

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

APR 24 2009

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Canton Local School District
4526 Ridge Ave. SE
Canton, OH 44707

Director's Final Findings
and Orders

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Canton 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. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in the ownership of Respondent or the Site (as hereinafter defined) 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 ORC § 6111 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. H.R. Walker Elementary School is a school within the Canton Local School District (Respondent) located at 3525 Sandy Ave., Canton, Ohio, 44707 (the Site).
2. Sewage generated at the school is conveyed to a wastewater treatment plant owned by Respondent that discharges to an unnamed tributary of Sherrick Run.
3. The unnamed tributary of Sherrick Run constitutes "waters of the state" as defined by ORC § 6111.01.

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

By: Shirley Cassiday Date: 4-24-09

4. Pursuant to ORC § 6111.04(C), no person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit.
5. Pursuant to ORC § 6111.07(A), no person shall violate or fail to perform any duty imposed by ORC §§ 6111.01 to 6111.08 or violate any order, rule, term or condition of a permit issued or adopted by the Director of Ohio EPA pursuant to those sections, including OAC Rule 3745-33-08(C). Each day of violation constitutes a separate offense.
6. Respondent was issued an NPDES permit with an effective date of January 2, 2003 and an expiration date of December 31, 2007.
7. Part I C of the NPDES permit contained a schedule of compliance that required Respondent to make upgrades to the wastewater treatment system. The compliance schedule required Respondent to do the following: (1) submit detail plans by 7/2/2003; (2) commence construction by 1/2/2004; (3) complete construction by 7/2/2004; and (4) achieve compliance by 7/2/2004.
8. In violation of Part I C of the NPDES permit, Respondent failed to submit detail plans to begin upgrading the plant and as such the plant has not been upgraded as required by the NPDES permit.
9. Respondent has voiced a desire to tie the school's sewage collection system into a regional wastewater treatment system. To date, Respondent has failed to ever provide a schedule or plan for such a connection. Further, based on Ohio EPA's discussions with the Stark County Sanitary Engineer's Office, sanitary sewers are not planned to serve this area in the foreseeable future.
10. Respondent violated terms and conditions of its NPDES permit on numerous occasions as cited in Attachment I. Each violation cited in Attachment I constitutes a separate violation of ORC Sections 6111.04 and 6111.07. Attachment I is hereby incorporated into these Orders as if fully stated herein.
11. Respondent is in violation of reporting requirements outlined in its NPDES permit for failure to submit the discharge monitoring reports (DMRs). Specifically, Respondent failed to submit DMRs for January, 2003; January, 2007; October, 2007; November, 2007; and December 2007.
12. Pursuant to OAC Rule 3745-33-04, all NPDES permit renewal applications must be submitted within one hundred and eighty (180) days prior to expiration of the permit. Respondent's NPDES renewal application was due on June 31, 2007. By submitting the renewal application in accordance with this rule, Respondent's permit would

remain effective even if Ohio EPA did not renew the permit prior to the expiration date. In violation of OAC Rule 3745-33-04, Respondent submitted a renewal application on January, 14, 2008, after the permit had already expired. As such, Respondent has been operating without a legally effective permit since January 1, 2008.

13. The following Orders to 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 permit to install ("PTI") requirements of ORC §§ 6111.44 and 6111.45 and OAC 3745-42-02.
14. Compliance with ORC § 6111 is not contingent upon the availability or receipt of financial assistance.
15. 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 ORC § 6111.

V. ORDERS

1. Respondent shall achieve compliance with the final effluent limitations of the NPDES permit issued on January 2, 2003 as expeditiously as practicable, but not later than the dates developed in accordance with the following schedule:
 - a. Submit detail plans/permit to install (PTI) for plant and sewer system improvements as soon as possible, but not later than April 1, 2009;
 - b. Commence construction as soon as possible, but not later than July 1, 2009;
 - c. Notify the Ohio EPA Northeast District Office within seven (7) days of construction initiation;
 - d. Complete construction as soon as possible, but not later than December 1, 2009;
 - e. Notify the Ohio EPA Northeast District Office within seven (7) days of construction completion;
 - f. Attain operational level of the treatment works and meet final effluent limitations as soon as possible, but not later than one (1) month after completing construction; and

- g. Notify the Ohio EPA Northeast District Office within seven (7) days of attaining operational level.
2. Until the compliance date set forth in Order 1, Respondent shall maintain in good working order and operate as efficiently as possible the treatment works and sewerage system to achieve compliance with the terms and conditions of its expired NPDES permit. Respondent shall submit all required discharge monitoring reports (DMRs) in accordance with the terms and conditions of this NPDES permit.

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 and shall be signed by a responsible official of the Respondent. For purposes of these Orders, a responsible official is defined in OAC Rule 3745-33-03(D)(1).

VII. 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 activities occurring on or at the Site.

VIII. 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 Respondent.

IX. 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.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northeast District Office
Division of Surface Water
Attn: DSW Enforcement Unit Supervisor
2110 E. Aurora Road
Twinsburg, Ohio 44087

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

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

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

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are 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 continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

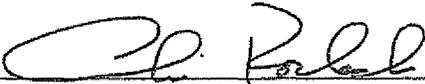
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED:

Ohio Environmental Protection Agency



Chris Korleski
Director

Date 4/22/09

IT IS SO AGREED:

Canton Local School District



By

Date 3/23/09

Teresa J. Pursas

Print Name

Superintendent

Title

Attachment I

Numeric Violations

Permit No	Reporting Period	Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
3PT00113*AD	August 2004	001	00530	Total Suspended Solids	30D Conc	12	14.	8/1/2004
3PT00113*AD	August 2005	001	00530	Total Suspended Solids	30D Conc	12	14.	8/1/2005
3PT00113*AD	August 2006	001	31616	Fecal Coliform	30D Conc	1000	4300.	8/1/2006
3PT00113*AD	December 2007	001	00530	Total Suspended Solids	30D Conc	12	15.	12/1/2007
3PT00113*AD	December 2007	001	00610	Nitrogen, Ammonia (NH3)	30D Conc	3.0	5.1	12/1/2007
3PT00113*AD	December 2007	001	00610	Nitrogen, Ammonia (NH3)	7D Conc	4.5	5.1	12/8/2007
3PT00113*AD	December 2007	001	00610	Nitrogen, Ammonia (NH3)	30D Qty	0.085	.09652	12/1/2007
3PT00113*AD	December 2007	001	80082	CBOD 5 day	30D Conc	10	11.25	12/1/2007
3PT00113*AD	June 2008	001	00530	Total Suspended Solids	30D Conc	12	14.	6/1/2008
3PT00113*AD	August 2007	001	00610	Nitrogen, Ammonia (NH3)	30D Conc	1.0	1.75	8/1/2007
3PT00113*AD	August 2007	001	31616	Fecal Coliform	30D Conc	1000	10500.	8/1/2007
3PT00113*AD	August 2007	001	31616	Fecal Coliform	7D Conc	2000	10500.	8/22/2007

Frequency Violations

Permit No	Reporting Period	Station	Reporting Code	Parameter	Sample Frequency	Expected	Reported	Violation Date
3PT00113*AD	July 2003	588	80991	Sludge Volume, Gallons	1/Month	1	0	07/01/2003
3PT00113*AD	August 2003	588	80991	Sludge Volume, Gallons	1/Month	1	0	08/01/2003
3PT00113*AD	September 2003	588	80991	Sludge Volume, Gallons	1/Month	1	0	09/01/2003
3PT00113*AD	October 2003	588	80991	Sludge Volume, Gallons	1/Month	1	0	10/01/2003
3PT00113*AD	November 2003	588	80991	Sludge Volume, Gallons	1/Month	1	0	11/01/2003
3PT00113*AD	December 2003	588	80991	Sludge Volume, Gallons	1/Month	1	0	12/01/2003
3PT00113*AD	February 2004	588	80991	Sludge Volume, Gallons	1/Month	1	0	02/01/2004
3PT00113*AD	March 2004	588	80991	Sludge Volume, Gallons	1/Month	1	0	03/01/2004
3PT00113*AD	April 2004	588	80991	Sludge Volume, Gallons	1/Month	1	0	04/01/2004
3PT00113*AD	May 2004	588	80991	Sludge Volume, Gallons	1/Month	1	0	05/01/2004
3PT00113*AD	July 2004	588	80991	Sludge Volume, Gallons	1/Month	1	0	07/01/2004
3PT00113*AD	August 2004	588	80991	Sludge Volume, Gallons	1/Month	1	0	08/01/2004
3PT00113*AD	June 2005	001	50060	Chlorine, Total Residu	1/Quarter	1	0	06/01/2005
3PT00113*AD	August 2005	001	50060	Chlorine, Total Residu	1/Quarter	1	0	08/01/2005
3PT00113*AD	June 2006	001	50060	Chlorine, Total Residu	1/Quarter	1	0	06/01/2006

3PT00113*AD	August	2006	001	50060	Chlorine, Total Residu	1/Quarter	1	0	08/01/2006
3PT00113*AD	June	2007	001	50060	Chlorine, Total Residu	1/Quarter	1	0	06/01/2007
3PT00113*AD	August	2007	001	50060	Chlorine, Total Residu	1/Quarter	1	0	08/01/2007