



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

5/23/2016

Mayor and Council  
Village of Shiloh  
13 W Main St PO Box 242  
Shiloh, OH 44878

RE: Director's Final Findings & Orders  
NPDES  
Richland County  
2PB00017

Ladies and Gentlemen:

Transmitted herewith is one copy of the Director's Final Findings & Orders in the referenced matter.

Sincerely,

Kevin J. Fowler, Supervisor  
Permit Processing Unit  
Division of Surface Water

KJF/dks

Enclosure

**CERTIFIED MAIL**

cc: M. Mann, DSW  
R. DeMuth, DSW  
B. Schuch, DSW  
L. Reeder, DSW  
Compliance Section  
M. McCarron, PIC  
H. Griesmer, PIC  
T. Poffenbarger, NWDO/DSW  
B. Fischbein, Legal  
M. Shapiro, Legal  
P. Fallah, DEFA  
Journal Room  
File



Parameter	Limit Type	Limit	Reported Value	Violation Date
pH	1D Conc	9.0	9.8	3/11/2015
Nitrogen, Ammonia (NH3)	7D Qty	4.6	5.17561	3/1/2015
Total Suspended Solids	30D Qty	7.7	8.06432	7/1/2015
CBOD 5 day	7D Conc	23	98.	7/15/2015
CBOD 5 day	7D Qty	10.5	80.4918	7/15/2015
CBOD 5 day	30D Conc	15	27.725	7/1/2015
CBOD 5 day	30D Qty	6.8	22.1783	7/1/2015
Nitrogen, Ammonia (NH3)	30D Qty	1.0	1.03351	7/1/2015
Nitrogen, Ammonia (NH3)	7D Qty	1.5	2.0123	7/15/2015
E. coli	7D Conc	362	981.	8/1/2015
E. coli	7D Conc	362	817.	8/15/2015
E. coli	30D Conc	161	195.751	8/1/2015
E. coli	7D Conc	362	458.	8/22/2015
E. coli	7D Conc	362	1369.	9/1/2015
E. coli	30D Conc	161	177.632	9/1/2015
pH	1D Conc	9.0	9.8	10/25/2015
Total Suspended Solids	30D Conc	17	18.25	10/1/2015
Total Suspended Solids	7D Conc	26	45.	10/22/2015
Total Suspended Solids	30D Qty	7.7	11.8631	10/1/2015
Total Suspended Solids	7D Qty	11.8	40.1967	10/22/2015
E. coli	7D Conc	362	372.	10/8/2015
E. coli	30D Conc	161	235.488	10/1/2015
E. coli	7D Conc	362	4840.	10/22/2015
CBOD 5 day	7D Qty	10.5	15.1854	10/22/2015
CBOD 5 day	7D Conc	30	44.	2/15/2016
CBOD 5 day	7D Qty	13.6	14.3224	2/15/2016
Nitrogen, Ammonia (NH3)	30D Qty	3.1	3.17603	2/1/2016

4. Respondent was non-compliant with the schedule of compliance in its previous Ohio NPDES permit in regards to the elimination of sanitary sewer overflows.
5. Notice of Violation ("NOV") letters were sent to Respondent documenting NPDES permit effluent limitation and schedule of compliance violations on at least the following dates: July 9, 2009, March 5, 2010, September 19, 2012, December 16, 2013, March 31, 2014, and March 18, 2015.
6. Respondent experiences excessive infiltration and inflow in its collection system, reporting the following overflows and internal bypasses:

Year	Sanitary Sewer Overflows (# of Days)	Internal Plant Bypasses (# of Days)
2010	4	2
2011	18	58
2012	8	17
2013	10	22
2014	3	8
2015	1 (02/11/15)	0

7. On December 23, 2015, Ohio EPA received for its concurrence, a general plan from Respondent addressing how Respondent will achieve compliance with R.C. Chapter 6111 and the rules adopted thereunder and its Ohio NPDES permit.
8. R.C. 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 the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit.
9. R.C. 6111.07(A) prohibits any person from violating, or failing to perform, any duty imposed by R.C. 6111.01 to 6111.08, or violating any order, rule, or term or condition of a permit issued or adopted by the Director. Each day of violation is a separate offense.
10. R.C. 6111.09 provides that any person who violates R.C. 6111.07 shall pay a civil penalty of not more than ten thousand dollars per day of violation.
11. Premised on the above, Respondent violated and is continuing to violate R.C. 6111.04(C) and 6111.07(A).
12. 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 detail plain requirements of Ohio Admin.Code Chapter 3745-42.
13. Compliance with R.C. Chapter 6111 is not contingent upon the availability or receipt of financial assistance.
14. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purposes of R.C. Chapter 6111.

#### **V. ORDERS**

The Director hereby issues the following Orders:

1. Respondent shall implement the general plan as concurred to by Ohio EPA so that Respondent achieves compliance with R.C. Chapter 6111 and the rules adopted thereunder and its Ohio NPDES permit and any successor permit.
2. Respondent shall submit revisions / corrections to address any deficiencies in any documents submitted pursuant to these Orders and the general plan identified in Finding No. 7, within thirty (30) days of notification by letter from Ohio EPA of any deficiencies.

3. On or before December 31, 2019, Respondent shall:
  - a. eliminate all sanitary sewer overflows and internal WWTP bypasses; and
  - b. achieve compliance with the effluent limitations in its Ohio NPDES permit and any successor permit.
4. Until the date specified in Order No. 3 in which Respondent is able to attain compliance with the effluent limitation in its Ohio NPDES permit and any successor permit, Respondent shall properly operate and maintain its WWTP to achieve the best quality effluent possible.
5. Should Respondent fail to implement any part of Order No. 3 within the deadline set forth therein, Respondent shall pay to Ohio EPA the amount of five thousand dollars (\$5,000.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to R.C. Chapter 6111. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" for five thousand dollars (\$5,000.00) on or before January 31, 2020. The official check, together with a letter identifying Respondent, shall be submitted to Carol Butler or her successor at:

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

A photocopy of the check shall be sent to Ohio EPA in accordance with Section X. of these Orders, and to Mark Mann, Environmental Manager, Enforcement Section, or his successor, at the following address:

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

## **VI. TERMINATION**

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

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.

#### **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 Respondent's WWTP.

#### **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**

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

Ohio Environmental Protection Agency  
Division of Surface Water  
Northwest District Office  
347 North Dunbridge Road  
Bowling Green, Ohio 43402  
ATTN: Enforcement Supervisor

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

#### **XI. RESERVATION OF RIGHTS**

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

#### **XII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

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

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals 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 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.

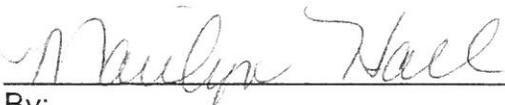
**IT IS SO ORDERED AND AGREED:  
Ohio Environmental Protection Agency**



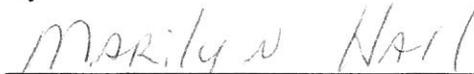
Craig W. Butler  
Director

5/18/16  
Date

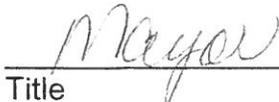
**IT IS SO AGREED:  
Village of Shiloh**



By:



Print Name



Title

5-14-16  
Date