

IN THE COURT OF COMMON PLEAS

STATE OF OHIO, ex rel.
JIM PETRO
ATTORNEY GENERAL OF OHIO,

CASE NO.: 04-cv-0443

JUDGE

Plaintiff,

v.

RITTMAN PAPERBOARD, A
DIVISION OF CARAUSTAR
MILL GROUP, INC.

Defendant.

FILED
WAYNE COURT
COMMON PLEAS C
CAROL W. HILLMAN
CLERK OF COURTS
04 NOV 2 PM 3 16

CONSENT ORDER

Plaintiff, the State of Ohio, by and through its counsel Attorney General Jim Petro (hereinafter "Plaintiff"), and at the written request of the Director of Environmental Protection, filed a Complaint against Rittman Paperboard, a Division of Caraustar Mill Group Inc., (hereinafter "Defendant"), alleging violations of Ohio's water pollution control laws, Ohio Revised Code (hereinafter "ORC") Chapter 6111, and the rules adopted thereunder. The allegations relate to Defendant's wastewater treatment plant (hereinafter "WWTP") owned by the Defendant at its Rittman, Ohio facility located in Wayne County, Ohio.

NOW THEREFORE, without trial or admission of any issue of fact or law and upon consent of the parties hereto, it is hereby **ORDERED, ADJUDGED AND DECREED** as follows:

I. JURISDICTION AND VENUE

✓ 2-195

1. The Court has both personal and subject matter jurisdiction over the parties. The Complaint states a claim upon which relief can be granted against Defendant under Chapter 6111 of the Ohio Revised Code (hereinafter referred to as "R.C.") and the rules promulgated under that chapter. Venue is proper in this Court.

II. PERSONS BOUND

2. All terms and provisions of this Consent Order shall apply to and be binding upon Plaintiff and Defendant, Defendant's agents, officers, employees, assigns, successors in interest, and any person acting in concert or privity with any of the and others bound by Rule 65(D) of the Ohio Rules of Civil Procedure. The Defendant shall provide a copy of this Consent Order to each contractor and/or consultant employed to perform any and all work itemized herein and each general contractor shall provide a copy of this Consent Order to each of its subcontractors for such work.

III. SATISFACTION OF LAWSUIT

3. In its Complaint, Plaintiff alleges Defendant has operated its WWTP and related facilities in such a manner as to violate the water pollution control laws of the State of Ohio, allegations that Defendant denies. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendant for the claims under such laws as alleged in the Complaint against Defendant.

IV. RESERVATION OF RIGHTS

4. Nothing in this Consent Order shall be construed so as to limit the authority of the State of Ohio to seek relief against other appropriate persons, not covered by this Consent Order for claims or conditions alleged in the Complaint. Nothing in this Consent Order shall be construed so as to limit the authority of the State

of Ohio to seek relief against Defendant or other appropriate persons for claims or conditions not alleged in the Complaint, including violations which occur after the filing of the Complaint. Similarly, nothing in this Consent Order shall be construed so as to limit the authority of the State of Ohio to undertake any action against any person, including Defendant, or to eliminate or mitigate conditions which may present a threat to the public health, welfare or the environment. Notwithstanding any provision of this Consent Order to the contrary, Defendant retains all rights, defenses, and/or claims it may legally raise to the extent that the State seeks further relief from Defendant in the future, or in any action brought to enforce the terms of this Consent Order.

V. PERMANENT INJUNCTION

5. Defendant is permanently enjoined and ordered to comply with the applicable provisions in Ohio's water pollution control laws, *ORC* 6111, the rules adopted thereunder, the terms and conditions of its existing NPDES permit (31A00003**FD*) until such time as a renewal permit is effective, and the terms and conditions of any permit renewals or the modifications of any permits issued to Defendants. Defendant's NPDES permit and any renewals or modifications of the permits are hereby deemed incorporated by reference as if fully rewritten herein and made an enforceable part of this Consent Order.

6. Defendant is permanently enjoined and ordered to comply with temporary effluent limitations at outfall 31A00003001 and 31A00003002 as set forth in the attached Exhibit. A (temporary limit tables) which is incorporated herein and made an enforceable part of this decree. These temporary effluent limits shall be in effect until Defendant achieves compliance with final effluent limitations on or before November 30,

2005 as ordered in Paragraph 8(B)(iii) or on or before September 30, 2005 when it connects to the City of Rittman's wastewater treatment and collection system as ordered in Paragraph 8(A)(iii).

7. Defendant is permanently enjoined and ordered to properly operate and maintain its WWTP and any associated equipment and structures at all times. On or before July 1, 2004, Defendant shall cease any unidentified unpermitted discharges not authorized by its NPDES permit or any renewal or modification of same. On or before July 1, 2004, Defendant shall comply with the discharge limitations and monitoring requirements for outfall 3IA00003006 (Storm water to the River Styx from the drainage ditch south of the residual waste landfill, Lat: 40 58' 10"; Long: 81 46' 13"), outfall 3IA00003007(Overflow of excess pumpage from Little Chippewa Creek water withdrawal pump prior to settling pond , Lat: 40 57' 53"; Long: 81 46' 12"), 3IA00003008(Discharge from swale located at the base of the Rittman Paperboard Sludge impoundments located south of Salt Street), Lat: 40 57' 40"; Long: 81 46' 1") and outfall 3IA00003009 (Discharge of storm water from residual waste landfill sedimentation basin, Lat: 40 58' 20"; Long: 81 46' 15") as set forth in the attached Exhibit B, and shall report the results in the facility's Monthly Operating Reports filed pursuant to its existing NPDES permit.

8. On or before June 30, 2004, Defendant shall submit to Ohio EPA, written notification of its intent to either: connect to the City of Rittman's wastewater collection and treatment system (Option A), or commit to undertake upgrades that will result in Defendant's achieving compliance with its final effluent limitations set forth in the attached Exhibit C (Option B).

A. If Option A is selected, Defendant shall perform the following actions:

1. On or before August 30, 2004, submit to Ohio EPA detailed design drawings and an approvable Permit to Install (PTI) application to connect to the City of Rittman's wastewater collection and treatment system. Additionally, the PTI submittal shall include an approvable plan and schedule for the abandonment and closure of any or all of the facility's current wastewater treatment units that will no longer be needed after connection to the City of Rittman, and a sludge management plan for those units that remain in use. Further, Defendant shall provide documentation from the City of Rittman wherein the City agrees to accept the flow from Defendant's facility to the City's wastewater collection and treatment system.

On or before January 1, 2005, Defendant shall obtain an indirect discharge permit from Ohio *EPA*.

iii. On or before September 30, 2005, complete the connection to the City of Rittman wastewater collection and treatment system and begin discharging Defendant's flow to the City of Rittman's wastewater collection and treatment system.

B. If Option (B) is selected, Defendant shall perform the following actions:

On or before September 30, 2004, submit to Ohio EPA an approvable PTI application with a plan to construct the necessary upgrades to comply with final effluent limitations for outfall 001 contained in Exhibit C. Additionally, the PTI submittal shall include an approvable

plan and schedule for the abandonment and closure of any or all of the facility's current wastewater treatment units that will no longer be needed after the upgraded facilities are completed, and a sludge management plan for those units that will remain in use.

11. On or before September 30, 2005, Rittman Paperboard shall complete the construction of all upgrades pursuant to its approved PTI.

111. On or before November 30, 2005, Defendant shall achieve compliance with the final effluent limitations contained in Exhibit C.

9. By accepting these terms, the Defendant retains and does not waive its right to appeal any final action of the Director in issuance or denial of Defendant's renewal and/or modification of its existing NPDES permit to the Environmental Review Appeals Commission. Plaintiff reserves its right to defend and contest any appeal by Defendant of the Director's action to approve or deny the PTI application.

10. This Consent Order does 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. Approval for any such construction or modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

VI. SALT STREET IMPOUNDMENTS

11. Defendant shall conduct sludge, groundwater and surface water monitoring

at the Salt Street Impoundments in accordance with the monitoring plan attached as Exhibit D, and fully incorporated herein and made an enforceable part of this Consent Order. Defendant agrees that the Salt Street Impoundments are no longer in use, and will not be used in the future.

12. No later than (30) days of the entry of this Consent Order, Defendant shall submit to Ohio EPA quality assurance project plans (“QAPPS”) for each element of the study of the Salt Street Impoundments listed in Exhibit D, namely ground water and surface water monitoring and monitoring of materials deposited in the Salt Street Impoundments.

13. No later than fifteen (15) days after receipt of written comments from Ohio EPA, Defendant shall revise the QAPPS accordingly and provide the revised QAPPS to Ohio EPA. Defendant shall initiate the sampling programs within thirty (30) days of written approval by Ohio EPA.

14. Defendant shall submit to Ohio EPA progress reports of the monitoring programs every six months after initiation of the first monitoring event. Such progress reports shall include summaries of any surface water and groundwater monitoring data collected during the prior six months, to the extent final laboratory reports are available 45 days prior to the reporting date. No later than one hundred and twenty (120) days after completion of the last groundwater or surface water monitoring program, Defendant shall submit to Ohio EPA a report that summarizes the findings from each program.

15. On or before October 1, 2006, Defendant shall submit to Ohio EPA, an

approvable Permit to Install Application with any applicable detailed designs, for the management and closure of the Salt Street Impoundments to the Northeast District Office of the Ohio EPA which shall contain Defendant's plan for the long term management of the Salt Street Impoundments. The plan contained in the PTI shall report the results of the monitoring and study conducted by Defendant. The PTI shall include a technical analysis of the Defendant's plan of action for the future management and closure of the Salt Street Impoundments.

16. After approval of the PTI, the schedule for implementation contained therein shall be fully incorporated and made an enforceable part of this Consent Order. By accepting these terms, the Defendant retains and does not waive its right to appeal any final action of the Director that results in the denial or approval of the PTI application to the Environmental Review Appeals Commission. The injunctions under this Paragraph shall not apply to the extent any such Director's approval or condition thereof is stayed, modified, vacated or revoked pursuant to any ERAC appeal. Plaintiff reserves its right to defend and contest any appeal by Defendant of the Director's action to approve or deny the PTI application.

VII. TIME EXTENSIONS

17 If any date for performance falls upon a weekend or state or federal holiday, the time for performance is extended to the next working day following the weekend or holiday.

VIII. SUBMITTAL OF DOCUMENTS

18. All documents required under this Consent Order shall be submitted to:
As to Plaintiff:

Ohio EPA
Northeast District Office
2110 E. Aurora Rd.
Twinsburg, Ohio 44087

Attn.: Surface Water Unit Supervisor

and

Ohio EPA
Lazarus Government Center
122 South Front Street, P.O. Box 1049
Columbus, Ohio 43216-1049

Attn.: Surface Water Enforcement Coordinator

As to Defendant:

Stevens J. Smith
Operations Manager
Rittman Paperboard, A Division of Carastar
Mill Group, Inc.
100 Industrial Avenue
Rittman, Ohio 44270-1573
(330) 927-0222

IX. CIVIL PENALTY

19. Pursuant to R.C. Section 6111.09, it is hereby ordered that Defendant shall pay to the State of Ohio a cash civil penalty of one-hundred and sixty-five thousand and 00/100s dollars (\$165,000.00). Civil penalty payment shall be paid by certified check for the appropriate amount, made payable to "Treasurer, State of Ohio," which check shall be delivered by mail or otherwise, no later than thirty (30) days after final entry of this decree by the Court, to Amy Laws, Paralegal, or her successor, at the Ohio Attorney General's Office, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428.

X. STIPULATED PENALTIES

20. In the event that Defendant fails to meet any of the deadlines and requirements of this Consent Order, Defendant shall pay a stipulated penalty for each failure according to the following payment schedule: (a) for each day of each failure to meet each deadline or requirement, up to thirty (30) days – Four Hundred Dollars (\$400.00) per each day for each deadline or requirement not met; (b) for each day of each failure to meet each deadline or requirement, from thirty-one (31) to sixty (60) days—Six Hundred Dollars (\$600.00) per day for each deadline or requirement not met; (c) for each day of each failure to meet each deadline or requirement, over sixty-one (61) days—One Thousand Dollars (\$1000.00) per each day for each deadline or requirement not met.

21. Any payment required to be made under the provisions of Section X of this Consent Order shall be made by delivering to Amy Laws, or her successor, at the address set forth in Section IX within forty-five (45) days from the date of the failure to meet the requirement of the Consent Order, a certified check or checks for the appropriate amount(s), made payable to the order of “Treasurer, State of Ohio” without prior demand. Defendant shall also state in writing the specific failure of the Consent Order which was not complied with, and the date(s) of non-compliance. The payment of stipulated penalties by the Defendant and the acceptance of such stipulated penalties by the Plaintiff for specific violations shall not be construed to limit Plaintiff’s authority to seek judicial enforcement of this Consent Order.

XI. TERMINATION

22. Notwithstanding the provisions set forth in this Consent Order, Defendant *reserves the right to* file a Motion for Relief from Judgment pursuant to Rule 60 of the

Ohio Rules of Civil Procedure. Plaintiff reserves the right to oppose said motion.

XII. TERMINATION OF STIPULATED PENALTIES

The provisions of this Consent Order set forth in Section X requiring the payment of stipulated penalties may be terminated upon a demonstration by Defendant that: 1) it has completed the requirements outlined in Section V, and 2) it has paid all penalties required by this Consent Order; and 3) it has achieved and maintained compliance with this Consent Order for a period of twelve (12) consecutive months.

24. If during the one (1) year period (twelve consecutive months) set forth in Paragraph 23, Defendant fails to comply with the terms and conditions of this Consent Order, the one (1) year period (twelve consecutive months) will begin anew on the first date after such failure that the Defendant is back into compliance with the terms and conditions of this Consent Order. Any of Defendant's subsequent failures to maintain compliance with the terms and conditions of this Consent Order, shall be treated in the same manner, with the one (1) year period (twelve consecutive months) beginning anew from the date Defendant comes back into compliance.

25. Termination of the stipulated penalty section of this Consent Order shall be only by order of the Court upon application by any party, and a demonstration that the conditions outlined in Paragraph 23 have been met.

COMPLIANCE NOT DEPENDENT ON GRANTS OR LOANS

26. Performance of the terms of this Consent Order by Defendant are not conditioned on the receipt of any Federal or State grant or loan funds. In addition, Defendant's performance is not excused by the failure to obtain any Federal or State

grant or loan funds, or by the processing of any applications for the same.

XIV. RETENTION OF JURISDICTION

27. The Court will retain jurisdiction over this action for the purpose of enforcing and administering Defendant's compliance with this Consent Order.

XV. COURT COSTS

28. Defendant is hereby ordered to pay the court costs of this action.

XVI. ENTRY OF CONSENT ORDER AND FINAL JUDGMENT BY CLERK

29. The parties agree and acknowledge that final approval by the Plaintiff and the Defendant and the entry of this Consent Order are subject to the requirements of 40 C.F.R. 123.27(d)(2)(iii), which provides for notice of the lodging of the Consent Order, opportunity for public comment, and the consideration of any public comments. Both Plaintiff and the Defendant reserve the right to withdraw this Consent Order based upon comments received during the public comment period. Defendant shall pay the costs of public notice associated with notice of this Consent Order.

30. Pursuant to Rule 58 of the Ohio Rules of Civil Procedure, upon signing of this Consent Order by the Court, the clerk is hereby directed to enter it upon the journal. Within three (3) days of entering the judgment upon the journal, the clerk is hereby directed to serve upon the parties notice of the judgment and its date of entry upon the journal in the manner prescribed by Rule 5(B) of the Ohio Rules of Civil Procedure and note the service in the appearance docket.

XVII. SIGNATORIES

31 The undersigned are representatives of Defendant and Plaintiff, and understand the terms and conditions of this Consent Order, and each certifies that he or

she is fully authorized to enter into the terms and conditions of this Consent Order and to

41.

IT IS SO ORDERED.

JOURNALIZED

NOV 02 2004

CAROL W. MILLHOAN, CLERK
WAYNE COUNTY, OHIO

[Handwritten Signature]
JUDGE, COURT OF COMMON PLEAS
WAYNE COUNTY

**APPROVED:
JIM PETRO
ATTORNEY GENERAL**

[Handwritten Signature: Daniel J. Martin]
Daniel J. Martin (0065249)
Assistant Attorney General
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43215-3428
(614) 466-2766
Counsel for Plaintiff

[Handwritten Signature: Stevens J. Smith]
Stevens J. Smith, Operations Manager
Rittman Paperboard, A Division of
Caraustar Mill Group, Inc.
100 Industrial Avenue
Rittman, Ohio 44270-1573
(330) 927-0222

Date: 7/14/04

Date: 6/25/04

[Handwritten Signature: Karen A. Winters]
Karen A. Winters (0015731)
Squire, Sanders & Dempsey L.L.P.
1300 Huntington Center
41 South High Street
Columbus, Ohio 43215-6197
(614) 365-2750

Counsel for Defendant

Date: 6/28/04

COPY TO ALL COUNSEL

MAILED

Regular *[Signature]*

~~Certified~~ *[Signature]*

Placed in box _____

By *[Signature]*

Dep. Clerk

EXHIBIT A
TEMPORARY EFFLUENT LIMITATIONS FOR OUTFALL 3IA00003001 AND
3IA00003002

Part I, A. - INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of the permit and lasting for 24 months, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 3IA00003001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 - Interim

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration	Specified	Units	Loading* kg/day			Measuring	Sampling	Monitoring	
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Frequency	Type	Months
00011 - Water Temperature - F								1/Day	Grab	All
00074 - Turbidity, Transmissometer - NTU								1/Day	Grab	All
00083 - Color, Severity - Units								1/Day	Grab	All
00300 - Dissolved Oxygen - mg/l		5.0						1/Day	Grab	All
00310 - Biochemical Oxygen Demand, 5 Day - mg/l	81			41	725		367	2/Week	24hr Composite	Summer
00310 - Biochemical Oxygen Demand, 5 Day - mg/l	160			80	1432		716	2/Week	24hr Composite	Winter
00335 - Chemical Oxygen Demand (Low Level) - mg/l								2/Week	24hr Composite	All
00365 - Chlorine Demand - mg/l								2/Week	Grab	All
00400 - pH - S.U.	9.0	6.5						1/Day	Grab	All
00530 - Total Suspended Solids - mg/l	267			133	2388		1194	2/Week	24hr Composite	Winter
00530 - Total Suspended Solids - mg/l	150			75	1342		671	2/Week	24hr Composite	Summer
00610 - Nitrogen, Ammonia (NH3) - mg/l	2.25			1.5	20		13	1/Day	24hr Composite	June - Sep
00610 - Nitrogen, Ammonia (NH3) - mg/l	5.25			3.5	47		31	1/Day	24hr Composite	Mar-May & Oct-Nov
00610 - Nitrogen, Ammonia (NH3) - mg/l	8.25			5.5	74		49	1/Day	24hr Composite	Dec. - Feb.
00719 - Cyanide, Free - mg/l								1/Month	Grab	All
01094 - Zinc, Total Recoverable - ug/l								1/Month	24hr Composite	All
01119 - Copper, Total Recoverable - ug/l	39			25	0.35		0.22	1/Month	24hr Composite	All
50050 - Flow Rate - MGD								1/Day	24hr Total	All

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			
50092 - Mercury, Total (Low Level) - ng/l							1/Month	Grab	All
61425 - Acute Toxicity, Ceriodaphnia dubia - TUa	1.0						1/Quarter	24hr Composite	Quarterly
61426 - Chronic Toxicity, Ceriodaphnia dubia - TUc				2.75			1/Quarter	24hr Composite	Quarterly
61427 - Acute Toxicity, Pimephales promelas - TUa	1.0						1/Quarter	24hr Composite	Quarterly
61428 - Chronic Toxicity, Pimephales promelas - TUc				2.75			1/Quarter	24hr Composite	Quarterly

Notes for station 3IA00003001:

* Effluent loadings based on average design flow of 2.365 MGD.

Sampling shall be performed when discharging. If NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, report "AL" in the first column of the first day of the month on the 4500 Form (Monthly Operating Report). A signature is still required.

- See Part II, Item L for mercury analysis.

- See Part II, Item M for free cyanide monitoring.

Part I, A. - INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of the permit and lasting for 24 months, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 3IA00003002. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 002 - Interim

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
00911 - Water Temperature - F	-	-	-	-	-	-	-	1/Day	Maximum	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1/Day	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	24hr Total	All
50060 - Chlorine, Total Residual - mg/l	-	-	-	-	-	-	-	1/Week	Grab	Summer

Notes for station 3IA00003002:

Sampling shall be performed when discharging. If NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, report "AL" in the first column of the first day of the month on the 4500 Form (Monthly Operating Report). A signature is still required.

EXHIBIT B

**DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS FOR
OUTFALLS 3IA00003006, 3IA00003007, 3IA00003008 AND 3IA00003009**

Part I, A - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on effective date of the permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 3IA00003006. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 006 - 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			
00045 - Total Precipitation - Inches	-	-	-	-	-	-	-	1/Month	24hr Total	All
00400 - pH - S.U.	-	-	-	-	-	-	-	1/Month	Grab	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
01045 - Iron, Total (Fe) - ug/l	-	-	-	-	-	-	-	1/Month	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Month	24hr Total Estimate	All

Notes for station 3IA00003006:

Sampling shall be performed when discharging. If NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, report "AL" in the first column of the first day of the month on the 4500 Form (Monthly Operating Report). A signature is still required.

Part I, A - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of the permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 3IA00003007. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 007 - 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
00400 - pH - S.U.	-	-	-	-	-	-	-	1/Month	Grab	All
00515 - Residue, Total Dissolved - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Month	Total Estimate	All

Notes for station 3IA00003007:

Sampling shall be performed when discharging. If NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, report "AL" in the first column of the first day of the month on the 4500 Form (Monthly Operating Report). A signature is still required.

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of the permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 3IA00003008. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 008 - 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			
00011 - Water Temperature - F							1/Month	Grab	All
00094 - Conductivity - Umho/Cm							1/Month	Grab	All
00310 - Biochemical Oxygen Demand, 5 Day - mg/l							1/Month	Grab	All
00335 - Chemical Oxygen Demand (Low Level) - mg/l							1/Month	Grab	All
00400 - pH - S.U.	9.0	6.5					1/Month	Grab	All
00515 - Residue, Total Dissolved - mg/l							1/Month	Grab	All
00530 - Total Suspended Solids - mg/l							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
00720 - Cyanide, Total - mg/l							1/Month	Grab	All
00940 - Chloride, Total - mg/l							1/Month	Grab	All
00945 - Sulfate, (SO4) - mg/l							1/Month	Grab	All
00951 - Fluoride, Total (F) - mg/l							1/Month	Grab	All
00978 - Arsenic, Total Recoverable - ug/l							1/Quarter	Grab	Quarterly
00980 - Iron, Total Recoverable - ug/l							1/Quarter	Grab	Quarterly
00981 - Selenium, Total Recoverable - ug/l							1/Quarter	Grab	Quarterly

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
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01118 - Chromium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Grab	Quarterly
24694 - Phenol - ug/l	-	-	-	-	-	-	-	1/Month	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Month	24hr Total Estimate	All

Notes for station 3IA00003008:

Sampling shall be performed when discharging. If NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, report "AL" in the first column of the first day of the month on the 4500 Form (Monthly Operating Report). A signature is still required.

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of the permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 3IA00003009. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 009 - Final

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>						<u>Monitoring Requirements</u>			
	Concentration Specified Units		Loading* kg/day				Measuring Frequency	Sampling Type	Monitoring Months	
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly				Monthly
00400 - pH - S.U.	9.0	6.5						1/Month	Grab	All
00530 - Total Suspended Solids - mg/l	45			30				1/Month	Grab	All
50050 - Flow Rate - MGD								1/Month	24hr Total Estimate	All

EXHIBIT C

FINAL EFFLUENT LIMITATIONS FOR OUTFALLS 3IA0003001 AND 3IA0003002

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the first day of the 25th month after 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 outfall 3IA00003001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 - 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				
00011 - Water Temperature - F	89	-	-	85	-	-	-	1/Day	Maximum	Summer
00011 - Water Temperature - F	70	-	-	65	-	-	-	1/Day	Maximum	Winter
00074 - Turbidity, Transmissometer - NTU	-	-	-	-	-	-	-	1/Day	Grab	All
00083 - Color, Severity - Units	-	-	-	-	-	-	-	1/Day	Grab	All
00300 - Dissolved Oxygen - mg/l	-	5.0	-	-	-	-	-	1/Day	Grab	All
00310 - Biochemical Oxygen Demand, 5 Day - mg/l	45	-	-	30	403	-	269	2/Week	24hr Composite	All
00335 - Chemical Oxygen Demand (Low Level) - mg/l	-	-	-	-	-	-	-	2/Week	24hr Composite	All
00365 - Chlorine Demand - mg/l	-	-	-	-	-	-	-	2/Week	Grab	All
00400 - pH - S.U.	9.0	6.5	-	-	-	-	-	1/Day	Grab	All
00530 - Total Suspended Solids - mg/l	45	-	-	30	403	-	269	2/Week	24hr Composite	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	8.25	-	-	5.5	74	-	49	1/Day	24hr Composite	Dec. - Feb.
00610 - Nitrogen, Ammonia (NH3) - mg/l	2.25	-	-	1.5	20	-	13	1/Day	24hr Composite	June - Sep
00610 - Nitrogen, Ammonia (NH3) - mg/l	5.25	-	-	3.5	47	-	31	1/Day	24hr Composite	Mar-May & Oct-Nov
00719 - Cyanide, Free - mg/l	0.048	-	-	0.013	0.429	-	0.116	1/Month	Grab	All
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	24hr Composite	All
01119 - Copper, Total Recoverable - ug/l	39	-	-	25	0.35	-	0.22	1/Month	24hr Composite	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	24hr Total	All
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	-	-	-	1/Month	Grab	All

Effluent CharacteristicDischarge LimitationsMonitoring Requirements

Concentration Specified Units

Loading* kg/day

Measuring
FrequencySampling
TypeMonitoring
Months

Parameter

Maximum Minimum

Weekly

Monthly

Daily

Weekly

Monthly

1/Quarter

24hr Composite

Quarterly

1/Quarter

24hr Composite

Quarterly

1/Quarter

24hr Composite

Quarterly

1/Quarter

24hr Composite

Quarterly

61425 - Acute Toxicity, Ceriodaphnia
dubia - TUa

1.0

61426 - Chronic Toxicity, Ceriodaphnia
dubia - TUc

2.75

61427 - Acute Toxicity, Pimephales
promelas - TUa

1.0

61428 - Chronic Toxicity, Pimephales
promelas - TUc

2.75

Notes for station 3IA00003001:

* Effluent loadings based on average design flow of 2.365 MGD.

Sampling shall be performed when discharging. If NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, report "AL" in the first column of the first day of the month on the 4500 Form (Monthly Operating Report). A signature is still required.

- See Part II, Item L for mercury analysis.

- See Part II, Item M for free cyanide monitoring.

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the first day of the 25th month after the effective date of the permit and lasting until its expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 3IA00003002. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 002 - 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
0011 - Water Temperature - F	89			85			1/Day	Maximum Indicating Thermometer	Summer
0011 - Water Temperature - F	70			65			1/Day	Maximum Indicating Thermometer	Winter
0400 - pH - S.U.	9.0	6.5					1/Day	Grab	All
0050 - Flow Rate - MGD							1/Day	24hr Total	All
0060 - Chlorine, Total Residual - mg/l							1/Week	Grab	Summer

Notes for station 3IA00003002:

Sampling shall be performed when discharging. If NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, report "AL" in the first column of the first day of the month on the 4500 Form (Monthly Operating Report). A signature is still required.

EXHIBIT D
RITTMAN PAPERBOARD SAMPLING PROGRAMS
SALT STREET IMPOUNDMENTS

1. Not later than thirty (30) days after the effective date of this Consent Order, Rittman Paperboard shall submit to Ohio EPA quality assurance project plans (“QAPPS”) for each element of the study of the Salt Street Impoundments, namely ground water and surface water, and monitoring of materials deposited in the Salt Street Impoundments. Not later than fifteen (15) days after receipt of written comments from Ohio EPA, Defendant shall revise the QAPPS accordingly and provide final QAPPS to Ohio EPA. Defendant shall initiate the sampling programs within thirty (30) days of approval by Ohio EPA. The purpose of this section is to set out the sampling locations, duration, frequency of sampling and chemical substances, physical measurements and other considerations to be made for each sampling program as agreed by the parties.

2. **Characterization of Materials Deposited in the Salt Street Impoundment**
 - Five sampling locations in each of three sludge basins to be identified with GPS coordinates and field markers.
 - For the north (oldest) sludge basin, samples of deposited materials to be collected within approximately one foot of the surface and, to the extent feasible, within approximately one foot of the bottom of the basin. For the middle and south (newest) basins, samples to be collected within approximately one foot of the surface of deposited materials and approximately six feet below the surface of deposited materials. If it is not feasible to obtain samples within approximately one foot of the bottom of the north (oldest) sludge basin, samples will be collected as described above for the middle and south (newest) basins.
 - Analyses of all samples for conventional and metal pollutants identified in Table 1. Analyses of 10% of samples (one per sludge basin) for organic pollutants identified in Table 1.
 - Samples to be analyzed using EPA SW-846 methods.

3. **Upgradient/Downgradient Groundwater Monitoring**
 - At least one up gradient monitoring well and three down gradient wells.
 - Quarterly monitoring conducted initially for two years.
 - Quarterly samples for conventional pollutants, metals and organic priority pollutants identified in Table 2 for all samples the first year. Monitoring for second year to be adjusted based on first year results by agreement of the Parties.
 - Samples to be analyzed using EPA SW-846 methods.

4. **Swale Discharge (Outfall 008); Upstream/Downstream River Styx**

- Monthly monitoring by grab samples for two years.
- Samples to be collected in The River Styx approximately 50 feet upstream and 100 feet downstream of Outfall 008, and approximately five feet from the bank.
- Monthly monitoring for conventional pollutants as described in Table 3; monitoring for the second year based on first year results by agreement of the Parties.
- Quarterly monitoring for metals and organic priority pollutants identified in Table 3 for the first year. Monitoring for second year to be adjusted based on first year results by agreement of the Parties. Samples to be analyzed using EPA 40 CFR Part 136 methods.

Table 1

Characterization of Materials Deposited in the Salt Street Impoundment
(EPA SW-846 analytical methods; analyses reported on a dry-weight basis)

Conventional Pollutants and Measurements

Percent solids
Chemical Oxygen Demand
Total Kjeldahl Nitrogen (TKN)
Ammonia-Nitrogen
Nitrite + Nitrate-Nitrogen
Total Phosphorus
Total Cyanide
Total Phenols
Chloride
Fluoride
Sulfate
pH

Metals - Total

Arsenic
Cadmium
Chromium
Copper
Iron
Lead
Nickel
Selenium
Zinc

Organic Priority Pollutants

Volatile compounds from EPA list of 128 priority pollutants
Acid compounds from EPA list of 128 priority pollutants
Base/neutral compounds from EPA list of 128 priority pollutants
PCBs by Aroclor class (1016, 1221, 1232, 1242, 1248, 1254, 1260)
Other organic priority pollutants excluded, (e.g., pesticides, dioxin)

Table 2

Upgradient/Downgradient Groundwater Monitoring (EPA SW-846 analytical methods; analyses reported on a wet basis)

Conventional Pollutants and Measurements

Total Dissolved Solids
Conductivity
Chloride
Fluoride
Sulfate
Chemical Oxygen Demand
Total Kjeldahl Nitrogen (TKN)
Ammonia-Nitrogen
Nitrite + Nitrate-Nitrogen
Total Phosphorus
Total Cyanide
Total Phenols
pH

Metals - Total

Arsenic
Cadmium
Chromium
Copper
Iron
Lead
Nickel
Selenium
Zinc

Organic Priority Pollutants

Volatile compounds from EPA list of 128 priority pollutants
Acid compounds from EPA list of 128 priority pollutants
Base/neutral compounds from EPA list of 128 priority pollutants
PCBs by Aroclor class (1016, 1221, 1232, 1242, 1248, 1254, 1260)
Other organic priority pollutants excluded (e.g., pesticides, dioxin)

Table 3

Swale Discharge (Outfall 008); Upstream/Downstream River Styx
(EPA 40 CFR Part 136 analytical methods)

Conventional Pollutants and Measurements

24-Hour Discharge Flow (Outfall 008) – estimate projected on 24 hour basis

Temperature

pH

Total Dissolved Solids

Conductivity

Total Suspended Solids

Chloride

Fluoride

Sulfate

Chemical Oxygen Demand

Total Kjeldahl Nitrogen (TKN)

Ammonia-Nitrogen

Nitrite + Nitrate-Nitrogen

Total Phosphorus

Total Cyanide

Total Phenols

Metals – Total Recoverable

Arsenic

Cadmium

Chromium

Copper

Iron

Lead

Nickel

Selenium

Zinc

Organic Priority Pollutants

Volatile compounds from EPA list of 128 priority pollutants

Acid compounds from EPA list of 128 priority pollutants

Base/neutral compounds from EPA list of 128 priority pollutants

PCBs by Aroclor class (1016, 1221, 1232, 1242, 1248, 1254, 1260)

Other organic priority pollutants excluded (e.g., pesticides, dioxin)