

OHIO E.P.A.

JAN -2 2013

ENTERED DIRECTOR'S JOURNAL
BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO EPA - DSW
2012 DEC 14 AM 10:43

In the matter of:

**Manchester Local School District
6075 Manchester Road
Akron, Ohio 44319**

**Director's Expedited
Settlement Agreement and Orders**

Respondent

I. JURISDICTION

This Expedited Settlement Agreement and Order (ESA) is issued to the Manchester Local School District ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") 6111.03 and 3745.01.

II. FINDINGS

1. Respondent owns and operates a wastewater treatment plant ("WWTP") located at Nolley Elementary and Manchester High School, Akron, Ohio 44319.
2. Respondent holds a valid, unexpired National Pollutant Discharge Elimination System ("NPDES") permit, number 3PT00031*FD, for the discharges from the WWTP.
3. Respondent discharges to "waters of the state" as defined by ORC Section 6111.01
4. This document does not modify NPDES Permit No. 3PT00031*FD. The purpose of this document is to correct a condition of noncompliance with NPDES Permit No. 3PT00031*FD and not to alter said permit.
5. Ohio Administrative Code ("OAC") Rule 3745-7-02 requires each person owning or operating a treatment works to designate one or more operators of record to oversee the technical operation of the treatment works and supply notification on a form acceptable to the Director.

6. OAC Rule 3745-33-08 (A)(9) requires the Respondent provide adequately trained and qualified personnel as required in Chapter 3745-7 of the Administrative Code to operate such wastewater treatment facilities.
7. Pursuant to ORC Section 6111.07(A), no person shall violate or fail to perform any duty imposed by ORC Sections 6111.01 to 6111.08 or violate any order, rule, or term or condition of a permit issued or adopted by the Director of Ohio EPA pursuant to those sections. Each day of violation is a separate offense.
8. On July 11, 2012, Ohio EPA sent the Respondent a letter stating the operator of record notification form had not been received as required by OAC 3745-7-02.
9. On August 13, 2012 Ohio EPA sent the Respondent a Notice of Violation Letter ("NOV") in an effort to address the failure to supply the operator of record notification form identified in Finding #5 above. Attachment I is Respondent's NOV letter. Attachment I is hereby incorporated into these Findings and Orders as if fully stated herein.
10. 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 ORC Chapter 6111.
11. In consideration of Respondent's size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record, this ESA is an appropriate mechanism to resolve the noncompliance detailed in the Findings of this ESA.

III. ORDERS

1. Within sixty (60) days from the date of Director's letter inviting Respondent to sign this ESA, Respondent shall supply the Operator of Record form under Chapter 3745-7-02 (A)(2) of the Ohio Administrative Code to the following address: Ohio EPA, Division of Surface Water, P.O. Box 1049, Columbus, Ohio 43216-1049 attn. Daniel A. Kopec.
2. Within sixty (60) days from the date of Director's letter inviting Respondent to sign this ESA, Respondent shall pay to the Ohio EPA the amount of one thousand dollars (\$1,000) in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to Chapter 6111 of the Ohio Revised Code. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" to the following address: Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent.

A photocopy of the check shall be sent to Ohio EPA at the address listed below:

Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Larry Reeder, Enforcement Supervisor

IV. TERMINATION

Respondent's obligations under this ESA shall terminate upon Ohio EPA's receipt of the civil penalty payment required by this ESA and compliance with Order No. 1.

V. RESERVATION OF RIGHTS AND WAIVER

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived herein.

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 this ESA, Respondent consents to the issuance of this ESA and agrees to comply with this ESA. Compliance with this ESA shall be a full accord and satisfaction of Respondent's liability for the violations specifically cited herein.

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

Notwithstanding the preceding, Ohio EPA and Respondent agree that if this ESA is 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 comply with this ESA notwithstanding such appeal and intervention unless this ESA is stayed, vacated, or modified.

VI. EFFECTIVE DATE

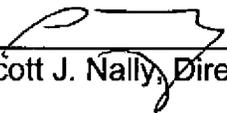
The effective date of this ESA is the date this ESA is entered into the Ohio EPA Director's journal.

VII. SIGNATORY AUTHORITY

Each undersigned representative or party to this ESA certifies that he or she is fully authorized to enter into this ESA and to legally bind such party to this ESA.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

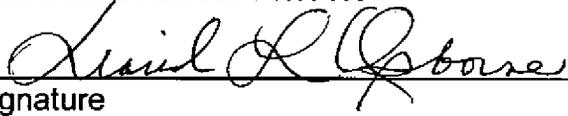


Scott J. Nally, Director

12/21/12
Date

IT IS SO AGREED:

Manchester Local Schools



Signature

12-10-12
Date

DAVID L. OSBORNE

Printed or Typed Name

TREASURER

Title

Attachment 1



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

August 13, 2012

Manchester Local Sch Dist Nolley & Manchester Sch
6075 Manchester Rd
Akron, Ohio 44319

Re: Notice of Violation

Dear NPDES permit holder:

On July 11, 2012, a letter was sent to you stating that you may be in violation of Ohio Administrative Code (OAC) Rule 3745-7-02(A) and your National Pollutant Discharge Elimination System permit 3PT00031*FD. The notification letter was sent to you for not submitting the enclosed *Operator of Record Notification Form* to the Ohio EPA within 21 days of the date of that letter.

Submittal of this form is a requirement of the Operator Certification Rule, OAC 3745-7-02(A)(2)(b) which states, "The owner of a treatment works or sewerage system shall notify the director of the identity of an operator of record... Notification shall be made on a form acceptable to the director..." and Part II of your NPDES permit. The Part II condition states, "Within 60 days of the effective date of this permit, the permittee shall notify the Director of Ohio EPA of the operators of record on a form acceptable to Ohio EPA." The effective date of your permit is April 1, 2012.

To date, our records indicate that you have failed to submit the Operator of Record form to the Ohio EPA Division of Surface. This correspondence is to inform you that you are in violation of both the Operator Certification Rule (OAC 3745-7) and your NPDES permit 3PT00031*FD. Please submit a completed ORC form to: *Daniel A. Kopec, Division of Surface Water, Ohio EPA, 50 W. Town Street, Columbus, Ohio 43216.*

The deadline to submit the form is 15 days from the date of letter. The form may be sent via certified mail, faxed to (614) 644-2745, emailed to daniel.kopec@epa.state.oh.us, or sent through normal mail to the address above. To verify the ORC form has been received at the Division of Surface Water, check the following website: <http://epa.ohio.gov/dsw/opcert/opcert.aspx>.

If the ORC does not show up on this website, it means that the Division of Surface Water has not received it and all necessary steps should be taken to get the ORC submitted. Failure to submit the ORC form will result in enforcement action with a monetary fine.

If you have any questions, please contact me at (614) 644-1987, fax (614) 644-2745, or via email.

Sincerely,

Daniel A. Kopec
Wastewater Operator Certification Coordinator
Division of Surface Water

Enclosure: *ORC Notification Form*