

2. On October 28, 2004, the Director received a letter from the Health Commissioner, Wayne County Combined General Health District ("Health District"), in which the Commissioner asserted that there was ongoing, recurrent contamination of private water wells by E. coli. The District's Board of Health declared this area to be a public nuisance and, in the letter, the Commissioner requested, pursuant to ORC § 6117.34, that the Ohio EPA investigate the areas for unsanitary conditions.
3. Following receipt of the letter from the Board of Health, Ohio EPA investigated the Batdorf Road area. The investigation included, among other things, complex analysis of water samples taken from the area in an effort to identify whether the source of the contamination was due in significant part to household sewage. The results of the investigation were reported in "Report of Findings Unsafe Water Supply Investigation, Wooster Township, Wayne County," December 2006, by the Ohio EPA's Division of Drinking and Ground Waters, a copy of which report is attached as Exhibit A and incorporated by reference herein.
4. Pursuant to ORC § 6117.34, if, upon investigation of the complaint, the Director finds that it is necessary for the public health and welfare that sanitary or drainage facilities be acquired or constructed, maintained, and operated to serve any territory outside municipal corporations in any county, the Director shall notify the board of county commissioners of the county of that finding and order that corrective action be taken. The board shall obey the order.
5. Based on the Ohio EPA's investigation, the Director has found that it is necessary for the public health and welfare that sanitary or drainage facilities be acquired or constructed, maintained, and operated to serve the Batdorf Road area.
6. 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 and plan approval requirements of ORC §§ 6111.44(A) and 6111.45 and OAC Chapter 3745-42.
7. Compliance with ORC Chapter 6111 is not contingent upon the availability of financial assurance.
8. 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.

V. ORDERS

1. Respondent shall submit to Ohio EPA, a comprehensive General Plan for sewage treatment improvements or other methods of abating pollution throughout the Batdorf Road area, as such areas are identified in Exhibit B, which is attached to and incorporated in these Orders, as expeditiously as practicable, but not later than twelve (12) months from the effective date of these Orders. At a minimum, the comprehensive General Plan shall include but not be limited to the following:
 - a. Alternatives for treating sewage from all areas of concern, including but not limited to, centralized collection and treatment;
 - b. Proposed locations for collection and treatment facilities, if deemed appropriate;
 - c. Cost estimates for the required improvements and cost effectiveness analysis of the alternatives;
 - d. The financial mechanisms to be used to fund the required improvements, operation and maintenance, and replacement costs; and
 - e. Implementation schedule for submitting complete permit to install applications, approvable detail plans, anti-degradation addenda, and National Pollutant Discharge Elimination System permit application(s) (if necessary); awarding bids; starting and completing construction; and/or all other significant milestones.
2. Upon acceptance of the comprehensive General Plan by Ohio EPA, the work outlined in the comprehensive General Plan and the schedule of implementation required in Order No. 1.e., above, shall be incorporated into these Orders by reference as if fully stated herein. Respondent shall implement the alternative agreed upon as outlined in the comprehensive General Plan in accordance with the schedule of implementation set forth therein.
3. Respondent shall submit all documents, applications, and notifications required under these Orders to Ohio EPA, Northeast District Office, at the following address:

Ohio Environmental Protection Agency
Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087
(ATTN: Enforcement Group Leader)

4. Upon request by Respondent and good cause shown, the Director may, at his sole discretion, extend in writing any time periods established by these Orders or the Comprehensive General Plan.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and Ohio EPA's Division of Surface Water acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to these areas.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. RESERVATION OF RIGHTS

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

XI. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

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

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

XII. EFFECTIVE DATE

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

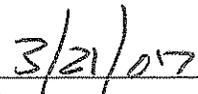
XIII. SIGNATORY AUTHORITY

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

IT IS SO ORDERED AND AGREED:
Ohio Environmental Protection Agency



Director



Date

IT IS SO AGREED:
Wayne County Board of Commissioners

Cheryl A. Noah
Signature
Cheryl A. Noah
Printed or Typed Name
President
Title

2-15-07
Date

Ann M. Obrecht
Signature
Ann M. Obrecht
Printed or Typed Name
Vice-President
Title

2-15-07
Date

Scott S. Wiggam
Signature
Scott S. Wiggam
Printed or Typed Name
Member
Title

2/12/07
Date