



State of Ohio Environmental Protection Agency

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FEB 28 1994

OHIO EPA
NWDO

George V. Voinovich
Governor

Donald R. Schregardus
Director

February 25, 1994

Re: Director's Final Findings and Orders
Ohio EPA Permit No.: 2PE00000
Facility Name: Mayor and Council

Mayor and Council
City of Lima
50 Town Square
Lima, Ohio 45801

Ladies and Gentlemen:

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

Sincerely,

Robert E. Phelps, P.E., Manager
Permit Administration Section
Division of Surface Water

REP/mmt

Enclosure

CERTIFIED MAIL

cc: G. Elmaraghy, DSW
H. Sorin, DSW
S. Kemper, Enforcement
~~P. Brock, NWDO/DSW~~
E. Wick, NWDO/DSW
J. Leach, PIC
Journal Room
File

Date Issued FEB 25 1994

Date Effective FEB 25 1994

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:
Mayor and Council
City of Lima
50 Town Square
Lima, Ohio 45801

Director's Final Findings
and Orders

OHIO E.P.A.

FEB 25 94

ENTERED DIRECTOR'S JOURNAL

Pursuant to Ohio Revised Code (ORC) Chapter 6111, the Director of the Ohio Environmental Protection Agency (Ohio EPA) hereby makes the following Findings and issues the following Orders:

FINDINGS

1. The City of Lima, hereinafter "Lima", owns and operates a wastewater treatment facility located at 1200 Fort Amanda Road, Lima, Allen County, Ohio.
2. Lima discharges pollutants to the Ottawa River, which constitutes "waters of the state" as defined by ORC Section 6111.01.
3. Lima previously held an NPDES permit number 2PE000000*GD (OH0026069) authorizing the aforementioned discharge. Lima now holds NPDES permit number 2PE000000*HD. Lima is required to comply with the terms and conditions of each permit by their effective dates, or September 28, 1990 and November 1, 1993, respectively.
4. Lima's wastewater collection system is known to have 36 separate sanitary sewer overflow points. From May, 1992, through May, 1993, Ohio EPA documented the discharge of wastewater from at least 27 unpermitted separate sanitary sewer overflows. The following is a list of those overflows, with the number of discharge events in parenthesis: 2PE000000010 (2), 2PE000000017 (1), 2PE000000018 (1), 2PE000000020 (2), 2PE000000022 (1), 2PE000000023 (2), 2PE000000024 (3), 2PE000000025 (1), 2PE000000026 (1), 2PE000000027 (2), 2PE000000028 (2), 2PE000000030 (1), 2PE000000031 (3), 2PE000000032 (1), 2PE000000038 (3), 2PE000000039 (3), 2PE000000040 (3), 2PE000000041 (3), 2PE000000042 (1), 2PE000000043 (2), 2PE000000044 (5), 2PE000000045 (4), 2PE000000046 (1), 2PE000000047 (4), 2PE000000048 (1), 2PE000000050 (4), and 2PE000000052 (4).
5. Discharging wastewater through unpermitted separate sanitary sewer overflows is a violation of ORC Sections 6111.04 and 6111.07.

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

By: Mary Carvin Date 2-25-94

6. This document does not modify NPDES permit number 2PE00000*HD. The purpose of this document is to correct Lima's noncompliance with ORC Sections 6111.04 and 6111.07, and not to alter Lima's NPDES permit.
7. The Director has given consideration to and based his determination on evidence relating to the technical feasibility and the economic reasonableness of complying with this Order, to evidence relating to conditions calculated to result from compliance with this Order 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.

ORDERS

1. As soon as possible, but not later than twelve (12) months from the effective date of these Orders, Lima shall submit an approvable General Plan to abate pollution and eliminate all unpermitted separate sanitary sewer overflows, whether or not discharges have been documented, within the City of Lima. The General Plan shall include, but not be limited to, the following:
 - a. Alternatives for eliminating the separate sanitary sewer overflows,
 - b. Cost estimates for required improvements,
 - c. Financial mechanisms to be used to fund required improvements, as well as operation, maintenance, and replacement costs, and
 - d. Implementation schedule for submitting a complete Permit to Install (PTI) application and approvable detail plans, advertising of bids, executing contracts, initiating and completing construction, and attaining compliance with the terms of the NPDES permit.

Three copies of the General Plan shall be submitted to the Ohio EPA, Northwest District Office, Division of Surface Water (Attn. Enforcement Group Leader).

TERMINATION

Lima's obligations under these Orders shall be satisfied and terminate when Lima demonstrates in writing and certifies to the satisfaction of the Ohio EPA that all obligations under these Orders have been performed and the Ohio EPA, Division of Surface Water acknowledges the termination of these Orders in writing.

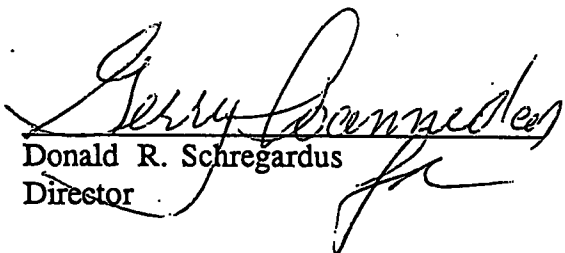
I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: Mary Carin Date 2-25-94

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This certification shall be submitted by Lima to the Northwest District Office, Division of Surface Water (Attn. Enforcement Group Leader) and shall be signed by a responsible official of Lima. A responsible official is defined in Ohio Administrative Code (OAC) Rule 3745-33-03(D)(4) for a municipal, state, or other public facility. The certification shall contain the following attestation: "I certify under the penalty of law that I have personally examined and am familiar with the information contained in or accompanying this certification, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information contained in or accompanying this certification is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment."

IT IS SO ORDERED:


Donald R. Schregardus
Director

FEB 25 1994

Date

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

By: Mary Gavin Date 2-25-94

OHIO E.P.A.

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WAIVER

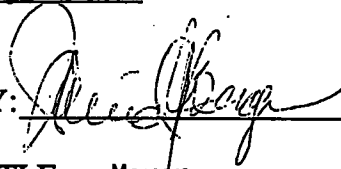
In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by the Ohio EPA for only the matters addressed in these Orders, Lima agrees that these Orders are lawful and reasonable and that the schedules provided for compliance herein are reasonable, and Lima agrees to comply with these Orders.

Lima hereby waives the right to appeal the issuance, terms, and service of these Orders, and it hereby waives any and all rights it might have to seek judicial review of said Orders either in law or equity.

Notwithstanding the preceding, in the event that these Orders are appealed by any other party to the Environmental Board of Review, or any court, Lima retains the right to intervene and participate in such appeal. In such event, Lima agrees to continue to comply with these Orders notwithstanding such appeal and intervention unless said Orders are stayed, vacated, or modified.

IT IS SO AGREED:

Mayor and Council
City of Lima

BY:  _____

TITLE: Mayor _____

DATE: January 25, 1994 _____

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

By: Mary Gavin Date 3-25-94

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City of Lima, Ohio --- SSO/CSO Points

