

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

DEC 22 2004

In the Matter of:

ENTERED DIRECTOR'S JOURNAL

Greene County Board of Commissioners :
35 Greene Street :
Xenia, Ohio 45385-3101 :

Director's Final Findings
and Orders

and :

Revocation of Standard
Connection Ban

Greene County Department of Public Works :
Office of Sanitary Engineering :
667 Dayton-Xenia Road :
Xenia, Ohio 45385 :

Respondents

Secretary of the
Ohio EPA
12/24/04

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the Greene County Board of Commissioners and the Greene County Department of Public Works, Office of Sanitary Engineering, (together referred to as "Respondents"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") § 6111.03 and Ohio Administrative Code ("OAC") Chapter 3745-11.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondents and successors in interest liable under Ohio law. No change in the composition of Respondents or the ownership or operation of the Facility, as hereinafter defined, shall in any way alter the Respondents' obligations under these Orders.

III. DEFINITIONS

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

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

- 1 The Greene County Board of Commissioners owns and operates the Cedarville Wastewater Resource Reclamation Facility ("Facility"), 152 West Cedar Street, Cedarville, Greene County, Ohio, that serves the Village of Cedarville.

2. The Greene County Board of Commissioners is responsible for the construction and operation of the treatment works and sewerage system in the area served by the Facility.
3. The Greene County Department of Public Works, Office of Sanitary Engineering, is responsible for the issuance of permits to construct or install new connections or treatment works in the area served by the Facility.
4. On August 15, 2003, the Director of Ohio EPA issued Final Findings and Orders ("2003 Orders") to Respondents, which among other things, imposed a standard connection ban prohibiting any additional connections to or extensions of, the Facility's "sewerage system" or "treatment works" as those terms are defined in OAC Rule 3745-11-01.
5. OAC Rule 3745-11-02(I)(4) provides that a standard connection ban shall be modified or revoked upon such date or act upon which the Director is reasonably assured that additional connection to or extensions of a sewerage system will not increase the polluting properties of an effluent when discharged to the waters of the state or further threaten public health and welfare or the environment.
6. The 2003 Orders provided that the OAC Rule 3745-11-02(I)(4) assurance will manifest when the modifications to the Facility, as required in PTI No. 05-11175, are completed and operational, and the Facility is in compliance with the NPDES Permit effluent limitations for two consecutive months.
7. On November 9, 2004, Ohio EPA received a letter from Respondents stating that the upgraded plant has been online since May 15, 2004, and that the facility has met all NPDES permit conditions for two consecutive months (September and October, 2004).
8. Pursuant to investigation and review, Ohio EPA finds that the obligations set forth in the 2003 Orders for connection ban revocation have been met.
9. The meeting of the obligations set forth in the 2003 Orders provides reasonable assurance that additional connection to or extensions of the sewerage system will not increase the polluting properties of the effluent when discharged to the waters of the state or further threaten public health and welfare or the environment.

V. ORDERS

1. As of the effective date of these Orders, the standard connection ban imposed upon Respondents by Orders issued on August 15, 2003, is hereby revoked.

VI. 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 the operation of the Facility.

VII. OTHER APPLICABLE LAWS

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

VIII. 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.

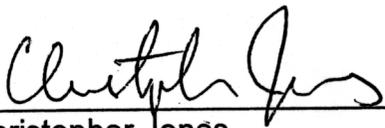
IX. RESERVATION OF RIGHTS

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

X. EFFECTIVE DATE

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

IT IS SO ORDERED:
Ohio Environmental Protection Agency



Christopher Jones
Director

12-10-04

Date