UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
and	)	
	)	
THE STATE OF OHIO,	)	
	)	**Civil Action No.:**
Plaintiffs,	)	
	)	
v.	)	**Judge:**
	)	
CITY OF EUCLID, OHIO,	)	
	)	
Defendant.	)	
	)	

CONSENT DECREE

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APPENDICES

CONSENT DECREE

WHEREAS, Plaintiff United States of America ("United States"), on behalf of the United States Environmental Protection Agency ("U.S. EPA"), filed a Complaint in this matter against the Defendant, City of Euclid ("Euclid" or "Settling Defendant"), seeking injunctive relief and civil penalties, and alleging, inter alia, that Euclid violated the Clean Water Act (the "CWA"), 33 U.S.C. § 1251 et seq., and certain terms and conditions of the National Pollutant Discharge Elimination System ("NPDES") permit issued to Euclid pursuant to the CWA relating to the municipal wastewater treatment plant ("WWTP") and sewer system owned and operated by Euclid;

WHEREAS, Plaintiff State of Ohio ("Ohio"), on behalf of the Ohio Environmental Protection Agency ("Ohio EPA"), simultaneously filed a separate Complaint against Euclid concerning Euclid's WWTP and sewer system and alleging violations of the CWA and of Chapter 6111 of the Ohio Revised Code ("Ohio Rev. Code.");

WHEREAS, the United States and Ohio moved for consolidation of their actions;

WHEREAS, Euclid consents to such consolidation but denies the allegations in the federal and state Complaints and denies that any violations occurred;

WHEREAS, nothing in this Consent Decree shall be construed as an admission by Euclid of violations of any provisions of the CWA, or of Euclid's current or past NPDES permits, or of Chapter 6111 of the Ohio Revised Code;

WHEREAS, the United States, Ohio, and Euclid (the "Parties") recognize, and this Court by entering this Consent Decree finds, that this Consent Decree has been negotiated in good faith and will avoid prolonged and complicated litigation between the Parties, and that this Consent

Decree is fair, reasonable, and in the public interest;

NOW, THEREFORE, before the taking of any testimony, without the adjudication or admission of any issue of fact or law except as provided in Section I (Jurisdiction and Venue) below, and with the consent of the Parties, it is hereby ORDERED, ADJUDGED and DECREED as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter of this action pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b), and 28 U.S.C. §§ 1331, 1345, 1355. This Court has supplemental jurisdiction over the State law claims asserted by the State of Ohio pursuant to 28 U.S.C. § 1367. This Court also has personal jurisdiction over the Parties to this action. Venue is proper in this District pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b), and 28 U.S.C. §§ 1391(b) and 1395(a). The Complaints state claims upon which relief may be granted. Authority for the United States to bring its action is vested in the United States Department of Justice pursuant to Section 506 of the CWA, 33 U.S.C. § 1366, and 28 U.S.C. §§ 516 and 519.

2. Euclid waives any and all objections that it might have to the Court's jurisdiction to enter and enforce this Consent Decree and to venue in this District.

II. APPLICABILITY AND BINDING EFFECT

3. This Consent Decree shall apply to and be binding upon the United States, on behalf of U.S. EPA, the State of Ohio, on behalf of Ohio EPA, and upon the City of Euclid, its successors and assigns, or other entities or persons otherwise bound by law.

4. Effective from the date of lodging of this Decree until its termination, in the event that Euclid transfers any ownership or operation of its WWTP, its Sewer System, or any portion

of its WWTP or Sewer System, and proposes to include in such transfer the transfer of any obligations under this Consent Decree, Euclid shall give written notice and a copy of this Consent Decree to any proposed successors in interest at least thirty (30) days prior to such transfer. Euclid shall condition any transfer, in whole or in part, of ownership, operation, or other interest of the WWTP, the Sewer System, or any other portion of its WWTP and/or Sewer System upon the successful performance and compliance with the terms and conditions of this Decree. Simultaneously with such notice, Euclid shall provide written notice of such transfer to the United States and Ohio as provided in Section XVI (Notices and Submissions). In the event of any such transfer of ownership or other interest, Euclid shall not be released from the obligations or liabilities of this Consent Decree unless: (i) the transferee has the financial and technical ability to assume these obligations and liabilities; (ii) the United States and Ohio have agreed to release Euclid from the obligations and liabilities; (iii) the United States, Ohio, and the transferee have jointly moved to substitute the transferee as the defendant to this Consent Decree; and (iv) the Court has approved the substitution.

III. OBJECTIVES

5. It is the express purpose of the Parties in entering into this Consent Decree to further the objectives of the CWA, as enunciated at Section 101 of the CWA, 33 U.S.C. § 1251, and the objectives of Chapter 6111 of the Ohio Revised Code. Specifically, under this Consent Decree, Settling Defendant shall address its handling of Combined Sewer Overflows ("CSOs"), Sanitary Sewer Overflows ("SSOs"), and the operation of its WWTP. All plans, reports, construction, remedial maintenance, and other obligations in this Consent Decree or resulting from the activities required by this Consent Decree shall have the objective of ensuring Euclid's full compliance with the CWA and Chapter 6111 of the Ohio Revised Code.

IV. DEFINITIONS

6. Unless otherwise defined herein, terms used in this Decree shall have the meaning given to those terms in the CWA, 33 U.S.C. § 1251 et seq., the regulations promulgated thereunder at 40 C.F.R. Part 122, Chapter 6111 of the Ohio Revised Code, the regulations promulgated under that Chapter, and in Euclid's NPDES Permit No. 3PE00003*ID and any successor permits. The following definitions shall apply to the terms used in the Consent Decree:

a. "Bypass" shall have the meaning set forth in 40 C.F.R. § 122.41 (m).

b. "Combined Sewer System" shall mean the portion of Euclid's Sewer System designed to convey municipal sewage (domestic, commercial, and industrial wastewaters) and stormwater to Euclid's WWTP or to a Combined Sewer Overflow ("CSO") Outfall.

c. "Consent Decree" or "Decree" shall mean this Consent Decree and all appendices attached hereto.

d. "CSO Discharge" or "Combined Sewer Overflow Discharge" shall mean any discharge from Euclid's CSO Outfalls.

e. "CSO Outfall" shall mean a designed outfall in the Combined Sewer System. Euclid's CSO Outfalls are identified as "overflows" in the current NPDES Permit under Part II.E.

f. "Current NPDES Permit" shall mean Permit No. 3PE00003*ID issued to the City of Euclid by Ohio EPA, effective on May 1, 2010, and attached hereto as Appendix B, and any succeeding, amended, or renewal permit thereto.

g. "Date of Lodging" shall mean the date that this Consent Decree is lodged with the Clerk of the Court for the United States District Court for the Northern District of Ohio pending public comment and Court action.

h. "Date of Entry" shall mean the date that this Consent Decree is entered as a judgment by the Clerk of the Court for the United States District Court for the Northern District of Ohio after being signed by a United States District Judge.

i. "Day" shall mean a calendar day unless expressly stated to be a working day. When the day a report or other deliverable is due under this Consent Decree falls on a

Saturday, Sunday, federal holiday, or legal holiday for Euclid, Euclid shall have until the next calendar day that is not one of the aforementioned days for submission of such report or other deliverable.

j. "Dry Weather Overflow" shall mean any discharge or overflow from Euclid's Sewer System that is not caused by stormwater or other wet weather events.

k. "Evaluation of Alternatives Analysis" shall mean the plan that Euclid develops pursuant to Part I.C.C.4 of its 2004 NPDES Permit and Paragraph 12 of this Consent Decree.

l. "Euclid" shall mean the Defendant City of Euclid, Ohio.

m. "Long Term Control Plan" or "LTCP" shall mean the plan that Euclid develops pursuant to Part I.C. of its 2004 NPDES Permit and Section V.A.(b) of this Consent Decree.

n. "MGD" or "mgd" shall mean million gallons per day.

o. "Ohio EPA" shall mean the Ohio Environmental Protection Agency and any successor departments or agencies of the State of Ohio.

p. "Parties" shall mean the United States, the State of Ohio, and the City of Euclid.

q. "Plaintiffs" shall mean the United States and the State of Ohio.

r. "Responsible Official" shall mean a principal executive officer or ranking elected official as provided in 40 C.F.R. 122.22 (a)(3).

s "Sanitary Sewer Overflow" or "SSO" shall mean any discharge to waters of the United States or the State from Euclid's Sanitary Sewer System through sources not specified in any NPDES permit, as well as any release of wastewater from Euclid's Sanitary Sewer System to public or private property regardless of whether it reaches waters of the United States or State.

t. "Sanitary Sewer System" shall mean that portion of the Sewer System intended to carry liquid and water-carried waste to Euclid's WWTP together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

u. "Section" shall mean a portion of this Consent Decree identified by an upper case Roman numeral.

v. "Semi-Annual Progress Report" shall mean the reports due on a semi-annual basis under Section VI.A of this Consent Decree.

w. "Settling Defendant" shall mean the City of Euclid, Ohio.

x. "Sewer System Evaluation Survey" or "SSES" shall mean the study that Euclid performs to identify sources and quantities of clear water infiltration and inflow into all portions of Euclid's sewer system, to identify hydraulic capacity deficiencies in the sewer system, and to identify feasible steps to eliminate clear water infiltration and inflow and prevent sanitary sewer overflows.

y. "Sewer System" shall mean both the "Combined Sewer System" and the "Sanitary Sewer System" owned, operated, and lying within the corporate boundary of Euclid.

z. "U.S. EPA" shall mean the United States Environmental Protection Agency and any successor departments or agencies of the United States.

aa. "Waste Water Treatment Plant" or "WWTP" shall mean the waste water treatment plant owned and operated by the City of Euclid and located at 22201 Lakeshore Boulevard, Euclid, Ohio.

bb. "Wet Weather Auxiliary Treatment Facility" or "WWATF" shall mean the facility owned and operated by the City of Euclid at its WWTP, designated as Station Number 3PE00003002 in Euclid's NPDES Permit.

cc. "2004 NPDES Permit" shall mean Permit No. 3PE00003*HD issued to the City of Euclid by Ohio EPA, effective on April 1, 2004, and attached hereto as Appendix A.

V. COMPLIANCE MEASURES

7. Settling Defendant at all times shall comply with all requirements of the NPDES Permit, while implementing Compliance Measures pursuant to this Consent Decree.

A. COMBINED SEWER SYSTEM

(a) CSO Operation and Maintenance Plan

8. Within sixty (60) days of U.S. EPA's and Ohio EPA's approval of Euclid's Long Term Control Plan (LTCP) as set forth in Paragraph 10, below, Euclid shall revise and submit to U.S. EPA and Ohio EPA for approval, its Revised CSO Operation and Maintenance Plan, consistent with the Nine Minimum Controls described in the "Combined Sewer Overflow (CSO) Control Policy," 59 Fed. Reg. 18688 (April 19, 1994), and EPA's May 1995 "Combined Sewer

Overflows; Guidance for Nine Minimum Controls."

9. Upon its approval by U.S. EPA and Ohio EPA, Euclid shall conduct its activities regarding the combined sewer system in conformance with the approved Revised CSO Operation and Maintenance Plan.

(b) **Long Term Control Plan**

10. Euclid shall develop and submit to U.S. EPA and Ohio EPA for their approval a LTCP which addresses the construction and implementation of all WWTP and Combined Sewer System improvements and other measures necessary to: (i) minimize the number, duration, and volume of wet weather CSO discharges and (ii) ensure that wet weather CSO discharges that do occur comply with the technology and water quality-based requirements of the CWA, state law and regulations, and the current NPDES Permit. The Parties acknowledge that on March 31, 2010, Euclid submitted to U.S. EPA and Ohio EPA its proposed LTCP pursuant to this requirement. U.S. EPA and Ohio EPA will review Euclid's LTCP in accordance with Section VI of this Consent Decree (Reporting and Plaintiffs' Review and Approval Process). In the event that, pursuant to Section VI C. of this Decree, U.S. EPA does not approve the LTCP submitted by Euclid, Euclid must re-submit the LTCP in accordance with, and under the terms provided for, in Section VI C.

11. Euclid shall include in its LTCP all requirements of the "Combined Sewer Overflow Long-Term Control Plan Schedule" contained in its 2004 NPDES Permit, pp. 10 through 12, the requirements for a long term control plan identified in U.S. EPA's "Combined Sewer Overflow Control Policy," 59 Fed. Reg. 18688 (April 19, 1994), and the requirements as set forth in the attached Appendix C, which is incorporated into and made enforceable under this Consent Decree.

12. Upon approval by U.S. EPA and Ohio EPA of the LTCP, the LTCP shall be incorporated into and made an enforceable part of this Consent Decree, and Euclid shall implement the approved LTCP in accordance with the Implementation Schedule included in the approved LTCP. Euclid shall complete all construction required by the approved LTCP no later than December 31, 2025. Euclid shall achieve full operation of all measures required under the approved LTCP no later than December 31, 2026.

13. As part of Euclid's LTCP, Euclid shall submit for approval by U.S. EPA and Ohio EPA, a Post-Construction Monitoring Plan to verify and document the measures that will be taken following the completion of construction of the LTCP measures, to ascertain the effectiveness of Euclid's controls and to assess compliance with the criteria and standards described in Appendix C, Section VII. The Post-Construction Monitoring Plan shall be developed in accordance with the requirements of Appendix C, Section IX. Review of the proposed Plan by U.S. EPA and Ohio EPA, and any reports submitted pursuant to the approved Plan, will be governed by the provisions of Section VI.C. of the Consent Decree.

14. Upon approval by U.S. EPA and Ohio EPA under Section VI.C. (Review and Approval Procedures), or upon decision of the Court under Section XIX (Dispute Resolution) pertaining to the Post-Construction Monitoring Program provided to U.S. EPA and Ohio EPA under Paragraph 13, Settling Defendant shall perform the Post-Construction Monitoring Program in accordance with the provisions and schedules set forth therein.

15. By the specified date for achievement of full operation of all performance measures required under the approved LTCP, Euclid shall achieve the performance criteria and standards described in Appendix C, Section VII (Recommended Plan). If, after achievement of full operation of the measures identified in the approved LTCP, information becomes available at

any time before the Consent Decree terminates, including information developed as a result of the Post-Construction Monitoring Program described in Appendix C, Section IX, that Euclid: (a) did not construct all equipment required under the LTCP in full compliance with the terms of this Consent Decree; (b) has not achieved the performance criteria and standards described in Appendix C, Section VII for those measures performed as required under the LTCP; or (c) is not complying with all requirements of its NPDES Permit in effect at the time, then Euclid shall, within 150 days of receipt of notice from either U.S. EPA or Ohio EPA pursuant to Section VI of this Consent Decree (Reporting), submit to U.S. EPA and Ohio EPA a Supplemental Compliance Plan that includes the remedial measures that Euclid shall take to achieve compliance and a schedule that is as expeditious as possible for taking such actions. Upon approval by the United States and the Ohio EPA pursuant to Section VI of this Consent Decree, or upon decision by the Court under Section XIX (Dispute Resolution) pertaining to the Supplemental Compliance Plan provided to U.S. EPA and Ohio EPA under this paragraph, Euclid shall implement the Supplemental Compliance Plan in accordance with the schedule specified in the approved Plan.

B. SANITARY SEWER SYSTEM

16. Sanitary Sewer Overflows ("SSOs") are prohibited under the CWA and the current NPDES Permit and shall constitute violations of the Decree. Euclid shall prevent the occurrence of SSOs by conducting a Sewer System Evaluation Survey ("SSES") and developing and implementing a Sewer System Overflow Elimination Plan ("SSOEP") as set forth in the attached Appendix D, which is incorporated into and made enforceable under this Consent Decree.

17. Euclid shall evaluate its sewer system in accordance with the requirements of Appendix D, Section I.A. Euclid's SSES report shall be submitted in accordance with the

requirements provided in Appendix D, Section I B, detailing the activities conducted as part of the SSES, and documenting the findings and conclusions regarding all remedial measures necessary to achieve the objectives of this Consent Decree. The Parties acknowledge that on March 31, 2010, Euclid submitted its proposed SSES report to U.S. EPA and Ohio EPA. U.S. EPA and Ohio EPA will review Euclid's SSES report in accordance with Section VI of this Consent Decree (Reporting and Plaintiff's Review and Approval Process).

18. Euclid shall develop its SSOEP for the Sanitary Sewer System in accordance with the attached Appendix D, Section II. The Parties acknowledge that on March 31, 2010, Euclid submitted its proposed SSOEP to U.S. EPA and Ohio EPA. U.S. EPA and Ohio EPA will review Euclid's SSOEP in accordance with Section VI of this Consent Decree.

19. Euclid shall include in the SSOEP a schedule for the design, construction, and implementation of all remedial measures necessary to eliminate its SSOs and achieve the objectives of the CWA, in accordance with Appendix D, Section II B. The schedule shall require all construction and implementation of the SSOEP measures to be completed no later than December 31, 2020.

20. Upon approval by U.S. EPA and Ohio EPA of the SSES and SSOEP, each shall be incorporated into and made an enforceable part of this Consent Decree. Euclid shall implement all remedial measures set forth in its approved SSOEP in accordance with the schedules set forth therein.

21. No later than two years following completion of construction of the remedial measures identified in Euclid's approved SSOEP, Euclid shall implement a Post Construction Monitoring Program to verify and ascertain the effectiveness of Euclid's controls carried out as a consequence of the SSOEP in accordance with Section IX of Appendix C to this Consent

Decree.

22. Euclid shall eliminate all points where Euclid knows SSOs may occur by December 31, 2020. Following that date, Euclid shall have no SSOs. However, in the event that prior to the termination of this Consent Decree Euclid discovers a new SSO, or determines that conditions in areas where SSOs are known to exist are more extensive than originally anticipated, U.S. EPA and Ohio EPA may, upon request of Euclid, approve a plan and schedule proposed by Euclid to remedy those conditions and may agree in writing to extend the deadlines for elimination of SSOs set forth in this Paragraph.

VI. REPORTING AND PLAINTIFFS' REVIEW AND APPROVAL PROCESS

A. REPORTS

23. After entry of this Consent Decree and until this Consent Decree is terminated pursuant to Section XXII, Euclid shall submit to U.S. EPA and Ohio EPA semi-annual progress reports regarding the implementation of the requirements of this Decree in the previous six month period. The report shall be denominated a "Semi-Annual Progress Report" and shall be submitted to U.S. EPA and Ohio EPA within thirty (30) days after the end of each semi-annual calendar year period (i.e. July 31and January 31). Each Semi-Annual Progress Report shall include at a minimum:

a. A description of the projects and activities conducted during the preceding six months to comply with the requirements of this Decree;
b. A summary of all problems or potential problems encountered during the preceding six months, and the actions taken to rectify the problems;
c. A summary of all contacts with U.S. EPA and Ohio EPA during the preceding six months, including but not limited to the date deliverables under this Decree were sent to U.S. EPA and Ohio EPA; and
d. A statement of any exceedances of NPDES permit limitations.

24. This Section does not limit or affect any duty or obligation of Euclid to maintain

records or information or reports required by its NPDES Permit or other applicable statute or rule.

B. CERTIFICATION AND ADMISSIBILITY

25. All reports and deliverables required to be submitted by Euclid pursuant to this Consent Decree shall contain a certification signed by a Responsible Official of Euclid. The certification shall read as follows:

> "I certify that the information contained in or accompanying this (submission/document) is true, accurate and complete. As to (the/those) identified portion(s) of this (submission/document) for which I cannot personally verify (its/their) truth and accuracy, I certify as the official having supervisory responsibility for the person(s) who, acting under my direct instructions, made the verification, that this is true, accurate and complete."

26. Euclid shall not object to the admissibility into evidence of any information provided under the requirements this Consent Decree or the current NPDES Permit in any proceeding to enforce this Consent Decree.

C. PLAINTIFFS REVIEW AND APPROVAL OF ANY REPORT OR PLAN PREPARED PURSUANT TO THIS CONSENT DECREE

27. For any report or plan required by this Consent Decree for which Euclid must obtain U.S. EPA's and Ohio EPA's approval, Plaintiffs may: (i) approve the report/plan, in whole or in part; (ii) disapprove the report/plan, in whole or in part; (iii) approve the report/plan upon specified conditions, directing that Euclid modify its submission; or (iv) any combination of the above. Within sixty (60) days following receipt of a notice of disapproval or direction to modify the submission from Plaintiffs (or within a longer time if set forth in the notice), Euclid shall submit a modified plan that addresses Plaintiffs' concerns. Any stipulated penalties applicable to the submission shall accrue during the 60-day period, or such additional period as Plaintiffs and Euclid may agree to in writing, but shall not be payable unless the resubmission(s)

is (are) disapproved in whole or in part due to a defect identified in Plaintiffs' response to Euclid's earlier plan submission.

28. Notwithstanding the receipt of a notice of disapproval pursuant to the preceding Paragraph, Euclid shall proceed, if directed by Plaintiffs, to take any action required by any nondeficient portion of Euclid's submission, if such action can be undertaken independent of the deficient portion of Euclid's submission. Implementation of any nondeficient portion of a submission shall not relieve Euclid of any liability for stipulated penalties.

29. In the event that a resubmitted plan/report or portion thereof is disapproved in whole or in part, or is approved with conditions by Plaintiffs, Plaintiffs may again require Euclid to correct the deficiencies or conditions in accordance with the preceding Paragraphs, or Plaintiffs may modify or develop any disapproved or conditioned portion of the resubmitted plan or report. Euclid shall implement any such plan/report as modified or developed by Plaintiffs, subject only to Euclid's right to invoke the dispute resolution procedures set forth in Section XIX (Dispute Resolution).

30. If upon resubmission, a plan or report is disapproved or modified in whole or in part by Plaintiffs due to a material defect previously identified and not corrected, Euclid shall be deemed to have failed to submit its plan or report in timely and adequate fashion, unless Euclid invokes the dispute resolution procedures set forth in Section XIX (Dispute Resolution), and either: (i) Plaintiffs agree to modify their earlier position; or (ii) the Court fails to adopt Plaintiffs' position. If Plaintiffs' disapproval or modification is upheld by the Court, stipulated penalties shall accrue for such violation from the date on which the initial submission was originally required. Whether Plaintiffs disapprove of Euclid's submissions or approve the submissions with modifications shall not affect the burden of proof or the standard of review set

forth in Section XIX (Dispute Resolution) of this Consent Decree. If the Plaintiffs disapprove the resubmitted report due to a material defect not previously identified by the Plaintiffs, Euclid shall resubmit a new modified plan within 60 days. Stipulated penalties shall accrue in accordance with Paragraph 27, but shall be payable in accordance with the provisions of this Paragraph.

31. Upon the approval by Plaintiffs of any report/plan, said report/plan shall be incorporated herein as part of this Consent Decree and enforceable hereunder.

VII. FUNDING

32. In evaluating the financial impact of implementing any of the alternatives evaluated and the alternatives proposed for implementation in any plan submitted pursuant to this Consent Decree and the current NPDES Permit, Euclid shall evaluate not only residential and commercial water and sewer rates but also possible alternative funding mechanisms, including, but not limited to, commercial and industrial user fees and rate structures, bond revenues, and grant and loan availability.

33. In order for U.S. EPA and Ohio EPA to consider Euclid's economic capabilities to perform the alternatives evaluated and the alternatives proposed for implementation in any plan submitted pursuant to this Consent Decree, Euclid shall provide a certified statement regarding the then current sewer rates (exclusive of water), a certification of the average annual sewer bill for a household in Euclid, and the three previous years of Euclid's Annual Financial Reports as a supplement to such submitted plan. In addition, Euclid shall provide any other information relevant to its economic capabilities that U.S. EPA or Ohio EPA requests.

34. Compliance with the terms of this Consent Decree by Euclid is not conditioned on the receipt of federal or state grant or loan funds. Failure to comply is not excused by the lack

of federal or state grant or loan funds or by the processing of any applications for such funds.

VIII. CIVIL PENALTY

35. No later than thirty (30) days following entry of this Consent Decree, Euclid shall pay to the United States a civil penalty in the amount of $75,000 subject to Section X of this Decree (Effect of Settlement/Reservations of Rights). Payment shall be made by Fed Wire Electronic Funds Transfer ("EFT") to the U.S. Department of Justice according to the instructions provided to Euclid following lodging of the Consent Decree by the Financial Litigation Unit of the U.S. Attorney's Office for the Northern District of Ohio. At the time of payment, Euclid shall simultaneously send written notice of payment and a copy of the transmittal documentation to the United States in accordance with Section XVI of this Decree (Notices and Submissions) by email to acctsreceivable.CINWD@epa.gov; and by mail to:

EPA Cincinnati Finance Office
26 Martin Luther King Drive
Cincinnati, OH 45268

36. No later than thirty (30) Days following entry of this Decree, Euclid shall pay to the State of Ohio a civil penalty in the amount of $75,000 subject to Section X of this Decree (Effect of Settlement/Reservation of Rights). Payment shall be made by cashier's check or certified funds, payable to "Treasurer, State of Ohio," and shall be sent to:

Karen Pierson, Paralegal (or successor)
Attorney General's Office
Environmental Enforcement Section
30 East Broad St., 25th Floor
Columbus, OH 43215-3400

37. Euclid shall pay interest on any unpaid balance of the civil penalty owed to the United States, which shall begin to accrue at the end of the 30-day period described above, at the rate established by the Department of the Treasury under 31 U.S.C. § 3717. Euclid shall pay

interest on any unpaid balance of the civil penalty owed to Ohio, which shall begin to accrue at the end of the 30-day period described above, utilizing the calculation method set forth in Ohio Rev. Code 5703.47.

38. Upon entry of this Decree, this Decree shall constitute an enforceable judgment for purposes of post-judgment collection in accordance with Rule 69 of the Federal Rules of Civil Procedure, the Federal Debt Collection Procedure Act, 28 U.S.C. § 3001-3308, and other applicable federal authority. The United States and the State of Ohio will be deemed judgment creditors for purposes of collection of any unpaid amounts of the civil and stipulated penalties and interest.

IX. STIPULATED PENALTIES

39. Euclid shall pay to the United States and the State of Ohio stipulated penalties as set forth in Paragraphs 40 through 49 below for each violation and/or period of noncompliance listed therein.

40. Failure to Comply with NPDES Permit. Stipulated penalties for any noncompliance with Euclid's NPDES Permit's discharge limitations shall accrue as follows:

Parameter	Stipulated Penalty
Daily concentration or mass limits	$800 per day per parameter
Weekly average concentration or mass limits	$1,600 per week per parameter
Monthly average concentration or mass limits	$2,400 per month per parameter.
Except as otherwise specified in this Consent Decree, any other violation of the current NPDES Permit	$1,000 per violation

41. SSO Discharges. Except for the SSOs addressed by Section V.B of this Consent Decree, the following stipulated penalties shall accrue per day for any SSO Discharge:

Period of Noncompliance	Stipulated Penalty
1st to 3rd day of violation	$1,000 per day per violation
4th to 10th day of violation	$2,000 per day per violation
After 10 days of violation	$3,000 per day per violation

42. Dry Weather Overflows. The following stipulated penalties shall accrue per day for any Dry Weather Overflow whenever there has been no precipitation or snow melt in the relevant geographic area during the discharge or overflow, or within the 24 hours immediately preceding the discharge or overflow:

Period of Noncompliance	Stipulated Penalty
1st to 3rd day of Dry Weather Overflow	$ 1,000 per each Dry Weather Overflow per day
4th to 10th day of Dry Weather Overflow	$ 2,000 per each Dry Weather Overflow per day
After 10 days of Dry Weather Overflow	$ 3,000 per each Dry Weather Overflow per day

43. LTCP Report and LTCP Submittals. For failure to comply with any deadlines for submission of an approvable LTCP Report and approvable LTCP deliverables specified in Paragraphs 10 through 15 of this Consent Decree, Euclid shall pay the following stipulated penalties:

Period of Noncompliance	Stipulated Penalty
1st to 30th day of violation	$1,000 per day per violation
31st to 60th day of violation	$2,400 per day per violation
After 60 days of violation	$4,000 per day per violation

44. Implementation of Approved LTCP. For Euclid's failure to implement any requirements specified in the approved LTCP, the following stipulated penalty shall accrue:

Period of noncompliance	Stipulated Penalty

1st to 30th day of violation	$1,000 per day per violation
31st to 60th day of violation	$2,400 per day per violation
After 60 days of violation	$4,000 per day per violation

45. Submittal of SSES and SSOEP Reports. For Euclid's failure to comply with requirements to submit approvable Reports under requirements of Paragraphs 17-19 of this Consent Decree, the following stipulated penalties shall accrue for each such violation:

Period of noncompliance	Stipulated Penalty
1st to 30th day of violation	$1,000 per day per violation
31st to 60th day of violation	$2,400 per day per violation
After 60 days of violation	$4,000 per day per violation

46. Implementation of Approved SSES Report . For Euclid's failure to implement the measures required in the approved SSOEP Report under Paragraphs 18-19, as required under Paragraph 20, and elimination of all known SSOs as set forth in paragraph 22 of this Consent Decree, the following stipulated penalties shall accrue for each such violation:

Period of noncompliance	Stipulated Penalty
1st to 30th day of violation	$1,000 per day per violation
31st to 60th day of violation	$2,400 per day per violation
After 60 days of violation	$4,000 per day per violation

47. Submittal of Revised CSO Operation and Maintenance Plan. For Euclid's failure to revise and submit an approvable Revised CSO Operation and Maintenance Plan pursuant to Paragraph 8 of this Consent Decree, the following stipulated penalties shall accrue:

Period of noncompliance	Stipulated Penalty
1st to 30th day of violation	$800 per day per violation

31st to 60th day of violation	$1,600 per day per violation
After 60 days of violation	$3,200 per day per violation

48. Implementation of Revised CSO Operation and Maintenance Plan. For Euclid's failure to implement the provisions of the Revised CSO Operation and Maintenance Plan, the following stipulated penalties shall accrue:

Period of noncompliance	Stipulated Penalty
1st to 30th day of violation	$800 per day per violation
31st to 60th day of violation	$1,600 per day per violation
After 60 days of violation	$3,200 per day per violation

49. For failure to comply with any of the reporting requirements set forth in Section VI. A. and B. of this Consent Decree, Euclid shall pay the following stipulated penalties:

Period of noncompliance	Stipulated Penalty
1st to 30th day of violation	$800 per day per violation
31st to 60th day of violation	$1,600 per day per violation
After 60th day of violation	$2,400 per day per violation

50. Payment of stipulated penalties as set forth above shall be in addition to any other rights, remedies, or sanctions available to the United States or the State of Ohio for Euclid's violations of this Consent Decree or applicable law.

51. The payment of stipulated penalties shall not be construed so as to relieve Euclid from specific compliance with this Decree or federal or state law, or to limit the authority of U.S. EPA or Ohio EPA to require compliance with such laws. The United States and State of Ohio are specifically authorized to seek injunctive relief in this civil action to address any violation of this Consent Decree.

52. Stipulated penalties shall accrue from the first day of noncompliance with any applicable provision of this Consent Decree, but shall not be payable until demand. Payment of stipulated penalties shall be made within thirty (30) days of the date of a written demand for payment. Either the United States, or the State of Ohio, or both may elect to demand stipulated penalties under this Section; however, the United States and the State of Ohio shall consult with each other before making any demand. Where both sovereigns demand stipulated penalties, any such penalties determined to be owing shall be paid 50% to the United States and 50% to the State of Ohio. Where only the United States or the State of Ohio demands stipulated penalties, the entire amount of stipulated penalties determined to be owing shall be payable to that sovereign. The sovereign making a demand for payment of a stipulated penalty shall simultaneously send a copy of the demand to the other sovereign. In no case shall the determination by one sovereign not to seek stipulated penalties preclude the other sovereign from seeking stipulated penalties in accordance with this Consent Decree. A decision by the United States or the State of Ohio to waive, in whole or in part, penalties otherwise due under this Section shall not be subject to judicial review.

53. If any stipulated penalties payable under this Decree to the United States are not paid when due, interest shall accrue on any amounts overdue to the United States from the first day after the civil or stipulated penalties are due through the date of payment at the rate of interest established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. If any stipulated penalties payable under this Decree to Ohio are not paid when due, interest shall accrue on any amounts overdue to the State of Ohio from the first day after the stipulated penalties are due through the date of payment utilizing the calculation method set forth in Ohio Rev. Code 5703.47 .

54. Euclid shall pay any interest owed or stipulated penalties owing to the United States in the manner set forth and with the confirmation notices required by Paragraph 35 except that the transmittal letter shall state that the payment is for stipulated penalties and shall state for which violation(s) the penalties are being paid.

55. Any interest owed or stipulated penalties incurred by Euclid to the State of Ohio shall be paid by certified or cashier's check payable to "Treasurer, State of Ohio," accompanied by a copy of the same letter submitted to the United States pursuant to the immediately preceding Paragraph, and shall be sent to:

Karen Pierson (or successor)
Attorney General's Office
Environmental Enforcement Section
30 East Broad St., 25th Floor
Columbus, OH 43215-3400

X. EFFECT OF SETTLEMENT/RESERVATION OF RIGHTS

56. This Consent Decree is entered into as full and final settlement of this action for all Parties to the following extent: the Consent Decree resolves the civil claims of the United States for the violations alleged in the United States' Complaint through the Date of Lodging of this Decree and the civil claims of the State of Ohio for the violations alleged in Ohio's Complaint through the Date of Lodging of this Decree.

57. The Parties agree that Euclid is responsible for achieving and maintaining complete compliance with all applicable federal and state laws, regulations, and permits, and that compliance with this Consent Decree shall be no defense to any actions commenced pursuant to said laws, regulations, or permits. Nothing in the Consent Decree, however, shall preclude Euclid from raising defenses available under its current NPDES Permit, or any renewals or modifications thereof, in any such actions.

58. The United States and the State of Ohio expressly reserve all remedies available to them for all violations of the CWA not specifically addressed by Paragraph 56 of this Consent Decree.

59. Nothing herein shall be construed to limit the authority of the United States or the State of Ohio to undertake any action against any person, including Euclid, in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

60. Nothing herein shall be construed to limit the authority of the United States to act under Section 308 of the CWA, 33 U.S.C. § 1318.

61. The United States and the State of Ohio reserve any and all legal and equitable remedies available to enforce the provisions of this Decree.

62. This Consent Decree does not limit or affect the rights of Euclid, the State of Ohio, or the United States as against any third parties.

63. The Consent Decree shall not limit any authority of U.S. EPA or Ohio EPA under any applicable statute, including the authority to seek information from Euclid or to seek access to the property of Euclid.

64. In any subsequent administrative or judicial proceeding initiated by the United States or the State of Ohio for injunctive relief, civil penalties, other appropriate relief relating to Euclid's violations, Euclid shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim-splitting, or other defenses based upon any contention that the claims raised by the United States or State of Ohio in the subsequent proceeding were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to

Paragraph 56 of this Section.

XI. NOT A PERMIT

65. This Consent Decree is not and shall not be construed as a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, or Ohio Rev. Code § 6111.03, nor as a modification of any existing permit so issued, nor shall it in any way relieve Euclid of its obligations to obtain a permit for its WWTP, its Sewer System or any other part of its waste water treatment and Sewer System or facilities and to comply with the requirements of any NPDES permit or with any other applicable federal or state law or regulation. Euclid shall comply with any new permit, or modification of existing permits in accordance with applicable federal and state laws and regulations.

66. Nothing herein shall be construed as relieving Euclid of the duty to comply with the CWA, the regulations promulgated under the CWA, and all applicable permits issued under the CWA and its regulations.

XII. FAILURE OF COMPLIANCE

67. The United States and Ohio do not, by their consent to the entry of this Consent Decree, warrant or aver in any manner that Euclid's complete compliance with this Consent Decree will result in compliance with the provisions of the CWA, 33 U.S.C. §§ 1251 et seq., or with Euclid's NPDES Permit or any future modifications or renewals. Notwithstanding U.S. EPA's and Ohio EPA's review or approval of any plans, reports, policies, or procedures formulated pursuant to this Consent Decree, Euclid shall remain solely responsible for any noncompliance with the terms of this Consent Decree, all applicable permits, the CWA, and regulations promulgated under the CWA. The pendency or outcome of any proceeding concerning issuance, reissuance, or modification of any NPDES permit shall neither affect nor

postpone Euclid's duties and obligations set forth in this Consent Decree.

XIII. CONTINGENT LIABILITY OF THE STATE OF OHIO

68. Ohio is a party plaintiff hereto pursuant to Section 309(e) of the CWA, 33 U.S.C. § 1319(e). Ohio will have no liability under this Consent Decree, except as required by Section 309(e) of the CWA in the event that the laws of Ohio prevent Euclid from raising revenues needed to comply with this Consent Decree. The Attorney General of the State of Ohio hereby certifies that the present laws of Ohio do not prevent Euclid from raising revenues needed to comply with this Consent Decree.

XIV. RIGHT OF ENTRY

69. U.S. EPA and Ohio EPA, and their representatives, contractors, consultants, and attorneys will have the right of entry into and upon Euclid's WWTP, WWATF and Sewer System, at all reasonable times, upon proper presentation of credentials, for the purposes of:

a. Monitoring the progress of activities required by this Consent Decree;

b. Verifying any data or information required to be submitted pursuant to this Consent Decree;

c. Obtaining samples and, upon request, splits of any samples taken by Euclid or its consultants;

d. Inspecting and evaluating any portions of Euclid's WWTP, WWATF and Sewer System;

e. Inspecting and reviewing any records required to be kept under the terms and conditions of the Consent Decree, the current NPDES Permit, any future modifications or renewals thereof, and the CWA; and

f. Otherwise assessing Euclid's compliance with this Consent Decree.

70. This Section in no way limits or affects any right of entry and inspection held by the United States, U.S. EPA, Ohio, and Ohio EPA pursuant to applicable federal or state laws, regulations, or permits.

XV. RECORD RETENTION

71. Euclid shall maintain copies of any underlying research and data in its possession, custody or control for any and all documents, reports, plans, or studies submitted to U.S. EPA or Ohio EPA pursuant to this Consent Decree for a period of ten (10) years from date of submission or five years following termination of the Consent Decree, whichever event occurs later. Euclid shall require any independent contractor implementing any portion of this Consent Decree to also retain such materials for a period of ten (10) years from date of submission or five years following termination of the Consent Decree, whichever event occurs later. Euclid shall submit such supporting documents to U.S. EPA and/or Ohio EPA upon request. Euclid shall provide U.S. EPA and Ohio EPA with written notification 90 days prior to the destruction of any documents required to be retained under this Decree and, upon request by the U.S. EPA or Ohio EPA, Euclid shall deliver any such records or documents to U.S. EPA or Ohio EPA.

XVI. NOTICES AND SUBMISSIONS

72. Except as specified otherwise, when written notification (including all reports) or communication with the United States, U.S. EPA, the United States Department of Justice, the State of Ohio, Ohio EPA, and Euclid is required by the terms of this Consent Decree, it shall be addressed as follows:

As to the United States Department of Justice:

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Post Office Box 7611
Washington, D.C. 20044-7611
Reference Case No. 90-5-1-1-08727

Steven J. Paffilas
Office of the United States Attorney
801 West Superior Avenue
Suite 400
Cleveland, OH 44113

As to Region 5 of U.S. EPA:

Chief
Water Enforcement and Compliance Assurance Branch
Water Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd
Chicago, Illinois, 60604

Joseph Williams
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson, Blvd.
Chicago, Illinois 60604

As to the State of Ohio:

Manager, Division of Surface Water
Northeast District Office
Ohio Environmental Protection Agency
2110 E. Aurora Road
Twinsburg, Ohio 44087

Dale Vitale, Chief
Environmental Enforcement Section
State of Ohio Office of Attorney General
30 East Broad Street, 25th Floor
Columbus, Ohio 43215

As to Euclid:

Chris Frey
Law Director
585 East 222 Street
Euclid, OH 44123-2099

Randy L. Smith
Public Service Director
585 East 222 Street
Euclid, OH 44123-2099

All notifications or communications shall be deemed submitted on the date they are postmarked and sent by first class mail or certified mail.

XVII. FORCE MAJEURE BETWEEN THE UNITED STATES AND EUCLID

73. "*Force Majeure*" for the purposes of this Consent Decree is defined as an event arising from causes beyond the control of Euclid or the control of any entity controlled by Euclid, including its agents, consultants and contractors, which delays or prevents the performance of any obligation under this Consent Decree despite Euclid's best efforts to fulfill the obligation. The requirement that Euclid exercise "best efforts to fulfill the obligation" includes using best efforts to anticipate any potential *force majeure* event and best efforts to address the effects of any such event (a) as it is occurring and (b) after it has occurred to prevent or minimize any resulting delay to the greatest extent possible. Unanticipated or increased costs or expenses associated with implementation of this Consent Decree and changed financial circumstances shall not, in any event, be considered *force majeure* events. Failure to apply for a required-permit or approval or to provide in a timely manner all information required to obtain a permit or approval that is necessary to meet the requirements of this Consent Decree, or failure of the City to approve contracts, shall not, in any event, be considered *force majeure* events.

74. If any event occurs or has occurred that may delay the performance of any obligation under this Consent Decree, whether or not caused by a *force majeure* event, Euclid shall provide notice orally or by electronic or facsimile transmission to U.S. EPA within 72 hours of when Euclid first knew that the event might cause a delay. Within seven (7) days thereafter, Euclid shall provide in writing to U.S. EPA an explanation and description of the reasons for the delay; the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; Euclid's rationale for attributing such delay to a *force majeure* event if it intends to assert such a claim; and a statement as to whether, in the opinion of Euclid, such event may cause or contribute to an endangerment to public health, welfare or the environment. Euclid shall include with any notice all available documentation supporting the claim that the delay was attributable to *a force majeure*. Failure to comply with the above requirements shall preclude Euclid from asserting any claim of *force majeure* for that event for the period of time of such failure to comply, and for any additional delay caused by such failure. Euclid shall be deemed to know of any circumstance of which Euclid, any entity controlled by Euclid, or Euclid's contractors knew or should have known.

75. If U.S. EPA finds that a delay in performance is, or was, caused by a *force majeure* event, it shall extend the time for performance, in writing, for a period equivalent to the delay resulting from such event and stipulated penalties shall not be due to the United States for such period. In proceedings on any dispute regarding a delay in performance, the dispute resolution provisions of Section XIX (Dispute Resolution) shall apply, and Euclid shall have the burden of proving that the delay is, or was, caused by a *force majeure* event and the amount of time equivalent to the delay resulting from such an event.

76. An extension of one compliance date based on a particular event shall not extend any other compliance date. Euclid must make an individual showing of proof regarding the cause of each delayed incremental step or other requirement for which an extension is sought.

XVIII. POTENTIAL *FORCE MAJEURE* BETWEEN OHIO AND EUCLID

77. If any event occurs that causes or may cause Euclid to violate any requirement of this Consent Decree, whether or not due to a *force majeure* event, Euclid shall so notify Ohio EPA, in writing, within fourteen (14) days after Euclid knew, or in the exercise of due diligence should have known of the event. The notice shall describe in detail the bases for Euclid's contention (if any) that it experienced a *force majeure* event, the precise cause or causes of the event, the measures taken or to be taken to prevent or minimize the noncompliance or event, and the timetable by which those measures shall be implemented. Euclid shall adopt all reasonable measures to avoid or minimize any such violation.

78. In any action by the State of Ohio to enforce any of the provisions of this Consent Decree, Euclid may raise at that time the question of whether it is entitled to a defense that its conduct was caused by circumstances beyond its control such as, by way of example and not limitation, acts of God, strikes, acts of war or civil disturbances. While the State of Ohio does not agree that such a defense exists, it is, however, hereby agreed by Euclid and the State of Ohio that it is premature at this time to raise and adjudicate the existence of such a defense and that the appropriate point at which to adjudicate the existence of such a defense is at the time, if ever, that a proceeding to enforce this Consent Decree is commenced by the State. At that time, Euclid shall bear the burden of proving that any delay was or will be caused by circumstances beyond the control of Euclid. Failure by Euclid to fully and timely comply with the notice requirements of the preceding Paragraph may, at Ohio EPA's discretion, be deemed a waiver by Euclid of any

right it may have to raise such a defense. Changed financial circumstances or increased costs associated with the implementation of any action required by this Consent Decree shall not in any event constitute circumstances beyond the control of Euclid or serve as a basis for an extension of time under this Decree.

XIX. DISPUTE RESOLUTION

79. Any dispute that arises between Euclid and Plaintiffs with respect to the meaning or application of any of the requirements of this Consent Decree shall be, in the first instance, the subject of informal negotiations between Plaintiffs and Euclid in an attempt to resolve any such dispute. Such period of informal negotiations shall not extend beyond forty-five (45) days of the date when a written notice of a dispute is given by one Party to the other, unless the Parties have agreed in writing to extend that period. After informal negotiations, if Euclid and Plaintiffs are unable to agree upon the meaning or application of the requirements of this Consent Decree, then Euclid shall comply with the position taken by Plaintiffs, subject only to Euclid's right to petition the Court as set forth in Paragraph 81 below. This dispute resolution process shall not apply to the issuance, renewal, modification, denial or revocation of a permit and the issuance of orders or other actions of the Director of Environmental Protection (Ohio EPA).

80. Within forty-five (45) days of the end of the informal negotiations period for resolution of the dispute set forth in Paragraph 80 above, Euclid may petition the Court for relief. Such petition shall set forth the nature of the dispute and a proposal for its resolution. Plaintiffs will have forty-five (45) days to respond to the petition and propose an alternate resolution. In any such dispute, Euclid will bear the burden of proof. The standard of review shall be determined by applicable principles of law.

81. The filing of a petition asking the Court to resolve a dispute shall not in and of itself

extend or postpone any obligation of Euclid under this Consent Decree, provided that payment of any stipulated penalties with respect to the disputed matter shall be stayed pending resolution of the dispute. Notwithstanding the stay of payment, stipulated penalties shall accrue from the first day of any failure or refusal to comply with any term or condition of this Consent Decree. In the event that Euclid does not prevail on the disputed issue, stipulated penalties, if applicable and demanded, shall be assessed and paid as provided in Section IX (Stipulated Penalties).

XX. RETENTION OF JURISDICTION

82. This Court will retain jurisdiction of this matter for the purposes of construing, implementing, administering, and enforcing the terms and conditions of this Consent Decree and for the purpose of adjudicating all disputes among the parties that may arise under the provisions of this Consent Decree.

XXI. MODIFICATION

83. Any non-material modification of this Decree by agreement of the Parties shall be in writing and shall be filed with the Court. Any material modification of this Decree by agreement of the Parties shall be in writing and shall be filed with the Court for approval. Nothing in this Decree shall be deemed to alter the Court's power to enforce, supervise or approve modifications to this Consent Decree.

XXII. TERMINATION

84. Two years after the City of Euclid has completed all construction required by its final, approved LTCP in accordance with Paragraph 12 of this Decree, and all construction required by Paragraphs 15, 20 and 22 of this Decree, Euclid may serve upon the United States and the State a request for termination stating that Euclid has satisfied the requirements for termination of the Decree, together with all necessary supporting documentation. Such request

must include Euclid's certification that: all required construction is complete and that at least twelve (12) months of post-construction compliance monitoring demonstrates the effectiveness of Euclid's CSO controls; all required construction as required by Paragraphs 12, 15, 20, and 22 is complete and proven effective; that Euclid is and has been in compliance with its NPDES Permit for at least twelve (12) months; that all civil penalties due and all stipulated penalties demanded under this Decree have been paid; and that Euclid has complied with all other requirements of this Decree.

85. Following receipt by the United States and the State of Euclid's request for termination, the Parties shall confer informally concerning the request and any disagreement that the Parties may have as to whether Defendant has satisfactorily complied with the requirements for termination of this Consent Decree. If the United States and the State agree that the Decree may be terminated, the Parties shall submit, for the Court's approval, a joint stipulation terminating the Decree.

86. If the United States and the State do not agree that the Decree may be terminated, Euclid may invoke Dispute Resolution under Section XIX of this Decree. However, Euclid shall not seek Dispute Resolution of any dispute regarding termination, under Paragraph 80 of Section XIX, until ninety (90) days after service of its request for termination.

XXIII. FINAL JUDGMENT

87. Entry of this Decree constitutes Final Judgment under Rule 54 of the Federal Rules of Civil Procedure.

XXIV. LODGING AND OPPORTUNITY FOR PUBLIC COMMENT

88. This Consent Decree will be lodged with the Court for a period of not less than thirty (30) days for public notice and comment in accordance with 28 C.F.R. § 50.7. The United

States reserves the right to withdraw or withhold its consent if the public comments regarding this Decree disclose facts or considerations which indicate that this Decree is inappropriate, improper, or inadequate. Euclid shall not withdraw its consent to this Decree during the period of governmental and judicial review that occurs between lodging and entry of this Decree, and Euclid hereby consents to the entry of this Decree without further notice.

89. If for any reason the Court should decline to approve this Consent Decree in the form presented, this agreement is voidable at the sole discretion of any Party and the terms of the agreement may not be used as evidence in any litigation between the Parties.

XXV. SIGNATORIES

90. The undersigned representative of Euclid, the State of Ohio and the Assistant Attorney General of the Environment and Natural Resources Division of the U.S. Department of Justice each certifies that he or she is authorized to enter into the terms and conditions of this Consent Decree and to execute and bind legally to this document the Party whom he or she represents.

XXVI. EFFECTIVE DATE

91. The effective date of this Decree shall be the date of entry by this Court.

SO ORDERED THIS 14th DAY OF October, 2011.

s/ James S. Gwin
United States District Judge

The undersigned party hereby consents to the Consent Decree in the matter of United States and State of Ohio v. City of Euclid (N.D. Ohio).

FOR THE UNITED STATES:

[redacted]

IGNACIA S. MORENO
Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice

[redacted]

STEVEN D. ELLIS
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044-7611
Phone: (202) 514-3163
Fax: (202) 616-6584
Steven.ellis@usdoj.gov

STEVEN M. DETTELBACH
United States Attorney
Northern District of Ohio

[redacted]

STEVEN J. PAFFILAS (0037376)
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801 W. Superior Avenue
Suite 400
Cleveland, OH 44113
Phone: (216) 622-3698
Fax: (216) 522-4982
steven.paffilas@usdoj.gov

The undersigned party hereby consents to the Consent Decree in the matter of United States and State of Ohio v. City of Euclid (N.D. Ohio).

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY:

[redacted]

ADAM M. KUSHNER, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency

[redacted]

SUSAN HEDMAN
Regional Administrator
U.S. Environmental Protection Agency
Region 5

[redacted]

for MARK POLLINS, Director
Water Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency

[redacted]

ROBERT A. KAPLAN
Regional Counsel
U.S. Environmental Protection Agency
Region 5

[redacted]

GINNY PHILLIPS, Attorney
Water Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency

[redacted]

JOSEPH WILLIAMS
Associate Regional Counsel
U.S. Environmental Protection Agency
Region 5

The undersigned party hereby consents to the Consent Decree in the matter of United States and State of Ohio v. City of Euclid (N.D. Ohio).

FOR THE STATE OF OHIO

OHIO ATTORNEY GENERAL
MICHAEL DEWINE

By: [redacted]

DAVID H. DOKKO
Assistant Attorney General
Environmental Enforcement Section
30 East Broad St., 25th Floor
Columbus, OH 43215-3400
Phone: (614) 466-2766
Fax: (614) 644-1926
David.Dokko@OhioAttorneyGeneral.gov
www.ag.state.oh.us
Attorneys for the State of Ohio

The undersigned party hereby consents to the Consent Decree in the matter of United States and State of Ohio v. City of Euclid (N.D. Ohio).

FOR THE CITY OF EUCLID:

[redacted]

CHRIS FREY
Law Director
585 East 222nd Street
Euclid, OH 44123-2099
cfrey@cityofeuclid.com

Application No. OH0031062

Issue Date: April 1, 2004

Effective Date: May 1, 2004

Expiration Date: January 31, 2009

Ohio Environmental Protection Agency
Authorization to Discharge Under the
National Pollutant Discharge Elimination System

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereinafter referred to as the "Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

City of Euclid

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from wastwater treatment works located at 22201 Lakeshore Boulevard, Euclid, Ohio, Cuyahoga County and discharging to Lake Erie in accordance with the conditions specified in Parts I, II, and III of this permit.

This permit is conditioned upon payment of applicable fees as required by Section 3745.11 of the Ohio Revised Code.

This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA no later than 180 days prior to the above date of expiration.

Christopher Jones
Director

Total Pages: 32

APPENDIX A

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

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: 3PE00003001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00010 - Water Temperature - C	-	-	-	-	-	-	-	1/Day	Maximum Indicating Thermometer	All
00300 - Dissolved Oxygen - mg/l	-	-	-	-	-	-	-	1/Day	Continuous	All
00530 - Total Suspended Solids - mg/l	-	-	30	20	-	2498	1666	1/Day	Composite	All
00552 - Oil and Grease, Hexane Extr Method - mg/l	10	-	-	-	-	-	-	1/Week	Grab	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	-	-	-	1/Day	Composite	All
00630 - Nitrite Plus Nitrate, Total - mg/l	-	-	-	-	-	-	-	1 / 2 Weeks	Composite	All
00665 - Phosphorus, Total (P) - mg/l	-	-	1.5	1.0	-	125	83	2/Week	Composite	All
00719 - Cyanide, Free - mg/l	-	-	-	-	-	-	-	1 / 2 Weeks	Grab	All
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01079 - Silver, Total Recoverable - ug/l	-	-	-	-	-	-	-	1 / 2 Weeks	Composite	All
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01118 - Chromium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1 / 2 Weeks	Composite	All
01220 - Chromium, Dissolved Hexavalent - ug/l	-	-	-	-	-	-	-	1/Month	Grab	All
31616 - Fecal Coliform - #/100 ml	-	-	2000	1000	-	-	-	1/Day	Grab	Summer
50050 - Flow Rate - MGD	-	-	-	-	-	-		1/Day	Continuous	All

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
50060 - Chlorine, Total Residual - mg/l	0.038	-	-	-	-	-	-	1/Day	Multiple Grab	Summer
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	-	-	-	1/Month	Grab	All
61941 - pH, Maximum - S.U.	9.0	-	-	-	-	-	-	1/Day	Continuous	All
61942 - pH, Minimum - S.U.	-	6.0	-	-	-	-	-	1/Day	Continuous	All
80082 - CBOD 5 day - mg/l	-	-	23	15	-	1915	1249	1/Day	Composite	All

Notes for station 3PE00003001:

* Effluent loadings based on average design flow of 22 MGD.

- Free cyanide - See Part II, Item R.

- Total residual chlorine - See Part II, Items J and K.

- Mercury - See Part II, Item S.

- For nickel, silver, zinc, cadmium, lead, total recoverable chromium, and copper - See Part II, Item N.

- For free cyanide, dissolved hexavalent chromium, and mercury - See Part II, Item O.

Part I, B. - BYPASS MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

1. Bypass Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the treatment plant's bypass when discharging, at Station Number 3PE00003002, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - Bypass Monitoring - 002 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	-	-	1/Day	Grab	All
31616 - Fecal Coliform - #/100 ml	-	-	-	-	-	-	-	1/Day	Grab	Summer
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	Continuous	All
50060 - Chlorine, Total Residual - mg/l	-	-	-	-	-	-	-	1/Day	Grab	Summer
80082 - CBOD 5 day - mg/l	-	-	-	-	-	-	-	1/Day	Grab	All
80998 - Bypass Occurrence, Number per month - No./Month	-	-	-	-	-	-	-	1/Day	Continuous	All
80999 - Bypass Duration, Hours per month - Hr/Month	-	-	-	-	-	-	-	1/Day	Continuous	All

NOTES for Station Number 3PE00003002

- Data for the number of occurrence(s) per day, the daily duration and the total daily flow may be estimated.

- 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. If one or more discharges occurs during the month, report "AH" for all parameters on days when a discharge does not occur.

- Treatment plant bypass is prohibited except under emergency conditions as authorized by federal regulation 40 CFR 122.41(m) and Part III, Item 11, General Conditions, of this permit.

Part I, B. - SLUDGE MONITORING REQUIREMENTS

1. Sludge Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the treatment works' final sludge at Station Number 3PE00003585, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 585 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
01003 - Arsenic, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/2 months	Composite	Bimonthly-Ev
01013 - Beryllium, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/2 months	Composite	Bimonthly-Ev
01028 - Cadmium, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/2 months	Composite	Bimonthly-Ev
01029 - Chromium, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/2 months	Composite	Bimonthly-Ev
01052 - Lead, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/2 months	Composite	Bimonthly-Ev
01068 - Nickel, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/2 months	Composite	Bimonthly-Ev
70316 - Sludge Weight - Dry Tons	-	-	-	-	-	-	-	When Disch.	Total	All
71921 - Mercury, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/2 months	Composite	Bimonthly-Ev

NOTES for Station Number 3PE00003585

- Monitoring is required when sludge is removed from the wastewater treatment facility and disposed of by incineration. If no sludge is removed 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.

- Units of mg/kg are on a dry weight basis.

- Sludge weight is a calculated total for the sampling period.

- See Part II, Item Q.

- Bimonthly - Even means February, April, June, August, October, December

Part I, B. - SLUDGE MONITORING REQUIREMENTS

1. Sludge Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the treatment works' final sludge at Station Number 3PE00003586, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 586 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
70316 - Sludge Weight - Dry Tons	-	-	-	-	-	-	-	When Disch.	Total	All

NOTES for Station Number 3PE00003586:

- Monitoring is required when sludge is removed from the wastewater treatment facility and disposed of by landfill. If no sludge is removed 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.

- Units of mg/kg are on a dry weight basis.

- Sludge weight is a calculated total for the sampling period.

- See Part II, Item Q.

Part I, B. - INFLUENT MONITORING REQUIREMENTS

1. Influent Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the treatment works' influent wastewater at Station Number 3PE00003601, and report to the Ohio EPA in accordance with the following table. Samples of influent used for determination of net values or percent removal must be taken the same day as those samples of effluent used for that determination. See Part II, OTHER REQUIREMENTS, for location of influent sampling.

Table - Influent Monitoring - 601 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	-	-	1/Day	Composite	All
00720 - Cyanide, Total - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01118 - Chromium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01220 - Chromium, Dissolved Hexavalent - ug/l	-	-	-	-	-	-	-	1/Month	Grab	All
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	-	-	-	1/Month	Grab	All
61941 - pH, Maximum - S.U.	-	-	-	-	-	-	-	1/Day	Continuous	All
61942 - pH, Minimum - S.U.	-	-	-	-	-	-	-	1/Day	Continuous	All
80082 - CBOD 5 day - mg/l	-	-	-	-	-	-	-	1/Day	Composite	All

NOTES for Station Number 3PE00003601:

- For nickel, zinc, cadmium, lead, total recoverable chromium, and copper - See Part II, Item N.

- For total cyanide, dissolved hexavalent chromium, and mercury - See Part II, Item P.

Part I, C - Schedule of Compliance

A. Municipal Pretreatment Schedule

1. The permittee shall evaluate the adequacy of local industrial user limitations to attain compliance with final table limits. A technical justification for revising local industrial user limitations to attain compliance with final table limits, along with a pretreatment program modification request, or technical justification for retaining existing local industrial user limitations shall be submit to Ohio EPA, Central Office Pretreatment Unit, in duplicate, as soon as possible, but no later than four months after the effective date of the permit, except for mercury. (Event Code 52599)

Technical justification is required for cadmium, chromium, copper, lead, nickel, zinc, cyanide, dissolved hexavalent chromium, and silver unless screening of wastewater and sludge indicate these pollutants are not present in significant amounts. Furthermore, technical justification is required for any other pollutants where a local limit may be necessary to protect against pass through and interference.

To demonstrate technical justification for new local industrial user limits or justification for retaining existing limits, the following information must be submitted to Ohio EPA:

a. Domestic/background and industrial pollutant contributions

b. Treatment plant removal efficiencies

c. A comparison of maximum allowable headworks loadings based on all applicable criteria. Criteria may include sludge disposal, NPDES permit limits, and interference with biological processes such as activated sludge, sludge digestion, nitrification, etc

d. If revised industrial user discharge limits are proposed, the method of allocating available pollutant loads to industrial users

e. Supporting data, assumptions, and methodologies used in establishing the information a through d above.

2. If revisions to local industrial user limitations are required to attain compliance with the final table limits, no later than eight months after the effective date of this permit, the permittee shall incorporate revised local industrial user limitations in all industrial user control documents. (Event Code 52699)

3. The permittee shall evaluate the adequacy of local industrial user limitations for mercury. A technical justification for revising local industrial user limitations, along with a pretreatment program modification request, or technical justification for retaining existing local industrial user limitations shall be submitted to Ohio EPA, Central Office Pretreatment Unit, in duplicate, as soon as possible, but no later than 12 months from the effective date of this permit. (Event code 52599)

To demonstrate technical justification for new local industrial user limits or justification for retaining existing limits, the following information must be submitted to Ohio EPA:

a. Domestic/background and industrial pollutant contributions. When representative sampling of the collection system and industrial pollutant contributors conducted using EPA Method 245.1 or 245.2 shows mercury concentrations that are below detection, EPA Method 1631 shall be used to quantify domestic/background and industrial pollutant contributions of mercury.

b. Treatment plant removal efficiencies. When representative sampling of the influent and effluent conducted using EPA Method 245.1 or 245.2 shows mercury concentrations that are below detection, EPA Method 1631 shall be used to quantify influent and effluent mercury concentrations.

c. A comparison of maximum allowable headworks loadings based on all applicable criteria. Criteria may include sludge disposal, NPDES permit limits, and interference with biological processes such as activated sludge, sludge digestion, nitrification, etc.

d. If revised industrial user discharge limits are proposed, the method of allocating available pollutant loads to industrial users. When appropriate, revised industrial user discharge limits may include narrative local limits requiring industrial users to develop and implement best management practices for mercury. These narrative local limits may be used either alone or as a supplement to a numeric limit.

e. Supporting data, assumptions, and methodologies used in establishing the information a through d above.

4. If revisions to local industrial user limitations for mercury are required, no later than 20 months after the effective date of this permit, the permittee shall incorporate revised local industrial user limitations in all industrial user control documents. (Event Code 52699)

B. Satellite Sewer Discharge Control Program

The permittee shall submit annual progress reports documenting the compliance status of each satellite system during the previous year. The report shall include a summary of the bypasses and overflows which occurred during the previous twelve months. The reports shall be submitted to the Ohio EPA, Northeast District Office, Division of Surface Water no later than the dates contained in the following schedule:

1. April 1, 2005;

2. April 1, 2006;

3. April 1, 2007; and

4. April 1, 2008.

C. Combined Sewer Overflow Long-Term Control Plan Schedule

Within 24 months of the effective date of this permit, the permittee shall develop and submit to the Ohio EPA Northeast District Office for approval two copies of a Combined Sewer System Long-Term Control Plan (LTCP). The purpose of the plan is to minimize and eliminate discharges from the collection system and ensure that discharges from combined sewer overflows shall not cause or contribute to violations of water quality standards or impairment of designated uses. If the contents of the long-term control plan are subject to review under 3745-1-05 (antidegradation), the plan will be public noticed as required in Section C of 3745-1-05.

Under the terms of a 1988 consent decree, the permittee completed extensive collection system rehabilitation to eliminate separate sanitary sewer overflows and dry weather combined sewer overflows. The separate sanitary sewer overflows were modified, rehabilitation work was done to remove excessive infiltration and inflow, swirl concentrators were installed at 6 of the largest combined sewer overflows (CSOs), and the control structures on 3 CSOs were modified. To treat wet weather flows in excess of the capacity of the wastewater treatment plant, construction of a Wet Weather Auxiliary Treatment Facility was completed in April 1994. Partial treatment of wet weather flows is provided by bar screens, three swirl concentrators (capacity 60 MGD each) and high rate disinfection using sodium hypochlorite. Flows from the auxiliary treatment facility are discharged to Lake Erie at a shore line outfall.

The permittee may utilize collection system and overflow characterization data from its previous CSO control planning to the extent that is applicable to current conditions. The permittee may incorporate the CSO controls and wet weather treatment facilities constructed as part of its previous CSO control effort into the LTCP required by this NPDES permit. Ohio EPA will consider the previous CSO controls constructed by the permittee and the level of control they provide as it reviews the LTCP required by this NPDES permit.

The long-term control plan shall address, as a minimum, the following:

1. The permittee shall characterize its collection system and overflows using the tools of monitoring and modeling. A monitoring program will be proposed that provides adequate data to characterize and model the collection system and overflows; supports development and implementation of the minimum control measures; supports development and implementation of a long-term control plan; and allows the effectiveness of control measures to be evaluated.

2. The permittee shall identify CSO discharges to State Resource Waters (OAC 3745-1-05), Bathing Waters [OAC 3745-1-07(B)(4)], and all surface waters within 500 yards of an existing public water supply intake and designate these discharges as the highest priority for elimination, relocation or treatment. Overflows to these waters shall be eliminated or relocated whenever physically and economically achievable, except when this would cause unacceptable water quality impacts elsewhere in the system. If elimination or relocation is not possible, then treatment must be provided that will result in attainment of water quality standards and designated uses.

3. The permittee shall identify CSO discharges to waters, including small, accessible urban streams, where there is a high probability for contact recreation, and develop controls to ensure that these waters attain the applicable water quality standards for bacteria. The potential for human health impacts, public input on the recreational value of the streams, and financial considerations should be used to prioritize controls for these streams.

The permittee shall develop and implement a significant notification program that informs the public of the possible health and environmental impacts associated with CSOs, and advises against contact recreation when elevated bacteria levels may endanger public health.

The permittee should contact Ohio EPA to discuss water quality standard revisions they believe would be appropriate based on community recreational use evaluations.

4. The LTCP shall include a systemwide analysis of both the collection system and treatment plant. The plan shall evaluate specific control technologies/projects designed to eliminate and minimize overflow events from the collection system. The evaluation of each alternative shall include:

- costs;
- benefits such as reduction in overflow events, volume, and pollutant load;
- impact on user rates;
- affordability analysis; and
- construction and implementation schedules.

In developing this analysis, U.S. EPA's "Combined Sewer Overflows Guidance for Financial Capability Assessment and Schedule Development" and "Guidance: Coordinating Combined Sewer Overflow (CSO) Long-Term Planning with Water Quality Standards Reviews" shall be used as tools. The plan must include:

(a) An evaluation of control measures that would result in complete elimination of overflows as well as alternatives that would minimize overflows to four overflow events per year or less. Alternative levels of control, based on number of overflow events or percent capture, may also be evaluated.

(b) Evaluation of control measures to convey additional flow to the treatment plant:

(i) for full treatment, as well as
(ii) to route peak flows around biological treatment at the treatment plant to provide physical/chemical treatment and/or storage prior to discharge.

(c) The permittee shall identify combined sewer areas and consider ways to reduce storm water flow into combined sewers. Steps to consider include: diverting storm water away from the combined system (e.g, by constructing retention basins; removing inflow, such as roof drains); using catch basin flow restriction.

The permittee shall identify areas served by existing separate sanitary sewers and evaluate steps necessary to provide full treatment to these flows and to eliminate the discharge of separately sewered areas into the combined sewer area, especially areas tributary to an overflow point or plant bypass. The evaluation shall consider at a minimum using express sewers to route sanitary flows around combined sewer areas to the treatment plant for full treatment;

(d) Selection of an array of control measures that maintains, at a minimum, four overflow events per year or less and attainment of water quality standards for the collection system and treatment plant and that meets the criteria set forth above.

Part II, Other Requirements

A. The wastewater treatment works must be under supervision of a Class IV State certified operator as required by rule 3745-7- 02 of the Ohio Administrative Code.

B. The plant must be staffed and operated in accordance with the Ohio EPA approved Operation and Maintenance Manual.

C. Description of the location of the required sampling stations are as follows:

Sampling Station	Description of Location
3PE00003001	Final effluent 60" pipe (Lat: 41N 37' 05"; Long: 81W 32' 01")
.	Final effluent 48" pipe (Lat: 41N 37' 02"; Long: 81W 31' 54")
3PE00003002	Plant bypass after wet weather auxiliary treatment facility
.	(Lat: 41N 36' 50"; Long: 81W 31' 45")
3PE00003585	Sludge disposed of by incineration
3PE00003586	Sludge disposed of by landfill
3PE00003601	Plant influent

D. All parameters, except flow, need not be monitored on days when the plant is not normally staffed (Saturdays, Sundays, and Holidays). On those days, report "AN" on the monthly report form.

E. The permittee is authorized to discharge from the following overflows only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system. See Part III, Item 11.

Station Number	Description	Receiving Stream
3PE00003005	E. 252 & Tungsten Road CSO	Storm sewer to Lake Erie
.	(Lat: 41N 35' 16"; Long: 81W 30" 33")	
3PE00003006	Farringdon Ave. CSO	Storm sewer to Lake Erie
.	(Lat: 41N 36' 39"; Long: 81W 30" 08")	
3PE00003007	Birch Drive CSO	Storm sewer to Lake Erie
.	(Lat: 41N 37' 02"; Long: 81W 29' 21")	
3PE00003008	Tungsten Rd. & Babbitt Rd. CSO	Storm sewer to Lake Erie
.	(Lat: 41N 35' 24"; Long: 81W 30' 36")	
3PE00003009	Briardale Avenue CSO	Storm sewer to Lake Erie
.	(Lat: 41N 36' 33"; Long: 81W 30' 36")	

3PE00003010.	Priday Avenue CSO (Lat: 41N 35' 56"; Long: 81W 32' 14")	Storm sewer to Lake Erie
3PE00003011.	Overlook on Euclid Ave. CSO (Lat: 41N 33' 37"; Long: 81W 31' 48")	Storm sewer to Lake Erie
3PE00003012.	Forestview Ave. @ E. 272 CSO (Lat: 41N 36' 57"; Long: 81W 29' 42")	Storm sewer to Lake Erie
3PE00003013.	E. 276 & Lakeshore CSO (Lat: 41N 37' 32"; Long: 81W 39' 31")	Storm sewer to Lake Erie
3PE00003014.	Bishop Lane CSO (Lat: 4`N 33' 43"; Long: 81W 32' 23")	Storm sewer to Lake Erie
3PE00003015.	E. 256 & Tungsten CSO (Lat: 41N 35' 26"; Long: 81W 30" 24")	Storm sewer to Lake Erie
3PE00003016.	Bruce Ave. & E. 215 CSO (Lat: 41N 36' 05"; Long: 81W 31' 54")	Storm sewer to Lake Erie
3PE00003017.	Chatworth Drive CSO (Lat: 41N 24' 39"; Long: 81W 30'33")	Storm sewer to Lake Erie
3PE00003018.	Glenbrook Boulevard CSO (Lat: 41N 34' 15"; Long 81W 31' 12")	Storm sewer to Lake Erie
3PE00003019.	E. 262 CSO (Lat: 41N 37' 05"; Long: 81W 30' 08")	Storm sewer to Lake Erie
3PE00003020.	E. 255 CSO (Lat: 41N 37' 08"; Long: 81W 30' 24")	Storm sewer to Lake Erie
3PE00003021.	Euclid Ave. near Beverly Hills CSO (Lat: 41N 34' 48"; Long: 81W 30' 46")	Storm sewer to Lake Erie
3PE00003022.	Upper Valley Drive CSO (Lat: 41N 34' 20"; Long: 81W 32" 56")	Storm sewer to Lake Erie

F. The entire wastewater treatment system shall be operated and maintained in accordance with the combined sewer overflow operation and maintenance plan that was approved by the Director on June 27, 1997. The entire system shall be operated and maintained so that the total loading of pollutants discharged during wet weather is minimized. To accomplish this, the permittee shall utilize the following technologies:

1) provide proper operation and maintenance for the collection system and the combined sewer overflow points;

2) provide the maximum use of the collection system for storage of wet weather flow prior to allowing overflows;

3) review and modify the pretreatment program to minimize the impact of nondomestic discharges from combined sewer overflows;

4) maximize the capabilities of the POTW to treat wet weather flows, and maximize the wet weather flow to the wastewater treatment plant within the limits of the plant's capabilities;

5) prohibit dry weather overflows;

6) control solid and floatable materials in the combined sewer overflow discharge;

7) conduct required inspection, monitoring and reporting of CSOs; ✓

8) implement pollution prevention programs that focus on reducing the level of contaminants in CSOs; and

9) implement a public notification program for areas affected by CSOs, especially beaches and recreation areas.

G. Composite samples shall be comprised of a series of grab samples collected over a 24-hour period and proportionate in volume to the sewage flow rate at the time of sampling. Such samples shall be collected at such times and locations, and in such a fashion, as to be representative of the facility's overall performance.

H. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's performance.

I. Multiple grab samples shall be comprised of at least three grab samples collected at intervals of at least three hours during the period that the plant is staffed on each day for sampling. Samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's overall performance. The critical value shall be reported.

J. Effluent disinfection is not directly required, however, the entity is required to meet all applicable discharge permit limits. If disinfection facilities exist, they shall be maintained in an operable condition. Any design of wastewater treatment facilities should provide for the capability to install disinfection if required at a future time. Disinfection may be required if future bacteriological studies or emergency conditions indicate the need.

K. The parameters below have had effluent limitations established that are below the Ohio EPA Quantification Level (OEPA QL) for the 40 CFR 136 promulgated analytical procedure for those parameters. In accordance with the ORC Section 6111.13 and OAC Rule 3745-33-07(C), if a discharge limit is set below the OEPA QL, any analytical result reported less than the OEPA QL shall be considered to be in compliance with that limit. OEPA QLs may be expressed as Practical Quantification Levels (PQL) or Minimum Levels (ML).

The permittee must utilize the lowest available detection method currently approved under 40 CFR Part 136 for monitoring these parameters.

REPORTING:

All analytical results, even those below the OEPA QL (listed below), shall be reported. Analytical results are to be reported as follows:

1. Results above the QL: Report the analytical result for the parameter of concern.

2. Results above the MDL, but below the QL: Report the analytical result, even though it is below the QL.

3. Results below the MDL: Analytical results below the method detection limit shall be reported as "below detection" using the reporting code "AA".

The following table of quantification levels will be used to determine compliance with NPDES permit limits:

Parameter	PQL	ML
Chlorine, Total Residual	0.050 mg/l	--

This permit may be modified, or alternatively, revoked and reissued, to include more stringent effluent limits or conditions if information generated as a result of the conditions of this permit indicate the presence of these pollutants in the discharge at levels above the water quality based effluent limit (WQBEL).

L. POTWs that accept hazardous wastes by truck, rail, or dedicated pipeline are considered to be hazardous waste treatment, storage, and disposal facilities (TSDFs) and are subject to regulation under the Resource Conservation and Recovery Act (RCRA). Under the "permit-by-rule" regulation found at 40 CFR 270.60(c), a POTW must:

1) comply with all conditions of its NPDES permit,
2) obtain a RCRA ID number and comply with certain manifest and reporting requirements under RCRA,
3) satisfy corrective action requirements, and
4) meet all federal, state, and local pretreatment requirements.

M. Final permit limitations based on preliminary or approved waste load allocations are subject to change based on modifications to or finalization of the allocation or report or changes to Water Quality Standards. Monitoring requirements and/or special conditions of this permit are subject to change based on regulatory or policy changes.

N. Sampling for these parameters at stations 3PE00003001 and 3PE00003601 shall occur the same day.

O. Sampling at station 3PE00003001 for these parameters shall occur one detention time (the time it takes for a volume of water to travel through the treatment plant) after sampling at station 3PE00003601 for the same parameters on the same day.

P. Sampling at station 3PE00003601 for these parameters shall occur one detention time (the time it takes for a volume of water to travel through the treatment plant) prior to sampling at station 3PE00003001 for the same parameters on the same day.

Q. Not later than January 31 of each calendar year, the permittee shall submit two (2) copies of a report summarizing the sludge disposal and/or reuse activities of the facility during the previous year. One copy of the report shall be sent to the Ohio EPA, Division of Surface Water, Central Office, and one copy of the report shall be sent to the appropriate Ohio EPA District Office. This report shall address:

1) Amount of sludge disposed of/reused in dry tons.

2) Method(s) of disposal/reuse.

3) Summary of all analyses made on the sludge, including any priority pollutant scans that may have been performed. (If a priority pollutant scan has been conducted as a part of the pretreatment program, the most recent analysis should be submitted.)

4) Problems encountered including any complaints received. The cause or reason for the problem and corrective actions taken to solve the problem should also be included. Any incidents of interference with the method of sludge disposal shall be identified, along with the cause of interference (i.e., excessive metals concentration, contaminated sludge, etc.) and the corrective actions taken.

R. It is understood by Ohio EPA that at the time permit becomes effective, an analytical method is not approved under 40 CFR 136 to comply with the free cyanide monitoring requirements included in the permit. The permittee shall utilize method 4500-CN I in the 17th edition of Standard Methods.

S. The permittee shall use EPA Method 1631, Revision B, prommulgated under 40 CFR 136 to comply with the mercury monitoring requirements of this permit. The method detection level for Method 1631 is 0.2 ng/l. The quantification level is 0.5 ng/l.

T. PRETREATMENT PROGRAM REQUIREMENTS

The permittee's approved pretreatment program, approved on January 19, 1990 and subsequent modifications listed below, including conditions of such approvals, shall be an enforceable term and condition of this permit.

DESCRIPTION OF MODIFICATION	DATE OF APPROVAL
ENFORCEMENT MANAGEMENT SYSTEM	11/05/1992
PERMITS	08/23/1994
ORDINANCE	11/05/1992
SIGNIFICANT INDUSTRIAL USER LIST	09/30/1991

To ensure that the approved program is implemented in accordance with 40 CFR 403 and Chapter 6111 of the Ohio Revise Code, the permittee shall comply with the following conditions:

1. Legal Authority

The permittee shall adopt and maintain legal authority which enables it to fully implement and enforce all aspects of its approved pretreatment program including the identification and characterization of industrial sources, issuance of control documents, compliance monitoring and reporting, and enforcement.

2. Industrial User Inventory

The permittee shall identify all industrial users subject to pretreatment standards and requirements and characterize the nature and volume of pollutants in their wastewater. Dischargers determined to be Significant Industrial Users according to OAC 3745-3-01(CC) must be notified of applicable pretreatment standards and requirements within 30 days of making such a determination. This inventory shall be updated at a frequency to ensure proper identification and characterization of industrial users.

3. Local Limits

The permittee shall develop and enforce technically based local limits to prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW, pass through the treatment works, be incompatible with the treatment works, or limit wastewater or sludge use options.

For the following pollutants for which the permittee has no discharge limitation, local limits shall be developed to achieve discharge levels at or below these water quality based criteria:

Cadmium	13 ug/l
Chromium, hexavalent	31 ug/l
Chromium, total	950 ug/l
Copper	38 ug/l
Cyanide, free	44 ug/l
Lead	178 ug/l
Mercury	0.014 ug/l
Nickel	559 ug/l
Silver	5.7 ug/l
Zinc	320 ug/l

For the purpose of periodically reevaluating local limits, the permittee shall implement and maintain a sampling program to characterize pollutant contribution to the POTW from industrial and residential sources and to determine pollutant removal rates through the POTW. The permittee shall continue to review and develop local limits as necessary.

4. Control Mechanisms

The permittee shall issue individual control mechanisms to all industries determined to be Significant Industrial Users as define in OAC 3745-3-01(CC). Control mechanisms must meet at least the minimum requirements of OAC-3745-3-03(C)(1)(c).

5. Industrial Compliance Monitoring

The permittee shall sample and inspect industrial users in accordance with the approved program. However, monitoring frequencies must be adequate to determine the compliance status of industrial users independent of information submitted by such users. Sample collection, preservation and analysis must be performed in accordance with procedures in 40 CFR 136 and with sufficient care to produce evidence admissible in judicial enforcement proceedings.

The permittee shall also require, receive, and review self-monitoring and other industrial user reports when necessary to determine compliance with pretreatment standards and requirements.

6. POTW Priority Pollutant Monitoring

The permittee shall annually monitor priority pollutants, as defined by U.S. EPA, in the POTW's influent, effluent and sludge. Sample collection, preservation, and analysis shall be performed using U.S. EPA approved methods.

a. A sample of the influent and the effluent shall be collected when industrial discharges are occurring at normal to maximum levels. Both samples shall be collected on the same day or, alternately, the effluent sample may be collected following the influent sample by approximately the retention time of the POTW. The samples shall be 24 hour composites except for volatile organics and cyanide which shall be collected by appropriate grab sampling techniques. Sampling of the influent shall be done prior to any recycle streams and sampling of the effluent shall be after disinfection.

Another sample shall be representative of sludge removed to final disposal. A minimum of one grab sample shall be taken during actual sludge removal and disposal unless the POTW uses more than one disposal option. If multiple disposal options are used, the POTW shall collect a composite of grab samples from all disposal practices which are proportional to the annual flows to each type of disposal.

b. A reasonable attempt shall be made to identify and quantify additional constituents (excluding priority pollutants and unsubstituted aliphatic compounds) at each sample location. Identification of additional peaks more than ten times higher than the adjacent background noise on the total ion plots (reconstructed gas chromatograms) shall be attempted through the use of U.S. EPA/NIH computerized library of mass spectra, with visual confirmation by an experienced analyst. Quantification may be based on an order of magnitude estimate compared with an internal standard.

The results of these samples must be submitted on Ohio EPA Form 4221 with the permittee's annual pretreatment report. Samples may be collected at anytime during the 12 months preceding the due date of the annual report and may be used to fulfill other NPDES monitoring requirements where applicable.

7. Enforcement

The permittee shall investigate all instances of noncompliance with pretreatment standards and requirements and take timely, appropriate, and effective enforcement action to resolve the noncompliance in accordance with the permittee's approved enforcement response plan.

On or prior to August 15th of each year, the permittee shall publish, in the largest daily newspaper within the permittee's service area, a list of industrial users which, during the previous 12 months, have been in Significant Noncompliance [OAC 3745-3-03(C)(2)(g)] with applicable pretreatment standards or requirements.

8. Reporting

All reports required under this section shall be submitted to the following address in duplicate:

Ohio Environmental Protection Agency
Division of Surface Water
Pretreatment Unit
P.O. Box 1049
Columbus, OH 43216-1049

a. Quarterly Industrial User Violation Report

On or prior to the 15th day of January, April, July, and October, the permittee shall report the industrial users that are in violation of applicable pretreatment standards during the previous quarter. The report shall be prepared in accordance with guidance provided by Ohio EPA and shall include a description of all industrial user violations and corrective actions taken to resolve the violations.

b. Annual Pretreatment Report

On or prior to September 15th of each year, the permittee shall submit an annual report on the effectiveness of the pretreatment program, prepared in accordance with guidance provided by Ohio EPA. The report shall include, but not be limited to: a discussion of program effectiveness; and industrial user inventory; a description of the permittee's monitoring program; a description of any pass through or interference incidents; a copy of the annual publication of industries in Significant Noncompliance; and, priority pollutant monitoring results.

9.. Record Keeping

All records of pretreatment activities including, but not limited to, industrial inventory data, monitoring results, enforcement actions, and reports submitted by industrial users must be maintained for a minimum of three (3) years. This period of retention shall be extended during the course of any unresolved litigation. Records must be made available to Ohio EPA and U.S. EPA upon request.

10. Program Modifications

Any proposed modifications of the approved pretreatment program must be submitted to the Ohio EPA for review, on forms available from Ohio EPA and consistent with guidance provided by Ohio EPA. If the modification is deemed to be substantial, prior approval must be obtained before implementation; otherwise, the modification is considered to be effective 45 days after the date of application. Substantial program modifications include, among other things, changes to the POTW's legal authority, control mechanism, local limits, confidentiality procedures, or monitoring frequencies.

U. The treatment works must obtain at least 85 percent removal of carbonaceous biochemical oxygen demand (five-day) and suspended solids (see Part III, Item 1).

PART III - GENERAL CONDITIONS

1. DEFINITIONS

"Daily load" is the total discharge by weight during any calendar day. If only one sample is taken during a day, the weight of pollutant discharge calculated from it is the daily load.

"Daily concentration" means the arithmetic average of all the determinations of concentration made during the day. If only one sample is taken during the day, its concentration is the daily concentration. Coliform bacteria limitations compliance shall be determined using the geometric mean.

"Weekly load" is the total discharge by weight during any 7-day period divided by the number of days in that 7-day period that the facility was in operation. If only one sample is taken in a 7-day period, the weight of pollutant discharge calculated from it is the 7-day load. If more than one sample is taken during the 7-day period, the 7-day load is calculated by determining the daily load for each day sampled, totaling the daily loads for the 7-day period, and dividing by the number of days sampled.

"Weekly concentration" means the arithmetic average of all the determinations of daily concentration limitation made during the 7-day period. If only one sample is taken during the 7-day period, its concentration is the 7-day concentration for that 7-day period. Coliform bacteria limitations compliance shall be determined using the geometric mean.

"Monthly load" is the total discharge by weight during all days in a calander month divided by the number of days that the facility was in operation during that month. If only one sample is taken during the month the weight of pollutant discharge calculated from it is the monthly load. If more than one sample is taken during the month, the monthly load is calculated by determining the daily load for each day sampled, totaling the daily loads for the month and dividing by the number of days sampled.

"Monthly concentration" means the arithmetic average of all the determinations of daily concentration made during any calender month. If only one sample is taken during the month, its concentration is the monthly concentration for that period. Coliform bacteria limitations compliance shall be determined using the geometric mean.

"85 percent removal" means the arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period.

"Absolute Limitations" Compliance with limitations having descriptions of "shall not be less than," "nor greater than," "shall not exceed," "minimum," or "maximum" shall be determined from any single value for effluent samples and/or measurements collected.

"Net concentration" shall mean the difference between the concentration of a given substance in a sample taken of the discharge and the concentration of the same substances in a sample taken at the intake which supplies water to the given process. For the purpose of this definition, samples that are taken to determine the net concentration shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

"Net load" shall mean the difference between the load of a given substance as calculated from a sample taken of the discharge and the load of the same substance in a sample taken at the intake which supplies water to given process. For purposes of this definition, samples that are taken to determine the net Loading shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

"MGD" means million gallons per day.

"mg/l" means milligrams per liter.

"ug/l" means micrograms per liter.

"ng/l" means nanograms per liter.

"S.U." means standard pH unit.

"kg/day" means kilograms per day.

"Reporting Code" is a five digit number used by the Ohio EPA in processing reported data. The reporting code does not imply the type of analysis used nor the sampling techniques employed.

"Quarterly (1/Quarter) sampling frequency" means the sampling shall be done in the months of March, June, August, and December, unless specificially identified otherwise in the Effluent Limitations and Monitoring Requirements table.

"Yearly (1/Year) sampling frequency" means the sampling shall be done in the month of September, unless specificially identified otherwise in the effluent limitations and monitoring requirements table.

"Semi-annual (2/Year) sampling frequency" means the sampling shall be done during the months of June and December, unless specificially identified otherwise.

"Winter" shall be considered to be the period from November 1 through April 30.

"Bypass" means the intentional diversion of waste streams from any portion of the treatment facility.

"Summer" shall be considered to be the period from May 1 through October 31.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2. GENERAL EFFLUENT LIMITATIONS

The effluent shall, at all times, be free of substances:

A. In amounts that will settle to form putrescent, or otherwise objectionable, sludge deposits; or that will adversely affect aquatic life or water fowl;

B. Of an oily, greasy, or surface-active nature, and of other floating debris, in amounts that will form noticeable accumulations of scum, foam or sheen;

C. In amounts that will alter the natural color or odor of the receiving water to such degree as to create a nuisance;

D. In amounts that either singly or in combination with other substances are toxic to human, animal, or aquatic life;

E. In amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growths become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;

F. In amounts that will impair designated instream or downstream water uses.

3. FACILITY OPERATION AND QUALITY CONTROL

All wastewater treatment works shall be operated in a manner consistent with the following:

A. At all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with conditions of the permit.

B. The permittee shall effectively monitor the operation and efficiency of treatment and control facilities and the quantity and quality of the treated discharge.

C. Maintenance of wastewater treatment works that results in degradation of effluent quality shall be scheduled during non-critical water quality periods and shall be carried out in a manner approved by Ohio EPA as specified in the Paragraph in the PART III entitled, "UNAUTHORIZED DISCHARGES".

4. REPORTING

A. Monitoring data required by this permit may be submitted in hardcopy format on the Ohio EPA 4500 report form pre-printed by Ohio EPA or an approved facsimile. Ohio EPA 4500 report forms for each individual sampling station are to be received no later than the 15th day of the month following the month-of-interest. The original report form must be signed and mailed to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Surface Water
Enforcement Section ES/MOR
P.O. Box 1049
Columbus, Ohio 43216-1049

Monitoring data may also be submitted electronically using Ohio EPA developed SWIMware software. Data must be transmitted to Ohio EPA via electronic mail or the bulletin board system by the 20th day of the month following the month-of-interest. A Surface Water Information Management System (SWIMS) Memorandum of Agreement (MOA) must be signed by the responsible official and submitted to Ohio EPA to receive an authorized Personal Identification Number (PIN) prior to sending data electronically. A hardcopy of the Ohio EPA 4500 form must be generated via SWIMware, signed and maintained onsite for records retention purposes.

B. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified below, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.

C. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported on Ohio EPA report form (4500) but records shall be retained as specified in the paragraph entitled "RECORDS RETENTION".

5. SAMPLING AND ANALYTICAL METHOD

Samples and measurements taken as required herein shall be representative of the volume and nature monitored flow. Test procedures for the analysis of pollutants shall conform to regulation 40 CFR 136, "Test Procedures For The Analysis of Pollutants" unless other test procedures have been specified in this permit. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and instrumentation at intervals to insure accuracy of measurements.

6. RECORDING OF RESULTS

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

A. The exact place and date of sampling; (time of sampling not required on EPA 4500)

B. The person(s) who performed the sampling or measurements;

C. The date the analyses were performed on those samples;

D. The person(s) who performed the analyses;

E. The analytical techniques or methods used; and

F. The results of all analyses and measurements.

7. RECORDS RETENTION

The permittee shall retain all of the following records for the wastewater treatment works for a minimum of three years, including:

A. All sampling and analytical records (including internal sampling data not reported);

B. All original recordings for any continuous monitoring instrumentation;

C. All instrumentation, calibration and maintenance records;

D. All plant operation and maintenance records;

E. All reports required by this permit; and

F. Records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report, or application.

These periods will be extended during the course of any unresolved litigation, or when requested by the Regional Administrator or the Ohio EPA. The three year period for retention of records shall start from the date of sample, measurement, report, or application.

8. AVAILABILITY OF REPORTS

Except for data determined by the Ohio EPA to be entitled to confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate district offices of the Ohio EPA. Both the Clean Water Act and Section 6111.05 Ohio Revised Code state that effluent data and receiving water quality data shall not be considered confidential.

9. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

10. RIGHT OF ENTRY

The permittee shall allow the Director or an authorized representative upon presentation of credentials and other documents as may be required by law to:

A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.

B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.

C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.

D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

11. UNAUTHORIZED DISCHARGES

A. Bypassing or diverting of wastewater from the treatment works is prohibited unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3. The permittee submitted notices as required under paragraph D. of this section,

B. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

C. The Director may approve an unanticipated bypass after considering its adverse effects, if the Director determines that it has met the three conditions listed in paragraph 11.A. of this section.

D. The permittee shall submit notice of an unanticipated bypass as required in section 12. A.

E. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded if that bypass is for essential maintenance to assure efficient operation.

12. NONCOMPLIANCE NOTIFICATION

A. The permittee shall by telephone report any of the following within twenty-four (24) hours of discovery at (toll free) 1-800-282-9378:

1. Any noncompliance which may endanger health or the environment;

2. Any unanticipated bypass which exceeds any effluent limitation in the permit; or

3. Any upset which exceeds any effluent limitation in the permit.

4. Any violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit.

B. For the telephone reports required by Part 12.A., the following information must be included:

1. The times at which the discharge occurred, and was discovered;

2. The approximate amount and the characteristics of the discharge;

3. The stream(s) affected by the discharge;

4. The circumstances which created the discharge;

5. The names and telephone numbers of the persons who have knowledge of these circumstances;

6. What remedial steps are being taken; and

7. The names and telephone numbers of the persons responsible for such remedial steps.

C. These telephone reports shall be confirmed in writing within five days of the discovery of the discharge and/or noncompliance and submitted to the appropriate Ohio EPA district office. The report shall include the following:

1. The limitation(s) which has been exceeded;

2. The extent of the exceedance(s);

3. The cause of the exceedance(s);

4. The period of the exceedance(s) including exact dates and times;

5. If uncorrected, the anticipated time the exceedance(s) is expected to continue, and

6. Steps being taken to reduce, eliminate, and/or prevent occurrence of the exceedance(s).

D. Compliance Schedule Events:

If the permittee is unable to meet any date for achieving an event, as specified in the schedule of compliance, the permittee shall submit a written report to the appropriate district office of the Ohio EPA within 14 days of becoming aware of such situation. The report shall include the following:

1. The compliance event which has been or will be violated;

2. The cause of the violation;

3. The remedial action being taken;

4. The probable date by which compliance will occur; and

5. The probability of complying with subsequent and final events as scheduled.

E. The permittee shall report all instances of noncompliance not reported under paragraphs A, B, or C of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraphs B and C of this section.

F. Where the permittee becomes aware that it failed to submit any relevant application or submitted incorrect information in a permit application or in any report to the director, it shall promptly submit such facts or information.

13. RESERVED

14. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

15. AUTHORIZED DISCHARGES

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than, or at a level in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit. Such violations may result in the imposition of civil and/or criminal penalties as provided for in Section 309 of the Act and Ohio Revised Code Sections 6111.09 and 6111.99.

16. DISCHARGE CHANGES

The following changes must be reported to the appropriate Ohio EPA district office as soon as practicable:

A. For all treatment works, any significant change in character of the discharge which the permittee knows or has reason to believe has occurred or will occur which would constitute cause for modification or revocation and reissuance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Notification of permit changes or anticipated noncompliance does not stay any permit condition.

B. For publicly owned treatment works:

1. Any proposed plant modification, addition, and/or expansion that will change the capacity or efficiency of the plant;

2. The addition of any new significant industrial discharge; and

3. Changes in the quantity or quality of the wastes from existing tributary industrial discharges which will result in significant new or increased discharges of pollutants.

C. For non-publicly owned treatment works any proposed facility expansions, production increases, or process modifications, which will result in new, different, or increased discharges of pollutants.

Following this notice, modifications to the permit may be made to reflect any necessary changes in permit conditions, including any necessary effluent limitations for any pollutants not identified and limited herein. A determination will also be made as to whether a National Environmental Policy Act (NEPA) review will be required. Sections 6111.44 and 6111.45, Ohio Revised Code, require that plans for treatment works or improvements to such works be approved by the Director of the Ohio EPA prior to initiation of construction.

D. In addition to the reporting requirements under 40 CFR 122.41(l) and per 40 CFR 122.42(a), all existing manufacturing, commercial mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:

1. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit. If that discharge will exceed the highest of the "notification levels" specified in 40 CFR Sections 122.42(a)(1)(i) through 122.42(a)(1)(iv).

2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" specified in 122.42(a)(2)(i) through 122.42(a)(2)(iv).

17. TOXIC POLLUTANTS

The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement. Following establishment of such standards or prohibitions, the Director shall modify this permit and so notify the permittee.

18. PERMIT MODIFICATION OR REVOCATION

A. After notice and opportunity for a hearing, this permit may be modified or revoked, by the Ohio EPA, in whole or in part during its term for cause including, but not limited to, the following:

1. Violation of any terms or conditions of this permit;

2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or

3. Change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

B. Pursuant to rule 3745-33-04, Ohio Administrative Code, the permittee may at any time apply to the Ohio EPA for modification of any part of this permit. The filing of a request by the permittee for a permit modification or revocation does not stay any permit condition. The application for modification should be received by the appropriate Ohio EPA district office at least ninety days before the date on which it is desired that the modification become effective. The application shall be made only on forms approved by the Ohio EPA.

19. TRANSFER OF OWNERSHIP OR CONTROL

This permit may be transferred or assigned and a new owner or successor can be authorized to discharge from this facility, provided the following requirements are met:

A. The permittee shall notify the succeeding owner or successor of the existence of this permit by a letter, a copy of which shall be forwarded to the appropriate Ohio EPA district office. The copy of that letter will serve as the permittee's notice to the Director of the proposed transfer. The copy of that letter shall be received by the appropriate Ohio EPA district office sixty (60) days prior to the proposed date of transfer;

B. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittee (including acknowledgement that the existing permittee is liable for violations up to that date, and that the new permittee is liable for violations from that date on) shall be submitted to the appropriate Ohio EPA district office within sixty days after receipt by the district office of the copy of the letter from the permittee to the succeeding owner;

At anytime during the sixty (60) day period between notification of the proposed transfer and the effective date of the transfer, the Director may prevent the transfer if he concludes that such transfer will jeopardize compliance with the terms and conditions of the permit. If the Director does not prevent transfer, he will modify the permit to reflect the new owner.

20. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

21. SOLIDS DISPOSAL

Collected screenings, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes into waters of the state. For publicly owned treatment works, these shall be disposed of in accordance with the approved Ohio EPA Sludge Management Plan.

22. CONSTRUCTION AFFECTING NAVIGABLE WATERS

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

23. CIVIL AND CRIMINAL LIABILITY

Except as exempted in the permit conditions on UNAUTHORIZED DISCHARGES or UPSETS, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

24. STATE LAWS AND REGULATIONS

Nothing in this permit shall be construed to preclude the institution of any legal action nor relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

25. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

26. UPSET

The provisions of 40 CFR Section 122.41(n), relating to "Upset," are specifically incorporated herein by reference in their entirety. For definition of "upset," see Part III, Paragraph 1, DEFINITIONS.

27. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

28. SIGNATORY REQUIREMENTS

All applications submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR 122.22.

All reports submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR Section 122.22.

29. OTHER INFORMATION

A. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

B. ORC 6111.99 provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $25,000 per violation.

C. ORC 6111.99 states that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $25,000 per violation.

D. ORC 6111.99 provides that any person who violates Sections 6111.04, 6111.042, 6111.05, or division (A) of Section 6111.07 of the Revised Code shall be fined not more than $25,000 or imprisoned not more than one year, or both.

30. NEED TO HALT OR REDUCE ACTIVITY

40 CFR 122.41(c) states that it shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with conditions of this permit.

31. APPLICABLE FEDERAL RULES

All references to 40 CFR in this permit mean the version of 40 CFR which is effective as of the effective date of this permit.

32. AVAILABILITY OF PUBLIC SEWERS

Not withstanding the issuance or non-issuance of an NPDES permit to a semi-public disposal system, whenever the sewage system of a publicly owned treatment works becomes available and accessible, the permittee operating any semi-public disposal system shall abandon the semi-public disposal system and connect it into the publicly owned treatment works.

Application No. OH0031062

Issue Date: April 5, 2010

Effective Date: May 1, 2010

Expiration Date: April 30, 2015

Ohio Environmental Protection Agency
Authorization to Discharge Under the
National Pollutant Discharge Elimination System

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereinafter referred to as the "Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

City of Euclid

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the wastewater treatment works located at 22201 Lakeshore Blvd, Euclid, Ohio, Cuyahoga County and discharging to Lake Erie in accordance with the conditions specified in Parts I, II, III of this permit.

This permit is conditioned upon payment of applicable fees as required by Section 3745.11 of the Ohio Revised Code.

This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA no later than 180 days prior to the above date of expiration.

Chris Korleski
Director

Total Pages: 55

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

1. During the period beginning on the effective date of this permit and lasting until November 1, 2010, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following Outfall: 3PE00003001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 - Initial - 001 - Initial

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00010 - Water Temperature - C	-	-	-	-	-	-	-	1/Day	Maximum Indicating Thermometer	All
00300 - Dissolved Oxygen - mg/l	-	-	-	-	-	-	-	1/Day	Continuous	All
00530 - Total Suspended Solids - mg/l	-	-	30	20	-	2498	1666	1/Day	Composite	All
00552 - Oil and Grease, Hexane Extr Method - mg/l	10	-	-	-	-	-	-	1/Week	Grab	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	-	-	-	1/Day	Composite	All
00630 - Nitrite Plus Nitrate, Total - mg/l	-	-	-	-	-	-	-	1 / 2 Weeks	Composite	All
00665 - Phosphorus, Total (P) - mg/l	-	-	1.5	1.0	-	125	83	2/Week	Composite	All
00719 - Cyanide, Free - mg/l	-	-	-	-	-	-	-	1 / 2 Weeks	Grab	All
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01079 - Silver, Total Recoverable - ug/l	-	-	-	-	-	-	-	1 / 2 Weeks	Composite	All
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01118 - Chromium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1 / 2 Weeks	Composite	All
01220 - Chromium, Dissolved Hexavalent - ug/l	-	-	-	-	-	-	-	1/Month	Grab	All
31616 - Fecal Coliform - #/100 ml	-	-	2000	1000	-	-	-	1/Day	Grab	Summer
31648 - E. coli - #/100 ml	-	-	-	-	-	-	-	1/Week	Grab	Summer

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	Continuous	All
50060 - Chlorine, Total Residual - mg/l	0.038	-	-	-	-	-	-	1/Day	Multiple Grab	Summer
50286 - Mercury, Total (Low Level, PQL=1000) - ng/l	3400	-	-	14	0.283	-	0.00117	1/Month	Grab	All
61425 - Acute Toxicity, Ceriodaphnia dubia - TUa	-	-	-	-	-	-	-	1/Year	Composite	September
61427 - Acute Toxicity, Pimephales promelas - TUa	-	-	-	-	-	-	-	1/Year	Composite	September
61941 - pH, Maximum - S.U.	9.0	-	-	-	-	-	-	1/Day	Continuous	All
61942 - pH, Minimum - S.U.	-	6.0	-	-	-	-	-	1/Day	Continuous	All
80082 - CBOD 5 day - mg/l	-	-	23	15	-	1915	1249	1/Day	Composite	All

Notes for Outfall 3PE00003001:

- Effluent loadings based on average design flow of 22 MGD.

- Total residual chlorine - See Part II, Item M.

- Mercury - See Part II, Item U.

- Free cyanide - See Part II, Item T

- Whole effluent toxicity - See Part II, Item Z. Testing shall be conducted in September.

- See Part I, C - Schedule of Compliance

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

2. During the period beginning on November 1, 2010, and lasting until 36 months from the effective date of this permit, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following Outfall: 3PE00003001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 - Interim

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00010 - Water Temperature - C	-	-	-	-	-	-	-	1/Day	Maximum Indicating Thermometer	All
00300 - Dissolved Oxygen - mg/l	-	-	-	-	-	-	-	1/Day	Continuous	All
00530 - Total Suspended Solids - mg/l	-	-	30	20	-	2498	1666	1/Day	Composite	All
00552 - Oil and Grease, Hexane Extr Method - mg/l	10	-	-	-	-	-	-	1/Week	Grab	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	-	-	-	1/Day	Composite	All
00630 - Nitrite Plus Nitrate, Total - mg/l	-	-	-	-	-	-	-	1 / 2 Weeks	Composite	All
00665 - Phosphorus, Total (P) - mg/l	-	-	1.5	1.0	-	125	83	2/Week	Composite	All
00719 - Cyanide, Free - mg/l	-	-	-	-	-	-	-	1 / 2 Weeks	Grab	All
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01079 - Silver, Total Recoverable - ug/l	-	-	-	-	-	-	-	1 / 2 Weeks	Composite	All
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01118 - Chromium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1 / 2 Weeks	Composite	All
01220 - Chromium, Dissolved Hexavalent - ug/l	-	-	-	-	-	-	-	1/Month	Grab	All
31616 - Fecal Coliform - #/100 ml	-	-	2000	1000	-	-	-	1/Day	Grab	Summer
31648 - E. coli - #/100 ml	-	-	-	-	-	-	-	1/Week	Grab	Summer

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	Continuous	All
50060 - Chlorine, Total Residual - mg/l	0.038	-	-	-	-	-	-	1/Day	Multiple Grab	Summer
50286 - Mercury, Total (Low Level, PQL=1000) - ng/l	3400	-	-	1.3	0.283	-	0.000108	1/Month	Grab	All
61425 - Acute Toxicity, Ceriodaphnia dubia - TUa	-	-	-	-	-	-	-	1/Year	Composite	September
61427 - Acute Toxicity, Pimephales promelas - TUa	-	-	-	-	-	-	-	1/Year	Composite	September
61941 - pH, Maximum - S.U.	9.0	-	-	-	-	-	-	1/Day	Continuous	All
61942 - pH, Minimum - S.U.	-	6.0	-	-	-	-	-	1/Day	Continuous	All
80082 - CBOD 5 day - mg/l	-	-	23	15	-	1915	1249	1/Day	Composite	All

Notes for Outfall 3PE00003001:

- Effluent loadings based on average design flow of 22 MGD.

- Total residual chlorine - See Part II, Item M.

- Mercury - See Part II, Item U.

- Free cyanide - See Part II, Item T.

- Whole effluent toxicity - See Part II, Item Z. Testing shall be conducted in September.

- See Part I, C - Schedule of Compliance

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

3. During the period beginning 36 months from the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following Outfall: 3PE00003001. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 001 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00010 - Water Temperature - C	-	-	-	-	-	-	-	1/Day	Maximum Indicating Thermometer	All
00300 - Dissolved Oxygen - mg/l	-	-	-	-	-	-	-	1/Day	Continuous	All
00530 - Total Suspended Solids - mg/l	-	-	30	20	-	2498	1666	1/Day	Composite	All
00552 - Oil and Grease, Hexane Extr Method - mg/l	10	-	-	-	-	-	-	1/Week	Grab	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	-	-	-	1/Day	Composite	All
00630 - Nitrite Plus Nitrate, Total - mg/l	-	-	-	-	-	-	-	1 / 2 Weeks	Composite	All
00665 - Phosphorus, Total (P) - mg/l	-	-	1.5	1.0	-	125	83	2/Week	Composite	All
00719 - Cyanide, Free - mg/l	-	-	-	-	-	-	-	1 / 2 Weeks	Grab	All
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01079 - Silver, Total Recoverable - ug/l	-	-	-	-	-	-	-	1 / 2 Weeks	Composite	All
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01118 - Chromium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1 / 2 Weeks	Composite	All
01220 - Chromium, Dissolved Hexavalent - ug/l	-	-	-	-	-	-	-	1/Month	Grab	All
31648 - E. coli - #/100 ml	-	-	284	126	-	-	-	1/Day	Grab	Summer
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	Continuous	All

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
50060 - Chlorine, Total Residual - mg/l	0.038	-	-	-	-	-	-	1/Day	Multiple Grab	Summer
50092 - Mercury, Total (Low Level) - ng/l	3400	-	-	1.3	0.283	-	0.000108	1/Month	Grab	All
61425 - Acute Toxicity, Ceriodaphnia dubia - TUa	-	-	-	-	-	-	-	1/Year	Composite	September
61427 - Acute Toxicity, Pimephales promelas - TUa	-	-	-	-	-	-	-	1/Year	Composite	September
61941 - pH, Maximum - S.U.	9.0	-	-	-	-	-	-	1/Day	Continuous	All
61942 - pH, Minimum - S.U.	-	6.0	-	-	-	-	-	1/Day	Continuous	All
80082 - CBOD 5 day - mg/l	-	-	23	15	-	1915	1249	1/Day	Composite	All

Notes for Outfall 3PE00003001:

- Effluent loadings based on average design flow of 22 MGD.

- Total residual chlorine - See Part II, Item M.

- Mercury - See Part II, Item U.

- Free cyanide - See Part II, Item T.

- Whole effluent toxicity - See Part II, Item Z. Testing shall be conducted in September.

- See Part I, C - Schedule of Compliance

Part I, B. - BYPASS MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

1. Bypass Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the treatment works' bypass when discharging at Station Number 3PE00003002, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - Bypass Monitoring - 002 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
31648 - E. coli - #/100 ml	-	-	-	-	-	-	-	When Disch.	Grab	Summer
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	When Disch.	Continuous	All
50060 - Chlorine, Total Residual - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	Summer
80082 - CBOD 5 day - mg/l	-	-	-	-	-	-	-	When Disch.	Grab	All
80998 - Bypass Occurrence, Number per month - No./Month	-	-	-	-	-	-	-	When Disch.	Total	All
80999 - Bypass Duration, Hours per month - Hr/Month	-	-	-	-	-	-	-	When Disch.	Total	All

Notes for Station Number 3PE00003002:

- Monitoring and sampling shall be conducted and reported on each day that there is a discharge through this station.

- Data for the number of occurrence(s) per day, bypass total hours per day and the total daily flow may be estimated.

- Data for Bypass Occurrences, the Bypass Duration, and Flow Rate may be estimated.

- Report the totals for Bypass Occurrence and Bypass Duration on the first day of the month on the 4500 Form.

- A Discharge Monitoring Report, or DMR (Form 4500) for this station MUST BE SUBMITTED EVERY MONTH.
If there are NO DISCHARGES DURING THE ENTIRE MONTH:
1) eDMR users should select the “No Discharge” check box on the data entry form and enter “No discharge during the month” in the Remarks Section. PIN the eDMR.
2) Permittees reporting on paper should report "AL" in the first column of the first day of the month on the 4500 Form. Sign the form.

- Treatment plant bypass is prohibited except under emergency conditions as authorized by federal regulation at 40 CFR 122.41(m) or Part III, Item 11, General Conditions, of this permit.

- See Part I, C - Schedule of Compliance

Part I, B. - CSO MONITORING LIMITATIONS AND MONITORING REQUIREMENTS

2. CSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Numbers 3PE00003005, 3PE00003006, 3PE00003007, 3PE00003008, 3PE00003009, 3PE00003010, 3PE00003011, 3PE00003012, 3PE00003013, 3PE00003014, 3PE00003015, 3PE00003018, 3PE00003019, 3PE00003020, 3PE00003022, 3PE00003023 and 3PE00003024 and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, Item E for location of sampling.

Table - CSO Monitoring - 005 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
31648 - E. coli - #/100 ml	-	-	-	-	-	-	-	1/Month	Grab	Summer
74062 - Overflow Occurrence - No./Month	-	-	-	-	-	-	-	When Disch.	Total	All
74063 - Overflow Volume - Million Gallons	-	-	-	-	-	-	-	When Disch.	24hr Total	All
80082 - CBOD 5 day - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All

Notes for Station Numbers 3PE00003005 through 3PE00003024:

- The permittee is authorized to discharge from these stations only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system. Form 4500 Discharge Monitoring Report (DMR) for these stations must be submitted every month.

- For total suspended solids, E. coli and 5-day CBOD, the permittee shall utilize a rotating schedule to collect samples from at least four stations. The permittee shall properly operate and maintain the CSO sampling equipment. If a malfunction of the sampling equipment prevents a sample from being collected and/or analyzed, the permittee shall enter the "AH" data substitution code for each parameter and an explanation on the DMR.

- For months when a station is not included in the sampling rotation for total suspended solids, E. coli and 5-day CBOD, the permittee shall enter the "AH" data substitution code for each parameter and an explanation on the DMR.

- If a station is monitored and there are no discharges during the entire month:

1) eDMR users should select the “No Discharge” check box on the data entry form and enter “No discharge during the month” in the Remarks Section. PIN the eDMR.
2) Permittees reporting on paper should report "AL" in the first column of the first day of the month on the 4500 Form. Sign the DMR.

2) Permittees reporting on paper should report "NF" in the first column of the first day of the month on the 4500 Form. Sign the DMR.

- Data for Overflow Occurrence may be estimated if a measuring device is not available. Report total occurrences for the month on the first day of the month on the DMR.

- For Overflow Volume, the permittee need not report data until a measuring device is installed at a station. Once a measuring device is installed, Overflow Volume shall be reported on each day there is a discharge.
Data substitution codes need not be entered.

- See Schedule of Compliance, Item F, and Part II, Item AA.

Part I, B. - SSO MONITORING EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

3. SSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor at Station Numbers 3PE00003025, 3PE00003026, 3PE00003027, 3PE00003028, 3PE00003029, 3PE00003030, 3PE00003031, 3PE00003032, 3PE00003033, 3PE00003034, 3PE00003035, 3PE00003036, 3PE00003037 and 3PE00003038, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, Item C for location of sampling.

Table - SSO Monitoring - 025 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
31648 - E. coli - #/100 ml	-	-	-	-	-	-	-	1/Year	Grab	November
74062 - Overflow Occurrence - No./Month	-	-	-	-	-	-	-	When Disch.	Total	All

Notes for Station Numbers 3PE00003025 through 3PE00003038:

- A sanitary sewer overflow is an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. These overflows shall be monitored when they discharge. Only sanitary sewer overflows that enter waters of the state, either directly or through a storm sewer or other conveyance, must be reported under these monitoring stations.

- All sanitary sewer overflows are prohibited.

- If a station is not monitored during a particular month: (1) Leave the data area blank; (2) Enter "Monitoring not required" in the Remarks section; and (3) Sign the DMR.

- If a station is monitored during a particular month, and there are no discharges during the entire month:
1) eDMR users should select the “No Discharge” check box on the data entry form and enter “No discharge during the month” in the Remarks Section. PIN the eDMR.
2) Permittees reporting on paper should report "AL" in the first column of the first day of the month on the 4500 Form. Sign the DMR.

- Data for Overflow Occurrence may be estimated if a measuring device is not available. Report the total occurrences for the month on the first day of the month on the DMR.

- E.coli data may be collected during any month of the summer season. The results for all stations shall be reported on the first day of the month on the November DMR.

Part I, B. - SSO MONITORING EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

4. SSO Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, , the permittee shall monitor at Station Number 3PE00003300, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sampling.

Table - SSO Monitoring - 300 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
74062 - Overflow Occurrence - No./Month	-	-	-	-	-	-	-	1/Month	Total	All

Notes for Station Number 3PE00003300:

- A sanitary sewer overflow is an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. These overflows shall be monitored when they discharge. Only sanitary sewer overflows that enter waters of the state, either directly or through a storm sewer or other conveyance, must be reported under this monitoring station.

- For the purpose of counting occurrences, each location on the sanitary sewer system where there is an overflow, spill, release, or diversion of wastewater on a given day that enters waters of the state is counted as one occurrence. For example, if on a given day overflows occur from a manhole at one location and from a damaged pipe at another location and they both enter waters of the state, record two occurrences for that day. If overflows from both locations continue on the following day, record two occurrences for the following day. At the end of the month, total the daily occurrences and report this number in the first column of the first day of the month on the 4500 Form Discharge Monitoring Report. If there are no overflows during the entire month, report "zero" (0).

- All sanitary sewer overflows are prohibited.

- See Part II, Item G.

Part I, B. - SLUDGE MONITORING REQUIREMENTS

5. Sludge Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the treatment works' final sludge at Station Number 3PE00003585, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 585 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
01003 - Arsenic, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All
01013 - Beryllium, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All
01028 - Cadmium, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All
01029 - Chromium, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All
01052 - Lead, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All
01068 - Nickel, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All
51129 - Sludge Fee Weight - dry tons	-	-	-	-	-	-	-	1/Month	Total	All
71921 - Mercury, Total In Sludge - mg/kg	-	-	-	-	-	-	-	1/Month	Composite	All

Notes for Station Number 3PE00003585:

- Monitoring is required when sewage sludge is incinerated. The monitoring data shall be reported on each Discharge Monitoring Reports (DMR).

- If no sewage sludge is removed from the permittee's facility for incineration during the reporting period:

1) eDMR users should select the "No Discharge" check box on the data entry form and enter "No discharge during the month" in the Remarks Section. PIN the eDMR.
2) Permittees reporting on paper should report "AL" in the first column of the first day of the month on the 4500 Form. Sign the form.

- See Part II, Items P, Q, R and S.

Part I, B. - SLUDGE MONITORING REQUIREMENTS

6. Sludge Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the treatment works' final sludge at Station Number 3PE00003586, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 586 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
51129 - Sludge Fee Weight - dry tons	-	-	-	-	-	-	-	1/Year	Total	December

Notes for Station Number 3PE00003586:

- Monitoring is required when sewage sludge is removed from the permittee’s facility for disposal in a mixed solid waste landfill. The total Sludge Fee Weight of sewage sludge disposed of in a mixed solid waste landfill for the entire year shall be reported on the December Discharge Monitoring Report (DMR).

- If no sewage sludge is removed from the permittee’s facility for disposal in a mixed solid waste landfill during the year:

1) eDMR users should select the “No Discharge” check box on the data entry form for December and enter “No discharge during the month” in the Remarks Section. PIN the eDMR.
2) Permittees reporting on paper should report "AL" in the first column of the first day of December on the 4500 Form. Sign the form.

- Sludge fee weight means sludge weight, in dry U.S. tons, excluding any admixtures such as liming material or bulking agents.

- See Part II, Items P, R and S.

Part I, B. - INFLUENT MONITORING REQUIREMENTS

7. Influent Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the treatment works' influent wastewater at Station Number 3PE00003601, and report to the Ohio EPA in accordance with the following table. Samples of influent used for determination of net values or percent removal must be taken the same day as those samples of effluent used for that determination. See Part II, OTHER REQUIREMENTS, for location of influent sampling.

Table - Influent Monitoring - 601 - Final

Effluent Characteristic	Discharge Limitations							Monitoring Requirements		
	Concentration Specified Units				Loading* kg/day					
Parameter	Maximum	Minimum	Weekly	Monthly	Daily	Weekly	Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00530 - Total Suspended Solids - mg/l	-	-	-	-	-	-	-	1/Day	Composite	All
00720 - Cyanide, Total - mg/l	-	-	-	-	-	-	-	1/Month	Grab	All
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01079 - Silver, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01118 - Chromium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
01220 - Chromium, Dissolved Hexavalent - ug/l	-	-	-	-	-	-	-	1/Month	Grab	All
50092 - Mercury, Total (Low Level) - ng/l	-	-	-	-	-	-	-	1/Month	Grab	All
61941 - pH, Maximum - S.U.	-	-	-	-	-	-	-	1/Day	Continuous	All
61942 - pH, Minimum - S.U.	-	-	-	-	-	-	-	1/Day	Continuous	All
80082 - CBOD 5 day - mg/l	-	-	-	-	-	-	-	1/Day	Composite	All

Notes for Station Number 3PE00003601:
- See Part II, Item U.

Part I, C - Schedule of Compliance

A. Municipal Pretreatment Schedule

1. The permittee shall evaluate the adequacy of local industrial user limitations to prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW, pass through the POTW, be incompatible with the POTW, or limit wastewater or sludge use options. Technical justification for revising local industrial user limitations to attain compliance with final table limits, along with a pretreatment program modification request, or technical justification for retaining existing local industrial user limitations shall be submitted to Ohio EPA, Central Office, Pretreatment Unit, in duplicate, as soon as possible, but no later than 6 months from the effective date of this permit for all required parameters. (Event Code 52599)

Technical justification is required for arsenic, beryllium, cadmium, total chromium, dissolved hexavalent chromium, copper, free cyanide, lead, nickel, silver and zinc unless screening of wastewater and sludge indicate these pollutants are not present in significant amounts. Furthermore, technical justification is required for any other pollutants where a local limit may be necessary to protect against pass through and interference.

To demonstrate technical justification for new local industrial user limits or justification for retaining existing limits, the following information must be submitted to Ohio EPA:

a. Treatment plant flow, domestic/background concentrations, and industrial flows to which local limits will be applied.

b. Treatment plant removal efficiencies.

c. A comparison of maximum allowable headworks loadings based on all applicable criteria. Criteria may include sludge disposal, NPDES permit limits, waste load allocation values, and interference with biological processes such as activated sludge, sludge digestion, nitrification, etc.

d. If revised industrial user discharge limits are proposed, the method of allocating available pollutant loads to industrial users.

e. Supporting data, assumptions, and methodologies used in establishing the information in Items 1.a through 1.d above.

2. If revisions to local industrial user limitations including best management practices are determined to be necessary, no later than 4 months after the date of Ohio EPA's approval, the permittee shall incorporate revised local industrial user limitations in all industrial user control documents.

3. The permittee shall evaluate the adequacy of local industrial user limitations for mercury. A technical justification for revising local industrial user limitations, along with a pretreatment program modification request, or technical justification for retaining existing local industrial user limitations shall be submitted to Ohio EPA, Central Office, Pretreatment Unit, in duplicate, as soon as possible, but no later than 6 months from the effective date of this permit. (Event Code 52599)

To demonstrate technical justification for new local industrial user limits or justification for retaining existing limits, the following information must be submitted to Ohio EPA:

a. Treatment plant flow, domestic/background concentrations, and industrial flows to which local limits will be applied. When representative sampling of the collection system and industrial pollutant contributors conducted using EPA Method 245.1 or 245.2 shows mercury concentrations that are below detection, EPA Method 1631 shall be used to quantify domestic/background and industrial pollutant contributions of mercury.

b. Treatment plant removal efficiencies. When representative sampling of the influent and effluent conducted using EPA Method 245.1 or 245.2 shows mercury concentrations that are below detection, EPA Method 1631 shall be used to quantify influent and effluent mercury concentrations.

c. A comparison of maximum allowable headworks loadings based on all applicable criteria. Criteria may include sludge disposal, NPDES permit limits, waste load allocation values, and interference with biological processes such as activated sludge, sludge digestion, nitrification, etc.

d. If industrial user discharge limits are proposed, the method of allocating available pollutant loads to industrial users. When appropriate, industrial user discharge limits may include narrative local limits requiring industrial users to develop and implement best management practices for mercury. These narrative local limits may be used either alone or as a supplement to a numeric limit.

e. Supporting data, assumptions, and methodologies used in establishing the information in Items 3.a. through d. above.

4. If revisions to local industrial user limitations for mercury are required, no later than 4 months after the date of Ohio EPA's approval, the permittee shall incorporate revised local industrial user limitations in all industrial user control documents.

B. Program Modification to Implement Changes to Ohio's Pretreatment Rules

1. No later than 6 months after the effective date of this permit, the permittee shall submit to Ohio EPA, Central Office, Pretreatment Unit, a program modification request to incorporate revisions of Chapter 3745-3 of Ohio Administrative Code, which became effective on February 1, 2007. The modification request shall highlight all changes to the approved program and the sewer use ordinance necessary to incorporate the revisions of Chapter 3745-3 of Ohio Administrative Code required to be implemented by all pretreatment programs. This includes any necessary revisions to the permittee's Enforcement Response Plan (ERP). Any desired change not required to be adopted may be included with this submission. (Event Code 53199)

The required changes are described in USEPA's Pretreatment Streamlining Rule Fact Sheet 2.0: Required Changes, available at:

http://cfpub.epa.gov/npdes/whatsnew.cfm?program_id=3.

C. E. coli Compliance Schedule

1. The permittee shall evaluate the ability of its existing treatment facilities to meet the final effluent limitations for E. coli at outfall 3PE00003001. No later than 12 months from the effective date of this permit, the permittee shall submit to the Ohio EPA Northeast District Office, Division of Surface Water a status report on the ability of its existing treatment facilities to meet the final effluent limitations for E. coli. (Event Code 95999)

2. If the permittee determines that its existing treatment facilities are not capable of meeting the final effluent limitations for E. coli, no later than 15 months from the effective date of this permit, the permittee shall submit an approvable permit-to-install application and detail plans for plant improvements necessary to meet the final effluent limitations for E. coli.

3. No later than 24 months from the effective date of this permit, the permittee shall submit to the Ohio EPA Northeast District Office, Division of Surface Water, a status report on the ability of its existing treatment facilities to meet the final effluent limit for E. coli or on the plant improvements being made to meet the final effluent limit for E. coli. (Event Code 95999)

4. No later than 36 months from the effective date of this permit, the permittee shall achieve the final effluent limitations for E. coli at outfall 3PE00003001. (Event Code 05699)

5. The permittee shall notify Ohio EPA Northeast District Office, Division of Surface Water in writing within 7 days of achieving compliance with the final effluent limit for E. coli.

D. Mercury Variance Application

1. A quantification level of 0.5 ng/l shall apply to analytical results reported for mercury. Analytical results are to be reported as described below.

2. Reporting Requirements

All analytical results, even those below the QL, shall be reported. Analytical results are to be reported as follows:

a. Results above the QL: Report the analytical result for mercury.

b. Results above the MDL, but below the QL: Report the analytical result, even though it is below the QL.

c. Results below the MDL: Analytical results below the method detection limit shall be reported as "below detection" using the reporting code "AA".

3. The permittee shall use EPA Method 1631 to monitor the effluent for mercury. Because the quantification level for Method 1631 is lower than the mercury effluent limits, it is possible to directly evaluate compliance with the limits.

4. Evaluation of Mercury Monitoring Data

a. If, based on an evaluation of mercury data for outfall 3PE00003001 collected using the analytical method specified in Item D.3 above, the permittee believes that it will be able to consistently comply with the water quality-based effluent limits for mercury included in this NPDES permit, it shall submit a letter to Ohio EPA. The letter shall be submitted no later than 6 months from the effective date of this permit. In the letter, the permittee shall state that it intends to comply with the water quality based effluent limits for mercury included in the NPDES permit. In this case, no modification of the NPDES permit will be necessary to address compliance with mercury effluent limit.

b. If, based on an evaluation of mercury data for outfall 3PE00003001 collected using an analytical method specified in Item D.3, the permittee believes that it will not be able to consistently comply with the water quality-based effluent limits for mercury included in this NPDES permit, it shall submit one of the following to Ohio EPA no later than 6 months from the effective date of this permit. (Event Code 88899)

i. If the permittee believes that it will be able to take actions leading to compliance with the water quality-based effluent limits for mercury included in this NPDES permit, it may submit a request to modify the NPDES permit to include a schedule of compliance and an interim effluent limit for mercury.

ii. If the permittee determines that compliance with the water quality-based effluent limits for mercury included in this permit is not possible without the construction of expensive end-of-pipe controls, a variance from the mercury water quality standards is available under paragraph (D)(10) of rule 3745-33-07. If the permittee determines it is eligible, it may submit an application for coverage under this mercury variance. Paragraphs (D)(10)(a) and (b) of rule 3745-33-07 include information on eligibility for coverage and list the information that must be included in the application.

iii. If the permittee determines that compliance with the water quality-based effluent limits for mercury included in this permit is not possible, and it is not eligible for coverage under the mercury variance available at paragraph (D)(10) of rule 3745-33-07, it may submit an application for an individual variance from water quality standards. Paragraph (D)(1-3) of rule 3745-33-07 provides information on the applicability and conditions of an individual variance. Paragraph (D)(4) of the rule lists the information that must be included in the application.

c. This permit may be modified to include either interim limits and a schedule of compliance or new limits and conditions if a variance is issued.

d. A guidance document explaining both the mercury variance and the individual variance, instructions for preparing a mercury variance application, and an example of a mercury variance application are available at:

http://www.epa.ohio.gov/dsw/guidance/guidance.aspx (Permit Guidance 10).

Copies are available upon request from Ohio EPA, Central Office, Division of Surface Water, NPDES Permit Unit.

e. Letters or applications submitted under this item of the Schedule of Compliance shall be sent to Ohio EPA, Division of Surface Water, NPDES Permit Unit, P.O. Box 1049, Columbus, OH, 43216-1049.

E. Wet Weather Auxiliary Treatment Facility No Feasible Alternative Study

1. The permittee's auxiliary treatment facility discharges partially treated wet weather flows at station 3PE00003002. Flows discharged through this station have bypassed preliminary treatment, secondary biological treatment, secondary clarification and tertiary filtration.

High influent flow rates during wet weather are caused by infiltration and inflow in the separate sanitary sewer system and by storm water and sewage flows in the combined sewer system, which is approximately 5 percent of the City's collection system.

The permittee shall undertake the following actions as soon as possible but not later than the dates developed in accordance with the following schedule:

a. No later than January 1, 2011, the permittee shall submit to Ohio EPA, Northeast District Office, Division of Surface two copies of a report on the feasibility of reducing the existing bypass. The permittee shall select an alternative to minimize or eliminate the bypass in accordance with 40 CFR 122.41(m). The report, at a minimum, shall include the following: (Event Code 91099)

i. A comprehensive analysis of the technical feasibility and costs of improvements necessary to increase the biological treatment capacity of the wastewater treatment plant through process changes or physical modifications. The analysis should incorporate appropriately qualified engineering analysis and process modeling using Biowin or equivalent modeling software. Benefits of each of the evaluated alternatives shall also be included. Benefits include predicted reductions in volume and frequency of bypass and pollutant reductions.

ii. A comprehensive analysis of the technical feasibility and costs of the following alternatives to provide additional treatment for bypasses through station 3PE00003002. Benefits in terms of solids reductions for each of the evaluated alternatives shall include 1) Chemically enhanced clarification at the swirl concentrators; and, 2) Retrofitting the swirl concentrators as proprietary high-rate treatment units, including but not limited to Actiflo and Densadeg.

2. The permittee shall respond in writing to any Ohio EPA comments within 45 days. Ohio EPA will then notify the permittee of the preferred alternative(s) necessary to minimize or eliminate the bypass in accordance with 40 CFR 122.41(m).

3. The permittee shall initiate detailed design of the preferred alternative(s) within 30 days of Ohio EPA's notification and complete construction of the preferred alternative(s) in accordance with the following implementation schedule:

a. Submit a permit-to-install application and detail plans as soon as possible, but no later than 30 months from the effective date of this permit. (Event Code 01299)

b. Advertise for construction bids, receive bids, and award contracts as soon as possible, but not later than 40 months from the effective date of this permit. (Event Code 01899)

c. Notify Ohio EPA, Northeast District Office, Division of Surface Water within 7 days of advertising construction bids.

d. Commence construction as soon as possible, but no later than 43 months from the effective date of this permit. (Event Code 03099)

e. Notify Ohio EPA, Northeast District Office, Division of Surface Water, within 7 days of commencing construction.

f. No later than 55 months from the effective date of this permit, submit a status report to Ohio EPA, Northeast District Office, Division of Surface Water on construction progress and ability to meet final compliance date. (Event Code 03599)

g. Complete construction as soon as possible, but no later than 59 months from the effective date of this permit. (Event Code 04599)

h. Notify Ohio EPA, Northeast District Office, Division of Surface Water within 7 days of completing construction.

F. CSO Monitoring Schedule

1. The permittee shall take the following actions as soon as possible but not later than the dates included in the following schedule:

a. No later than 12 months from the effective date of this permit, the permittee shall submit to Ohio EPA, Northeast District Office, Division of Surface two copies of a report that evaluates the costs and feasibility of installing level sensing flow monitors at each of the CSO outfalls listed in Part II, Item E of this permit to obtain data on overflow volume and occurrences. The report shall address at a minimum: (Event Code 30099):

i. An evaluation of any site-specific factors that make flow monitoring at a CSO infeasible due to installation, operation and maintenance, or safety factors.

ii. For each CSO station, a recommended method to obtain the required data.

iii. For each CSO station, the cost to install any necessary equipment as well as an estimate of annual operating and maintenance costs.

b. The permittee shall respond in writing to Ohio EPA comments within 45 days. Ohio EPA will then notify the permittee which CSOs require the installation of level sensing flow monitors.

c. Within 30 days of Ohio EPA's notification of which CSOs require the installation of level sensing flow monitors, the permittee shall commence the process necessary to complete the installation of level sensing flow monitors at the required CSOs in accordance with the following schedule:

i. No later than 24 months from the effective date of this permit, submit a progress report to Ohio EPA, Northeast District Office, Division of Surface Water on the installation of flow monitors at the required CSOs. (Event Code 30199)

ii. No later than 36 months from the effective date of this permit, submit a progress report to Ohio EPA, Northeast District Office, Division of Surface Water on the installation of flow monitors at the required CSOs. (Event Code 30299)

iii. No later than 48 months from the effective date of this permit, submit a progress report to Ohio EPA, Northeast District Office, Division of Surface Water on the installation of flow monitors at the required CSOs. The report shall address any difficulties the permittee has encountered that would affect its ability to have all monitors installed by the final compliance date. (Event Code 30399)

iv. No later than 59 months from the effective date of this permit, complete the installation of flow monitors at the required CSOs. Notify Ohio EPA, Northeast District Office, Division of Surface Water within 7 days of completing installation. (Event Code 30499)

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Part II, Other Requirements

A. Classification of Wastewater Treatment Works

1. On the effective date of this permit, the classification for the treatment works regulated under NPDES permit 3PE00003*ID is Class IV.

2. The operator of record for a class II, III, or IV treatment works or class II sewerage system may be replaced by a backup operator with a certificate one classification lower than the treatment works or sewerage system for a period of up to thirty consecutive days. The use of this provision does not require notification to the agency.

3. Upon proper justification, such as military leave or long term illness, the director may authorize the replacement of the operator of record for a class II, III, or IV treatment works or class II sewerage system by a backup operator with a certificate one classification lower than the facility for a period of greater than thirty consecutive days. Such requests shall be made in writing to the appropriate district office.

4. Minimum Staffing Requirements

a. The permittee shall ensure that the operator of record is physically present at the treatment works in accordance with the minimum staffing requirements included in paragraph (C)(1) of rule 3745-7-04 of the Ohio Administrative Code.

b. Minimum staffing requirements as specified in paragraph (C)(1) of rule 3745-7-04 of the Ohio Administrative Code may be reduced if the permittee submits and the Director of Ohio EPA approves an operating plan for the treatment works as part of an application for a staffing reduction. The application and operating plan shall be prepared in accordance with paragraph (C)(2)(b) of rule 3745-7-04 of the Ohio Administrative Code.

5. All sewerage systems that are tributaries to this treatment works are Class II sewerage systems in accordance with paragraph (B)(1)(a) of rule 3745-7-04 of the Ohio Administrative Code.

B. Operator of Record

The permittee shall designate one or more operator of record to oversee the technical operation of the sewerage system and/or treatment works in accordance with paragraph (A)(2) of rule 3745-7-02 of the Ohio Administrative Code.

1. 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.

2. Within three days of a change in an operator of record, the permittee shall notify the Director of Ohio EPA of any such change on a form acceptable to Ohio EPA. The appropriate form can be found at the following website:

http://www.epa.ohio.gov/portals/28/documents/opcert/Operator_of_Record_Notification_Form.pdf

3. Records as required by Ohio Administrative Code 3745-7-09 shall be accessible onsite for twenty-four hour inspection, records shall be kept up to date, contain a minimum of the previous three months of data at all times, and be maintained for at least three years.

4. Each operator of record shall have a valid certification of a class equal to or greater than the classification of the treatment works as defined in Part II, Item A of this NPDES permit.

C. Description of the location of the required sampling stations are as follows:

Sampling Station	Description of Location
3PE00003001	Final effluent 60" pipe
.	(Lat: 41N 37' 04"; Long: 81W 32' 03")
.	Final effluent 48" pipe
.	(Lat: 41N 37' 00"; Long: 81W 31' 97")
3PE00003002	Plant bypass after wet weather auxiliary treatment facility
.	(Lat: 41N 36' 50"; Long: 81W 31' 45")
3PE00003300	System wide sanitary sewer overflow occurrences
3PE00003585	Sludge disposed of by incineration
3PE00003586	Sludge disposal in a mixed solid waste landfill
3PE00003601	Plant influent
3PE00003005	Combined sewer overflow. See Part II, Item E.
3PE00003006	Combined sewer overflow. See Part II, Item E.
3PE00003007	Combined sewer overflow. See Part II, Item E.
3PE00003008	Combined sewer overflow. See Part II, Item E.
3PE00003009	Combined sewer overflow. See Part II, Item E.

3PE00003010	Combined sewer overflow. See Part II, Item E.
3PE00003011	Combined sewer overflow. See Part II, Item E.
3PE00003012	Combined sewer overflow. See Part II, Item E.
3PE00003013	Combined sewer overflow. See Part II, Item E.
3PE00003014	Combined sewer overflow. See Part II, Item E.
3PE00003015	Combined sewer overflow. See Part II, Item E.
3PE00003018	Combined sewer overflow. See Part II, Item E.
3PE00003019	Combined sewer overflow. See Part II, Item E.
3PE00003020	Combined sewer overflow. See Part II, Item E.
3PE00003022	Combined sewer overflow. See Part II, Item E.
3PE00003023	Combined sewer overflow. See Part II, Item E.
3PE00003024	Combined sewer overflow. See Part II, Item E.
3PE00003025	SSO E. 194 St. @ north end
.	(Lat: 41N 36' 05"; Long: 81W 32' 50")
3PE00003026	SSO E. 215 St. @ Crystal Avenue
.	(Lat: 41N 35' 57"; Long: 81W 31' 49")
3PE00003027	SSO E. 220 St. @ Christine Avenue
.	(Lat: 41N 35' 25"; Long: 81W 31' 40")
3PE00003028	SSO Edgecliffe Drive @ E. 217 St.
.	(Lat: 41N 36' 42"; Long: 81W 32' 00")
3PE00003029	SSO E. 264 St. @ north end
.	(Lat: 41N 37' 26"; Long: 81W 30' 68")
3PE00003030	SSO E. 274 St. @ E. 275 St.
.	(Lat: 41N 37' 09"; Long: 81W 29' 33")
3PE00003031	SSO E. 275 St. @ E. 274 St.
.	(Lat: 41N 37' 10"; Long 81W 29' 33")
3PE00003032	SSO Parkwood Dr. @ E. 273 St.
.	(Lat: 41N 37' 16"; Long: 81W 29' 35")
3PE00003033	SSO Lake Shore Blvd. @ eastr of Lloyd Rd.
.	(Lat: 41N 37' 30"; Long: 81W 29' 33")
3PE00003034	SSO Miami Rd. @ Natona Rd.
.	(Lat: 41N 33' 14"; Long: 81W 32' 32")
3PE00003035	SSO Euclid Ave. @ Euclid Creek
.	(Lat: 41N 34' 04"; Long: 81W 32' 10")
3PE00003036	SSO Effingham Dr. @ Glenbrook Blvd.
.	(Lat: 41n 34' 16"; Long: 81w 31' 08")
3PE00003037	SSO Babbitt Rd. @ E. 222 St.
.	(Lat: 41N 36' 31"; Long: 81W 31' 35")
3PE00003038	SSO E. 263 St. @ Elinore Avenue
.	(Lat: 41N 36' 26"; Long: 81W 30' 01")

D. All parameters, except flow, need not be monitored on days when the plant is not normally staffed (Saturdays, Sundays, and Holidays). On those days, report "AN" on the 4500 Form Discharge Monitoring Report.

E. The permittee is authorized to discharge from the following combined sewer overflows only during wet weather periods when the flow in the sewer system exceeds the capacity of the sewer system. See Part I,B for monitoring and reporting requirements. Also see Part III, Item 11.

Station Number	Description	Receiving Water
3PE00003005	E. 252 St. & Tungsten Rd.	Lake Erie via storm sewer
.	(Lat: 41N 35' 16"; Long: 81W 30' 33")	
3PE00003006	Farrington Avenue	Lake Erie via storm sewer
.	(Lat: 41N 36' 39"; Long: 81W 30' 08")	
3PE00003007	Birch Drive	Lake Erie via storm sewer
.	(Lat: 41N 37' 07"; Long: 81W 29' 21")	
3PE00003008	Tungsten Rd. & Babbitt Rd.	Lake Erie via storm sewer
.	(Lat: 41N 35' 24"; Long: 81W 30' 36")	
3PE00003009	Briardale Avenue	Lake Erie via storm sewer
.	(Lat: 41N 36' 33"; Long: 81W 30' 36")	
3PE00003010	Priday Avenue	Lake Erie via storm sewer
.	(Lat: 41N 35' 36"; Long: 81W 32' 14")	
3PE00003011	Overlook on Euclid Ave.	Lake Erie via storm sewer
.	(Lat: 41N 34' 19"; Long: 81W 31' 28")	
3PE00003012	Forestview Ave. @ E. 272 St.	Lake Erie via storm sewer
.	(Lat 41N 36' 57"; Long: 81W 29' 42")	
3PE00003013	276 St. & Lakeshore Blvd.	Lake Erie via storm sewer
.	(Lat: 41N 37' 31"; Long: 81W 29' 31")	
3PE00003014	Bishop Lane	Lake Erie via storm sewer
.	(Lat: 41N 33' 43"; Long: 81W 32' 23")	
3PE00003015	E. 256 St. & Tungsten Rd.	Lake Erie via storm sewer
.	(Lat: 41N 35' 26"; Long: 81W 30' 24")	
3PE00003018	Glenbrook Blvd.	Lake Erie via storm sewer
.	(Lat: 41N 34' 15"; Long: 81W 31' 12")	
3PE00003019	E. 262 Street	Lake Erie via storm sewer
.	(Lat: 41N 37' 05"; Long: 81W 30' 08")	
3PE00003020	E. 255 Street	Lake Erie via storm sewer
.	(Lat: 41N 37' 08"; Long: 81W 30' 24")	
3PE00003022	Upper Valley Drive	Lake Erie via storm sewer
.	(Lat: 41N 33' 30"; Long: 81W 32' 51")	
3PE00003023	E. 230 Street	Ravine between E 230 & 232 St
.	(Lat: 41N 34' 08"; Long: 81W 31' 17")	
3PE00003024	Dawn Avenue	Ravine between E 230 St&Effingham
.	(Lat: 41N 34' 17"; Long: 81W 31' 17")	

F. The entire wastewater treatment system shall be operated and maintained so that the total loading of pollutants discharged during wet weather is minimized. To accomplish this, the permittee shall utilize the following technologies:

1) provide proper operation and maintenance for the collection system and the combined sewer overflow points;
2) provide the maximum use of the collection system for storage of wet weather flow prior to allowing overflows;
3) review and modify the pretreatment program to minimize the impact of nondomestic discharges from combined sewer overflows;
4) maximize the capabilities of the POTW to treat wet weather flows, and maximize the wet weather flow to the wastewater treatment plant within the limits of the plant's capabilities;
5) prohibit dry weather overflows;
6) control solid and floatable materials in the combined sewer overflow discharge;
7) conduct required inspection, monitoring and reporting of CSOs;
8) implement pollution prevention programs that focus on reducing the level of contaminants in CSOs; and
9) implements a public notification program for areas affected by CSOs, especially beaches and recreation areas.

G. Sanitary Sewer Overflow (SSO) Reporting Requirements

A sanitary sewer overflow is an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. SSOs do not include wet weather discharges from combined sewer overflows specifically listed in Part II of this NPDES permit (if any). All SSOs are prohibited.

1. Reporting for SSOs That Imminently and Substantially Endanger Human Health

a) Immediate Notification

You must notify Ohio EPA (1-800-282-9378) and the appropriate Board of Health (i.e., city or county) within 24 hours of learning of any SSO from your sewers or from your maintenance contract areas that may imminently and substantially endanger human health. The telephone report must identify the location, estimated volume and receiving water, if any, of the overflow. An SSO that may imminently and substantially endanger human health includes dry weather overflows, major line breaks, overflow events that result in fish kills or other significant harm, overflows that expose the general public to contact with raw sewage, and overflow events that occur in sensitive waters and high exposure areas such as protection areas for public drinking water intakes and waters where primary contact recreation occurs.

b) Follow-Up Written Report

Within 5 days of the time you become aware of any SSO that may imminently and substantially endanger human health, you must provide the appropriate Ohio EPA district office a written report that includes:

(i) the estimated date and time when the overflow began and stopped or will be stopped (if known);
(ii) the location of the SSO including an identification number or designation if one exists;
(iii) the receiving water (if there is one);
(iv) an estimate of the volume of the SSO (if known);
(v) a description of the sewer system component from which the release occurred (e.g., manhole, constructed overflow pipe, crack in pipe);
(vi) the cause or suspected cause of the overflow;
(vii) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps; and
(viii) steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps.

An acceptable 5-day follow-up written report can be filled-in or downloaded from the Ohio EPA Division of Surface Water Permits Program Technical Assistance Web page at http://www.epa.ohio.gov/dsw/permits/technical_assistance.aspx .

2. Reporting for All SSOs, Including Those That Imminently and Substantially Endanger Human Health

a) Monthly Operating Reports

Sanitary sewer overflows that enter waters of the state, either directly or through a storm sewer or other conveyance, shall be reported on your monthly operating reports. You must report the system-wide number of occurrences for SSOs that enter waters of the state in accordance with the requirements for station number 300. A monitoring table for this station is included in Part I, B of this NPDES permit. For the purpose of counting occurrences, each location on the sanitary sewer system where there is an overflow, spill, release, or diversion of wastewater on a given day is counted as one occurrence. For example, if on a given day overflows occur from a manhole at one location and from a damaged pipe at another location and they both enter waters of the state, you should record two occurrences for that day. If overflows from both locations continue on the following day, you should record two occurrences for the following day. At the end of the month, total the daily occurrences from all locations on your system and report this number using reporting code 74062 (Overflow Occurrence, No./Month) on the 4500 Form for station number 300.

b) Annual Report

You must prepare an annual report of all SSOs in your collection system, including those that do not enter waters of the state. The annual report must be in an acceptable format (see below) and must include:

(i) A table that lists an identification number, a location description, and the receiving water (if any) for each existing SSO. If an SSO previously included in the list has been eliminated, this shall be noted. Assign each SSO location a unique identification by numbering them consecutively, beginning with 301.

(ii) A table that lists the date that an overflow occurred, the unique ID of the overflow, the name of affected receiving waters (if any), and the estimated volume of the overflow (in millions of gallons). The annual report may summarize information regarding overflows of less than approximately 1,000 gallons.

(iii) A table that summarizes the occurrence of water in basements (WIBs) by total number and by sewershed. The report shall include a narrative analysis of WIB patterns by location, frequency and cause. Only WIBs caused by a problem in the publicly-owned collection system must be included.

Not later than March 31 of each year, you must submit one copy of the annual report for the previous calendar year to the appropriate Ohio EPA district office and one copy to: Ohio EPA; Division of Surface Water; NPDES Permit Unit; P.O. Box 1049; Columbus, OH 43216-1049. You also must provide adequate notice to the public of the availability of the report.

Systems serving fewer than 10,000 people are not required to prepare an annual report if all monthly operating reports for the preceding calendar year show no discharge from overflows.

An acceptable annual SSO report can be filled-in or downloaded from the Ohio EPA Division of Surface Water Permits Program Technical Assistance Web page at http://www.epa.ohio.gov/dsw/permits/technical_assistance.aspx .

H. The permittee shall maintain in good working order and operate as efficiently as possible the "treatment works" and "sewerage system" as defined in ORC 6111.01 to achieve compliance with the terms and conditions of this permit and to prevent discharges to the waters of the state, surface of the ground, basements, homes, buildings, etc.

I. Composite samples shall be comprised of a series of grab samples collected over a 24-hour period and proportionate in volume to the sewage flow rate at the time of sampling. Such samples shall be collected at such times and locations, and in such a fashion, as to be representative of the facility's overall performance.

J. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's performance.

K. Multiple grab samples shall be comprised of at least three grab samples collected at intervals of at least three hours during the period that the plant is staffed on each day for sampling. Samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's overall performance. The critical value shall be reported.

L. The treatment works must obtain at least 85 percent removal of carbonaceous biochemical oxygen demand (five-day) and suspended solids (see Part III, Item 1).

M. The parameters below have had effluent limitations established that are below the Ohio EPA Quantification Level (OEPA QL) for the approved analytical procedure promulgated at 40 CFR 136. OEPA QLs may be expressed as Practical Quantification Levels (PQL) or Minimum Levels (ML).

Compliance with an effluent limit that is below the OEPA QL is determined in accordance with ORC Section 6111.13 and OAC Rule 3745-33-07(C). For maximum effluent limits, any value reported below the OEPA QL shall be considered in compliance with the effluent limit. For average effluent limits, compliance shall be determined by taking the arithmetic mean of values reported for a specified averaging period, using zero (0) for any value reported at a concentration less than the OEPA QL, and comparing that mean to the appropriate average effluent limit. An arithmetic mean that is less than or equal to the average effluent limit shall be considered in compliance with that limit.

The permittee must utilize the lowest available detection method currently approved under 40 CFR Part 136 for monitoring these parameters.

(Item M, Continued)

REPORTING:

All analytical results, even those below the OEPA QL (listed below), shall be reported. Analytical results are to be reported as follows:

1. Results above the QL: Report the analytical result for the parameter of concern.

2. Results above the MDL, but below the QL: Report the analytical result, even though it is below the QL.

3. Results below the MDL: Analytical results below the method detection limit shall be reported as "below detection" using the reporting code "AA".

The following table of quantification levels will be used to determine compliance with NPDES permit limits:

Parameter	PQL	ML
Chlorine, tot. res.	0.050 mg/l	--

This permit may be modified, or, alternatively, revoked and reissued, to include more stringent effluent limits or conditions if information generated as a result of the conditions of this permit indicate the presence of these pollutants in the discharge at levels above the water quality based effluent limit (WQBEL).

N. POTWs that accept hazardous wastes by truck, rail, or dedicated pipeline are considered to be hazardous waste treatment, storage, and disposal facilities (TSDFs) and are subject to regulation under the Resource Conservation and Recovery Act (RCRA). Under the "permit-by-rule" regulation found at 40 CFR 270.60(c), a POTW must:

1) comply with all conditions of its NPDES permit,
2) obtain a RCRA ID number and comply with certain manifest and reporting requirements under RCRA,
3) satisfy corrective action requirements, and
4) meet all federal, state, and local pretreatment requirements.

O. Final permit limitations based on preliminary or approved waste load allocations are subject to change based on modifications to or finalization of the allocation or report or changes to Water Quality Standards. Monitoring requirements and/or special conditions of this permit are subject to change based on regulatory or policy changes.

P. All disposal, use, storage, or treatment of sewage sludge by the permittee shall comply with Chapter 6111. of the Ohio Revised Code, Chapter 3745-40 of the Ohio Administrative Code, any further requirements specified in this NPDES permit, and any other actions of the Director that pertain to the disposal, use, storage, or treatment of sewage sludge by the permittee.

Q. Sewage sludge composite samples shall consist of a minimum of six grab samples collected at such times and locations, and in such fashion, as to be representative of the facility's sewage sludge.

R. No later than January 31 of each calendar year the permittee shall submit two (2) copies of a report summarizing the sewage sludge disposal, use, storage, or treatment activities of the permittee during the previous calendar year. One copy of the report shall be sent to the Ohio EPA, Division of Surface Water, P.O. Box 1049, Columbus, Ohio 43216-1049, and one copy of the report shall be sent to the appropriate Ohio EPA District Office. The report shall be submitted on Ohio EPA Form 4229.

S. Each day when sewage sludge is removed from the wastewater treatment plant for use or disposal, a representative sample of sewage sludge shall be collected and analyzed for percent total solids. This value of percent total solids shall be used to calculate the total Sewage Sludge Weight (Discharge Monitoring Report code 70316) and/or total Sewage Sludge Fee Weight (Discharge Monitoring Report code 51129) removed from the treatment plant on that day. The results of the daily monitoring, and the weight calculations, shall be maintained on site for a minimum of five years. The test methodology used shall be from the latest edition, Part 2540 G of Standard Methods for the Examination of Water and Wastewater American Public Health Association, American Water Works Association, and Water Environment Federation. To convert from gallons of liquid sewage sludge to dry tons of sewage sludge: dry tons = gallons x 8.34 (lbs/gallon) x 0.0005 (tons/lb) x decimal fraction total solids.

T. It is understood by Ohio EPA that at the time permit 3PE00003*ID becomes effective, an analytical method is not approved under 40 CFR 136 to comply with the free cyanide monitoring requirements included in the permit. The permittee shall utilize method 4500-CN I in the 18th, 19th, or 20th edition of Standard Methods.

U. The permittee shall use EPA Method 1631 promulgated under 40 CFR 136 to comply with the influent and effluent mercury monitoring requirements of this permit.

V. Not later than 4 months from the effective date of this permit, the permittee shall post a permanent marker on the stream bank at each outfall that is regulated under this NPDES permit and discharges to Lake Erie. This includes final outfalls, bypasses, and combined sewer overflows. The marker shall consist at a minimum of the name of the establishment to which the permit was issued, the Ohio EPA permit number, and the outfall number and a contact telephone number. The information shall be printed in letters not less than two inches in height. The marker shall be a minimum of 2 feet by 2 feet and shall be a minimum of 3 feet above ground level. The sign shall be not be obstructed such that persons in boats or persons swimming on the river or someone fishing or walking along the shore cannot read the sign. Vegetation shall be periodically removed to keep the sign visible. If the outfall is normally submerged the sign shall indicate that. If the outfall is a combined sewer outfall, the sign shall indicate that untreated human sewage may be discharged from the outfall during wet weather and that harmful bacteria may be present in the water.

W. Pretreatment Program Requirements

The permittee's pretreatment program initially approved on January 19, 1990 and all subsequent modifications approved before the effective date of this permit, shall be an enforceable term and condition of this permit.

To ensure that the approved program is implemented in accordance with 40 CFR 403, Chapter 3745-3 of Ohio Administrative Code and Chapter 6111 of the Ohio Revised Code, the permittee shall comply with the following conditions:

1. Legal Authority

The permittee shall adopt and maintain legal authority which enables it to fully implement and enforce all aspects of its approved pretreatment program including the identification and characterization of industrial sources, issuance of control documents, compliance monitoring and reporting, and enforcement.

The permittee shall establish agreements with all contributing jurisdictions, as necessary, to enable the permittee to fulfill its requirements with respect to industrial users discharging to its system.

2. Industrial User Inventory

The permittee shall identify all industrial users subject to pretreatment standards and requirements and characterize the nature and volume of pollutants in their wastewater. Dischargers determined to be Significant Industrial Users according to OAC 3745-3-01(FF) must be notified of applicable pretreatment standards and requirements within 30 days of making such a determination. This inventory shall be updated at a frequency to ensure proper identification and characterization of industrial users.

3. Slug Load Control Plans for Significant Industrial Users

The permittee shall evaluate the need for a plan, device or structure to control a potential slug discharge at least once during the term of each significant industrial user's control mechanism. Existing significant industrial users shall be evaluated within one year of the effective date of this permit if the users have never been evaluated. New industrial users identified as significant industrial users shall be evaluated within one year of being identified as a significant industrial user.

4. Local Limits

The permittee shall develop and enforce technically based local limits to prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW, pass through the treatment works, be incompatible with the treatment works, or limit wastewater or sludge use options.

The permittee shall use the following waste load allocation values when evaluating local limits for the following pollutants for which a final effluent limit has not been established:

Arsenic 680 ug/l
Beryllium 209 ug/l
Cadmium 13 ug/l
Chromium, hexavalent 31 ug/l
Chromium, total 950 ug/l
Copper 38 ug/l
Free Cyanide 44 ug/l
Lead 89 ug/l
Nickel 559 ug/l
Silver 5.7 ug/l
Zinc 320 ug/l

For the purpose of periodically reevaluating local limits, the permittee shall implement and maintain a sampling program to characterize pollutant contribution to the POTW from industrial and residential sources and to determine pollutant removal efficiencies through the POTW. The permittee shall continue to review and develop local limits as necessary.

5. Control Mechanisms

The permittee shall issue control mechanisms to all industries determined to be Significant Industrial Users as define in OAC 3745-3-01(FF). Control mechanisms must meet at least the minimum requirements of OAC-3745-3-03(C)(1)(c).

6. Industrial Compliance Monitoring

The permittee shall sample and inspect industrial users in accordance with the approved program or approved modifications, including inspection and sampling of all significant industrial users at least annually. Sample collection, preservation and analysis must be performed in accordance with procedures in 40 CFR 136 and with sufficient care to produce evidence admissible in judicial enforcement proceedings.

The permittee shall also require, receive, and review self-monitoring and other industrial user reports when necessary to determine compliance with pretreatment standards and requirements. If the permittee performs sampling and analysis in lieu of an industrial user's self-monitoring, the permittee shall perform repeat sampling and analysis within 30 days of becoming aware of a permit violation, unless the permittee notifies the user of the violation and requires the user to perform the repeat analysis and reporting.

a. Quarterly Industrial User Violation Report

On or prior to the 15th day of January, April, July and October the permittee shall report the industrial users that are in violation of applicable pretreatment standards during the previous quarter. The report shall be prepared in accordance with guidance provided by Ohio EPA and shall include a description of all industrial user violations and corrective actions taken to resolve the violations.

b. Annual Pretreatment Report

On or prior to September 15th of each year, the permittee shall submit an annual report on the effectiveness of the pretreatment program, prepared in accordance with guidance provided by Ohio EPA. The report shall include, but not be limited to: a discussion of program effectiveness; and industrial user inventory; a description of the permittee's monitoring program; a description of any pass through or interference incidents; a copy of the annual publication of industries in Significant Noncompliance; and, priority pollutant monitoring results.

7. POTW Priority Pollutant Monitoring

The permittee shall annually monitor priority pollutants, as defined by U.S. EPA, in the POTW's influent, effluent and sludge. Sample collection, preservation, and analysis shall be performed using U.S. EPA approved methods.

a. A sample of the influent and the effluent shall be collected when industrial discharges are occurring at normal to maximum levels. Sampling of the influent shall be done prior to any recycle streams and sampling of the effluent shall be after disinfection. Both samples shall be collected on the same day or, alternately, the effluent sample may be collected following the influent sample by approximately the retention time of the POTW.

Sampling of sludge shall be representative of sludge removed to final disposal. A minimum of one grab sample shall be taken during actual sludge removal and disposal unless the POTW uses more than one disposal option. If multiple disposal options are used, the POTW shall collect a composite of grab samples from all disposal practices which are proportional to the annual flows to each type of disposal.

b. A reasonable attempt shall be made to identify and quantify additional constituents (excluding priority pollutants and unsubstituted aliphatic compounds) at each sample location. Identification of additional peaks more than ten times higher than the adjacent background noise on the total ion plots (reconstructed gas chromatograms) shall be attempted through the use of U.S. EPA/NIH computerized library of mass spectra, with visual confirmation by an experienced analyst. Quantification may be based on an order of magnitude estimate compared with an internal standard.

The results of these samples must be submitted on Ohio EPA Form 4221 with the permittee's annual pretreatment report. Samples may be collected at any time during the 12 months preceding the due date of the annual report and may be used to fulfill other NPDES monitoring requirements where applicable.

8. Enforcement

The permittee shall investigate all instances of noncompliance with pretreatment standards and requirements and take timely, appropriate, and effective enforcement action to resolve the noncompliance in accordance with the permittee's approved enforcement response plan.

On or prior to Augurt 15th of each year, the permittee shall publish, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the permittee, a list of industrial users which, during the previous 12 months, have been in Significant Noncompliance [OAC 3745-3-03(C)(2)(h)] with applicable pretreatment standards or requirements.

9. Reporting

All reports required under this section shall be submitted to the following address in duplicate:

Ohio Environmental Protection Agency
Division of Surface Water
Pretreatment Unit
P.O. Box 1049
Columbus, OH 43216-1049

10. Record Keeping

All records of pretreatment activities including, but not limited to, industrial inventory data, monitoring results, enforcement actions, and reports submitted by industrial users must be maintained for a minimum of three (3) years. This period of retention shall be extended during the course of any unresolved litigation. Records must be made available to Ohio EPA and U.S. EPA upon request.

11. Program Modifications

Any proposed modifications of the approved pretreatment program must be submitted to Ohio EPA for review, on forms available from Ohio EPA and consistent with guidance provided by Ohio EPA. If the modification is deemed to be substantial, prior approval must be obtained before implementation; otherwise, the modification is considered to be effective 45 days after the date of application. Substantial program modifications include, among other things, changes to the POTW's legal authority, industrial user control mechanisms, local limits, confidentiality procedures, or monitoring frequencies.

X. Monitoring Report Name Change

The name of the monitoring reports required for each effluent table contained in this permit has been changed from Monthly Operating Report (MOR) to Discharge Monitoring Report (DMR). The circumstances requiring the submittal of a DMR remain the same as those which were required for an MOR. Form 4500 must be used for DMR submittal.

Y. Pollutant Minimization Program (PMP)

1. The goal of the PMP is to maintain effluent concentrations of mercury at or below the discharge limits in Part I. A. for outfall 3PE00003001.

2. The permittee shall submit a control strategy designed to proceed toward the goal for each pollutant listed above. Control strategies shall be submitted with the first annual PMP report, or within 12 months of the effective date of this permit, whichever comes later. Control strategies shall include:

a. Existing information on plant processes, significant and non-significant industrial, commercial and residential users of the treatment plant, and wastestreams or sewers tributary to the treatment plant.

b. A plan-of-study for locating/identifying potential sources of the pollutant.

3. Monitoring requirements:

a. Beginning on the effective date of this permit, the permittee shall monitor the wastewater treatment plant influent once per month by grab sample for each pollutant that is required to have a PMP.

b. The permittee shall monitor potential sources of mercury twice per year by grab sample for each pollutant that is required to have a PMP. Potential sources may include process lines, industrial, commercial and residential users, sewer lines and sediments, storm water inputs, atmospheric deposition, and groundwater (Inflow & Infiltration) inputs.

4. The permittee shall submit an annual report to the Ohio EPA, Division of Surface Water, Pretreatment Unit, P.O. Box 1049, Columbus, OH, 43216-1049 no later than September 15 each year after submission of the control strategy. The annual report shall include:

a. All minimization program monitoring results for the year
b. A list of potential sources of the pollutants that are subject to PMP requirements
c. A summary of all actions taken to meet the effluent limits for those pollutants
d.) Any updates of the control strategy

5. This permit may be modified, or alternatively, revoked and reissued, to revise or remove the requirements of this paragraph based on information collected under this paragraph.

Z. Biomonitoring Program Requirements

As soon as possible but no later than three months after the effective date of this permit, the entity shall initiate an effluent biomonitoring program to determine the toxicity of the effluent from outfall 3PE00003001.

General Requirements

All toxicity testing conducted as required by this permit shall be done in accordance with “Reporting and Testing Guidance for Biomonitoring Required by the Ohio Environmental Protection Agency” (hereinafter, the "biomonitoring guidance"), Ohio EPA, July 1998 (or current revision). The Standard Operating Procedures (SOP) or verification of SOP submittal, as described in Section 1.B. of the biomonitoring guidance shall be submitted no later than three months after the effective date of this permit. If the laboratory performing the testing has modified its protocols, a new SOP is required.

Testing Requirements

1. Acute Bioassays

For the duration of this permit, the permittee shall conduct annual acute toxicity tests using Ceriodaphnia dubia and fathead minnows (Pimephales promelas) on effluent samples from outfall 3PE00003001. These tests shall be conducted as specified in Section 2 of the biomonitoring guidance.

2. Data Review

a. Reporting

Following completion of each annual bioassay requirement, the permittee shall report results of the tests in accordance with Sections 2.H.1.and 2.H.2.a. of the biomonitoring guidance, including reporting the results on the monthly DMR and submitting a copy of the complete test report to Ohio EPA, Division of Surface Water, NPDES Permit Unit, P.O. Box 1049, Columbus, OH, 43216-1049.

Based on Ohio EPA's evaluation of the results, this permit may be modified to require additional biomonitoring, require a toxicity reduction evaluation, and/or contain whole effluent toxicity limits.

b. Definitions

TUa = Acute Toxicity Units = 100/LC50

AA. Not later than May 31 of each calendar year, the permittee shall submit two copies of a report summarizing its combined sewer overflow (CSO) discharges during the previous year. One copy of the report shall be sent to the Ohio EPA, Division of Surface Water, Permits and Compliance Unit, P.O. Box 1049, Columbus, Ohio, 43216-1049; and one copy shall be sent to the Ohio EPA Northeast District Office. The report shall include:

1) An annual summary of the frequency and volume of CSO discharges. Information shall be provided for each CSO station listed in Part II, Item E. The data shall be reported in the tabular format provided by Ohio EPA. Data for this annual summary may be generated by the City's predictive collection system model using daily inputs of rainfall volume and duration for the previous calendar year.

2) An evaluation of the City's predictive collection system model and the need to edit the model's data file or modify the program based on changes within the sewer system. The evaluation shall include:

a) A summary of revisions to the model that have been made based on the addition of sanitary sewers, elimination of storm sewer flow, changes in pumping capacities, or other changes to the wastewater treatment system or service area that are accounted for in the model's data file or program; and,

b) A verification of the model's accuracy and recalibration of the model, if necessary. This verification shall be based upon representative rain events from the previous year, flow monitoring conducted at key locations, and a comparison predicted and observed flows.

BB. Combined Sewer Overflow Long-Term Control Plan

In May 2006, the permittee submitted a combined sewer overflow (CSO) long-term control plan as required by Ohio NPDES permit number 3PE00003*HD. The review, revision and approval of that long-term control plan are the subject of ongoing negotiations between the permittee, U.S. EPA and Ohio EPA. This NPDES permit may be modified, or alternatively revoked and reissued, to incorporate provisions and conditions for implementing the long-term control plan once the plan has been approved. Approval and implementation of the long-term control plan may be addressed through a consent decree or other enforceable mechanism in lieu of incorporating provisions and conditions in this NPDES permit.

PART III - GENERAL CONDITIONS

1. DEFINITIONS

"Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

"Average weekly" discharge limitation means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week. Each of the following 7-day periods is defined as a calendar week: Week 1 is Days 1 - 7 of the month; Week 2 is Days 8 - 14; Week 3 is Days 15 - 21; and Week 4 is Days 22 - 28. If the "daily discharge" on days 29, 30 or 31 exceeds the "average weekly" discharge limitation, Ohio EPA may elect to evaluate the last 7 days of the month as Week 4 instead of Days 22 - 28. Compliance with fecal coliform bacteria or E coli bacteria limitations shall be determined using the geometric mean.

"Average monthly" discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. Compliance with fecal coliform bacteria or E coli bacteria limitations shall be determined using the geometric mean.

"85 percent removal" means the arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period.

"Absolute Limitations" Compliance with limitations having descriptions of "shall not be less than," "nor greater than," "shall not exceed," "minimum," or "maximum" shall be determined from any single value for effluent samples and/or measurements collected.

"Net concentration" shall mean the difference between the concentration of a given substance in a sample taken of the discharge and the concentration of the same substances in a sample taken at the intake which supplies water to the given process. For the purpose of this definition, samples that are taken to determine the net concentration shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

"Net Load" shall mean the difference between the load of a given substance as calculated from a sample taken of the discharge and the load of the same substance in a sample taken at the intake which supplies water to given process. For purposes of this definition, samples that are taken to determine the net loading shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

"MGD" means million gallons per day.

"mg/l" means milligrams per liter.

"ug/l" means micrograms per liter.

"ng/l" means nanograms per liter.

"S.U." means standard pH unit.

"kg/day" means kilograms per day.

"Reporting Code" is a five digit number used by the Ohio EPA in processing reported data. The reporting code does not imply the type of analysis used nor the sampling techniques employed.

"Quarterly (1/Quarter) sampling frequency" means the sampling shall be done in the months of March, June, August, and December, unless specifically identified otherwise in the Effluent Limitations and Monitoring Requirements table.

"Yearly (1/Year) sampling frequency" means the sampling shall be done in the month of September, unless specifically identified otherwise in the effluent limitations and monitoring requirements table.

"Semi-annual (2/Year) sampling frequency" means the sampling shall be done during the months of June and December, unless specifically identified otherwise.

"Winter" shall be considered to be the period from November 1 through April 30.

"Bypass" means the intentional diversion of waste streams from any portion of the treatment facility.

"Summer" shall be considered to be the period from May 1 through October 31.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

"Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

"Sewage sludge weight" means the weight of sewage sludge, in dry U.S. tons, including admixtures such as liming materials or bulking agents. Monitoring frequencies for sewage sludge parameters are based on the reported sludge weight generated in a calendar year (use the most recent calendar year data when the NPDES permit is up for renewal).

"Sewage sludge fee weight" means the weight of sewage sludge, in dry U.S. tons, excluding admixtures such as liming materials or bulking agents. Annual sewage sludge fees, as per section 3745.11(Y) of the Ohio Revised Code, are based on the reported sludge fee weight for the most recent calendar year.

2. GENERAL EFFLUENT LIMITATIONS

The effluent shall, at all times, be free of substances:

A. In amounts that will settle to form putrescent, or otherwise objectionable, sludge deposits; or that will adversely affect aquatic life or water fowl;

B. Of an oily, greasy, or surface-active nature, and of other floating debris, in amounts that will form noticeable accumulations of scum, foam or sheen;

C. In amounts that will alter the natural color or odor of the receiving water to such degree as to create a nuisance;

D. In amounts that either singly or in combination with other substances are toxic to human, animal, or aquatic life;

E. In amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growths become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;

F. In amounts that will impair designated instream or downstream water uses.

3. FACILITY OPERATION AND QUALITY CONTROL

All wastewater treatment works shall be operated in a manner consistent with the following:

A. At all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with conditions of the permit.

B. The permittee shall effectively monitor the operation and efficiency of treatment and control facilities and the quantity and quality of the treated discharge.

C. Maintenance of wastewater treatment works that results in degradation of effluent quality shall be scheduled during non-critical water quality periods and shall be carried out in a manner approved by Ohio EPA as specified in the Paragraph in the PART III entitled, "UNAUTHORIZED DISCHARGES".

4. REPORTING

A. Monitoring data required by this permit shall be submitted on Ohio EPA 4500 Discharge Monitoring Report (DMR) forms using the electronic DMR (e-DMR) internet application. e-DMR allows permitted facilities to enter, sign, and submit DMRs on the internet. e-DMR information is found on the following web page:

http://www.epa.ohio.gov/dsw/edmr/eDMR.aspx

Alternatively, if you are unable to use e-DMR due to a demonstrated hardship, monitoring data may be submitted on paper DMR forms provided by Ohio EPA. Monitoring data shall be typed on the forms. Please contact Ohio EPA, Division of Surface Water at (614) 644-2050 if you wish to receive paper DMR forms.

B. DMRs shall be signed by a facility's Responsible Official or a Delegated Responsible Official (i.e. a person delegated by the Responsible Official). The Responsible Official of a facility is defined as:

1. For corporations - a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

2. For partnerships - a general partner;

3. For a sole proprietorship - the proprietor; or,

4. For a municipality, state or other public facility - a principal executive officer, a ranking elected official or other duly authorized employee.

For e-DMR, the person signing and submitting the DMR will need to obtain an eBusiness Center account and Personal Identification Number (PIN). Additionally, Delegated Responsible Officials must be delegated by the Responsible Official, either on-line using the eBusiness Center's delegation function, or on a paper delegation form provided by Ohio EPA. For more information on the PIN and delegation processes, please view the following web page:

http://www.epa.ohio.gov/dsw/edmr/eDMRpin.aspx

C. DMRs submitted using e-DMR shall be submitted to Ohio EPA by the 20th day of the month following the month-of-interest. DMRs submitted on paper must include the original signed DMR form and shall be mailed to Ohio EPA at the following address so that they are received no later than the 15th day of the month following the month-of-interest:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Surface Water - PCU
P.O. Box 1049
Columbus, Ohio 43216-1049

D. Regardless of the submission method, a paper copy of the submitted Ohio EPA 4500 DMR shall be maintained onsite for records retention purposes (see Section 7. RECORDS RETENTION). For e-DMR users, view and print the DMR from the Submission Report Information page after each original or revised DMR is submitted. For submittals on paper, make a copy of the completed paper form after it is signed by a Responsible Official or a Delegated Responsible Official.

E. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified in Section 5. SAMPLING AND ANALYTICAL METHODS, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.

F. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported to the Ohio EPA, but records shall be retained as specified in Section 7. RECORDS RETENTION.

5. SAMPLING AND ANALYTICAL METHOD

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored flow. Test procedures for the analysis of pollutants shall conform to regulation 40 CFR 136, "Test Procedures For The Analysis of Pollutants" unless other test procedures have been specified in this permit. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to insure accuracy of measurements.

6. RECORDING OF RESULTS

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

A. The exact place and date of sampling; (time of sampling not required on EPA 4500)

B. The person(s) who performed the sampling or measurements;

C. The date the analyses were performed on those samples;

D. The person(s) who performed the analyses;

E. The analytical techniques or methods used; and

F. The results of all analyses and measurements.

7. RECORDS RETENTION

The permittee shall retain all of the following records for the wastewater treatment works for a minimum of three years except those records that pertain to sewage sludge disposal, use, storage, or treatment, which shall be kept for a minimum of five years, including:

A. All sampling and analytical records (including internal sampling data not reported);

B. All original recordings for any continuous monitoring instrumentation;

C. All instrumentation, calibration and maintenance records;

D. All plant operation and maintenance records;

E. All reports required by this permit; and

F. Records of all data used to complete the application for this permit for a period of at least three years, or five years for sewage sludge, from the date of the sample, measurement, report, or application.

These periods will be extended during the course of any unresolved litigation, or when requested by the Regional Administrator or the Ohio EPA. The three year period, or five year period for sewage sludge, for retention of records shall start from the date of sample, measurement, report, or application.

8. AVAILABILITY OF REPORTS

Except for data determined by the Ohio EPA to be entitled to confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate district offices of the Ohio EPA. Both the Clean Water Act and Section 6111.05 Ohio Revised Code state that effluent data and receiving water quality data shall not be considered confidential.

9. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

10. RIGHT OF ENTRY

The permittee shall allow the Director or an authorized representative upon presentation of credentials and other documents as may be required by law to:

A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.

B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.

C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.

D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

11. UNAUTHORIZED DISCHARGES

A. Bypass Not Exceeding Limitations - The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 11.B and 11.C.

B. Notice

1. Anticipated Bypass - If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

2. Unanticipated Bypass - The permittee shall submit notice of an unanticipated bypass as required in paragraph 12.B (24 hour notice).

C. Prohibition of Bypass

1. Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The permittee submitted notices as required under paragraph 11.B.

2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 11.C.1.

12. NONCOMPLIANCE NOTIFICATION

A. Exceedance of a Daily Maximum Discharge Limit

1. The permittee shall report noncompliance that is the result of any violation of a daily maximum discharge limit for any of the pollutants listed by the Director in the permit by e-mail or telephone within twenty-four (24) hours of discovery.

The permittee may report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

Southeast District Office: sedo24hournpdes@epa.state.oh.us
Southwest District Office: swdo24hournpdes@epa.state.oh.us
Northwest District Office: nwdo24hournpdes@epa.state.oh.us
Northeast District Office: nedo24hournpdes@epa.state.oh.us
Central District Office: cdo24hournpdes@epa.state.oh.us
Central Office: co24hournpdes@epa.state.oh.us

The permittee shall attach a noncompliance report to the e-mail. A noncompliance report form is available on the following web site:

http://www.epa.ohio.gov/dsw/permits/permits.aspx

Or, the permittee may report to the appropriate Ohio EPA district office by telephone toll-free between 8:00 AM and 5:00 PM as follows:

Southeast District Office: (800) 686-7330
Southwest District Office: (800) 686-8930
Northwest District Office: (800) 686-6930
Northeast District Office: (800) 686-6330
Central District Office: (800) 686-2330
Central Office: (614) 644-2001

The permittee shall include the following information in the telephone noncompliance report:

a. The name of the permittee, and a contact name and telephone number;

b. The limit(s) that has been exceeded;

c. The extent of the exceedance(s);

d. The cause of the exceedance(s);

e. The period of the exceedance(s) including exact dates and times;

f. If uncorrected, the anticipated time the exceedance(s) is expected to continue; and,

g. Steps taken to reduce, eliminate or prevent occurrence of the exceedance(s).

B. Other Permit Violations

1. The permittee shall report noncompliance that is the result of any unanticipated bypass resulting in an exceedance of any effluent limit in the permit or any upset resulting in an exceedance of any effluent limit in the permit by e-mail or telephone within twenty-four (24) hours of discovery.

The permittee may report to the appropriate Ohio EPA district office e-mail account as follows (this method is preferred):

Southeast District Office: sedo24hournpdes@epa.state.oh.us
Southwest District Office: swdo24hournpdes@epa.state.oh.us
Northwest District Office: nwdo24hournpdes@epa.state.oh.us
Northeast District Office: nedo24hournpdes@epa.state.oh.us
Central District Office: cdo24hournpdes@epa.state.oh.us
Central Office: co24hournpdes@epa.state.oh.us

The permittee shall attach a noncompliance report to the e-mail. A noncompliance report form is available on the following web site:

http://www.epa.ohio.gov/dsw/permits/permits.aspx

Or, the permittee may report to the appropriate Ohio EPA district office by telephone toll-free between 8:00 AM and 5:00 PM as follows:

Southeast District Office: (800) 686-7330
Southwest District Office: (800) 686-8930
Northwest District Office: (800) 686-6930
Northeast District Office: (800) 686-6330
Central District Office: (800) 686-2330
Central Office: (614) 644-2001

The permittee shall include the following information in the telephone noncompliance report:

a. The name of the permittee, and a contact name and telephone number;

b. The time(s) at which the discharge occurred, and was discovered;

c. The approximate amount and the characteristics of the discharge;

d. The stream(s) affected by the discharge;

e. The circumstances which created the discharge;

f. The name and telephone number of the person(s) who have knowledge of these circumstances;

g. What remedial steps are being taken; and,

h. The name and telephone number of the person(s) responsible for such remedial steps.

2. The permittee shall report noncompliance that is the result of any spill or discharge which may endanger human health or the environment within thirty (30) minutes of discovery by calling the 24-Hour Emergency Hotline toll-free at (800) 282-9378. The permittee shall also report the spill or discharge by e-mail or telephone within twenty-four (24) hours of discovery in accordance with B.1 above.

C. When the telephone option is used for the noncompliance reports required by A and B, the permittee shall submit to the appropriate Ohio EPA district office a confirmation letter and a completed noncompliance report within five (5) days of the discovery of the noncompliance. This follow up report is not necessary for the e-mail option which already includes a completed noncompliance report.

D. If the permittee is unable to meet any date for achieving an event, as specified in a schedule of compliance in their permit, the permittee shall submit a written report to the appropriate Ohio EPA district office within fourteen (14) days of becoming aware of such a situation. The report shall include the following:

1. The compliance event which has been or will be violated;

2. The cause of the violation;

3. The remedial action being taken;

4. The probable date by which compliance will occur; and,

5. The probability of complying with subsequent and final events as scheduled.

E. The permittee shall report all other instances of permit noncompliance not reported under paragraphs A or B of this section on their monthly DMR submission. The DMR shall contain comments that include the information listed in paragraphs A or B as appropriate.

F. If the permittee becomes aware that it failed to submit an application, or submitted incorrect information in an application or in any report to the director, it shall promptly submit such facts or information.

13. RESERVED

14. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

15. AUTHORIZED DISCHARGES

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than, or at a level in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit. Such violations may result in the imposition of civil and/or criminal penalties as provided for in Section 309 of the Act and Ohio Revised Code Sections 6111.09 and 6111.99.

16. DISCHARGE CHANGES

The following changes must be reported to the appropriate Ohio EPA district office as soon as practicable:

A. For all treatment works, any significant change in character of the discharge which the permittee knows or has reason to believe has occurred or will occur which would constitute cause for modification or revocation and reissuance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Notification of permit changes or anticipated noncompliance does not stay any permit condition.

B. For publicly owned treatment works:

1. Any proposed plant modification, addition, and/or expansion that will change the capacity or efficiency of the plant;

2. The addition of any new significant industrial discharge; and

3. Changes in the quantity or quality of the wastes from existing tributary industrial discharges which will result in significant new or increased discharges of pollutants.

C. For non-publicly owned treatment works, any proposed facility expansions, production increases, or process modifications, which will result in new, different, or increased discharges of pollutants.

Following this notice, modifications to the permit may be made to reflect any necessary changes in permit conditions, including any necessary effluent limitations for any pollutants not identified and limited herein. A determination will also be made as to whether a National Environmental Policy Act (NEPA) review will be required. Sections 6111.44 and 6111.45, Ohio Revised Code, require that plans for treatment works or improvements to such works be approved by the Director of the Ohio EPA prior to initiation of construction.

D. In addition to the reporting requirements under 40 CFR 122.41(l) and per 40 CFR 122.42(a), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:

1. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit. If that discharge will exceed the highest of the "notification levels" specified in 40 CFR Sections 122.42(a)(1)(i) through 122.42(a)(1)(iv).

2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" specified in 122.42(a)(2)(i) through 122.42(a)(2)(iv).

17. TOXIC POLLUTANTS

The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement. Following establishment of such standards or prohibitions, the Director shall modify this permit and so notify the permittee.

18. PERMIT MODIFICATION OR REVOCATION

A. After notice and opportunity for a hearing, this permit may be modified or revoked, by the Ohio EPA, in whole or in part during its term for cause including, but not limited to, the following:

1. Violation of any terms or conditions of this permit;

2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or

3. Change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

B. Pursuant to rule 3745-33-04, Ohio Administrative Code, the permittee may at any time apply to the Ohio EPA for modification of any part of this permit. The filing of a request by the permittee for a permit modification or revocation does not stay any permit condition. The application for modification should be received by the appropriate Ohio EPA district office at least ninety days before the date on which it is desired that the modification become effective. The application shall be made only on forms approved by the Ohio EPA.

19. TRANSFER OF OWNERSHIP OR CONTROL

This permit may be transferred or assigned and a new owner or successor can be authorized to discharge from this facility, provided the following requirements are met:

A. The permittee shall notify the succeeding owner or successor of the existence of this permit by a letter, a copy of which shall be forwarded to the appropriate Ohio EPA district office. The copy of that letter will serve as the permittee's notice to the Director of the proposed transfer. The copy of that letter shall be received by the appropriate Ohio EPA district office sixty (60) days prior to the proposed date of transfer;

B. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittee (including acknowledgement that the existing permittee is liable for violations up to that date, and that the new permittee is liable for violations from that date on) shall be submitted to the appropriate Ohio EPA district office within sixty days after receipt by the district office of the copy of the letter from the permittee to the succeeding owner;

At anytime during the sixty (60) day period between notification of the proposed transfer and the effective date of the transfer, the Director may prevent the transfer if he concludes that such transfer will jeopardize compliance with the terms and conditions of the permit. If the Director does not prevent transfer, he will modify the permit to reflect the new owner.

20. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

21. SOLIDS DISPOSAL

Collected grit and screenings, and other solids other than sewage sludge, shall be disposed of in such a manner as to prevent entry of those wastes into waters of the state, and in accordance with all applicable laws and rules.

22. CONSTRUCTION AFFECTING NAVIGABLE WATERS

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

23. CIVIL AND CRIMINAL LIABILITY

Except as exempted in the permit conditions on UNAUTHORIZED DISCHARGES or UPSETS, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

24. STATE LAWS AND REGULATIONS

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

25. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

26. UPSET

The provisions of 40 CFR Section 122.41(n), relating to "Upset," are specifically incorporated herein by reference in their entirety. For definition of "upset," see Part III, Paragraph 1, DEFINITIONS.

27. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

28. SIGNATORY REQUIREMENTS

All applications submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR 122.22.

All reports submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR Section 122.22.

29. OTHER INFORMATION

A. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

B. ORC 6111.99 provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $25,000 per violation.

C. ORC 6111.99 states that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $25,000 per violation.

D. ORC 6111.99 provides that any person who violates Sections 6111.04, 6111.042, 6111.05, or division (A) of Section 6111.07 of the Revised Code shall be fined not more than $25,000 or imprisoned not more than one year, or both.

30. NEED TO HALT OR REDUCE ACTIVITY

40 CFR 122.41(c) states that it shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with conditions of this permit.

31. APPLICABLE FEDERAL RULES

All references to 40 CFR in this permit mean the version of 40 CFR which is effective as of the effective date of this permit.

32. AVAILABILITY OF PUBLIC SEWERS

Not withstanding the issuance or non-issuance of an NPDES permit to a semi-public disposal system, whenever the sewage system of a publicly owned treatment works becomes available and accessible, the permittee operating any semi-public disposal system shall abandon the semi-public disposal system and connect it into the publicly owned treatment works.

Appendix C
Long Term Control Plan Requirements

I. Characterization, Monitoring and Modeling of the Combined Sewer System

Euclid shall implement a Sewer System Characterization, Monitoring, and Modeling Program ("CMMP") to: (i) characterize the physical and operational attributes of its Sewer System; (ii) monitor Sewer System flows, CSO Discharges, and Bypass discharges; and (iii) collect any additional data needed to facilitate the development, calibration, and validation of the modeling required below. The CMMP shall include the features described in this Section.

A. The CMMP shall include an assessment of: (i) existing sewer system and WWTP characteristics and physical attributes; and (ii) the adequacy, completeness, and accuracy of the existing precipitation data, groundwater elevation data, sewer system flow data, and volume and quality data on CSO discharges and bypass discharges with respect to its ability to support development of the models described in this Appendix C and the LTCP. That assessment shall include an assessment of the following information:

1. Physical characteristics and attributes of Euclid's sewer system (these shall include system configuration; pipe diameters, shapes, lengths, slope, elevation, and interior surface condition (*i.e.*, representative friction coefficients); regulator, manhole, and other appurtenances' shapes, sizes, elevations, and interior condition; pump station capacities and characteristics);

2. Discharge and Bypass discharge flow and quality data;

3. WWTP flows and flows within the sewer system;

4. Stream flow, level, and water quality monitoring data;

5. Ground water monitoring data; and

6. Precipitation monitoring data for locations throughout the areas served by the sewer system and the facilities.

B. Based on the evaluation of existing data and information, the CMMP shall include the identification of additional sewer system and WWTP characteristics and attribute data and information, precipitation data, groundwater elevation data, Sewer System flow data, CSO discharge and bypass discharge volume, and quality monitoring and data acquisition needed to adequately support the development of the models described in Paragraph J of this Appendix C and the LTCP.

1. All data used in the development of the models described in this Appendix C or the LTCP shall be consistent with EPA's Combined Sewer Overflows: Guidance For Monitoring and Modeling (1999), EPA's Combined Sewer Overflows:

Guidance for Long Term Control Plan (1995), 40 C.F.R. Part 136, and good engineering practices.

2. The data collected on CSO discharges, bypass discharges and water quality shall include: carbonaceous biochemical oxygen demand, dissolved oxygen, total suspended solids, nitrogen species, phosphorus, fecal coliform, and e. coli. The data shall specifically address the identification of toxic pollutants of Industrial User origin which have the potential for a discharge from Euclid's Sewer System. Identification and characterization of such pollutant parameters of concern may require Industrial User Discharge, Sewer System, CSO Discharge, and Bypass discharge sampling for specific pollutant parameters, and/or for whole effluent toxicity.

C. The CMMP shall include the development of digitized map(s) which:

1. illustrate the configuration and location of all major trunk sewers, force mains, interceptors, pump stations, siphons and other major appurtenances (to the extent practical, include the size of the sewers so mapped); and

2. indicate the locations of all prior and proposed monitoring.

D. The CMMP shall include the development of schematic(s) which illustrate the relationship between all of the major components of the Sewer System mentioned above in Paragraph (I)(A)(1).

E. The CMMP shall include the selection of representative CSO Outfalls for any additional CSO Discharge flow and quality monitoring, so that sufficient precipitation data and CSO Discharge flow and quality data shall be obtained to allow appropriate characterization of Discharge frequency, volume, duration, and pollutant loads for a range of precipitation events (of varying durations and return frequencies), for each Outfall. Selection of CSO Outfalls for monitoring shall be based upon the following:

1. expected volume and frequency of Discharge;

2. proximity to Sensitive Areas in the Receiving Waters;

3. likelihood of CSO Discharges of toxic pollutants resulting from Industrial Users;

4. coverage of major land use/types within the Euclid's service area; and

5. potential to function as interceptor relief points.

As noted above, CSO Discharge monitoring shall include monitoring at Euclid's most significant CSO Discharge points, based upon volume and frequency of Discharge; monitoring at CSO Discharge points impacted by Industrial User Discharges; and monitoring at such other CSO

Discharge points as necessary to allow adequate characterization of all of Euclid's CSO Discharges.

F. The CMMP shall include the collection of activation data on all CSO Outfalls, using simple methods such as chalking, blocks, bottle boards, or simple level sensors for those CSO Outfalls not equipped with temporary or permanent flow monitoring equipment.

G. The CMMP shall include use of sufficient numbers of appropriately located recording rain gauges (or a combination of rain gauges and doppler radar) to allow accurate characterization of rainfall amounts in all areas served by Euclid's Sewer System.

H. The CMMP shall include use of appropriate data management systems to organize, analyze, and report the data collected as part of the Monitoring Program, to ensure that the data shall support the development of the Model and the LTCP.

I. The CMMP shall include use of appropriate quality assurance and quality control programs to ensure the accuracy and reliability of data collected as part of the Monitoring Program, to ensure that the data shall support the development of the Model and the LTCP.

J. As part of the CMMP, Euclid shall implement a Receiving Stream and Sewer System Modeling Program (the "Modeling Program") that provides for the development and utilization of a Hydraulic Model and a Water Quality Model (if applicable) to aid in the identification of a range of potential water pollution treatment/control alternatives and to evaluate the impacts of such alternatives on the water quality of the receiving stream and the operation of the sewer system. The Modeling Program shall include the features described in this section:

1. The development and utilization of a Hydraulic Model to be used in conjunction with the Water Quality Model (if completed) in the development of the LTCP.

a. The Hydraulic Model shall also be used in the development and implementation of operation and maintenance procedures and to establish priorities for, and evaluate the impacts of, proposed system modifications and upgrades.

b. Euclid shall also utilize the Hydraulic Model, or other appropriate engineering analyses, to assess the hydraulic capacities of the pump stations serving the separate sewer areas, and major sewers within the separate sewer areas, and to identify whether those identified capacities are currently insufficient, or are expected to become insufficient, under future conditions (which shall include system modifications proposed by the LTCP). The evaluation of separate system capacities is to assure that future separate system characteristics shall be consistent with the CSO Discharge control measures that Euclid shall propose in its LTCP.

c. The Hydraulic Model shall be capable of:

i. predicting base flows and wet weather flows generated by various wet weather events in combined areas;
ii. predicting the hydraulic grade lines, volume, and flow rates of wastewater in force mains and gravity sewer lines as specified in Euclid's Work Plan;
iii. predicting the hydraulic pressure and flow capacity of wastewater at any point in force mains throughout the Combined Sewer System;
iv. predicting the flow capacity of each pump station;
v. predicting the flow capacity of all gravity sewer lines as specified in Euclid's Work Plan;
vi. predicting the peak flows during wet weather and dry weather conditions for each pump station and all specified gravity sewer lines;
vii. predicting the likelihood, location, duration, and volume of discharge from each CSO Discharge Outfall for a range of precipitation events (of varying durations and return frequencies);
viii. predicting wet weather flows for Euclid's separate sewer areas;
ix. predicting the peak instantaneous and sustained flows to the WWTP and WWATF ("Facilities") for a variety of storm events (of varying durations and return frequencies);
x. estimating wastewater flow, groundwater infiltration, runoff, and precipitation-induced Infiltration and Inflow ("I&I"); and
xi. providing all output data necessary to develop and implement the Water Quality Model, and support development of the LTCP.

2. As part of the Modeling Program, Euclid shall prepare and submit to Plaintiffs a work plan for developing the Hydraulic Model, which shall include:

a. a description of the Hydraulic Model;

b. specific attributes, characteristics, and limitations of the Hydraulic Model;

c. identification of all input parameters, constants, assumed values, and expected outputs;

d. digitized map(s) and schematic(s) that identify and characterize the portions of the Sewer System that shall be included in the Hydraulic Model;

e. identification of input data to be used;

f. configuration of the Hydraulic Model;

g. procedures and protocols for performance of sensitivity analyses (*i.e.*, how the Hydraulic Model responds to changes in input parameters and

variables) and identification of the ranges within which calibration parameters shall be maintained;

h. procedures for calibrating the Hydraulic Model to account for values representative of the Sewer System and the Facilities using actual Sewer System and Facilities data (e.g., flow data and hydraulic grade line data);

i. procedures to validate the Hydraulic Model's performance using actual Sewer System and Facilities data (*e.g.*, flow data and hydraulic grade line data;

j. procedures for modeling wet weather flows from separate Sewer System service areas; and

k. an expeditious schedule for the development and utilization of the Hydraulic Model.

3. The Modeling Program may include the development and utilization of a Water Quality Model to be used in conjunction with the Hydraulic Model in the development of the LTCP. If the Water Quality Model is developed, it shall be in accordance with the requirements of this Paragraph 3.

a. The Water Quality Model shall be capable of:

i. accurately modeling water quality in the Receiving Waters, under existing and future predicted conditions, during an appropriate range of both dry and wet weather conditions, and across an appropriate range of river flows;

ii. assessing the impacts on water quality (both absolute and relative to other sources) of CSO Discharges, Bypass discharges, and discharges from the Facilities under those ranges of conditions; and

iii. assessing the changes in CSO Discharges, Bypass discharges, and WWTP discharge impacts expected to occur following implementation of the various control measures that Euclid shall evaluate in developing the LTCP.

b. Euclid shall prepare and submit to Plaintiffs a work plan to be used as a protocol for developing the Water Quality Model which shall include:

(i) a description of the Water Quality Model;
(ii) specific attributes, characteristics, and limitations of the Water Quality Model;

(iii) identification of all input parameters, constants, assumed values, and expected outputs;
(iv) identification of input data to be used;
(v) configuration of the Water Quality Model;
(vi) procedures and protocols for performance of sensitivity analyses (*i.e.*, how the Water Quality Model responds to changes in input parameters and variables);
(vii) procedures for calibrating the Water Quality Model using actual water quality monitoring and river flow data;
(viii) procedures to validate the Water Quality Model's calibration using actual water quality monitoring and river flow data; and,
(ix) an expeditious schedule for the development and utilization of the Water Quality Model.

II. Maximizing Treatment capacity at the WWTP

A. Euclid shall submit for approval to U.S. EPA and Ohio EPA a proposal detailing the method by which it intends to establish the maximum hydraulic and treatment capabilities of all units of its WWTP. Upon approval of the proposal, Euclid shall carry out the activities documented within the proposal.

B. Euclid shall use the information developed in the proposal to complete a study of all feasible alternatives to bypassing influent flows around any portion of the WWTP. The study will address a full range of technical options including, but not limited to, expansion of secondary treatment, storage at the WWTP and in the collection system, and removal of I&I to eliminate bypassing at the WWTP. Where an alternative is deemed technically or financially infeasible, the study shall detail the basis of that decision. The study will analyze a range of alternatives and costs to reduce bypassing incrementally to zero in a typical precipitation year.

C. The treatment capacity established by the study required in item B, above, shall be used as the existing condition for the purposes of developing the Long Term Control Plan.

D. Euclid has indicated a desire to conduct a pilot study of the WWATF with the intent of determining ways to maximize treatment efficiency and to project needed improvements. This study will involve increased cleaning of the WWATF after each activation, full time staffing, additional sampling and the addition of chemicals.

III. Public Participation

Euclid shall implement a Public and Regulatory Agency Participation Program (the "Participation Program") designed to ensure that there is ample public participation, and ample participation by Plaintiffs, throughout all stages of development of Euclid's LTCP. The Program shall include the features described in this Section.

A. The Participation Program shall include means by which Euclid shall make information pertaining to the development of the LTCP available to the public for review.

B. The Participation Program shall include means by which Euclid shall solicit comments from the public on the development of the LTCP.

C. The Participation Program shall include transcribed public hearings at meaningful times during the LTCP development process to provide the public with information and to solicit comments from the public regarding the components of the LTCP.

D. The Participation Program shall include Euclid's consideration of comments provided by the public as Euclid develops the LTCP.

E. The Participation Program shall include measures that Euclid shall employ to ensure that Plaintiffs are kept informed of Euclid's progress in developing its LTCP, including scheduling periodic meetings with Plaintiffs at meaningful times during the LTCP development process and regular submittal of reports to Plaintiffs summarizing the public comments received throughout implementation of the Program.

IV. Identification of Sensitive Areas

In identifying, assessing, and selecting alternatives for its LTCP, Euclid shall give the highest priority to controlling overflows to Sensitive Areas (as defined in the CSO Policy). Euclid's LTCP shall prohibit new or increased overflows to Sensitive Areas. Euclid's LTCP shall, where possible and where doing so does not provide less environmental benefits than additional treatment, eliminate or relocate overflows that Discharge to Sensitive Areas. Where relocation or elimination of an overflow to a sensitive area would provide less environmental benefit than additional treatment, Euclid's LTCP shall provide for additional treatment as is necessary to meet water quality standards for full protection of all designated and existing uses.

V. Evaluation of Alternatives Analysis

The LTCP shall include an evaluation and screening of a wide range of alternatives for eliminating, reducing, or treating CSO Discharges, and for eliminating bypass discharges (except as permitted by the Bypass conditions in 40 C.F.R. § 122.41(m) and Euclid's current NPDES Permit). This screening shall result in the identification of an appropriate list of alternatives for further evaluation. This further evaluation shall consider the costs, effectiveness (in terms of overflow volume reduction, pollutant loading reductions, etc.), and the water quality improvements of the appropriate list of alternatives. In performing the evaluation, Euclid shall use the results of the Monitoring Program and the Hydraulic Model and Water Quality Model developed under the Modeling Program.

A. The alternatives evaluated as part of the LTCP shall include:

1. taking no-action;
2. complete sewer separation;
3. partial separation of various portions of the combined sewer system;

4. installation of various sizes of storage or equalization basins at Euclid's Facilities and/or in the Sewer System;
5. construction of new, secondary or advanced wastewater treatment plants;
6. construction of increased treatment capacities at the existing WWTP;
7. construction of additional facilities (such as high rate treatment or ballasted flocculation facilities) for providing primary treatment or better than primary treatment of discharges from CSO Discharge Outfalls;
8. construction of new intercepting sewers from the Sewer System to the WWTP;
9. construction of facilities for providing disinfection (and dechlorination, if necessary) of CSO Discharges;
10. construction of facilities for removing floatables from CSO Discharges;
11. construction of relief sewers;
12. relocation of CSO Discharge Outfalls;
13. implementation of pretreatment measures to reduce flows and/or pollutants discharged into the sewer system from Industrial Users; and
14. construction and/or implementation of combinations of these alternatives, utilizing the "alternatives analyses" portion of EPA's "Combined Sewer Overflows Guidance for Long-Term Control Plan."

B. For each alternative, or combination of alternatives evaluated as part of the LTCP, Euclid's assessment shall include an evaluation of the technical feasibility and applicability of each alternative or combination of alternatives at each CSO Outfall or grouping of CSO Outfalls.

C. For each alternative, or combination of alternatives evaluated as part of the LTCP and, through the aforementioned screening process, found to be technically feasible and applicable, Euclid's assessment shall include an evaluation of a range of "sizes" of each alternative with the exception of the alternatives identified in Section (V) (A)1,2,11, and 12, or combination of alternatives, that shall:

1. provide capture and/or treatment, on an annual average basis, of a range of combined storm and sanitary wastewater flows, including 75%, 85%, 90%, 95%, and 100% or an equivalent range of capture rates; and/or

2. reduce the average number of untreated CSO Discharge events per year to a specified range, including 0, 1, 2, 3, and 4 events per year. If a greater range of events is found to be necessary, EPA may request that the specified range include up to 0, 1, 3, 4, 7, 8, and 12 events per year.

D. For each alternative or combination of alternatives evaluated as part of the LTCP, Euclid's assessment shall include a determination of the estimated project costs, as that term is described on pages 3-49 through 3-51 of the EPA's Combined Sewer Overflows Guidance for Long-Term Control Plan. The determination of the estimated project costs shall include:

1. capital costs, annual operation and maintenance costs, and life cycle costs, as those terms are described on pages 3-49 through 3-51 of EPA's "Combined Sewer Overflows Guidance for Long-Term Control Plan"; and

2. an itemization of the capital costs and annual operation and maintenance costs used to determine the total project costs for each separate component of each alternative or combination of alternatives.

E. For each alternative or combination of alternatives evaluated as part of the LTCP, Euclid's assessment shall include an evaluation, using the results of the Water Quality Model (if applicable), of the expected water quality improvements in the Receiving Waters that shall result from implementation of the alternative or combination of alternatives. The evaluation shall include, at a minimum, an analysis of the improvement in every pollutant of concern in that Receiving Water.

VI. Cost/ Performance Considerations

For each alternative or combination of alternatives evaluated as part of the LTCP, Euclid's assessment shall include a cost-performance analysis, such as a "knee of the curve" analysis, that shall allow for the comparison of the costs to: (i) the associated expected water quality improvements; (ii) the reduction of CSO Discharge and Bypass discharge volume; (iii) the reduction in CSO Discharge and Bypass discharge events; and/or (iv.) the reduction in pollutant loading from CSO Discharge and Bypass discharge events.

A. The LTCP shall include an evaluation of Euclid's financial capability to fund the selected alternative or combination of alternatives, including an analysis of:

1. median household income/total project cost per household;

2. per capita debt as a percent of full market property value;

3. property tax revenues as a percent of full market property value;

4. property tax collection rate;

5. unemployment rate;

6. current and projected residential, commercial, and industrial user fees;

7. bond rating;

8. bond capacity for the next twenty years;

9. grant and/or loan eligibility and availability;

10. other viable funding mechanisms and sources of financing; and

11. other factors which may be applicable to the financial evaluation.

B. The LTCP shall include the selection of CSO Discharge control measures, including the construction of all Sewer System and WWTP improvements, necessary to ensure compliance with the technology-based and water quality-based requirements of the CWA, state law and regulation, and Euclid's NPDES Permit.

C. The LTCP shall include the selection of Bypass discharge control measures, including the construction of all Sewer System and WWTP improvements, necessary to ensure elimination of Bypass discharges from the WWTP and sewer system except as permitted by the bypass conditions in 40 C.F.R. § 122.41(m).

VII. Recommended Plan

A. Euclid shall consider the analysis, evaluations, and information prepared for the LTCP prepared pursuant to the Consent Decree and select a Recommended Long Term Control Plan, including: (1) the proposed control measures necessary to achieve the requirement that any wet weather CSO discharges comply with the technology-based and water quality-based requirements of the Clean Water Act ("CWA"), Ohio R.C. Chapter 6111, and the provisions of Euclid's Current NPDES Permit (as defined in the Consent Decree) and (2) the proposed feasible control measure(s) consistent with the CSO Control Policy and 40 C.F.R. § 122.41(m) to eliminate bypasses at the WWTP, or if Euclid demonstrates during the course of developing its LTCP that elimination of all secondary treatment bypasses is not feasible, to reduce bypasses at the WTTP to the maximum extent feasible and to provide maximum feasible treatment for any remaining bypasses.

B. Euclid's LTCP shall contain criteria necessary to ensure that the control measures selected pursuant to Section VII.A. are properly designed (design criteria) and to ensure that, once constructed, the control measures perform in the manner that they were expected to perform (performance criteria).

C. Euclid shall develop a schedule that is as expeditious as possible for design, construction, and implementation and utilization of the control measures selected in the Recommended Plan pursuant to Section V.A., above. The schedule shall be consistent with the deadlines set forth in Paragraphs 12, 19, and 22 of the Consent Decree. The schedule shall specify critical construction milestones for each specific control measure, including, at a minimum, deadlines for:

    (1) Bidding of Control Measures; and

    (2) Achievement of Full Operation.

D. As part of the "Recommended Plan" chapter of the LTCP, Euclid shall provide the information required under Section VII.A. through VII.C. above using the format presented in the Attachment to this Appendix C. The standards that Euclid must meet

as described in Paragraph A, above, and the specific performance standards set forth in the Table required under this Paragraph are the performance criteria and standards that Euclid must meet as set forth in Paragraphs 13 and 15 of the Consent Decree.

VIII. Implementation Schedule

The LTCP shall include a schedule for the design, construction, and implementation of all measures described below in Paragraph B of this Section. Said measures are to be completed as expeditiously as possible but no later than the deadlines set forth in Paragraph 12 of the Consent Decree.

A. If it is not possible for Euclid to design and construct all measures simultaneously, the LTCP shall include a phased schedule based on the relative importance of each measure, with highest priority being given to eliminating discharges to Sensitive Areas and to those projects which most reduce the discharge of pollutants.

B. The schedule shall specify critical construction milestones for each specific measure, including dates for:

1. submission of applications for all permits required by law;
2. commencement of construction;
3. completion of construction; and
4. achievement of full operation.

IX. Post-Construction Compliance Monitoring, Modeling, and Reporting

The LTCP shall include a post-construction compliance monitoring program which shall result in the assessment of the effectiveness of the selected and completed CSO discharge and Bypass discharge controls, and validate compliance with water quality standards. This monitoring program shall validate and document the measures that will be taken to ascertain the effectiveness of Euclid's controls and to validate and assess compliance with the technology-based and water quality-based requirements of the CWA, state law and regulation, and the applicable provisions of its NPDES Permit.

Euclid shall complete these monitoring, modeling, and post-construction water quality assessment activities within two years following the completion of the construction and achievement of full operation of all measures required under the approved LTCP and shall fully document these activities in the following documents in accordance with the pertinent steps as set forth below in this Section:

- Initial Model Validation Report (Step 3);
- Model Re-Calibration and Validation Report (if necessary) (Step 6);
- Final Post-Construction Monitoring Report (Step 8); and
- Water Quality Standards Assessment Report related to Post-Construction Monitoring (Step 10)

These documents shall be submitted to USEPA and the Ohio EPA for review and approval.

1. Initial Data Collection after LTCP Implementation:

Upon full implementation of all of the approved LTCP-recommended CSO controls, Euclid must determine whether its CSO Long Term Control Measures are performing as required. The City shall collect precipitation data and CSO activation data for a period of up to 12 months, or until such time as enough storms and data have been collected to adequately calibrate the sewer hydraulic model. Such data shall be collected, reviewed, edited, and utilized in accordance with the data quality assurance measures specified in the approved Post-Construction Monitoring Plan.

Prior to undertaking the analysis described below, the City shall update its existing hydraulic model so as to reflect the actual LTCP controls as built, as well as any other system changes and improvements implemented since the development of the LTCP.

2. Validation of Hydraulic Model – Initial Effort:

Euclid shall utilize the rainfall and CSO activation data collected as described above to validate the current state of calibration of its Hydraulic Model, by carrying out a continuous simulation of the entire post-construction monitoring period.

If the continuous simulation produces the same number of overflow events at the respective CSOs as observed at each of the actual CSO locations as documented by field monitoring activities (and at similar times and for similar time durations) then the Hydraulic Model shall be considered to be adequately calibrated and validated.

3. Initial Hydraulic Model Validation Report – If Successfully Calibrated and Validated:

If Euclid determines the Hydraulic Model has been calibrated and validated in accordance with Step 2, above, Euclid shall prepare an Initial Hydraulic Model Validation Report documenting this calibration and validation effort and results. Upon U.S. EPA and Ohio EPA approval, Euclid shall proceed to Step 7, below.

4. Where Initial Continuous Simulation Does Not Demonstrate a Validated Hydraulic Model:

If the continuous simulation does not produce the same number of overflow events (at similar times and for similar time durations) at each of the CSO locations as was documented by the field monitoring activities, then Euclid shall re-calibrate and validate the Hydraulic Model. The extent of re-calibration necessary will depend on the severity of the deviation between the modeled activations and those monitored during the initial post construction monitoring period.

5. Hydraulic Model Re-Calibration (where re-calibration is required)

Prior to undertaking the hydraulic model re-calibration effort, Euclid shall prepare, for U.S. EPA and Ohio EPA approval, an Initial Model Validation Report documenting its monitoring and model validation efforts. This report shall also describe in detail the City's proposed approach to model re-calibration, including a description of the proposed flow and precipitation monitoring if required. The extent of recalibration necessary will depend on the severity of the deviation of the modeled activation frequency and the monitored values. If Euclid determines that a major or minor failure to validate the Hydraulic Model has occurred, and if circumstances occur that prevent recalibration during the two year completion schedule of the monitoring, modeling, and post construction water quality assessment activities (such as a lack of precipitation events), Euclid may include in its Model Valuation Report a request to extend the two year deadline, but the proposed extended deadline shall be as expeditious as possible.

a) Minor Failure to Validate Hydraulic Model:
In the case of a minor failure to validate the Hydraulic Model in the initial simulation, re-calibration using the previously collected rainfall and activation data may allow for adequate re-calibration of the Hydraulic Model. In such cases, recalibration will take place with a minimum of three storms collected during the post-construction monitoring period. Validation will take place by re-running the entire post-construction monitoring period.

b) Major Failure to Validate Hydraulic Model:
In the case of a major failure to validate, the City shall collect additional precipitation, flow, and activation data so as to allow a technically sound re-calibration and validation of all portions of the Hydraulic Model that failed the initial calibration/validation effort. The re-calibration will be done using a minimum of 3 appropriate rainfall events from the data collected as described in the Initial Model Validation Report. The Model will then be calibrated and validated by re-running the data from this new post-construction monitoring period.

6. Hydraulic Model Re-Calibration Report (where re-calibration of Model was necessary)

If Euclid determines that the Hydraulic Model has been adequately calibrated and validated based on its re-calibration efforts, the City shall prepare for U.S. EPA and Ohio EPA approval, a Hydraulic Model Re-Calibration Report documenting this re-calibration and validation. Upon approval by U.S. EPA and Ohio EPA, Euclid shall proceed to Step 7, below.

7. Use of Calibrated Model to Evaluate Post-Construction Performance:

If the validated Hydraulic Model's continuous simulation data produced for the conditions in the post construction monitoring period correlates with the number of CSO events observed and documented by field monitoring activities and at similar times and for similar time durations, Euclid shall next test post-construction performance as set forth below.

Testing CSO control system performance relative to the established performance criteria set forth in the approved LTCP is accomplished by using the validated Hydraulic Model to simulate system hydraulic performance (such as number of overflows and bypasses) for the pre-established "Typical Year" (as defined in Euclid's LTCP). If, in the Typical Year continuous

run, the predicted performance of the WWTP and the CSO discharges, meet or exceed the performance criteria identified in the LTCP, then Euclid's CSO LTCP measures shall be considered to have met the specified performance criteria.

If the Typical Year continuous simulation results do not meet the listed performance criteria, then Euclid's CSO LTCP measures shall be considered not to have met the specified performance criteria.

8. Final Post-Construction Monitoring & Modeling Report:

The City shall document in detail all of its monitoring and modeling activities and its analyses of system performance, as described above, in a Final Post-Construction Monitoring Report, to be submitted to U.S. EPA and Ohio EPA for review and approval within two years following the completion of the construction and achievement of full operation of all measures required under the approved LTCP.

9. Submission of Plan to Address Failure to Meet Performance Criteria:

If Euclid's CSO LTCP controls have been determined not to have met the performance criteria specified in the LTCP and CD, the City shall within 150 days of receipt of notice from either U.S. EPA or Ohio EPA, submit to U.S. EPA and Ohio EPA, for review and approval, a Supplemental CSO Control Plan and Schedule for the evaluation and implementation of additional CSO controls necessary to allow Euclid to meet the hydraulic performance criteria (such as number of overflows and bypasses) established in the LTCP. This Plan will include technical information as is necessary to adequately demonstrate that the proposed additional controls will achieve the LTCP performance criteria.

10. Consideration of the Water Quality Standards Assessment, after LTCP Implementation:

In addition to the evaluation of the hydraulic performance criteria identified in the LTCP, Euclid shall collect information on the impact of remaining overflows on achievement of water quality standards and the then-current NPDES permit requirements related to bypasses from Euclid's POTW.

A goal of collecting sampling data is to determine the effects of the remaining overflows on receiving water quality and achievement of prevailing water quality standards. For example, are the CSOs and POTW bypasses, if any, causing exceedances of water quality criteria? Or, to the extent that criteria are already being exceeded due to upstream sources, are the remaining CSOs and POTW bypasses increasing the magnitude of exceedances of water quality criteria? This shall be decided on a case by case basis in consultation with U.S. EPA and Ohio EPA. At the conclusion of this post-construction water quality assessment," Euclid shall submit to U.S. EPA and Ohio EPA, for approval, a **Water Quality Standards Assessment Report related to Post-Construction Monitoring**, setting forth its conclusions whether Euclid is meeting the water quality and NPDES permit-based requirements of the CSO discharges and POTW bypasses..

ATTACHMENT TO APPENDIX C
LONG TERM CONTROL PLAN

City of Euclid
Control Measures, Design Criteria, Performance Criteria and Critical Milestones

CSO Control Measures*

	Control Measure	Description	Design Criteria	Performance Criteria	Critical Milestones
1					Bidding of Control Measure - Achievement of Full Operation-
2					Bidding of Control Measure - Achievement of Full Operation-
3					Bidding of Control Measure - Achievement of Full Operation-

WPCS Control Measures

	Control Measure	Description	Design Criteria	Performance Criteria		Critical Milestones
				Capacity (MGD)	Number of Bypasses	
1 (etc.)						Bidding of Control Measure - Achievement of Full Operation-

* Performance Criteria for CSO Control Measures that are storage technologies will be the number of overflows remaining. Performance Criteria for CSO Control Measures that are treatment technologies will include performance criteria in terms of capacity (e.g., MGD) *and* number of untreated overflows.

Appendix D
City of Euclid Separate System Analysis

I. Sewer System Evaluation Survey ("SSES")

The goal of the SSES is to identify sources and quantities of clear water infiltration and inflow into all publicly-owned and privately-owned portions of Euclid's sewer system; to identify hydraulic capacity deficiencies in the sewer system; and to identify feasible steps to eliminate the clear water entering the sewer system and prevent sanitary sewer overflows ("SSOs"). The following elements shall be included in Euclid's SSES:

A. SSES Requirements

The evaluation of Euclid's sewer system shall be conducted consistent with procedures outlined in the EPA *Handbook for Sewer System Evaluation and Rehabilitation*, http://yosemite.epa.gov/water/owrccatalog.nsf/e673c95b11602f2385256ae1007279fe/3bf1715386cfbcf785256b0600723c07!OpenDocument and include the following:

1. A physical survey of the sewer system and confirmation of location, size, and capacity of all significant sewers, manholes, pump stations, overflow points, cross-connections with storm sewers, and any other appurtenances specific to Euclid's system;

2. A review of records including, but not limited to, previous sanitary sewer investigations, construction reports, WWTP and pump station flow records, complaint and O&M databases and interviews with collection system personnel;

3. Flow monitoring conducted to adequately characterize the sanitary sewer collection system during wet and dry weather;

4. Field activities such as smoke testing, dyed water testing, CCTV, nighttime flow measurement, pipe and manhole inspections and groundwater monitoring, as necessary, to support the identification of hydraulic deficiencies and clear water inflow and infiltration;

5. Estimates of peak flows (including flows from SSOs that escape from the sewer system) associated with wet weather conditions;

6. Existing dry weather average and peak flows for each sewershed and sub-basin within the system; existing wet weather average and peak wet weather flows for each sewershed and sub-basin in the system;

7. Identification of the locations of any hydraulic deficiencies (including components of the sewer system with limiting capacity) that are generating SSOs or water in basements ("WIBs");

8. Identification of the locations of sources of clear water entry into the sewer system, and an estimate of the benefit (in terms of flow removed) of eliminating each source;

9. A detailed summary of recent model configuration, sewer system characterization, and calibration and verification activities, including calibration and verification data;

10. Average dry weather infiltration rate (in gpd/inch diameter-mile);

11. A summary of recent investigative activities;

12. A summary of structural defects identified in the sewer system;

13. Identification of sewersheds with excessive Inflow & Infiltration ("I&I"), such that these conditions are causing and/or contributing to SSOs, overloading, and/or Bypasses at the WWTP;

14. Identification and quantification of specific sources of I&I within the sewersheds;

15. Identification of areas subject to building/ private property backups;

16. Identification of portions of the sewer system in which physical degradation of the sanitary sewer system is causing or contributing to SSOs; and

17. Identification of cross connections and unauthorized connections.

B. SSES Report to U.S. EPA

Euclid shall submit a report to U.S. EPA detailing the activities undertaken in conducting the SSES. The Report shall identify all findings and conclusions made by Euclid relevant to the Implementation Plan and Schedule it will adopt. In addition, the following elements shall be addressed:

1. The Report shall include short and long-term actions to eliminate each **hydraulic deficiency** identified. The recommendations shall:

   a) list all technically feasible alternatives to eliminate the deficiency;

   b) estimate the costs for each alternative;

   c) identify recommended alternatives for eliminating the deficiency;

d) group the alternatives in projects as appropriate; and

e) prioritize the projects and provide a schedule for implementation of all recommended projects. If a project is not recommended, or if an implementation schedule is impacted due solely to the affordability of the project, Euclid shall provide an analysis of the cost effectiveness of the project, including impacts on user rates.

2. The Report shall identify both short and long-term actions to eliminate each source of **clear water entry** into the sewer system. For each source, identify:

a) alternatives to eliminate the source;

b) the costs for each alternative;

c) the recommended alternative for eliminating the source;

d) group the alternatives in projects as appropriate; and

e) prioritize the projects and provide a schedule for implementation of all recommended projects. If a project is not recommended, or if an implementation schedule is impacted due solely to the affordability of the project, Euclid shall provide an analysis of the cost effectiveness of the project, including impacts on user rates.

II. Sanitary Sewer Overflow Elimination Plan ("SSOEP")

The goal of the SSOEP is to prevent the occurrence of SSOs by developing and implementing a plan for the sanitary sewer system. Euclid shall use the information collected during the SSES, as laid out in the SSES Report, to develop the SSOEP required below, to eliminate its SSOs. The following elements shall be included in Euclid's SSES:

A. SSOEP Requirements

The SSOEP shall incorporate the information collected during the course of developing the SSES and provide for the completion of all remedial measures necessary to allow Euclid to meet the requirements of the CWA, as expressed in Section XV of the Consent Decree, including:

1. *Capacity*: Identification of measures necessary to achieve adequate capacity in the sanitary sewer system to eliminate wet weather SSOs;

2. *Inflow and Infiltration*: Identification of the degree to which I&I shall be removed, and the degree to which I&I removal is expected to alleviate capacity constraints;

3. *Physical Upgrades*: Identification of measures to eliminate SSOs caused by physical degradation of sewers, inadequate pumping station capacities, or poor pumping station reliability;

4. *Costs*: Estimated capital, operating and maintenance, and present value costs for each identified remedial measure; and

5. *Prioritization*: The SSOEP shall prioritize measures identified in the plan based upon: (a) relative risk of impact on human health and the environmental; (b) frequency of SSOs; and (c) total annual volume of affected SSOs, and shall provide a description of the methodology used in that prioritization.

B. SSOEP Implementation and Schedule

The SSOEP shall include a schedule for design, construction, and placement in service of all proposed measures identified in the plan that is as expeditious as possible. Upon approval by EPA and Ohio EPA of the SSOEP, Euclid shall implement the SSOEP measures in accordance with the schedule contained therein.

III. Sewer System Maintenance Improvements

On September 22, 2009, Euclid submitted to EPA and Ohio EPA for review and approval a work plan for the implementation of a comprehensive Sewer System Management, Operation, and Preventative Maintenance ("MOM") Program. The MOM Program shall include, at minimum, the following elements:

A. MOM Program Requirements

1. Maintenance of a complete system component and equipment inventory;

2. Routine proactive inspection of the system and cleaning gravity sewer lines as necessary;

3. Routine preventative maintenance of Pump Stations;

4. Sealing (where appropriate) and maintenance of manholes;

5. Identification and remediation of poor construction;

6. Procedures for ensuring that new sewers and connections are properly designed and constructed (including testing of new sewer installations) to prevent overflows and to ensure that new connections of inflow sources are prohibited;

7. Procedures for ensuring that rehabilitation projects are properly designed and constructed (including testing of rehabilitation installations) to prevent overflows;

8. A grease control program;

9. A root control program that addresses, at a minimum, scheduling and performing corrective measures including both short-term mitigation of root intrusion (*i.e.*, routine maintenance) and rehabilitation of the areas in which root intrusion has caused recurring blockages (*i.e.*, sewer replacement or relining), and a proposal that includes scheduled inspection of known problem areas;

10. Description of a method for documenting complaints, work orders, updates to equipment inventory, and changes to Sewer System components, as well as entry of such data into databases;

11. Adequately trained staff and adequate equipment to ensure that Euclid promptly identifies and addresses problems in its Sewer System which lead to SSOs. Within 120 days of the Effective Date, Euclid shall ensure that all personnel with decision-making authority regarding the operation of the Sanitary Sewer System obtain wastewater operator training and certification consistent with Ohio law; and

12. Annual updating of operation and maintenance manuals.

B. MOM Program Implementation Schedule

Euclid shall commence implementation of the MOM Program, in accordance with the approved work plan, as expeditiously as possible, but not later than 60 days after EPA and OEPA approval.

C. WWTP O&M Program

Euclid shall submit to EPA and OEPA a revised version of its existing WWTP O&M Program incorporating the requirements of the Sewer System MOM Program as expeditiously as possible, but not later than 60 days after EPA and OEPA approval of the Sewer System MOM Program. Euclid shall commence implementation of the revised and approved WWTP O&M Program in accordance with the approved Program as expeditiously as possible but not later than 60 days after EPA and OEPA approval of the WWTP O&M Program.