permittee shall submit for acceptance two copies of a Post-Construction Compliance Monitoring Plan (Event Code 34099). At a minimum, the Post-Construction Compliance Monitoring Plan shall include CSO monitoring for a minimum of 24 months to adequately characterize any remaining volumes and occurrences for CSOs and wastewater treatment plant bypasses. The plan shall address the following items:

- a. A summary of all original CSO outfall locations in the system
- b. A summary of which CSO locations have been eliminated (meaning permanently sealed)
- c. A monitoring plan to adequately characterize any discharges from the remaining CSO locations, the effectiveness of implemented CSO controls, and the impacts on water quality. The monitoring plan shall include details about the following requirements:
 - i. Collect accurate data from the remaining CSO outfall using an automated flow monitoring device. The data for this requirement may not be estimated.
 - ii. Collect grab samples during the first 30 minutes of at least four overflow occurrences for analysis of TSS and CBOD during the post-construction monitoring period.
 - iii. Visually inspect all of the remaining CSOs during at least four wet weather events that occur within the duration of the post-construction compliance monitoring period.

iv. Visually inspect any storm water outfalls that were originally CSOs during several dry weather events. A plan to ensure all sanitary connections have been removed from the storm water outfall should be developed. The inspections shall be performed on separate days, during different days of the week and at different times of the day. Any flow observed during dry weather inspections should be tested for wastewater indicators [refer to the Cuyahoga County Board of Health's Illicit Discharge Detection and Elimination Program Manual (2006); see Table 3-2 and text; available at http://ohioswa.com/documents/IDDE_Manual_July_2006_2.pdf]

v. A field form shall be developed and completed to document the results of the inspections in Item 1.c.iii and iv including:

- (a) outfall number or storm water outfall location
- (b) date and time of inspection
- (c) staff performing inspection
- (d) date and total precipitation from the most recent precipitation event
- (e) pipe flow observed (e.g., none, <1/4 full, <1/2 full, etc.)
- (f) comment section (odors, color, turbidity, floatables, etc.)

2. No later than two months after acceptance of the post-construction compliance monitoring plan by Ohio EPA, the permittee shall begin implementing the plan.

C. Long-Term Control Plan Completion Evaluation Report

No later than 36 months after the effective date of this permit, the permittee shall submit for acceptance two copies of a Long Term Control Plan Completion (LTCP) Evaluation Report (Event Code 21599). This report shall be adequate to determine whether the goals for each project or group of projects implemented have been met, to evaluate the performance of each project in the LTCP separately, and to evaluate whether the goals of the LTCP have been achieved system wide (e.g., no more than an average of 4 overflow events per year) including:

1. A list of all of the original CSO locations and a description of the current state of those outfalls (eliminated, open, storm water outfall, etc.)
2. A summary of the CSO control projects that were constructed and their completion dates;
3. For the CSO locations that have been eliminated (meaning permanently sealed) please provide dates of elimination and photographic documentation
4. A summary of the data collected during the Post-Construction Compliance Monitoring in Part I,C.B
5. A discussion of the findings of the Post-Construction Compliance Monitoring in Part I,C.B as they relate to the goals of the LTCP.
6. A summary of:
 - a. any model revision/recalibration efforts
 - b. discussion of the collection system and future CSO monitoring that will be performed to accurately characterize overflow characteristics (occurrences, volumes) and provide information for model verification.
 - c. A comparison of model output to monitoring data and an evaluation of the model's ability to accurately characterize collection system performance and overflows
 - d. Discussion of the Typical Year of rainfall used for modeling
 - e. Model output when run with the typical year rainfall data (i.e., summary table of CSO occurrences and volumes from the typical year analysis)
7. Discussion of any additional flows that may be tied into the system
8. A final summary assessment of whether the goals of the LTCP have been met

D. Evaluation for Reducing Discharge of Phosphorus

The permittee shall prepare and submit to Ohio EPA Northwest District Office and Central Office for acceptance a Phosphorus Discharge Optimization Evaluation plan. The plan shall include an evaluation of collected effluent data, possible source reduction measures, operational improvements, and minor facility modifications that will optimize reductions in phosphorus discharges from the WWTP. The plan shall include a proposed schedule for implementing discharge optimization measures identified through the evaluation process.

The plan shall be completed and submitted to Ohio EPA no later than 36 months from the effective date of this permit (Event Code 94599). Upon acceptance of the plan by Ohio EPA, the permittee shall implement the measures, improvements, and modifications in accordance with the plan and schedule specified in the plan. A complete Permit-to-Install (PTI) application and approvable detail plans must be submitted to the Ohio EPA Northwest District Office where appropriate.

The permittee shall fill out and submit the Evaluation for Reducing Discharge of Phosphorus Form found at the Internet site <http://www.epa.state.oh.us/dsw/permits/npdesform.aspx> which reports on the overall progress towards reducing the final effluent concentration of nutrients attached with the submittal of the future permit renewal application.

Part II, Other Requirements

A. Operator Certification Requirements

1. Classification

a. In accordance with Ohio Administrative Code 3745-7-04, the sewage treatment facility at this facility shall be classified as a Class III facility.

b. All sewerage (collection) systems that are tributary to this treatment works are Class II sewerage systems in accordance with paragraph (B)(1)(a) of rule 3745-7-04 of the Ohio Administrative Code.

2. Operator of Record

a. The permittee shall designate one or more operator of record to oversee the technical operation of the treatment works and sewerage (collection) system in accordance with paragraph (A)(2) of rule 3745-7-02 of the Ohio Administrative Code.

b. Each operator of record shall have a valid certification of a class equal to or greater than the classification of the treatment works as defined in Part II, Item A.1 of this NPDES permit.

c. Within three days of a change in an operator of record, the permittee shall notify the Director of the Ohio EPA of any such change on a form acceptable to Ohio EPA. The appropriate form can be found beginning at the following web page:

<http://epa.ohio.gov/dsw/opcert/opcert.aspx>

d. Within 60 days of the effective date of this permit, the permittee shall notify the Director of Ohio EPA of the operators of record on a form acceptable to Ohio EPA.

e. The operator of record for a class II, III, or IV treatment works or class II sewerage system may be replaced by a backup operator with a certificate one classification lower than the treatment works or sewerage system for a period of up to thirty consecutive days. The use of this provision does not require notification to the agency.

f. Upon proper justification, such as military leave or long term illness, the director may authorize the replacement of the operator of record for a class II, III, or IV treatment works or class II sewerage system by a backup operator with a certificate one classification lower than the facility for a period of greater than thirty consecutive days. Such requests shall be made in writing to the appropriate district office.

3. Minimum Staffing Requirements

a. The permittee shall ensure that the treatment works operator of record is physically present at the facility in accordance with the minimum staffing requirements per paragraph (C)(1) of rule 3745-7-04 of the Ohio Administrative Code or the requirements from an approved 3745-7-04(C) minimum staffing hour reduction plan.

b. Sewerage (collection) system Operators of Record are not required to meet minimum staffing requirements in paragraph (C)(1) of rule 3745-7-04 of the Ohio Administrative Code.

c. If Ohio EPA approves a reduction in minimum staffing requirements based upon a facility operating plan, any change in the criteria under which the operating plan was approved (such as enforcement status, history of noncompliance, or provisions included in the plan) will require that the treatment works immediately return to the minimum staffing requirements included in paragraph (C)(1) of rule 3745-7-04 of the Ohio Administrative Code.

B. Description of the location of the required sampling stations are as follows:

Sampling Station	Description of Location
2PD00004001	Final effluent discharge to Raccoon creek (Lat: 41N 18' 58"; Long: 82W 59' 07")
2PD00004010	CSO discharge to Raccoon Creek
2PD00004300	System-wide Sanitary Sewer Overflow Occurrences
2PD00004581	Sludge to Land Application
2PD00004586	Sludge Hauled to a licensed mixed solid waste landfill
2PD00004588	Sludge Hauled to another NPDES permit holder
2PD00004601	Influent monitoring from channel just prior to initial screening
2PD00004801	Upstream monitoring located in Raccoon Creek above CSO outfall
2PD00004901	Downstream monitoring in Raccoon Creek at yellow staircase

C. All parameters, except flow, need not be monitored on days when the plant is not normally staffed (Saturdays, Sundays, and Holidays). On those days, report "AN" on the monthly report form.

D. The permittee is authorized to discharge from the following overflows only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system. See Part III, Item 11.

Station Number	Description	Receiving Stream
2PD00004010	Overflow from EQ basin pump station	Raccoon Creek

E. The entire wastewater treatment system shall be operated and maintained so that the total loading of pollutants discharged during wet weather is minimized. To accomplish this, the permittee shall utilize the following technologies:

- 1) provide proper operation and maintenance for the collection system and the combined sewer overflow points;
- 2) provide the maximum use of the collection system for storage of wet weather flow prior to allowing overflows;
- 3) review and modify the pretreatment program to minimize the impact of nondomestic discharges from combined sewer overflows; or if there is no pretreatment program review and modify local programs to minimize the impact of nondomestic discharges from combined sewer overflows;
- 4) maximize the capabilities of the POTW to treat wet weather flows, and maximize the wet weather flow to the wastewater treatment plant within the limits of the plant's capabilities;
- 5) prohibit dry weather overflows;
- 6) control solid and floatable materials in the combined sewer overflow discharge;
- 7) conduct required inspection, monitoring and reporting of CSOs;
- 8) implement pollution prevention programs that focus on reducing the level of contaminants in CSOs; and
- 9) implements a public notification program for areas affected by CSOs, especially beaches and recreation areas.

F. Sanitary Sewer Overflow (SSO) Reporting Requirements

A sanitary sewer overflow is an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. SSOs do not include wet weather discharges from combined sewer overflows specifically listed in Part II of this NPDES permit (if any). All SSOs are prohibited.

1. Reporting for SSOs That Imminently and Substantially Endanger Human Health

a) Immediate Notification

You must notify Ohio EPA (1-800-282-9378) and the appropriate Board of Health (i.e., city or county) within 24 hours of learning of any SSO from your sewers or from your maintenance contract areas that may imminently and substantially endanger human health. The telephone report must identify the location, estimated volume and receiving water, if any, of the overflow. An SSO that may imminently and substantially endanger human health includes dry weather overflows, major line breaks, overflow events that result in fish kills or other significant harm, overflows that expose the general public to contact with raw sewage, and overflow events that occur in sensitive waters and high exposure areas such as protection areas for public drinking water intakes and waters where primary contact recreation occurs.

b) Follow-Up Written Report

Within 5 days of the time you become aware of any SSO that may imminently and substantially endanger human health, you must provide the appropriate Ohio EPA district office a written report that includes:

- (i) the estimated date and time when the overflow began and stopped or will be stopped (if known);
- (ii) the location of the SSO including an identification number or designation if one exists;
- (iii) the receiving water (if there is one);
- (iv) an estimate of the volume of the SSO (if known);
- (v) a description of the sewer system component from which the release occurred (e.g., manhole, constructed overflow pipe, crack in pipe);
- (vi) the cause or suspected cause of the overflow;
- (vii) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps; and
- (viii) steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps.

An acceptable 5-day follow-up written report can be filled-in or downloaded from the Ohio EPA Division of Surface Water Permits Program Technical Assistance Web page starting at http://www.epa.ohio.gov/dsw/permits/technical_assistance.aspx.

2. Reporting for All SSOs, Including Those That Imminently and Substantially Endanger Human Health

a) Monthly Operating Reports

Sanitary sewer overflows that enter waters of the state, either directly or through a storm sewer or other conveyance, shall be reported on your monthly operating reports. You must report the system-wide number of occurrences for SSOs that enter waters of the state in accordance with the requirements for station number 300. A monitoring table for this station is included in Part I, B of this NPDES permit. For the purpose of counting occurrences, each location on the sanitary sewer system where there is an overflow, spill, release, or diversion of wastewater on a given day is counted as one occurrence. For example, if on a given day overflows occur from a manhole at one location and from a damaged pipe at another location and they both enter waters of the state, you should record two occurrences for that day. If overflows from both locations continue on the following day, you should record two occurrences for the following day. At the end of the month, total the daily occurrences from all locations on your system and report this number using reporting code 74062 (Overflow Occurrence, No./Month) on the 4500 form for station number 300.

b) Annual Report

You must prepare an annual report of all SSOs in your collection system, including those that do not enter waters of the state. The annual report must be in an acceptable format (see below) and must include:

- (i) A table that lists an identification number, a location description, and the receiving water (if any) for each existing SSO. If an SSO previously included in the list has been eliminated, this shall be noted. Assign each SSO location a unique identification by numbering them consecutively, beginning with 301.
- (ii) A table that lists the date that an overflow occurred, the unique ID of the overflow, the name of affected receiving waters (if any), and the estimated volume of the overflow (in millions of gallons). The annual report may summarize information regarding overflows of less than approximately 1,000 gallons.
- (iii) A table that summarizes the occurrence of water in basements (WIBs) by total number and by sewershed. The report shall include a narrative analysis of WIB patterns by location, frequency and cause. Only WIBs caused by a problem in the publicly-owned collection system must be included.

Not later than March 31 of each year, you must submit one copy of the annual report for the previous calendar year to the appropriate Ohio EPA district office and one copy to: Ohio EPA; Division of Surface Water; NPDES Permit Unit; P.O. Box 1049; Columbus, OH 43216-1049. You also must provide adequate notice to the public of the availability of the report.

An acceptable annual SSO report can be filled-in or downloaded from the Ohio EPA Division of Surface Water Permits Program Technical Assistance Web page starting at http://www.epa.ohio.gov/dsw/permits/technical_assistance.aspx.

G. The permittee shall maintain in good working order and operate as efficiently as possible the "treatment works" and "sewerage system" as defined in ORC 6111.01 to achieve compliance with the terms and conditions of this permit and to prevent discharges to the waters of the state, surface of the ground, basements, homes, buildings, etc.

H. Composite samples shall be comprised of a series of grab samples collected over a 24-hour period and proportionate in volume to the sewage flow rate at the time of sampling. Such samples shall be collected at such times and locations, and in such a fashion, as to be representative of the facility's overall performance.

I. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's performance.

J. Multiple grab samples shall be comprised of at least three grab samples collected at intervals of at least three hours during the period that the plant is staffed on each day for sampling. Samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's overall performance. The critical value shall be reported.

K. The treatment works must obtain at least 85 percent removal of carbonaceous biochemical oxygen demand (five-day) and suspended solids (see Part III, Item 1).

L. If for any reason, the facility must use chlorine for disinfection, it must contact the Ohio EPA District Office, Division of Surface Water for the appropriate requirements and limitations. The permittee must state, at such time for what reason chlorine will be used for disinfection (i.e. equipment breakdown, maintenance, etc.) and for what length of time will it be used.

M. Water quality based permit limitations in this permit may be revised based on updated wasteload allocations or use designation rules. This permit may be modified, or revoked and reissued, to include new water quality based effluent limits or other conditions that are necessary to comply with a revised wasteload allocation, or an approved total maximum daily loads (TMDL) report as required under Section 303 (d) of the Clean Water Act.

N. Sampling for these parameters at station 2PD00004001, 2PD00004601, and 2PD00004901 shall occur the same day.

O. Sampling at station 2PD00004001 for these parameters shall occur one detention time (the time it takes for a volume of water to travel through the treatment plant) after sampling at station 2PD00004601 for the same parameters on the same day.

P. Sampling at station 2PD00004601 for these parameters shall occur one detention time (the time it takes for a volume of water to travel through the treatment plant) prior to sampling at station 2PD00004001 for the same parameters on the same day.

Q. All disposal, use, storage, or treatment of sewage sludge by the Permittee shall comply with Chapter 6111. of the Ohio Revised Code, Chapter 3745-40 of the Ohio Administrative Code, any further requirements specified in this NPDES permit, and any other actions of the Director that pertain to the disposal, use, storage, or treatment of sewage sludge by the Permittee.

R. Sewage sludge composite samples shall consist of a minimum of six grab samples collected at such times and locations, and in such fashion, as to be representative of the facility's sewage sludge.

S. No later than March 1 of each calendar year, the Permittee shall submit a report summarizing the sewage sludge disposal, use, storage, or treatment activities of the Permittee during the previous calendar year. The report shall be submitted through the Ohio EPA eBusiness Center, Division of Surface Water NPDES Permit Applications service

T. Each day when sewage sludge is removed from the wastewater treatment plant for use or disposal, a representative sample of sewage sludge shall be collected and analyzed for percent total solids. This value of percent total solids shall be used to calculate the total Sewage Sludge Weight (Discharge Monitoring Report code 70316) and/or total Sewage Sludge Fee Weight (Discharge Monitoring Report code 51129) removed from the treatment plant on that day. The results of the daily monitoring, and the weight calculations, shall be maintained on site for a minimum of five years. The test methodology used shall be from the latest edition, Part 2540 G of Standard Methods for the Examination of Water and Wastewater American Public Health Association, American Water Works Association, and Water Environment Federation. To convert from gallons of liquid sewage sludge to dry tons of sewage sludge: $\text{dry tons} = \text{gallons} \times 8.34 \text{ (lbs/gallon)} \times 0.0005 \text{ (tons/lb)} \times \text{decimal fraction total solids}$.

U. The permittee shall maintain a permanent marker on the stream bank at each outfall that is regulated under this NPDES permit. If a marker does not currently exist, the permittee shall install one within 4 months of the effective date of this permit. This includes final outfalls, bypasses, and combined sewer overflows. The marker shall consist at a minimum of the name of the establishment to which the permit was issued, the Ohio EPA permit number, and the outfall number and a contact telephone number. The information shall be printed in letters not less than two inches in height. The marker shall be a minimum of 2 feet by 2 feet and shall be a minimum of 3 feet above ground level. The sign shall not be obstructed such that someone fishing or walking along the shore cannot read the sign. Vegetation shall be periodically removed to keep the sign visible. If the outfall is normally submerged the sign shall indicate that. If the outfall is a combined sewer outfall, the sign shall indicate that untreated human sewage may be discharged from the outfall during wet weather and that harmful bacteria may be present in the water. When an existing marker is replaced or reset, the new marker shall comply with the requirements of this section.

V. Monitoring for Dissolved Orthophosphate (as P)

The permittee shall begin monitoring for dissolved orthophosphate by grab sample. The permittee shall filter the grab sample within 15 minutes of collection using a 0.45-micron filter. The filtered sample must be analyzed within 48 hours. Samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's overall performance.

W. This permit no longer authorizes the use of method 4500 CN-I from Standard Methods for free cyanide testing. Currently there are two approved methods for free cyanide listed in 40 CFR 136 that have a quantification level lower than any water quality-based effluent limits: ASTM D7237-10 and OIA-1677-09. The permittee shall begin using one of these approved methods as soon as possible. If you must use method 4500 CN-I during the transition to an approved method, report the results on your DMR and enter "Method 4500 CN-I" in the remarks section.

X. Biomonitoring Program Requirements

Not later than August 2017, the entity shall initiate an effluent biomonitoring program to determine the toxicity of the effluent from outfall 2PD00004001.

General Requirements

All toxicity testing conducted as required by this permit shall be done in accordance with "Reporting and Testing Guidance for Biomonitoring Required by the Ohio Environmental Protection Agency" (hereinafter, the "biomonitoring guidance"), Ohio EPA, July 1998 (or current revision). The Standard Operating Procedures (SOP) or verification of SOP submittal, as described in Section 1.B. of the biomonitoring guidance shall be submitted no later than three months after the effective date of this permit. If the laboratory performing the testing has modified its protocols, a new SOP is required.

Testing Requirements

1. Chronic Bioassays

Ceriodaphnia dubia

For the life of this permit, the permittee shall conduct annual definitive chronic toxicity tests using *Ceriodaphnia dubia* on effluent samples from outfall 2PD00004001.

Pimephales promelas

For the life of this permit, the permittee shall conduct annual chronic toxicity tests using fathead minnows (*Pimephales promelas*) on effluent samples from outfall 2PD00004001. These tests shall be conducted as specified in Section 3 of the biomonitoring guidance.

2. Acute Bioassays

Acute endpoints, as described in Section 2.H. of the biomonitoring guidance, shall be derived from the chronic test results.

3. Testing of Ambient Water

In conjunction with the acute and chronic toxicity tests, upstream control water shall be collected at a point outside the zone of effluent and receiving water interaction at station 2PD00004801. Testing of ambient waters shall be done in accordance with Sections 2 and 3 of the biomonitoring guidance.

4. Data Review

a. Reporting

Following completion of each annual bioassay requirement, the permittee shall report results of the tests in accordance with Sections 2.H.1., 2.H.2.a., 3.H.1., and 3.H.2.a. of the biomonitoring guidance, including reporting the results on the monthly DMR and submitting a copy of the complete test report to Ohio EPA, Division of Surface Water, NPDES Permit Unit, P.O. Box 1049, Columbus, OH, 43216-1049. Based on Ohio EPA's evaluation of the results, this permit may be modified to require additional biomonitoring, require a toxicity reduction evaluation, and/or contain whole effluent toxicity limits.

b. Definitions

$TU_a = \text{Acute Toxicity Units} = 100/LC50$

$TU_c = \text{Chronic Toxicity Units} = 100/IC25$

This equation for chronic toxicity units applies outside the mixing zone for warmwater, modified warmwater, exceptional warmwater, coldwater, and seasonal salmonid use designations except when the following equation is more restrictive (*Ceriodaphnia dubia* only):

$TU_c = \text{Chronic Toxic Units} = 100/\text{square root of } (NOEC \times LOEC)$

Y. Pretreatment Program Requirements

The permittee's pretreatment program initially approved on October 24, 2006, and all subsequent modifications approved before the effective date of this permit, shall be an enforceable term and condition of this permit.

To ensure that the approved program is implemented in accordance with 40 CFR 403, Chapter 3745-3 of Ohio Administrative Code and Chapter 6111 of the Ohio Revised Code, the permittee shall comply with the following conditions:

1. Legal Authority

The permittee shall adopt and maintain legal authority which enables it to fully implement and enforce all aspects of its approved pretreatment program including the identification and characterization of industrial sources, issuance of control documents, compliance monitoring and reporting, and enforcement.

The permittee shall establish agreements with all contributing jurisdictions, as necessary, to enable the permittee to fulfill its requirements with respect to industrial users discharging to its system.

2. Funding

The permittee shall have sufficient resources and qualified personnel to fully implement all aspects of its approved pretreatment program.

3. Industrial User Inventory

The permittee shall identify all industrial users subject to pretreatment standards and requirements and characterize the nature and volume of pollutants in their wastewater. Dischargers determined to be Significant Industrial Users according to OAC 3745-3-01(F) must be notified of applicable pretreatment standards and requirements within 30 days of making such a determination. This inventory shall be updated at a frequency to ensure proper identification and characterization of industrial users.

4. Slug Load Control Plans for Significant Industrial Users

The permittee shall evaluate the need for a plan, device or structure to control a potential slug discharge at least once during the term of each significant industrial user's control mechanism. Existing significant industrial users shall be evaluated within one year of the effective date of this permit if the users have never been evaluated. New industrial users identified as significant industrial users shall be evaluated within one year of being identified as a significant industrial user.

5. Local Limits

The permittee shall develop and enforce technically based local limits to prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW, pass through the treatment works, be incompatible with the treatment works, or limit wastewater or sludge use options.

The permittee shall use the following waste load allocation values when evaluating local limits for the following pollutants for which a final effluent limit has not been established:

Arsenic 104 ug/l
Cadmium 4.9 ug/l
Chromium, hexavalent 11 ug/l
Chromium, total 104 ug/l
Copper 20 ug/l
Cyanide 5.2 ug/l
Lead 20 ug/l
Mercury BMPs
Molybdenum 10408 ug/l
Nickel 111 ug/l
Selenium 5 ug/l
Silver 1.3 ug/l
Zinc 251 ug/l

For the purpose of periodically reevaluating local limits, the permittee shall implement and maintain a sampling program to characterize pollutant contribution to the POTW from industrial and residential sources and to determine pollutant removal efficiencies through the POTW. The permittee shall continue to review and develop local limits as necessary.

6. Control Mechanisms

The permittee shall issue control mechanisms to all industries determined to be Significant Industrial Users as define in OAC 3745-3-01(FF). Control mechanisms must meet at least the minimum requirements of OAC-3745-3-03(C)(1)(c).

7. Industrial Compliance Monitoring

The permittee shall sample and inspect industrial users in accordance with the approved program or approved modifications, including inspection and sampling of all significant industrial users at least annually. Sample collection, preservation and analysis must be performed in accordance with procedures in 40 CFR 136 and with sufficient care to produce evidence admissible in judicial enforcement proceedings.

The permittee shall also require, receive, and review self-monitoring and other industrial user reports when necessary to determine compliance with pretreatment standards and requirements. If the permittee performs sampling and analysis in lieu of an industrial user's self-monitoring, the permittee shall perform repeat sampling and analysis within 30 days of becoming aware of a permit violation, unless the permittee notifies the user of the violation and requires the user to perform the repeat analysis and reporting.

8. POTW Priority Pollutant Monitoring

The permittee shall annually monitor priority pollutants, as defined by U.S.EPA, in the POTW's influent, effluent and sludge. Sample collection, preservation, and analysis shall be performed using U.S.EPA approved methods.

a. A sample of the influent and the effluent shall be collected when industrial discharges are occurring at normal to maximum levels. Sampling of the influent shall be done prior to any recycle streams and sampling of the effluent shall be after disinfection. Both samples shall be collected on the same day or, alternately, the effluent sample may be collected following the influent sample by approximately the retention time of the POTW.

Sampling of sludge shall be representative of sludge removed to final disposal. A minimum of one grab sample shall be taken during actual sludge removal and disposal unless the POTW uses more than one disposal option. If multiple disposal options are used, the POTW shall collect a composite of grab samples from all disposal practices which are proportional to the annual flows to each type of disposal.

b. A reasonable attempt shall be made to identify and quantify additional constituents (excluding priority pollutants and unsubstituted aliphatic compounds) at each sample location. Identification of additional peaks more than ten times higher than the adjacent background noise on the total ion plots (reconstructed gas chromatograms) shall be attempted through the use of U.S. EPA/NIH computerized library of mass spectra, with visual confirmation by an experienced analyst. Quantification may be based on an order of magnitude estimate compared with an internal standard.

The results of these samples must be submitted on Ohio EPA Form 4221 with the permittee's annual pretreatment report. Samples may be collected at any time during the 12 months preceding the due date of the annual report and may be used to fulfill other NPDES monitoring requirements where applicable.

9. Enforcement

The permittee shall investigate all instances of noncompliance with pretreatment standards and requirements and take timely, appropriate, and effective enforcement action to resolve the noncompliance in accordance with the permittee's approved enforcement response plan.

On or prior to September 15th of each year, the permittee shall publish, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the permittee, a list of industrial users which, during the previous 12 months, have been in Significant Noncompliance [OAC 3745-3-03(C)(2)(h)] with applicable pretreatment standards or requirements.

10. Reporting

All reports required under this section shall be submitted through Ohio EPA's eBusiness Center or by mail. The Ohio EPA eBusiness Center can be found in the link below:

<https://ebiz.epa.ohio.gov/login.html>

If submitting hardcopies by mail, reports shall be sent to the following address in duplicate:

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

a. Quarterly Industrial User Violation Report

On or prior to the 15th day of January, April, July, and October, the permittee shall report the industrial users that are in violation of applicable pretreatment standards during the previous quarter. The report shall be prepared in accordance with guidance provided by Ohio EPA and shall include a description of all industrial user violations and corrective actions taken to resolve the violations.

b. Annual Pretreatment Report

On or prior to October 15th of each year, the permittee shall submit an annual report on the effectiveness of the pretreatment program. The report shall be prepared in accordance with guidance provided by Ohio EPA and shall include, but not be limited to: a discussion of program effectiveness; and industrial user inventory; a description of the permittee's monitoring program; a description of any pass through or interference incidents; a copy of the annual publication of industries in Significant Noncompliance; and, priority pollutant monitoring results.

11. Record Keeping

All records of pretreatment activities including, but not limited to, industrial inventory data, monitoring results, enforcement actions, and reports submitted by industrial users must be maintained for a minimum of three (3) years. This period of retention shall be extended during the course of any unresolved litigation. Records must be made available to Ohio EPA and U.S. EPA upon request.

12. Program Modifications

Any proposed modifications of the approved pretreatment program must be submitted to Ohio EPA for review, on forms available from Ohio EPA and consistent with guidance provided by Ohio EPA. If the modification is deemed to be substantial, prior approval must be obtained before implementation; otherwise, the modification is considered to be effective 45 days after the date of application. Substantial program modifications include, among other things, changes to the POTW's legal authority, industrial user control mechanisms, local limits, confidentiality procedures, or monitoring frequencies.

Z. General Mercury Variance

The permittee is granted a general mercury variance under the provisions of Rule 3745-33-07(D)(10) of the Ohio Administrative Code. The City of Clyde WWTP has demonstrated that the facility is currently unable to comply with the monthly average water quality based effluent limit of 1.3 ng/l without construction of expensive end-of-pipe controls more stringent than those required by sections 301(b) and 306 of the Clean Water Act. The City of Clyde WWTP is currently able to achieve an annual average mercury concentration of 12 ng/l. For general mercury variance purposes, the annual average mercury effluent concentration is defined as the average of the most recent 12 months of effluent data.

One of the conditions of the general mercury variance is that the permittee make reasonable progress towards attaining the water quality based effluent limits for mercury (1.b, below). To accomplish this, the permittee is required to continue implementing a pollutant minimization program (PMP) for mercury. The elements of a PMP include: a control strategy to locate, identify and, where cost-effective, reduce levels of mercury that contribute to discharge levels; periodic monitoring of sources and the treatment system; and annual reporting of results.

The plan of study that was part of the permittee's 2005 application for coverage under the general mercury variance included items associated with developing a control strategy and initial implementation of a PMP. By implementing the plan of study and meeting other conditions of its NPDES permit, the permittee has been taking actions consistent with a PMP for mercury. Condition 1.d below, requires the permittee to continue implementing a PMP for mercury.

1. As conditions of this variance, the permittee shall meet the following requirements:

a. The permittee shall comply with the effluent limitations for mercury at outfall 2PD00004001 given in Part I, A. of this permit.

b. The permittee shall make reasonable progress towards attaining the monthly average water quality-based effluent limit for mercury by complying with the general mercury variance conditions included in this NPDES permit.

c. The permittee shall use EPA Method 1631 to comply with the influent and effluent mercury monitoring requirements of this permit.

d. The permittee shall continue implementing a PMP for mercury consistent with the plan of study included in the permittee's mercury variance application submitted on June 30, 2006 and any other relevant information submitted by the permittee, including the following activities:

i. The City will maintain a website that will be an information center for all sewer users that will contain information on mercury containing products and materials as well as information on collection programs designed to properly dispose of mercury.

ii. The City will provide information to all new customers when they request initial service. The information will include information on the Clyde Mercury Minimization Program and direct them to the website.

iii. Spring and Fall annually, the City will notify all users of the household hazardous waste collection offered by the Ottawa-Sandusky-Seneca County Solid Waste District.

iv. At the request fo the school system the city conducts field trips to the WWTP and speaking engagements which include discussion on the impacts of mercury to the environment.

v. The City will continue sampling and testing of the Village of Green Springs' contribution to the sewer system.

- e. The permittee shall assess the impact of the mercury variance on public health, safety, and welfare by, as a minimum, monitoring for mercury in the facility's influent and effluent as required by this NPDES permit.
- f. The permittee shall maintain an annual average mercury effluent concentration equal to or less than 12 ng/l.
- g. On or prior to October 15th of each year, the permittee shall submit two copies of an annual PMP report to Ohio EPA, Division of Surface Water, NPDES Permit Unit, P.O. Box 1049, Columbus, OH, 43216-1049. The annual PMP report shall include:
 - i. All minimization program monitoring results for the year
 - ii. A list of potential sources of mercury
 - iii. A summary of all actions taken to meet the effluent limits for mercury
 - iv. Any updates of the control strategy, including actions planned to reduce the levels of mercury in the treatment plant's final effluent

The Ohio EPA Annual Mercury PMP Report and Appendices are available on the Division of Surface Water Permits Program Technical Assistance web page at http://www.epa.ohio.gov/dsw/permits/technical_assistance.aspx . Open the Mercury list.

- h. Upon completion of the actions identified in the plan of study as required in Part II, Item Z.1.d. of this permit or upon submittal of the permittee's NPDES permit renewal application, whichever comes first, the permittee shall submit to Ohio EPA's Northwest District Office a certification stating that all permit conditions imposed to implement the plan of study and the PMP have been satisfied and whether compliance with the monthly average water quality based effluent limit for mercury has been achieved and can be maintained. This certification shall be accompanied by the following:
 - i. All available mercury influent and effluent data for the most recent 12 month period.
 - ii. Data documenting all known significant sources of mercury and the steps that have been taken to reduce or eliminate those sources; and
 - iii. A determination of the lowest mercury concentration that currently available data indicate can be reliably achieved through implementation of the PMP.

2. Exceedance of the annual average limit of 12 ng/l.

a. If at any time after the effective date of this permit, the permittee's annual average mercury effluent concentration exceeds 12 ng/l, the permittee shall:

i. Notify Ohio EPA's Northwest District Office not later than 30 days from the date of the exceedance.

ii. Submit an individual variance application, if a variance is desired, not later than 6 months from the date of the exceedance; or

iii. Request a permit modification not later than 6 months from the date of the exceedance for a compliance schedule to attain compliance with the water quality-based effluent limits for mercury.

b. If the permittee complies with either 2.a.ii or 2.a.iii, above, the general mercury variance conditions included in this NPDES permit will remain in effect until the date that the Director acts on the individual variance application or the date that the permit modification becomes effective.

c. If the permittee does not comply with either 2.a.ii or 2.a.iii, above, a monthly water-quality based effluent limit for mercury of 1.3 ng/l shall apply at outfall 2PD00004001 beginning 6 months from the date of the exceedance.

3. The requirements of Part II, Item Z.2 shall not apply if the permittee demonstrates to the satisfaction of the Director that the mercury concentration in the permittee's effluent exceeds 12 ng/l due primarily to the presence of mercury in the permittee's intake water.

AA. Permit Reopener for Mercury Variance Revisions

Ohio EPA may reopen and modify this permit at any time based upon Ohio EPA water quality standard revisions to the mercury variance granted in Part II, Item Z of this permit.

AB. Renewal of Mercury Variance

For renewal of the mercury variance authorized in this permit, the permittee shall include the following information with the submittal of the subsequent NPDES permit renewal application:

1. the certification described under Part II, Item Z.1.h., and all information required under Part II, Item Z.1.h.i. through Part II, Item Z.1.h.iii;
2. a status report on the progress being made implementing the pollutant minimization program (PMP). This information may be included in the annual PMP report required under Part II, Item Z.1.g;
3. a listing of the strategies and/or programs in the PMP which will be continued under the next renewal of this permit; and
4. a statement requesting the renewal of the mercury variance.

AC. Storm Water

To comply with industrial storm water regulations, the permittee submitted a form for "No Exposure Certification" which was signed on June 6, 2016. The certification number is 2GRN0447*CG. Compliance with the industrial storm water regulations must be re-affirmed every five years. No later than June 6, 2021, the permittee must submit a new form for "No Exposure Certification" or make other provisions to comply with the industrial storm water regulations.

AD. The permittee shall use analytical procedures approved under 40 CFR 136 with MDLs (method detection limits) less than or equal to those listed below to comply with the monitoring requirements for the following parameters at stations 001 and 601:

Parameter	MDL (ug/l)
Dissolved Hexavalent Chromium	10.0

AE. Phosphorus Seasonal Average

Beginning in 2017 and annually thereafter, the permittee shall comply with a seasonal average concentration of 0.5 mg/L total phosphorus for the period May 1 through November 30. The seasonal average shall be calculated as the arithmetic mean of the daily concentrations of total phosphorus for the entire season. The calculated seasonal average shall be reported on the DMR as a single value in the month of November. During all months, the permittee must also comply with the permitted weekly concentration and loading limits specified in Part 1.A.

PART III - GENERAL CONDITIONS

1. DEFINITIONS

"Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

"Average weekly" discharge limitation means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week. Each of the following 7-day periods is defined as a calendar week: Week 1 is Days 1 - 7 of the month; Week 2 is Days 8 - 14; Week 3 is Days 15 - 21; and Week 4 is Days 22 - 28. If the "daily discharge" on days 29, 30 or 31 exceeds the "average weekly" discharge limitation, Ohio EPA may elect to evaluate the last 7 days of the month as Week 4 instead of Days 22 - 28. Compliance with fecal coliform bacteria or E coli bacteria limitations shall be determined using the geometric mean.

"Average monthly" discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. Compliance with fecal coliform bacteria or E coli bacteria limitations shall be determined using the geometric mean.

"85 percent removal" means the arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period.

"Absolute Limitations" Compliance with limitations having descriptions of "shall not be less than," "nor greater than," "shall not exceed," "minimum," or "maximum" shall be determined from any single value for effluent samples and/or measurements collected.

"Net concentration" shall mean the difference between the concentration of a given substance in a sample taken of the discharge and the concentration of the same substances in a sample taken at the intake which supplies water to the given process. For the purpose of this definition, samples that are taken to determine the net concentration shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

"Net Load" shall mean the difference between the load of a given substance as calculated from a sample taken of the discharge and the load of the same substance in a sample taken at the intake which supplies water to given process. For purposes of this definition, samples that are taken to determine the net loading shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

"MGD" means million gallons per day.

"mg/l" means milligrams per liter.

"ug/l" means micrograms per liter.

"ng/l" means nanograms per liter.

"S.U." means standard pH unit.

"kg/day" means kilograms per day.

"Reporting Code" is a five digit number used by the Ohio EPA in processing reported data. The reporting code does not imply the type of analysis used nor the sampling techniques employed.

"Quarterly (1/Quarter) sampling frequency" means the sampling shall be done in the months of March, June, August, and December, unless specifically identified otherwise in the Effluent Limitations and Monitoring Requirements table.

"Yearly (1/Year) sampling frequency" means the sampling shall be done in the month of September, unless specifically identified otherwise in the effluent limitations and monitoring requirements table.

"Semi-annual (2/Year) sampling frequency" means the sampling shall be done during the months of June and December, unless specifically identified otherwise.

"Winter" shall be considered to be the period from November 1 through April 30.

"Bypass" means the intentional diversion of waste streams from any portion of the treatment facility.

"Summer" shall be considered to be the period from May 1 through October 31.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

"Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

"Sewage sludge weight" means the weight of sewage sludge, in dry U.S. tons, including admixtures such as liming materials or bulking agents. Monitoring frequencies for sewage sludge parameters are based on the reported sludge weight generated in a calendar year (use the most recent calendar year data when the NPDES permit is up for renewal).

"Sewage sludge fee weight" means the weight of sewage sludge, in dry U.S. tons, excluding admixtures such as liming materials or bulking agents. Annual sewage sludge fees, as per section 3745.11(Y) of the Ohio Revised Code, are based on the reported sludge fee weight for the most recent calendar year.

2. GENERAL EFFLUENT LIMITATIONS

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.

3. FACILITY OPERATION AND QUALITY CONTROL

All wastewater treatment works shall be operated in a manner consistent with the following:

- A. At all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with conditions of the permit.
- B. The permittee shall effectively monitor the operation and efficiency of treatment and control facilities and the quantity and quality of the treated discharge.
- C. Maintenance of wastewater treatment works that results in degradation of effluent quality shall be scheduled during non-critical water quality periods and shall be carried out in a manner approved by Ohio EPA as specified in the Paragraph in the PART III entitled, "UNAUTHORIZED DISCHARGES".

4. REPORTING

A. Monitoring data required by this permit shall be submitted monthly on Ohio EPA 4500 Discharge Monitoring Report (DMR) forms using the electronic DMR (e-DMR) internet application. e-DMR allows permitted facilities to enter, sign, and submit DMRs on the internet. e-DMR information is found on the following web page:

<http://www.epa.ohio.gov/dsw/edmr/eDMR.aspx>

Alternatively, if you are unable to use e-DMR due to a demonstrated hardship, monitoring data may be submitted on paper DMR forms provided by Ohio EPA. Monitoring data shall be typed on the forms. Please contact Ohio EPA, Division of Surface Water at (614) 644-2050 if you wish to receive paper DMR forms.

B. DMRs shall be signed by a facility's Responsible Official or a Delegated Responsible Official (i.e. a person delegated by the Responsible Official). The Responsible Official of a facility is defined as:

1. For corporations - a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
2. For partnerships - a general partner;
3. For a sole proprietorship - the proprietor; or,
4. For a municipality, state or other public facility - a principal executive officer, a ranking elected official or other duly authorized employee.

For e-DMR, the person signing and submitting the DMR will need to obtain an eBusiness Center account and Personal Identification Number (PIN). Additionally, Delegated Responsible Officials must be delegated by the Responsible Official, either on-line using the eBusiness Center's delegation function, or on a paper delegation form provided by Ohio EPA. For more information on the PIN and delegation processes, please view the following web page:

<http://epa.ohio.gov/dsw/edmr/eDMR.aspx>

C. DMRs submitted using e-DMR shall be submitted to Ohio EPA by the 20th day of the month following the month-of-interest. DMRs submitted on paper must include the original signed DMR form and shall be mailed to Ohio EPA at the following address so that they are received no later than the 15th day of the month following the month-of-interest:

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

D. Regardless of the submission method, a paper copy of the submitted Ohio EPA 4500 DMR shall be maintained onsite for records retention purposes (see Section 7. RECORDS RETENTION). For e-DMR users, view and print the DMR from the Submission Report Information page after each original or revised DMR is submitted. For submittals on paper, make a copy of the completed paper form after it is signed by a Responsible Official or a Delegated Responsible Official.

E. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified in Section 5. SAMPLING AND ANALYTICAL METHODS, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.

F. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported to the Ohio EPA, but records shall be retained as specified in Section 7. RECORDS RETENTION.

5. SAMPLING AND ANALYTICAL METHOD

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored flow. Test procedures for the analysis of pollutants shall conform to regulation 40 CFR 136, "Test Procedures For The Analysis of Pollutants" unless other test procedures have been specified in this permit. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to insure accuracy of measurements.

6. RECORDING OF RESULTS

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- A. The exact place and date of sampling; (time of sampling not required on EPA 4500)
- B. The person(s) who performed the sampling or measurements;
- C. The date the analyses were performed on those samples;
- D. The person(s) who performed the analyses;
- E. The analytical techniques or methods used; and
- F. The results of all analyses and measurements.

7. RECORDS RETENTION

The permittee shall retain all of the following records for the wastewater treatment works for a minimum of three years except those records that pertain to sewage sludge disposal, use, storage, or treatment, which shall be kept for a minimum of five years, including:

- A. All sampling and analytical records (including internal sampling data not reported);
- B. All original recordings for any continuous monitoring instrumentation;
- C. All instrumentation, calibration and maintenance records;
- D. All plant operation and maintenance records;
- E. All reports required by this permit; and
- F. Records of all data used to complete the application for this permit for a period of at least three years, or five years for sewage sludge, from the date of the sample, measurement, report, or application.

These periods will be extended during the course of any unresolved litigation, or when requested by the Regional Administrator or the Ohio EPA. The three year period, or five year period for sewage sludge, for retention of records shall start from the date of sample, measurement, report, or application.

8. AVAILABILITY OF REPORTS

Except for data determined by the Ohio EPA to be entitled to confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate district offices of the Ohio EPA. Both the Clean Water Act and Section 6111.05 Ohio Revised Code state that effluent data and receiving water quality data shall not be considered confidential.

9. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

10. RIGHT OF ENTRY

The permittee shall allow the Director or an authorized representative upon presentation of credentials and other documents as may be required by law to:

- A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.
- D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

11. UNAUTHORIZED DISCHARGES

A. **Bypass Not Exceeding Limitations** - The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 11.B and 11.C.

B. Notice

1. **Anticipated Bypass** - If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

2. **Unanticipated Bypass** - The permittee shall submit notice of an unanticipated bypass as required in paragraph 12.B (24 hour notice).

C. Prohibition of Bypass

1. **Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:**

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The permittee submitted notices as required under paragraph 11.B.

2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 11.C.1.

12. NONCOMPLIANCE NOTIFICATION

A. Exceedance of a Daily Maximum Discharge Limit

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.

The permittee may report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

Southeast District Office: sedo24hourmpdes@epa.state.oh.us
Southwest District Office: swdo24hourmpdes@epa.state.oh.us
Northwest District Office: nwdo24hourmpdes@epa.state.oh.us
Northeast District Office: nedo24hourmpdes@epa.state.oh.us
Central District Office: cdo24hourmpdes@epa.state.oh.us
Central Office: co24hourmpdes@epa.state.oh.us

The permittee shall attach a noncompliance report to the e-mail. A noncompliance report form is available on the following web site under the Monitoring and Reporting - Non-Compliance Notification section:

<http://epa.ohio.gov/dsw/permits/individuals.aspx>

Or, the permittee may report to the appropriate Ohio EPA district office by telephone toll-free between 8:00 AM and 5:00 PM as follows:

Southeast District Office: (800) 686-7330
Southwest District Office: (800) 686-8930
Northwest District Office: (800) 686-6930
Northeast District Office: (800) 686-6330
Central District Office: (800) 686-2330
Central Office: (614) 644-2001

The permittee shall include the following information in the telephone noncompliance report:

- a. The name of the permittee, and a contact name and telephone number;
- b. The limit(s) that has been exceeded;
- c. The extent of the exceedance(s);
- d. The cause of the exceedance(s);
- e. The period of the exceedance(s) including exact dates and times;
- f. If uncorrected, the anticipated time the exceedance(s) is expected to continue; and,
- g. Steps taken to reduce, eliminate or prevent occurrence of the exceedance(s).

B. Other Permit Violations

1. The permittee shall report noncompliance that is the result of any unanticipated bypass resulting in an exceedance of any effluent limit in the permit or any upset resulting in an exceedance of any effluent limit in the permit by e-mail or telephone within twenty-four (24) hours of discovery.

The permittee may report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

Southeast District Office: sedo24hourmpdes@epa.state.oh.us
Southwest District Office: swdo24hourmpdes@epa.state.oh.us
Northwest District Office: nwdo24hourmpdes@epa.state.oh.us
Northeast District Office: nedo24hourmpdes@epa.state.oh.us
Central District Office: cdo24hourmpdes@epa.state.oh.us
Central Office: co24hourmpdes@epa.state.oh.us

The permittee shall attach a noncompliance report to the e-mail. A noncompliance report form is available on the following web site:

<http://www.epa.ohio.gov/dsw/permits/permits.aspx>

Or, the permittee may report to the appropriate Ohio EPA district office by telephone toll-free between 8:00 AM and 5:00 PM as follows:

Southeast District Office: (800) 686-7330
Southwest District Office: (800) 686-8930
Northwest District Office: (800) 686-6930
Northeast District Office: (800) 686-6330
Central District Office: (800) 686-2330
Central Office: (614) 644-2001

The permittee shall include the following information in the telephone noncompliance report:

- a. The name of the permittee, and a contact name and telephone number;
 - b. The time(s) at which the discharge occurred, and was discovered;
 - c. The approximate amount and the characteristics of the discharge;
 - d. The stream(s) affected by the discharge;
 - e. The circumstances which created the discharge;
 - f. The name and telephone number of the person(s) who have knowledge of these circumstances;
 - g. What remedial steps are being taken; and,
 - h. The name and telephone number of the person(s) responsible for such remedial steps.
2. The permittee shall report noncompliance that is the result of any spill or discharge which may endanger human health or the environment within thirty (30) minutes of discovery by calling the 24-Hour Emergency Hotline toll-free at (800) 282-9378. The permittee shall also report the spill or discharge by e-mail or telephone within twenty-four (24) hours of discovery in accordance with B.1 above.
- C. When the telephone option is used for the noncompliance reports required by A and B, the permittee shall submit to the appropriate Ohio EPA district office a confirmation letter and a completed noncompliance report within five (5) days of the discovery of the noncompliance. This follow up report is not necessary for the e-mail option which already includes a completed noncompliance report.
- D. If the permittee is unable to meet any date for achieving an event, as specified in a schedule of compliance in their permit, the permittee shall submit a written report to the appropriate Ohio EPA district office within fourteen (14) days of becoming aware of such a situation. The report shall include the following:
1. The compliance event which has been or will be violated;
 2. The cause of the violation;
 3. The remedial action being taken;
 4. The probable date by which compliance will occur; and,
 5. The probability of complying with subsequent and final events as scheduled.
- E. The permittee shall report all other instances of permit noncompliance not reported under paragraphs A or B of this section on their monthly DMR submission. The DMR shall contain comments that include the information listed in paragraphs A or B as appropriate.
- F. If the permittee becomes aware that it failed to submit an application, or submitted incorrect information in an application or in any report to the director, it shall promptly submit such facts or information.

13. RESERVED

14. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

15. AUTHORIZED DISCHARGES

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than, or at a level in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit. Such violations may result in the imposition of civil and/or criminal penalties as provided for in Section 309 of the Act and Ohio Revised Code Sections 6111.09 and 6111.99.

16. DISCHARGE CHANGES

The following changes must be reported to the appropriate Ohio EPA district office as soon as practicable:

A. For all treatment works, any significant change in character of the discharge which the permittee knows or has reason to believe has occurred or will occur which would constitute cause for modification or revocation and reissuance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Notification of permit changes or anticipated noncompliance does not stay any permit condition.

B. For publicly owned treatment works:

1. Any proposed plant modification, addition, and/or expansion that will change the capacity or efficiency of the plant;
2. The addition of any new significant industrial discharge; and
3. Changes in the quantity or quality of the wastes from existing tributary industrial discharges which will result in significant new or increased discharges of pollutants.

C. For non-publicly owned treatment works, any proposed facility expansions, production increases, or process modifications, which will result in new, different, or increased discharges of pollutants.

Following this notice, modifications to the permit may be made to reflect any necessary changes in permit conditions, including any necessary effluent limitations for any pollutants not identified and limited herein. A determination will also be made as to whether a National Environmental Policy Act (NEPA) review will be required. Sections 6111.44 and 6111.45, Ohio Revised Code, require that plans for treatment works or improvements to such works be approved by the Director of the Ohio EPA prior to initiation of construction.

D. In addition to the reporting requirements under 40 CFR 122.41(l) and per 40 CFR 122.42(a), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:

1. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit. If that discharge will exceed the highest of the "notification levels" specified in 40 CFR Sections 122.42(a)(1)(i) through 122.42(a)(1)(iv).
2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" specified in 122.42(a)(2)(i) through 122.42(a)(2)(iv).

17. TOXIC POLLUTANTS

The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement. Following establishment of such standards or prohibitions, the Director shall modify this permit and so notify the permittee.

18. PERMIT MODIFICATION OR REVOCATION

A. After notice and opportunity for a hearing, this permit may be modified or revoked, by the Ohio EPA, in whole or in part during its term for cause including, but not limited to, the following:

1. Violation of any terms or conditions of this permit;
2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
3. Change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

B. Pursuant to rule 3745-33-04, Ohio Administrative Code, the permittee may at any time apply to the Ohio EPA for modification of any part of this permit. The filing of a request by the permittee for a permit modification or revocation does not stay any permit condition. The application for modification should be received by the appropriate Ohio EPA district office at least ninety days before the date on which it is desired that the modification become effective. The application shall be made only on forms approved by the Ohio EPA.

19. TRANSFER OF OWNERSHIP OR CONTROL

This permit may be transferred or assigned and a new owner or successor can be authorized to discharge from this facility, provided the following requirements are met:

A. The permittee shall notify the succeeding owner or successor of the existence of this permit by a letter, a copy of which shall be forwarded to the appropriate Ohio EPA district office. The copy of that letter will serve as the permittee's notice to the Director of the proposed transfer. The copy of that letter shall be received by the appropriate Ohio EPA district office sixty (60) days prior to the proposed date of transfer;

B. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittee (including acknowledgement that the existing permittee is liable for violations up to that date, and that the new permittee is liable for violations from that date on) shall be submitted to the appropriate Ohio EPA district office within sixty days after receipt by the district office of the copy of the letter from the permittee to the succeeding owner;

At anytime during the sixty (60) day period between notification of the proposed transfer and the effective date of the transfer, the Director may prevent the transfer if he concludes that such transfer will jeopardize compliance with the terms and conditions of the permit. If the Director does not prevent transfer, he will modify the permit to reflect the new owner.

20. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

21. SOLIDS DISPOSAL

Collected grit and screenings, and other solids other than sewage sludge, shall be disposed of in such a manner as to prevent entry of those wastes into waters of the state, and in accordance with all applicable laws and rules.

22. CONSTRUCTION AFFECTING NAVIGABLE WATERS

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

23. CIVIL AND CRIMINAL LIABILITY

Except as exempted in the permit conditions on UNAUTHORIZED DISCHARGES or UPSETS, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

24. STATE LAWS AND REGULATIONS

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

25. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

26. UPSET

The provisions of 40 CFR Section 122.41(n), relating to "Upset," are specifically incorporated herein by reference in their entirety. For definition of "upset," see Part III, Paragraph 1, DEFINITIONS.

27. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

28. SIGNATORY REQUIREMENTS

All applications submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR 122.22.

All reports submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR Section 122.22.

29. OTHER INFORMATION

A. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

B. ORC 6111.99 provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$25,000 per violation.

C. ORC 6111.99 states that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$25,000 per violation.

D. ORC 6111.99 provides that any person who violates Sections 6111.04, 6111.042, 6111.05, or division (A) of Section 6111.07 of the Revised Code shall be fined not more than \$25,000 or imprisoned not more than one year, or both.

30. NEED TO HALT OR REDUCE ACTIVITY

40 CFR 122.41(c) states that it shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with conditions of this permit.

31. APPLICABLE FEDERAL RULES

All references to 40 CFR in this permit mean the version of 40 CFR which is effective as of the effective date of this permit.

32. AVAILABILITY OF PUBLIC SEWERS

Notwithstanding 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.