

3. Jennings Creek and Flat Fork Creek constitute "waters of the state" as defined by ORC Section 6111.01.
4. Pursuant to ORC Section 6111.04(C), no person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit.
5. Pursuant to ORC Section 6111.07(A), no person shall violate or fail to perform any duty imposed by ORC Sections 6111.01 to 6111.08 or violate any order, rule, or term or condition of a permit issued or adopted by the Director of Ohio EPA pursuant to those sections. Each day of violation constitutes a separate offense.
6. The Respondent violated the final effluent limits of its previous NPDES Permit No. 2PD00029*MD and its current NPDES Permit No. 2PD00029*ND on numerous occasions as cited in Attachment I. Each violation cited in Attachment I constitutes a separate violation of ORC Sections 6111.04 and 6111.07. Attachment I is hereby incorporated into these Findings & Orders as if fully stated herein.
7. The Respondent violated the Schedule of Compliance milestone outlined in its NPDES permit No. 2PD00029*MD (Part I,C) regarding the requirement to initiate a Toxicity Reduction Evaluation (TRE). The Respondent continues to have effluent toxicity violations.
8. The Respondent violated its Pretreatment Program Requirements outlined in its NPDES permit No. 2PD00029*MD (Part II, V, 3), regarding the requirements to develop and enforce technically based local limits for any other pollutants where a local limit may be necessary to protect against pass through and interference.
9. Water quality monitoring performed by Ohio EPA in Jennings Creek and Flat Fork Creeks has documented numerous water quality violations for dissolved oxygen and fecal coliform. Ohio EPA staff have observed sewage mold downstream of the Delphos WWTP outfall.
10. The Ohio EPA has sent the Respondent multiple Notice of Violations (NOVs) in an effort to address the compliance issues at the WWTP.
11. On July 19, 2001, a meeting was held with the Respondent at which the Respondent agreed to submit a General Plan for Improvements. Ohio EPA received a plan from the Respondent on August 12, 2003.

12. The following Orders do not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Any such construction or modification is subject to the Permit to Install (PTI) requirements of OAC Chapter 3745-31.
13. This document does not modify NPDES Permit No. 2PD00029*ND. The purpose of this document is to correct a condition of noncompliance with NPDES Permit No. 2PD00029*ND and not to alter said permit. Ohio EPA recognizes that until the date specified in the schedule of compliance below, the Respondent will most likely discharge certain pollutants in excess of those authorized in its NPDES permit. The purpose of the effluent limitations and monitoring requirements that are defined in Attachment II of these Orders is to assess compliance with these Orders and not to authorize discharges of pollutants in excess of the permissive discharges specified under the Respondent's NPDES permit.
14. Compliance with the ORC Chapter 6111 is not contingent upon the availability or receipt of financial assistance.
15. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purposes of ORC Chapter 6111.

ORDERS

1. Within thirty (30) days of receipt of any comments from Ohio EPA on the General Plan identified in Finding No. 11, the Respondent shall incorporate Ohio EPA's comments and resubmit the General Plan to Ohio EPA for approval. The Respondent shall implement the General Plan upon approval by Ohio EPA.
2. By no later than November 1, 2003, the Respondent shall conduct an evaluation of and submit a report regarding local limits which will prevent the introduction of conventional pollutants to the Publicly Owned Treatment Works (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. In this report, the Respondent shall calculate numerical local limits based on the compliance evaluation limits set forth in Attachment II and final limits contained in NPDES permit 2PD00029*ND. The Respondent shall propose compliance schedules for its industrial users whereby the local limits

based on NPDES permit limits will become effective in the future. Industrial local pretreatment limits may be expressed as numerical values, narrative statements or Best Management Practices (BMPs). Numerical local limits developed from compliance evaluation limits will serve as a "benchmark" for each industry.

3. The Respondent shall attain consistent compliance with the final effluent limitations of its NPDES permit as expeditiously as practicable, but not later than the dates contained in the following schedule:
 - a. Submit a complete PTI application and approvable detail plans for plant and sewer system improvements as soon as possible but not later than six (6) months after the effective date of these Findings and Orders;
 - b. Commence construction as soon as possible but not later than fourteen (14) months after the effective date of these Findings and Orders;
 - c. Complete construction as soon as possible but not later than twenty-nine (29) months after the effective date of these Findings and Orders; and
 - d. Attain operational level of the treatment works and meet final effluent limitations as soon as possible but not later than thirty-two (32) months after the effective date of these Findings and Orders.
4. Until the date the improved wastewater treatment works are to attain compliance with final effluent limitations as specified in Order 3d, the Respondent shall properly operate and maintain its existing wastewater treatment works to achieve the best quality effluent possible. Compliance with the effluent limitations and monitoring requirements contained in Attachment II of these Findings & Orders shall constitute compliance with this Order. The Respondent shall notify Ohio EPA within seven (7) days after the initiation of construction activities that require components of the current WWTP to be idled or compromised to such an extent that it can be reasonably expected to affect the WWTP's ability to meet the effluent limits set forth in Attachment II. Ohio EPA will review the WWTP's actual performance for a sufficient period of time and, if necessary, adjust the effluent limits set forth in Attachment II that reflect the WWTP's performance capabilities. Attachment II is hereby incorporated into these Findings & Orders by reference as if fully stated herein.
5. Within fourteen (14) days of the milestones specified in Orders No. 3b, No. 3c, and No. 3d, the Respondent shall submit to Ohio EPA, written notification of the status of compliance with such Order.

6. The Respondent shall report any noncompliance with these Orders in accordance with Part III, Paragraph 12, of its NPDES permit.
7. The Respondent shall pay to Ohio EPA one-hundred, eleven-thousand, eight-hundred and eighty-eight dollars (\$111,888.00) in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to Chapter 6111 of the Ohio Revised Code. Within thirty (30) days of the effective date of these Orders, the Respondent shall pay to Ohio EPA the amount of eleven-thousand, one-hundred and eighty-nine dollars (\$11,189.00) by tendering a check payable to the **"Treasurer, State of Ohio"** to the following address:

Office of Fiscal Administration
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

A photo copy of the check shall be sent to Ohio EPA's Northwest District Office at:

Ohio Environmental Protection Agency
Northwest District Office
347 North Dunbridge Road
Bowling Green, OH 43402

8. In lieu of payment of the remaining \$100,699.00 of the civil penalty, the Respondent shall implement the following two Supplemental Environmental Projects (SEPs) in accordance with the following schedule:
 - a. East Fifth Street/Grone Road Storm Sewer Project
 - i. Commence construction as soon as possible but not later than three (3) months after the effective date of these Orders; and
 - ii. Complete construction as soon as possible but not later than six (6) months after the effective date of these Findings and Orders.
 - b. East Second Street Sanitary Sewer Tie-In
 - i. Submit a complete PTI application and approvable detail plans for plant and sewer system improvements to Ohio EPA as soon as possible but not later than thirty (30) days after the effective date of these Findings and Orders;
 - ii. Commence construction as soon as possible but not later than six

- (6) months after the effective date of these Findings and Orders;
and
- iii. Complete construction as soon as possible but not later than twelve (12) months after the effective date of these Findings and Orders.
9. Should the Respondent fail to complete construction of the both SEPs within the required timeframes in Orders No. 8.a.ii and 8.b.iii, the Respondent shall pay to Ohio EPA \$100,699.00 of the civil penalty in accordance with the procedures in Order No. 7. Should the Respondent implement only one of the SEPs within timeframes in Orders No. 8.a.ii or 8.b.iii, the Respondent shall pay \$50,350.00 of the civil penalty to Ohio EPA in accordance with the procedures in Order No. 7.
10. In accordance with the provisions set forth in the Unavoidable Delays paragraph, the Respondent may request an extension to the time for purposes of implementing the SEP projects if compliance with the deadline set forth in Order No. 8.a.ii or 8.b.iii is prevented or delayed by an event which constitutes as an "unavoidable delay" as defined by that paragraph.
11. The Respondent shall submit all documents required under these Orders to Ohio EPA's Northwest District Office, Division of Surface Water, (Attn: Enforcement Group Leader) at the address set forth above in Order No. 7.

UNAVOIDABLE DELAYS

The Respondent shall cause all work to be performed in accordance with applicable schedules and time frames unless any such performance is prevented or delayed by an event which constitutes an unavoidable delay. For purposes of these Orders, an "unavoidable delay" shall mean an event beyond the control of the Respondent which prevents or delays performance of any obligation required by these Orders and which could not be overcome by due diligence on the part of the Respondent. Increased cost of compliance shall not be considered an event beyond the control of the Respondent.

The Respondent shall notify Ohio EPA in writing within ten (10) days after the occurrence of an event which the Respondent contends is an unavoidable delay. Such written notification shall describe the anticipated length of the delay, the cause or causes of the delay, the measures taken and to be taken by the Respondent to minimize the delay, and the timetable under which these measures will be implemented. The Respondent shall have the burden of demonstrating that the event constitutes an unavoidable delay.

If Ohio EPA does not agree that the delay has been caused by an unavoidable delay, Ohio

EPA will notify the Respondent in writing. If Ohio EPA agrees that the delay is attributable to an unavoidable delay, Ohio EPA will notify the Respondent in writing of the length of the extension for the performance of the obligations affected by the unavoidable delay.

OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to the Respondent's operation of its WWTP.

RESERVATION OF RIGHTS

These Orders do not prevent Ohio EPA from enforcing the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against the Respondent for noncompliance with these Orders. These Orders do not prevent Ohio EPA from exercising its authority to require the Respondent to perform additional activities pursuant to Chapter 6111 of the Ohio Revised Code or any other applicable law in the future. These Orders do not restrict the right of the Respondent to raise any administrative, legal or equitable claim or defense for any additional activities that Ohio EPA may seek to require of the Respondent. These Orders do not limit the authority of Ohio EPA to seek relief for violations not cited in these Orders.

TERMINATION

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

This certification shall be submitted by the Respondent to the Northwest District Office (attention: DSW Enforcement Group Leader) and shall be signed by a responsible official of the Respondent. A responsible official is as defined in OAC Rule 3745-33-03(D)(3) for a sole proprietorship, and OAC Rule 3745-33-03(D)(4) for a municipal, state, or other public facility. The certification shall contain the following attestation:

"I certify under the penalty of law that I have personally examined and am

familiar with the information contained in or accompanying this certification, and based on inquiry of those individuals immediately responsible for obtaining the information, I believe the information contained in or accompanying this certification is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment."

WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, the Respondent agrees to comply with these Orders, the Respondent agrees that these Orders are lawful and reasonable, and the Respondent agrees that the times provided for compliance herein are reasonable. Compliance with these Orders shall be a full accord and satisfaction of the Respondent's liability for the violations specifically cited herein. Ohio EPA specifically does not waive its right to pursue actions and civil penalties as set forth in the Reservation of Rights paragraph of these Orders.

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

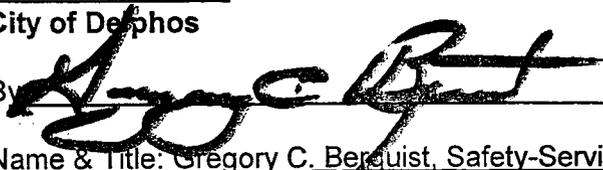
Notwithstanding the preceding, Ohio EPA and the Respondent agree that in the event that these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, the Respondent retains the right to intervene and participate in such appeal. In such an event, the Respondent agrees to continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated, or modified.

SIGNATORY AUTHORITY

Each undersigned representative of a signatory to these Orders certifies that he or she is fully authorized to enter into the terms and conditions of these Orders and to legally bind such signatory to this document.

IT IS SO AGREED:

City of Delphos

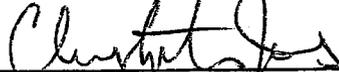
By: 

Date: 11/29/03

Name & Title: Gregory C. Bergquist, Safety-Service Director

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency


Christopher Jones, Director

Date: 10-24-03

Attachment 1

November 1996

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	Chronic Toxicity <u>Ceriodaphnia dubia</u>	1.77	TUc	1.10
001	Avg.	Chronic Toxicity <u>Pimephales promelas</u>	3.54	TUc	1.10
001	Avg.	Acute Toxicity <u>Pimephales promelas</u>	1.58	TUa	1.0

March 1997

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Week 3	CBOD	16.3	mg/l	15.0
001	Avg.	Acute Toxicity <u>Pimephales promelas</u>	1.26	TUa	1.0

June 1997

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	12.5	mg/l	10.0
001	Week 3	CBOD	17.6	mg/l	15.0
001	Avg.	Chronic Toxicity <u>Ceriodaphnia dubia</u>	1.12	TUc	1.10
001	Avg.	Chronic Toxicity <u>Pimephales promelas</u>	1.77	TUc	1.10

September 1997

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	13.6	mg/l	10.0
001	Week 1	CBOD	21.2	mg/l	15.0
001	Avg.	Ammonia	2.94	mg/l	1.5
001	Weeks 1,3,4	Ammonia	2.9 - 4.35	mg/l	2.3

November 1997

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	10.5	mg/l	10.0
001	Week 4	CBOD	16.5	mg/l	15.0

February 1998

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	10.8	mg/l	10.0

March 1998

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	11.3	mg/l	10.0
001	Avg.	Chronic Toxicity <u>Ceriodaphnia dubia</u>	1.12	TUc	1.10
001	Avg.	Chronic Toxicity <u>Pimephales promelas</u>	1.12	TUc	1.10

May 1998

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	14.5	mg/l	10.0
001	Weeks 3, 4	CBOD	18.3, 17.6	mg/l	15.0

June 1998

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	Chronic Toxicity <u>Ceriodaphnia dubia</u>	1.77	TUc	1.10

August 1998

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	Chronic Toxicity <u>Ceriodaphnia dubia</u>	7.0	TUc	1.10
001	Avg.	Ammonia	1.56	mg/l	1.5
001	Week 1	Ammonia	2.93	mg/l	2.3

November 1998

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Week 4	Ammonia	6.5	mg/l	6.0
001	Avg.	Chronic Toxicity <u>Ceriodaphnia dubia</u>	3.54	TUc	1.10

December 1998

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Week 4	Ammonia	6.35	mg/l	6.0
001	Week 4	CBOD	19.5	mg/l	15.0
001	Avg.	CBOD	13.2	mg/l	10.0

January 1999

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	12.2	mg/l	10.0
001	Avg.	Suspended solids	13.5	mg/l	12.0
001	Week 1	Ammonia	10.5	mg/l	6.0

February 1999

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	Chronic Toxicity <u>Ceriodaphnia dubia</u>	3.54	TUc	1.10

May 1999

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	Chronic Toxicity <u>Ceriodaphnia dubia</u>	7.7	TUc	1.10
001	Avg.	Suspended solids	15.9	mg/l	12
001	Week 2	Suspended solids	20	mg/l	18
001	Avg.	CBOD	12.5	mg/l	10.0

July 1999

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	Chronic Toxicity <u>Ceriodaphnia dubia</u>	1.78	TUc	1.10
001	Avg.	Chronic Toxicity <u>Pimephales promelas</u>	1.12	TUc	1.10

October 1999

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Week 2	Chronic Toxicity <u>Ceriodaphnia dubia</u>	1.77	TUc	1.10

December 1999

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	10.9	mg/l	10.0

January 2000

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Week 4	CBOD	16	mg/l	15.0
001	Avg.	CBOD	12.1	mg/l	10.0

February 2000

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Week 1	CBOD	22.3	mg/l	15.0
001	Avg.	CBOD	14.7	mg/l	10.0

March 2000

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	Chronic Toxicity <u>Ceriodaphnia dubia</u>	3.54	TUc	1.10

May 2000

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Week 1	CBOD	16.3	mg/l	15
001	5/16	Oil & Grease	12	mg/l	10

June 2000

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	11.9	mg/l	10
001	Weeks 3&4	CBOD	17.3, 20.3	mg/l	15
001	Week 4	Phosphorus	30.2	mg/day	22

July 2000

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	Ammonia	2.2	mg/l	1.5
001	Week 3	Ammonia	3.3	mg/l	2.3

August 2000

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Week 2	Chronic Toxicity <u>Ceriodaphnia dubia</u>	7.07	TUc	1.05
001	Week 2	Chronic Toxicity <u>Pimephales promelas</u>	10	TUc	1.04
001	Week 2	Acute Toxicity <u>Ceriodaphnia dubia</u>	1.1	TUa	1.0
001	Week 2	Acute Toxicity <u>Pimephales promelas</u>	1.17	TUa	1.0

September 2000

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	Ammonia	2.4	mg/l	2.3

November 2000

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	Ammonia	3.96	mg/l	2.2
001	Weeks 1-4	Ammonia	3.46 - 5.07	mg/l	3.3
001	Avg.	CBOD	13.09	mg/l	10
001	Week 3	CBOD	18.3	mg/l	15
001	Week 2	Chronic Toxicity <u>Ceriodaphnia dubia</u>	7.07	TUc	1.02

December 2000

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	18.33	mg/l	10
001	Week 1,3,4	CBOD	15.33-28.33	mg/l	15

January 2001

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Week 1	Suspended solids	21.83	mg/l	18
001	Avg.	Suspended solids	13.29	mg/l	12
001	Avg.	Ammonia	4.95	mg/l	3.8
001	Weeks 1-2	Ammonia	7.98, 5.97	mg/l	5.7
001	Avg.	CBOD	15.39	mg/l	10
001	Week 1	CBOD	22.3	mg/l	15

February 2001

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	19.25	mg/l	10
001	Weeks 3-4	CBOD	24 - 25.33	mg/l	15

March 2001

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Week 3	Suspended solids	19.2	mg/l	18
001	Avg.	Suspended solids	14.96	mg/l	12
001	Avg.	CBOD	25.63	mg/l	10
001	Weeks 1-4	CBOD	22.3 - 28.83	mg/l	15
001	Week 2	Chronic Toxicity <u>Ceriodaphnia dubia</u>	7.07	TUc	1.12

April 2001

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Week 1	Suspended solids	20	mg/l	18
001	Avg.	Suspended solids	15	mg/l	12
001	Week 1	Ammonia	3.99	mg/l	3.3
001	Avg.	CBOD	17.75	mg/l	10
001	Weeks 1-3	CBOD	15.33 - 23.67	mg/l	15

May 2001

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Week 2	Suspended solids	26.7	mg/l	18
001	Avg.	Suspended solids	14	mg/l	12
001	Avg.	CBOD	12.25	mg/l	10
001	Week 2	CBOD	17	mg/l	15
001	Week 2	Chronic Toxicity <u>Ceriodaphnia dubia</u>	7.07	TUc	1.12

June 2001

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	Ammonia	1.86	mg/l	1.5

July 2001

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Week 2	Ammonia	2.36	mg/l	2.3

August 2001

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	Ammonia	1.61	mg/l	1.5

September 2001

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Week 4	Ammonia	2.86	mg/l	2.3
001	Avg.	Ammonia	1.61	mg/l	
001	Week 2	Chronic Toxicity <u>Ceriodaphnia dubia</u>	10	TUc	1.02
001	Week 2	Chronic Toxicity <u>Pimephales promelas</u>	7.07	TUc	1.02
001	Week 2	Acute Toxicity <u>Pimephales promelas</u>	2.27	TUa	1.0
001	Week 2	Acute Toxicity <u>Ceriodaphnia dubia</u>	1.5	TUa	1.0

November 2001

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Week 2	Chronic Toxicity <u>Ceriodaphnia dubia</u>	7.07	TUc	1.02
001	Week 2	Chronic Toxicity <u>Pimephales promelas</u>	3.54	TUc	1.02
001	Week 2	Acute Toxicity <u>Pimephales promelas</u>	2.23	TUa	1.0
001	Weeks 1 - 3	Ammonia	3.675 - 6.1	mg/l	3.3
001	Avg.	Ammonia	4.3	mg/l	2.2

January 2002

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	Ammonia	5.87	mg/l	3.8
001	Week 1, 4	Ammonia	5.77, 6.63	mg/l	5.7
001	Weeks 1-4	CBOD	17.5 - 25	mg/l	15
001	Avg.	CBOD	19.7	mg/l	10
001	Avg.	Silver	7	ug/l	1.3
001	Avg.	Silver	0.033	kg/day	0.019

February 2002

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	11.9	mg/l	10

March 2002

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	Ammonia	5.5	mg/l	2.2
001	Avg.	Ammonia	42.45	kg/day	32
001	Weeks 2-4	Ammonia	5.97 - 6.67	mg/l	3.3
001	Week 3	Ammonia	49.1	kg/day	48
001	Avg.	CBOD	14.2	mg/l	10
001	Week 2	CBOD	20.7	mg/l	15
001	Week 4	Chronic Toxicity <u>Ceriodaphnia dubia</u>	2.04	TUc	1.12
001	Week 4	Chronic Toxicity <u>Pimephales promelas</u>	1.83	TUc	1.12
001	Week 4	Acute Toxicity <u>Pimephales promelas</u>	1.03	TUa	1.0
001	Week 4	Acute Toxicity <u>Ceriodaphnia dubia</u>	1.28	TUa	1.0

April 2002

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	Ammonia	3.0	mg/l	2.2
001	Avg.	Ammonia	33.6	kg/day	32
001	Week 4	Ammonia	5.2	mg/l	3.3

May 2002

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	Suspended solids	14.8	mg/l	12
001	Week 1	Suspended solids	19	mg/l	18
001	Avg.	Ammonia	4.8	mg/l	2.2
001	Avg.	Ammonia	37.7	kg/day	32
001	Weeks 1-4	Ammonia	4.0 - 5.5	mg/l	3.3
001	Week 2	Ammonia	53.2	kg/day	48
001	Avg.	CBOD	17.6	mg/l	10
001	Week 1	CBOD	27.4	mg/l	15
001	Week 1	CBOD	185.8	kg/day	145

June 2002

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Week 1	Ammonia	3.4	mg/l	2.3
001	Avg.	Ammonia	2.1	mg/l	1.5
001	Week 1	Chronic Toxicity <u>Ceriodaphnia dubia</u>	1.33	TUc	1.04
001	Week 1	Chronic Toxicity <u>Pimephales promelas</u>	2.5	TUc	1.04
001	6/27	Dissolved oxygen	6.73	mg/l	7.0 min

July 2002

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Week 1	Ammonia	8.0	mg/l	2.3
001	Avg.	Ammonia	3.1	mg/l	1.5

August 2002

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Week 4	Ammonia	2.9	mg/l	2.3
001	Avg.	Ammonia	1.5	mg/l	1.5
001	Week 4	Chronic Toxicity	2.0	TUc	1.04
		<u>Pimephales promelas</u>			

September 2002

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	Suspended solids	12.1	mg/l	12
001	Week 4	Suspended solids	19.8	mg/l	18
001	Avg.	Ammonia	3.76	mg/l	1.5
001	Weeks 2, 4	Ammonia	2.47, 5.42	mg/l	2.3

October 2002

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	Ammonia	3.5	mg/l	2.2
001	Weeks 2,4	Ammonia	3.5, 5.2	mg/l	3.3
001	Avg.	CBOD	11.8	mg/l	10
001	Week 4	CBOD	18.1	mg/l	15
001	Avg.	Suspended solids	21.4	mg/l	12
001	Weeks 1, 3, 4	Suspended solids	22.1, 26.3, 20	mg/l	18

November 2002

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	Ammonia	2.6	mg/l	2.2
001	Week 2	Ammonia	4.6	mg/l	3.3
001	Avg.	CBOD	12.43	mg/l	10
001	Week 4	CBOD	17.2	mg/l	15
001	Avg.	Suspended solids	22.9	mg/l	12
001	Weeks 1, 3, 4	Suspended solids	18.3, 18.3, 38.3	mg/l	18
001	Week 4	Chronic Toxicity	2.0	TUc	1.02
		<u>Ceriodaphnia dubia</u>			
001	Week 4	Chronic Toxicity	1.3	TUc	1.02
		<u>Pimephales promelas</u>			

December 2002

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	16.6	mg/l	10
001	Week 1	CBOD	18.6	mg/l	15
001	Week 2	CBOD	15.5	mg/l	15
001	Week 3	CBOD	22.1	mg/l	15
001	Avg.	Suspended solids	19.45	mg/l	12
001	Weeks 1&2	Suspended solids	20	mg/l	18
001	Week 3	Suspended solids	26.7	mg/l	18

January 2003

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	16.6	mg/l	10
001	Weeks 2&3	CBOD	21.1, 18.7	mg/l	15
001	Avg.	CBOD	178	kg/day	145
001	Weeks 1&2	CBOD	325, 224	kg/day	217
001	Avg.	Suspended solids	15.2	mg/l	12
001	Week 2	Suspended solids	21.5	mg/l	18

February 2003

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	24.2	mg/l	10
001	Weeks 1-4	CBOD	16.9 - 30.1	mg/l	15
001	Avg.	CBOD	156	kg/day	145
001	Week 4	CBOD	230	kg/day	217
001	Avg.	Suspended solids	25.5	mg/l	12
001	Weeks 1-4	Suspended solids	20.8 - 27.8	mg/l	18
001	Avg.	Ammonia	4.9	mg/l	3.8
001	Week 3	Ammonia	9.8	mg/l	5.7

March 2003

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	27.4	mg/l	10
001	Week 3	CBOD	35.8	mg/l	15
001	Week 4	CBOD	36.7	mg/l	15
001	Avg.	CBOD	310	kg/day	145
001	Week 1	CBOD	247	kg/day	217
001	Week 3	CBOD	460	kg/day	217
001	Week 4	CBOD	284	kg/day	217
001	Week 1	Chronic Toxicity <u>Ceriodaphnia dubia</u>	1.7	TUc	1.12
001	Week 1	Chronic Toxicity <u>Pimephales promelas</u>	1.2	TUc	1.12
001	Avg.	Suspended solids	23.3	mg/l	12
001	Week 1	Suspended solids	21.7	mg/l	18
001	Week 2	Suspended solids	35	mg/l	18
001	Week 3	Suspended solids	21.7	mg/l	18
001	Avg.	Suspended solids	285	kg/day	174

001	Week 1	Suspended solids	340	kg/day	261
001	Week 2	Suspended solids	391	kg/day	261
001	Week 3	Suspended solids	288	kg/day	261
001	Avg.	Ammonia	3.5	mg/l	2.2
001	Week 1	Ammonia	5.3	mg/l	3.3
001	Week 4	Ammonia	4.5	mg/l	3.3
001	Avg.	Ammonia	41	kg/day	32
001	Week 1	Ammonia	83	kg/day	48

April 2003

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	23.8	mg/l	10
001	Week 1	CBOD	30.8	mg/l	15
001	Week 2	CBOD	23.9	mg/l	15
001	Week 3	CBOD	16.9	mg/l	15
001	Week 4	CBOD	23.4	mg/l	15
001	Avg.	CBOD	246	kg/day	145
001	Week 2	CBOD	554	kg/day	217
001	Avg.	Suspended solids	23.6	mg/l	12
001	Week 1	Suspended solids	25.5	mg/l	18
001	Week 2	Suspended solids	32.1	mg/l	18
001	Week 4	Suspended solids	18.7	mg/l	18
001	Avg.	Suspended solids	286	kg/day	174
001	Week 2	Suspended solids	762	kg/day	261
001	Avg.	Ammonia	2.55	mg/l	2.2

May 2003

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	16.9	mg/l	10
001	Week 1	CBOD	21	mg/l	15
001	Week 2	CBOD	18.9	mg/l	15
001	Week 3	CBOD	15.4	mg/l	15
001	Avg.	CBOD	203	kg/day	145
001	Week 2	CBOD	505	kg/day	217
001	5/20	Chlorine residual	0.08	mg/l	0.019
001	Avg.	Ammonia	2.69	mg/l	2.2
001	Avg.	Suspended solids	39.7	mg/l	12
001	Week 1	Suspended solids	82.2	mg/l	18
001	Week 2	Suspended solids	33.3	mg/l	18
001	Week 3	Suspended solids	23.4	mg/l	18
001	Week 4	Suspended solids	20	mg/l	18
001	Avg.	Suspended solids	561	kg/day	174
001	Week 1	Suspended solids	1129	kg/day	261
001	Week 2	Suspended solids	892	kg/day	261

June 2003

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	15.45	mg/l	10
001	Week 1	CBOD	17.2	mg/l	15
001	Avg.	Suspended solids	23.4	mg/l	12
001	Week 1	Suspended solids	25	mg/l	18
001	Week 2	Suspended solids	33.8	mg/l	18
001	Week 4	Suspended solids	19.4	mg/l	18
001		Cadmium, tot. rec.	not reported		req'd 1/quarter

July 2003

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	18.9	mg/l	10
001	Week 1	CBOD	17.9	mg/l	15
001	Week 2	CBOD	16.2	mg/l	15
001	Week 4	CBOD	26.6	mg/l	15
001	Avg.	CBOD	304	kg/day	145
001	Week 2	CBOD	364	kg/day	217
001	Week 4	CBOD	637	kg/day	217
001	Avg.	Suspended solids	39.4	mg/l	12
001	Week 2	Suspended solids	58.3	mg/l	18
001	Week 3	Suspended solids	34.4	mg/l	18
001	Week 4	Suspended solids	48.3	mg/l	18
001	Avg.	Suspended solids	684	kg/day	174
001	Week 2	Suspended solids	1270	kg/day	261
001	Week 4	Suspended solids	1160	kg/day	261

August 2003

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	17.85	mg/l	10
001	Week 1	CBOD	21	mg/l	15
001	Week 2	CBOD	18.9	mg/l	15
001	Week 4	CBOD	19.2	mg/l	15
001	Avg.	CBOD	201	kg/day	145
001	Week 1	CBOD	291	kg/day	217
001	Week 4	CBOD	259	kg/day	217
001	Avg.	Suspended solids	22	mg/l	12
001	Week 1	Suspended solids	26.7	mg/l	18
001	Week 2	Suspended solids	22.5	mg/l	18
001	Week 3	Suspended solids	18.9	mg/l	18
001	Week 4	Suspended solids	20	mg/l	18
001	Avg.	Suspended solids	233	kg/day	174
001	Week 1	Suspended solids	371	kg/day	261

September 2003

<u>Outfall</u>	<u>Date</u>	<u>Parameter</u>	<u>Reported</u>	<u>Units</u>	<u>Limitation</u>
001	Avg.	CBOD	15.1	mg/l	10
001	Week 3	CBOD	15.9	mg/l	15
001	Week 4	CBOD	21.3	mg/l	15
001	Avg.	CBOD	178	kg/day	145
001	Week 1	CBOD	325	kg/day	217
001	Week 4	CBOD	263	kg/day	217
001	Avg.	Suspended solids	26.5	mg/l	12
001	Week 1	Suspended solids	51.7	mg/l	18
001	Week 4	Suspended solids	26.7	mg/l	18
001	Avg.	Suspended solids	406	kg/day	174
001	Week 1	Suspended solids	1174	kg/day	261
001	Week 4	Suspended solids	317	kg/day	261
001	Week 2	Ammonia	2.53	mg/l	2.3

Attachment II

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units				Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months	
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly				Monthly
00010 - Water Temperature - C	-	-	-	-	-	-	-	1/Day	Maximum Indicating Thermometer	All
00300 - Dissolved Oxygen - mg/l	-	5.0	-	-	-	-	-	1/Day	Multiple Grab	Winter
00300 - Dissolved Oxygen - mg/l	-	7.0	-	-	-	-	-	1/Day	Multiple Grab	Summer
00515 - Residue, Total Dissolved - mg/l	-	-	-	-	-	-	-	1/Quarter	Composite	Quarterly
00530 - Total Suspended Solids - mg/l	-	-	46.5	31	-	674	449	3/Week	Composite	All
00552 - Oil and Grease, Hexane Extr Method - mg/l	10	-	-	-	-	-	-	1 / 2 Weeks	Grab	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	5.5	3.7	-	80	54	3/Week	Composite	June - Sep
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	5.7	3.8	-	83	55	3/Week	Composite	Dec. - Feb.
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	6.2	4.1	-	90	59	3/Week	Composite	Mar-May & Oct-Nov
00625 - Nitrogen Kjeldahl, Total - mg/l	-	-	-	-	-	-	-	1/Quarter	Composite	Quarterly
00630 - Nitrite Plus Nitrate, Total - mg/l	-	-	-	-	-	-	-	1/Quarter	Composite	Quarterly
00665 - Phosphorus, Total (P) - mg/l	-	-	1.5	1.0	-	22	15	1/Week	Composite	All
00981 - Selenium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Composite	Quarterly
01074 - Nickel, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Composite	Quarterly
01079 - Silver, Total Recoverable - ug/l	17	-	-	1.3	0.25	-	0.019	1/Month	Composite	All
01084 - Strontium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Composite	Quarterly
01094 - Zinc, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Composite	Quarterly
01113 - Cadmium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Composite	Quarterly

Effluent Characteristic Parameter	Discharge Limitations						Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day				Measuring Frequency	Sampling Type	Monitoring Months	
	Maximum	Minimum	Weekly	Monthly	Daily	Weekly				Monthly
01114 - Lead, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Composite	Quarterly
01118 - Chromium, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Composite	Quarterly
01119 - Copper, Total Recoverable - ug/l	-	-	-	-	-	-	-	1/Quarter	Composite	Quarterly
01220 - Chromium, Dissolved Hexavalent - ug/l	-	-	-	-	-	-	-	1/Month	Grab	All
31616 - Fecal Coliform - #/100 ml	-	-	2000	1000	-	-	-	3/Week	Grab	Summer
39100 - Bis(2-ethylhexyl) Phthalate - ug/l	-	-	-	-	-	-	-	1/Month	Composite	All
50050 - Flow Rate - MGD	-	-	-	-	-	-	-	1/Day	Continuous	All
50060 - Chlorine, Total Residual - mg/l	0.019	-	-	-	-	-	-	1/Day	Multiple Grab	All
50092 - Mercury, Total (Low Level) - ng/l	300	-	-	17.9	0.0043	-	0.0003	1/Month	Grab	All
61425 - Acute Toxicity, Ceriodaphnia dubia - TUa	-	-	-	-	-	-	-	1/Year	24hr Composite	Yearly
61426 - Chronic Toxicity, Ceriodaphnia dubia - TUc	-	-	-	-	-	-	-	1/Year	24hr Composite	Yearly
61427 - Acute Toxicity, Pimephales promelas - TUa	-	-	-	-	-	-	-	1/Year	24hr Composite	Yearly
61428 - Chronic Toxicity, Pimephales promelas - TUc	-	-	-	-	-	-	-	1/Year	24hr Composite	Yearly
61941 - pH, Maximum - S.U.	9.0	-	-	-	-	-	-	1/Day	Multiple Grab	All
61942 - pH, Minimum - S.U.	-	6.5	-	-	-	-	-	1/Day	Multiple Grab	All
80082 - CBOD 5 day - mg/l	-	-	31.8	21.2	-	461	307	3/Week	Composite	All

The following provisions of Respondent's NPDES permit (no. 2PD00029*ND) shall be referred to for monitoring and sampling the following parameters:

- Effluent loadings based on average design flow of 3.83 MGD.
- Total Residual Chlorine - See Part II, Items J and L.
- Selenium, silver, strontium, nickel, zinc, cadmium, lead, total chromium, copper - See Part II, Item O.
- Dissolved hexavalent chromium - See Part II, Item P.
- Mercury - See Part II, Items P and V.
- Bis(2-ethylhexyl)phthalate - Composite sampling for this parameter shall be performed manually.
- Biomonitoring - See Part II, Item T.