BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
JAN 31 2012
ENTERED DIRECTOR'S JOURNAL

In the Matter of:	:	
Mayor and Council **Village of Attica** **P.O. Box 564** **Attica, OH 44807**	:	**Director's Final Findings and Orders**
Respondent	:	

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: [signature] Date: 1/31/12

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the Mayor and Council of the Village of Attica, ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Chapter 6109 and §§ 6111.03(H) and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in the composition of Respondent or the ownership or operation of the disposal system or the public water system described in these Orders shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapters 6111 and 6109, and the rules adopted thereunder.

IV. FINDINGS

Background

The Director of Ohio EPA has determined the following findings:

1. The Village of Attica ("Village"), an incorporated area in Venice Township, Seneca County, is body corporate and politic and operates under a council - mayor form of government.

WWTP

2. The Village is served by a wastewater treatment plant ("WWTP"), located at Heyman Drive, Attica, which discharges to County Work Ditch, and thereafter to Honey Creek, both of which are waters of the state.

3. The WWTP consists of a comminuter/bar screen, influent pumping, grit removal, oxidation ditch, secondary clarification, chlorination, potassium permanganate addition (KMNO4 summer only), polishing pond and post aeration.

4. The WWTP serves a population of 2,074 and was constructed in 1971, with a major modification in 2002 to replace sludge drying beds to assist with operations, reduce ammonia levels and increase the sludge treatment capacity.

5. The WWTP has a design flow of 0.200 MGD, and has experienced the following average flows:

	Year	Flow (MGD)
a.	2010	0.225 (for the period between January and September).
b.	2009	0.209 (no data for January and March)
c.	2008	0.253
d.	2007	0.256
e.	2006	0.237

6. Estimated current average infiltration/inflow for the collection system is 146,000 gallons per day.

7. The Village has no industrial users and has completely separated the combined sewer lines by installing new sanitary sewers.

8. An emergency bypass is located directly prior to the headworks and discharges to County Work Ditch.

9. The bypass has not been activated for at least five years.

10. On September 30, 2005, Ohio EPA received the "2004 Sanitary Sewer Smoke Testing Final Report," ("Report"), from Respondent, which purpose was to locate the sources of infiltration/inflow entering the sanitary sewer system. A total of 50 sources of infiltration/inflow were found during the smoke testing, with each source listed as an individual problem. The problems were to be remediated by August 1, 2008.

11. On July 29, 2008, Respondent submitted a follow-up to the Report.

12. Ohio EPA records indicate that infiltration/inflow problems nos. 13, 14, 22, 23, 26 and 36, as identified in the Report, have not been remediated.

13. On July 28, 2008, Respondent informed Ohio EPA that it would pursue a new lagoon type wastewater treatment facility ("new facility") as soon as economically possible, to replace the existing WWTP.

14. To date, no permit to install application, nor detailed plans, have been received for the new facility.

Violations of Ohio Water Pollution Control Laws
Regulatory Statutes

15. ORC § 6111.04(A) prohibits any person from causing pollution or causing any sewage, industrial waste or other waste to be placed in any location where they cause pollution to waters of the state, except if such discharges occur in accordance with a valid, unexpired National Pollutant Discharge Elimination System ("NPDES") permit issued by the Director or if an application for renewal of such permit is pending.

16. ORC § 6111.04(C) prohibits any person to whom a permit has been issued from placing or discharging or causing to be placed or discharged in any waters of state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit without first receiving a permit from the Director to do so.

17. ORC § 6111.07(A) prohibits any person from violating, or failing to perform, any duty imposed by ORC §§ 6111.01 to 6111.08, or violating any order, rule, or term or condition of a permit issued by the Director pursuant to those sections. Each day of violation represents a separate violation.

18. ORC § 6111.09 provides that any person who violates ORC § 6111.07 shall pay a civil penalty of not more than ten thousand dollars per day of violations.

Untimely NPDES Permit Renewal Application
Discharging Without a Permit

19. Ohio Administrative Code ("OAC") Rule 3745-33-04(C)(1) provides that an NPDES permit holder who wishes to continue to discharge after the expiration date of its permit must file for permit reissuance at least 180 days prior to the permit's expiration.

20. Respondent was discharging pollutants into waters of the state pursuant to NPDES permit No. 2PB00001*FD ("NPDES permit"), which expired on July 31, 2008.

21. By transmittal letter dated September 27, 2007, Ohio EPA provided Respondent with an NPDES permit renewal application, together with notification that the application must be received by Ohio EPA no later than 180 days prior to the expiration date of the current permit.

22. Respondent filed an NPDES permit renewal application on May 18, 2008, which filing date was not timely, in that it was not at least 180 days prior to the permit's expiration.

23. As a result of said untimely filing, Respondent is violating ORC §§ 6111.04 and 6111.07.

NPDES Permit Violations
Effluent Limit Exceedances

24. The NPDES permit at Part III, General Conditions, No. 3, *Facility Operation and Quality Control,* requires that a permitee shall at all times "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."

25. On July 24, 2008, Ohio EPA inspected the WWTP (memorialized in a letter dated September 24, 2008) and observed or determined that:

    a. The backup bar screen required cleaning;

    b. The polishing pond appeared to be full of solids; and

    c. The sludge pumps were plugged daily.

26. Respondent has exceeded the effluent limits and was noncompliant with the monitoring frequencies established in its NPDES permit, with the exceedances from January, 2011 to October, 2011 set forth in Attachment A, which is incorporated by reference as if fully rewritten herein.

27. On June 8, 2010, Ohio EPA inspected the WWTP (memorialized in a letter dated August 17, 2010) and observed or determined the following:

    a. Plugging of the sludge pumps;

    b. Flows were elevated due to recent heavy rains, resulting in higher than usual operating levels within the oxidation ditches;

    c. In 2010, average flows in March (0.372), May (0.325) and June (0.271) exceeded the WWTP's design flow of 0.200 MGD, and in January (0.191), February (0.186) and April (0.195) flows approximated the design flow;

    d. The south oxidation ditch aeration rotor motor burned up a week before the inspection. The ditch was without aeration for 3 days, resulting in septic conditions and causing the contents of the ditch to be dark in color at the time of inspection;

e. The banks of the oxidation ditch were not kept clear, with grass and weeds, causing a possible hazard to mechanical equipment;

f. The inlet end of the polishing pond appeared to have a large buildup of solids; and

g. There were access problems at the final effluent discharge sampling point.

28. The flow rates for the WWTP from January 1, 2011 to November 30, 2011 are set forth in Attachment B, which is incorporated by reference as if fully rewritten herein. Said Attachment shows the dates on which the WWTP exceeded its design flow of 0.200 MGD.

29. Based on the above, Respondent has violated ORC § 6111.07.

NPDES Permit Violations
Compliance Schedules

30. The NPDES permit contained compliance schedules for:

a. Attaining compliance with final effluent limitations;

b. Sewage Sludge Rules (OAC Chapter 3745-40); and

c. Eliminating all separate sewer overflows (unauthorized discharges).

31. Respondent has not complied with the above referenced compliance schedules.

32. Based on the above, Respondent has violated ORC § 6111.07.

ORC § 6111.03(H) Provisions

33. ORC § 6111.03(H) provides in relevant part that the Director may:

> Issue, modify, or revoke orders to prevent, control, or abate water pollution by such means as the following:
>
> 1. Prohibiting or abating discharges of sewage, industrial waste, or other wastes into the waters of the state;
>
> 2. Requiring the construction of new disposal systems or any parts thereof, or the modification, extension, or alteration of existing disposal systems or any parts thereof;

* * *

3. Requiring compliance with any standard or rule adopted under sections 6111.01 to 6111.05 of the Revised Code or term or condition of a permit.

34. ORC § 6111.03(H) does not require that the Director inquire into the financial status of a particular party before issuing an order to that party.

35. ORC § 6111.03(H) does not provide that financial difficulties experienced by the party receiving an order will excuse compliance with Ohio's Water Pollution Control Laws, or that such difficulties bar the Director from issuing orders enforcing said laws.

36. Compliance with ORC Chapter 6111 is not contingent upon the availability of financial assurance.

37. ORC § 6111.03(H) provides that regarding the issuance of Orders, it is not Respondent alone that is to be considered, but also the benefits to the people of the entire state and also the conditions of any waters of the state.

38. The people of the state of Ohio and the waters of the state will benefit from the resolution of the Village's noncompliance with Ohio's Water Pollution Control Laws, and rules adopted thereunder and the NPDES permit.

39. ORC § 6111.03(H) requires that the Director in the issuance of Orders under the Division give consideration to, and base the determination on, evidence relating to the technical feasibility and economic reasonableness of complying with those orders and to evidence relating to conditions calculated to result from compliance with those orders, and their relation to benefits to the people of the state to be derived from such compliance in accomplishing the purposes of the Chapter.

40. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purpose of ORC Chapter 6111.

41. The following Orders do not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Any such construction or modification is subject to the permit to install and plan approval requirements of ORC §§ 6111.44(A) and 6111.45 and OAC Chapter 3745-42.

42. To settle Ohio EPA's claim for civil penalties for the above-referenced violations, the assessment of a substantial civil penalty settlement amount was calculated using Ohio EPA's standard methodology for calculating civil penalties associated with surface water violations.

43. Respondent submitted financial records that documented its financial situation.

44. After review of the records, it was determined that Respondent had the ability to pay a civil penalty settlement amount of one thousand eighty- one dollars ($1,081.00) in settlement of the violations set forth above.

PWS

45. Respondent owns and operates a public water system ("PWS"), which is also a "community water system" as defined by ORC § 6109.01 and OAC Rule 3745-81-01.

46. Respondent's PWS (PWS ID#7400011) is located at 451 South State Route 4, Attica (Seneca County), Ohio, 44807.

47. Respondent's PWS obtains its drinking water from a "surface water" source as defined by OAC Rule 3745-81-01 and serves a population of 955 persons.

48. In accordance with OAC Rule 3745-07-02(A), each person owning or operating a PWS shall designate one or more operators of record to oversee the technical operation of the PWS. Each operator of record shall have a valid certification of a class equal to or greater than the classification of the PWS.

49. On January 13, 2009, Respondent's PWS designation by the Director as a Class III PWS, in accordance with OAC Rule 3745-7-03, became effective.

50. On February 28, 2011, Respondent was approved for an 30 hours per week reduction in the minimum staffing level required by OAC Rule 3745-7-03(C)(1).

51. In accordance with OAC Rule 3745-07-03(C)(2)(c), the Director shall not grant a reduction to a PWS that has a history of noncompliance with maximum contaminant levels (MCL), treatment techniques, sampling, reporting, or any other violations related to the PWS; or a PWS under formal enforcement.

52. In accordance with OAC Rule 3745-07-03(C)(2)(c)(ii), any change in the circumstances under which the reduction was approved will require that the PWS to immediately return to compliance with the minimum staffing requirements in OAC Rule 3745-7-03(C)(1).

53. In accordance with OAC Rule 3745-81-21(A)(1)(b), a community water system using a surface water source, in whole or in part, serving fewer than three thousand three hundred one persons shall monitor at regular intervals for total coliforms no less than four times per month.

54. In violation of OAC Rule 3745-81-21(A)(1)(b), Respondent failed to monitor for 1 (of the 4 minimum) total coliform routine samples required during the January 2006 monitoring period.

55. In accordance with OAC Rule 3745-81-24, community PWSs shall monitor for organic chemicals according to a schedule provided by the Director.

56. On or about January 1, 2006 the Director issued a chemical contaminant monitoring schedule to Respondent (2006 monitoring schedule) for the compliance period that began on January 1, 2006 and ended on December 31, 2006. Pursuant to the 2006 monitoring schedule, Respondent was required to monitor for the synthetic organic chemicals (SOCs) during the months of May, June, and July 2006.

57. In violation of OAC Rule 3745-81-24, Respondent failed to monitor for SOCs (alachlor, atrazine and simazine) during the July 1 to July 31, 2006 monitoring period.

58. In accordance with OAC Rule 3745-81-24(C)(1), community surface water PWSs that treat their water with any combination of chlorine, chloramines, chlorine dioxide and/or ozone, and serve less than ten thousand persons shall monitor for TTHM according to this rule.

59. In accordance with OAC Rule 3745-81-24(C)(4), surface water PWSs serving from 500 to 9,999 persons shall monitor with the minimum monitoring frequency of one TTHM sample per quarter per treatment plant or bulk supplier, at location(s) representing maximum residence times.

60. In accordance with OAC Rule 3745-81-24(C)(4), Respondent has monitored for TTHM quarterly. The quarterly averages for the Respondent's TTHM samples are 0.078 mg/L for January through March 2006; 0.083 mg/L for April through June 2006; 0.072 mg/L for July through September 2006; 0.072mg/L for October through December 2006; 0.072mg/L for January through March 2007; 0.074 mg/L for April through June 2007; 0.071 mg/L for July through September 2007; 0.068 mg/L for October through December 2007; 0.064 mg/L for January through March 2008; 0.056 mg/L for April through June 2008; 0.065 mg/L for July through September 2008; 0.068 mg/L for October through December 2008; 0.072 mg/L for January through March 2009; 0.070 mg/L for April through June 2009; 0.065 mg/L for July through September 2009; 0.072 mg/L for October through December 2009; 0.071 mg/L for January through March 2010; 0.078 mg/L for April through June 2010; 0.080mg/L for July through September 2010; 0.088 mg/L for October through December 2010; 0.090 mg/L for January through March 2011; and 0.088 mg/L for April through June 2011.

61. In accordance with OAC Rule 3745-81-24(C)(14), for PWSs monitoring quarterly, compliance with the MCL for TTHM shall be based on a running annual arithmetic average (RAA), computed quarterly, of quarterly arithmetic averages of all samples taken at each sampling point. If the RAA of quarterly averages covering any consecutive four-quarter period exceeds the MCL, the PWS is in violation of the MCL.

62. In accordance with OAC Rules 3745-81-12(B), a surface water PWS serving fewer than ten thousand persons is in compliance with the MCL for TTHM if the RAA is not greater than 0.080 mg/L.

63. In violation of OAC Rule 3745-81-12(B), as determined by OAC Rule 3745-81-24(C)(14), Respondent exceeded the MCL for TTHM during the monitoring periods: April through June 2006, October through December 2010, January through March 2011, and April through June 2011.

64. In accordance with OAC Rule 3745-81-81(E)(1), a small system exceeding the lead or copper action level shall recommend optimal corrosion control treatment, in accordance with OAC Rule 3745-81-82(A), and submit plans therefor if required by OAC Chapter 3745-91, within six months after it exceeds one of the action levels.

65. In violation of rule 3745-81-81(E)(1), Respondent failed to submit a corrosion control recommendation by July 1, 2008, within six months after it exceeded the action level for lead during the July 1 to December 31, 2007 compliance period. Respondent untimely submitted the corrosion control recommendation on November 6, 2008.

66. In accordance with OAC Rule 3745-96-02(A), each community water system shall provide to its customers an annual report [Consumer Confidence Report (CCR)]; that contains the information specified in OAC Rule 3745-96-02 and OAC Rule 3745-96-03.

67. In accordance with OAC Rule 3745-96-02(B)(2), when a source water assessment has been completed, the CCR shall notify consumers of the availability of this information and the means to obtain it.

68. In violation of OAC Rule 3745-96-02(B)(2), Respondent's 2009 CCR failed to notify consumers of the availability and the means to obtain Respondent's source water assessment.

69. In accordance with OAC Rule 3745-96-02(G)(5), information on the status of the PWS's license to operate (LTO) issued pursuant to OAC Rule 3745-84 shall be included in each CCR.

70. In violation of OAC Rule 3745-96-02(G)(5), Respondent's 2009 CCR failed to report on LTO status.

71. In accordance with OAC Rule 3745-96-02(D)(4)(j), each CCR is required to include individual sample results for the initial distribution system evaluation (IDSE) conducted in accordance with OAC Rule 3745-81-22 when determining the range of TTHM and HAA5 results to be reported in the annual consumer confidence report for the calendar years that the IDSE samples were taken.

72. In violation of OAC Rule 3745-96-02(D)(4)(j), Respondent's 2009 CCR failed to report the IDSE TTHM and HAA5 monitoring data.

73. In accordance with ORC § 6109.07(B) and OAC Rule 3745-91-08(G)(1), no person shall construct or install a PWS, or make any substantial change in a PWS, that is not in accordance with plans approved by the Director.

74. In violation of ORC § 6109.07(B) and OAC Rule 3745-91-08(G)(1), Respondent installed, replaced, or removed the following treatment in 2007, as noted by Ohio EPA during the 2008 sanitary survey, without prior plan approval by the Director:

    a. Caustic soda treatment was installed to feed into second stage flocculator.

    b. Zinc orthophosphate was replaced with blended phosphate. The phosphate treatment is required as part of the corrosion control treatment.

    c. Inline mixer was removed and it is out-of-service.

    d. Stainless steel plate settlers were replaced with plastic tube settlers.

    e. Bulk 500 gal ferric chloride tank and 35 gal day tanks have been replaced with totes and 55 gal open top drums.

    f. Ferric chloride coagulant and caustic soda chemical pumps have been replaced with pumps that have greater capacity.

    On January 14, 2009, Director's plan approval was issued for installing the phosphate treatment, removing the inline mixer, installing the ferric chloride chemical pumps and storage tanks, and installing the caustic soda treatment. On July 13, 2009, Director's plan approval was issued for the tube settler.

75. In violation of ORC § 6109.07(B) and OAC Rule 3745-91-08(G)(1), as of August 1, 2011, Respondent had relocated the feed for the powdered activated carbon (PAC) treatment from the raw building to inside the water treatment plant, without prior plan approval by the Director.

76. In accordance with OAC Rule 3745-81-77(B)(1), PWSs using surface water as a source which use conventional filtration treatment shall monitor for raw water total organic carbon (TOC), filtered water TOC, and raw water total alkalinity.

77. In violation of Rule 3745-81-77(B)(1), Respondent failed to monitor for raw water and filtered water TOC and raw water total alkalinity during April 2007 and March 2011.

78. In accordance with OAC Rule 3745-83-01, the owner or operator of a PWS shall prepare an operation report for each month of operation on forms acceptable to the Director.

79. In accordance with OAC Rule 3745-83-01, the monthly operation report shall be submitted to the district office no later than the tenth of the month following the month for which the report was prepared.

80. In violation of OAC Rule 3745-83-01, Respondent failed to submit a monthly operating report by the tenth day of the month for the reporting periods of May 2008, July 2008, June 2009, March 2010 and April 2010.

V. ORDERS

WWTP

1. Respondent shall achieve and maintain compliance with ORC Chapter 6111, the rules adopted thereunder and the expired NPDES permit and any modification or renewal of such permit, as soon as possible, but not later than the following schedule:

    a. Within six (6) months after the effective date of these Orders, Respondent shall submit to Ohio EPA for review and approval a general plan for WWTP improvements;

    b. Within sixteen (16) months after the effective date of these Orders, Respondent shall submit to Ohio EPA for review and approval a complete and approvable permit to install application, detailed plans, Antidegradation Addendum and NPDES permit application to construct and operate the approved WWTP improvements;

    c. Respondent shall submit revisions to the permit to install application, detailed plans, Antidegradation Addendum and NPDES permit application within thirty (30) days of receipt of notification of deficiencies from Ohio EPA;

    d. Within forty-eight (48) months of the effective date of these Orders, Respondent shall commence construction of the WWTP improvements in accordance with the approved permit to install application and detailed plans;

    e. Within sixty (60) months of the effective date of these Orders, Respondent shall complete construction of the WWTP improvements in accordance with the approved permit to install application and detailed plans;

    f. Upon completion of construction of the WWTP improvements, the WWTP as improved shall attain operational level and meet the final effluent limitations in the NPDES permit, as such permit may be renewed and/or modified; and

g. Within fourteen (14) days of completing the requirements in Orders Nos. 1.d, e, and f, Respondent shall provide notice, in writing, to the Ohio EPA of such completion.

2. From the effective date of these Orders, until the time that the WWTP improvements are complete, Respondent shall attain, keep and maintain the WWTP in good working order and operate as efficiently as possible so as to maximize the amount of flow that receives full treatment and treat the effluent to achieve compliance with the terms and conditions of the NPDES permit, as such permit may be renewed and/or modified.

3. Within one hundred twenty (120) days after the effective date of these Orders, Respondent shall submit to Ohio EPA for review and approval a complete report on the plan to reduce infiltration/inflow, summarizing the results of the effort to reduce infiltration/inflow in the collection system.

   a. The report shall include the following:

      i. A map indicating locations of all sanitary and storm sewers in the service area with all manholes and catch basins clearly marked;

      ii. A description of the existing sanitary sewer system;

      iii. A description of local geology and how it relates to infiltration/inflow;

      iv. A detailed historical summary of all infiltration/inflow work (investigation and removal) that has been done to date;

      v. A plan for determining sources of excessive infiltration/inflow, including illegal conditions. This should include flow and velocity monitoring at strategic points in the collection system; and

      vi. An implementation schedule for future infiltration/inflow work, including, but not limited to, televising sewer lines, dye or smoke testing, and individual home inspections for sump pump connections.

   b. Respondent shall respond to any comments from Ohio EPA regarding the infiltration/inflow reduction plan within thirty (30) days of Respondent's receipt of the comments.

   c. Upon approval, Respondent shall implement said plan.

4. Within ninety (90) days after the effective date of these Orders, Respondent shall submit to Ohio EPA an evaluation of its sludge treatment and disposal methods to ensure compliance with OAC Chapter 3745-40 (sewage sludge rules).

5. Respondent shall pay the amount of one thousand eighty-one dollars ($1,081.00) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 6111. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for said amount. The official check shall be submitted to Akia Smith, or her successor, together with a letter identifying Respondent, to:

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

A copy of the check shall be sent to the Ohio EPA, Northwest District Office, in accordance with Section X, and to Mark Mann, Enforcement Manager, Storm Water and Enforcement Section, or his successor, at the following address:

Ohio EPA
Division of Surface Water
P.O. Box 1049
Columbus, Ohio 43216-1049

PWS

6. From the effective date of these Orders, Respondent shall comply with all current and future contaminant monitoring schedules issued by the Director.

7. From the effective date of these Orders, Respondent shall comply with total coliform bacteria monitoring requirements, including both routine and repeat samples, in accordance with OAC Rule 3745-81-21.

8. From the effective date of these Orders, Respondent shall monitor and report analytical results for one paired (total organic carbon) sample and one source water alkalinity sample per month at a time representative of normal operating conditions and influent water quality, in accordance with OAC Rule 3745-81-77(B)(1).

9. From the effective date of these Orders, Respondent shall, by July first annually, provide to customers a CCR containing data collected during or prior to, the previous calendar year; and provide a copy of the CCR distributed and a distribution certification to the Director, in accordance with OAC Chapter 3745-96.

10. Pursuant to OAC Rule 3745-7-03(C)(2)(ii), Respondent shall immediately return to compliance with the minimum staffing requirements for the PWS of 5 days per week for a minimum of 40 hours per week for the operator of record; the Director's approval for a minimum staffing reduction dated February 28, 2011 is no longer effective.

11. From the effective date of these Orders, Respondent shall not construct or install a PWS, or make any substantial change in a PWS, that is not in accordance with plans approved by the Director, in accordance with ORC § 6109.07(B) and OAC Rule 3745-91-08(G)(1).

12. From the effective date of these Orders, Respondent shall prepare an operation report for each month of operation in a format acceptable to the Director, and the monthly operation report shall be submitted to DDAGW no later than the tenth of the month following the month for which the report was prepared, in accordance with OAC Rule 3745-83-01.

13. Within ninety (90) days of the effective date of these Orders, Respondent shall submit a Distribution System Optimization Plan (DSOP), in accordance with OAC Rule 3745-81-78(G)(2).

14. Respondent's DSOP shall include a schedule for implementation of Ohio EPA and Respondent approved methods for reducing TTHM levels in the distribution system and Respondent shall commence this schedule upon Ohio EPA approval of the DSOP, in accordance with OAC Rule 3745-81-78(G)(2).

15. Within ninety (90) days of the effective date of these Orders, Respondent shall submit a General Plan (three copies), in accordance with OAC Chapter 3745-91, to Ohio EPA, NWDO, DDAGW, 347 North Dunbridge Road, Bowling Green, Ohio, 43402 for review and approval. The General Plan shall describe at least 3 different options for TTHM reduction, a cost estimate of each option, and shall include a detailed compliance schedule with applicable milestone dates of significant events that are necessary to attain compliance. Additionally, the General Plan shall include:

    a. A description of the options considered for TTHM reduction and the rationale for the approach selected;

    b. An engineering description of the existing facilities and the selected option, including the construction phases, and an estimate of all the costs of any required construction, operation, maintenance; and

    c. Anticipated sources of funds to cover these estimated costs.

16. If the Ohio EPA approval of the General Plan indicates that a pilot study is <u>not</u> necessary, Order Nos. 17 - 21 will not be required.

17. Within thirty (30) days of Ohio EPA approval of the General Plan, Respondent shall submit a pilot study protocol to Ohio EPA, Central Office, DDAGW, Engineering, for review and approval. The pilot study protocol shall describe the procedures necessary to evaluate the source water for the water treatment system identified as the preferred option in the General Plan.

18. If Ohio EPA should require any revisions to the pilot study protocol, Respondent shall make any such changes or modifications and/or submit any additional information to Ohio EPA, within thirty (30) days of receiving a written comment letter from Ohio EPA.

19. Respondent shall commence the pilot study during the July through September sampling quarter (which historically results in the highest levels of TTHM in the distribution system) and within twelve (12) months of Ohio EPA approval of the pilot study protocol.

20. Within thirty (30) days of completion of the pilot study, Respondent shall submit a report in which the data collected, results of the data analysis, and the conclusions and recommendations are presented in an acceptable format to Ohio EPA, Central Office, DDAGW, Engineering for review and approval. Data shall also be submitted in an agreed-upon electronic format. The report shall also include all other data collected during start-up prior to each test period. For each operation mode performed during the pilot study, the pertinent parameters (raw water source, chemical type and dose, pH, etc.) shall be clearly defined and presented in the report.

21. If Ohio EPA should require any revisions to the pilot study report, Respondent shall make any changes or modifications and submit any additional information to Ohio EPA, within thirty (30) days of receiving a comment letter from Ohio EPA. If the pilot study is not acceptable because the treatment failed to demonstrate sufficient consistent and reliable treatment, a revised pilot study protocol is required to be submitted to Ohio EPA, within ninety (90) days of receiving a written comment letter from Ohio EPA.

22. Within one hundred twenty (120) days after Ohio EPA approval of the pilot study report (if required), Respondent shall submit detail plans for approval to Ohio EPA for the modifications to the existing plant in accordance with OAC Chapter 3745-91. If it is determined that a pilot is not necessary, detail plans shall be submitted within one hundred twenty (120) days of approval of the General Plan.

23. Within ninety (90) days of Director's detail plan approval for the selected option for TTHM reduction, in accordance with the detail plan approval and OAC Chapter 3745-91, Respondent shall begin construction on the selected option.

24. Within three hundred and sixty-five (365) days of detail plan approval, in accordance with the detail plans approved by the Director and OAC Chapter 3745-91, Respondent shall complete the selected option and commence operation of the treatment for TTHM reduction.

25. Within seven (7) days after meeting the deadlines given in Order Nos. 23 and 24 above, Respondent shall send written notification of compliance with the requirements of each of the Orders to Ohio EPA, NWDO, DDAGW, 347 North Dunbridge Road, Bowling Green, Ohio, 43402.

26. Within twelve (12) months of the completion of the selected option, Respondent shall comply with the MCL requirements for TTHM and HAA5 in accordance with OAC Rules 3745-81-12 and 3745-81-24.

27. Within ninety (90) days of the effective date of these Orders, Respondent shall submit detail plans to Ohio EPA for the relocation of the PAC treatment, in accordance with in accordance with OAC Chapter 3745-91.

28. Within thirty (30) days of notification, Respondent shall respond in writing to address any comments or deficiencies noted by Ohio EPA on any PWS plan or other PWS documentation submitted by Respondent.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chiefs of Ohio EPA's Division of Surface Water and Division of Drinking and Ground Waters acknowledge, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of the Respondent. For purposes of these Orders, a responsible official is as defined in OAC Rule 3745-33-03.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to activities occurring on or at the Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

Unless otherwise specifically stated herein, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northwest District Office
347 North Dunbridge Road
Bowling Green, Ohio 43402

Attn: Enforcement Supervisor, Division of Surface Water **or**
Justin Bowerman, Division of Drinking and Ground Waters

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders. Ohio EPA reserves its rights to seek civil or administrative penalties against Respondent for PWS violations specifically cited in these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Except for the right to seek civil or administrative penalties against Respondent for PWS violations specifically cited in these Orders, which right Ohio EPA does not waive, compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

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

XIII. EFFECTIVE DATE

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

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:
Ohio Environmental Protection Agency

Director

1/27/12
Date

IT IS SO AGREED:
Village of Attica

Bryan Shock
Signature

1/19/12
Date

Bryan Shock
Printed or Typed Name

Mayor
Title