I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the Village of Sinking Spring ("Respondent" or "Village"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("R.C.") 6111.03(H).

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 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 R.C. Chapter 6111 and the rules adopted thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent is an incorporated municipality in southeastern Highland County.

2. Local waterways include roadside ditches, unnamed tributaries to Bakers Fork, which itself is a tributary to Ohio Brush Creek, all of which are waters of the state.

3. Respondent has no centralized wastewater collection or treatment system. Wastewater treatment is provided by individual on-lot systems, with a number of systems believed to be failing, based on sampling and odor complaints.

4. The Village is drained by a center main storm sewer culvert and a pipe located approximately 10 yards downstream from the culvert, with both emptying into a roadside ditch that is tributary to Bakers Fork. Raw sewage is carried through the existing storm sewer collection system to the southwest section of the Village and collected in the small stream. As rain events occur the stream is washed out and the process continues to cycle.

5. On August 6 and 13, 2013, Ohio EPA collected samples to detect E. coli at the center main storm sewer culvert and downstream pipe and noted odors
associated with raw sewage at the center main storm sewer culvert. The sampling results are set forth below:

<table>
<thead>
<tr>
<th>Date</th>
<th>Center Main Storm Sewer Culvert</th>
<th>Downstream Pipe</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 6, 2013</td>
<td>4700</td>
<td>&lt;50</td>
</tr>
<tr>
<td>August 13, 2013</td>
<td>5200</td>
<td>3800</td>
</tr>
</tbody>
</table>

6. R.C. 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.

7. Ohio Admin.Code 3745-1-04 provides, as is relevant to these Orders, that the following general water quality criteria shall apply to all surface waters of the state and to every extent practical and possible as determined by the Director, these waters shall be:

   * * *

b. Free from materials entering the waters as a result of human activity producing color, odor or other conditions in such a degree as to create a nuisance; and

c. Free from public health nuisances associated with raw or poorly treated sewage. A public health nuisance is deemed to exist when an inspection conducted by, or under the supervision of, Ohio EPA documents odor, color and/or other visual manifestations of raw or poorly treated sewage; and water samples exceed 576 E. coli counts per one hundred milliliters in two or more samples when five or fewer samples are collected.

8. 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 rule.

9. Premised on the aforementioned Findings Respondent has and contains to violate R.C. 6111.07(A), in that the discharges from its center main storm sewer culvert and downstream pipe have and contain to:

a. cause pollution to waters of the state without a valid, unexpired NPDES permit;

b. produce color, odor or other conditions in such a degree as to create a nuisance; and

c. cause public health nuisances associated with raw or poorly treated sewage.
10. In December 2015 and January 2016, the Village Council voted, duly recorded in its minutes, to enforce that homeowners check and repair and replace their septic systems. The situation is considered a nuisance and that a council member stated he would go to all homes and tell all the homeowners.

11. 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 R.C. Chapter 6111.

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 requirements of applicable state and local laws.

V. ORDERS

1. Within six (6) months after the effective date of these Orders, Respondent shall submit to Ohio EPA in accordance with Section VIII of these Orders, for review and concurrence, a plan for sewage improvements or other methods of abating the pollution and public health nuisances set forth in the above Findings. The plan shall provide for a time within which the nuisance will be abated.

2. Upon concurrence by Ohio EPA, Respondent shall implement the plan.

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 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 in accordance with Section VIII of these Orders and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is as defined in OAC 3745-33-03.
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 rules applicable to Respondent.

VIII. 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
Division of Surface Water
Southwest District Office
401 East 5th Street
Dayton, OH 45402
Attn: Enforcement Supervisor, Division of Surface Water

IX. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with these Orders and/or for any of the violations described herein. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to R.C. Chapter 6111 or any other applicable law in the future. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

X. APPEAL

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to R.C. 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of $70.00, made payable to "Treasurer, State of Ohio," which the Commission, in its discretion, may reduce if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:
XI. 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

[Signature]
Craig W. Butler
Director

12/12/16
Date