



BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Summit County  
175 South Main Street #8  
Akron, OH 44308

: Director's Final  
: Findings and Orders  
:  
:  
:

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Summit County ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §6111.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or the Facility (as hereinafter defined) shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 6111 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Summit County Department of Sanitary Sewer Services (SCDSSS) is located at 1180 S Main Street #201 Akron, OH 44301 and operates a twelve-inch force main that conveys sewage from Summit County Pump Station #4 to the Portage County Streetsboro-Hudson Wastewater Treatment Plant.

2. On November 21, 2018, the Streetsboro Wastewater Treatment Plant's (SWWTP) mechanical flow meter detected a reduction in flow from the Summit county 12-inch force main sanitary sewer line.
3. On November 26, 2018, the Monday after Thanksgiving weekend, Streetsboro personnel noted low flow readings from its flow meters from and proceeded to inspect the force main from SWWTP to the Portage-Summit County line to determine if a line break had occurred. Streetsboro personnel did not observe any sanitary sewer overflows (SSO) in Portage County.
4. On November 27, 2018, personnel from Streetsboro alerted SCDSSS about the reduction in flow coming from the Summit Country force main into the SWWTP. SCDSSS Supervisor of Pump Stations, Ben Duke, reported back that there was no change in pressure at pump station #4, and reported he did not observe any SSOs. Duke believed the issue to be with the SWWTP meters but agreed to perform a dye test which he initiated this same day.
5. On November 28, 2018, the dye test resumed. It was agreed that the meters would be calibrated, which could be done no earlier than December 6, 2018.
6. On December 6, 2018, the meters were calibrated. No issues were found with the meters.
7. On December 7, 2018, the valve to the 12-inch main was shut off, and the SSO was discovered by SCDSSS personnel, actively flowing from a hole(s) in the line. The discharge in question was to a wetland in the Tenbroeck Conservation Area adjacent to Tinker's Creek. After discovering the SSO location, SCDSSS mobilized a repair crew to the incident location.
8. On December 8, 2018, a representative from SCDSSS reported the incident to the Ohio EPA's Spill Hotline.
9. On December 12, 2018, the break was repaired, and the pump station restarted. Summit County Metroparks is working with Ohio EPA and the SCDSSS on remediation of the impacted wetlands.
10. It is estimated that this break released approximately six million gallons of untreated sewage into the Category 3 Wetland.
11. In order to mitigate for the environmental harm caused by this release, Respondent will fund restoration efforts contained in Tenbroeck Conservation Area Restoration Plan, (Restoration Plan) developed by the Summit Metro Parks.

The Restoration Plan is attached hereto and incorporated into these Findings and Orders.

12. Pursuant to ORC § 6111.04(A), no person 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 without a valid, unexpired permit.
13. Pursuant to ORC Section 6111.07(A), no person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term or condition of a permit issued or adopted by the director of environmental protection pursuant to those sections. Each day of violation is a separate offense.
14. Pursuant to ORC § 6111.09(A), any person who violates section 6111.07 of the Revised Code shall pay a civil penalty of not more than ten thousand dollars per day of violation.
15. Compliance with ORC Chapter 6111 is not contingent upon the availability or receipt of financial assistance.
16. The Director has given consideration to, and based her 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. Within thirty (30) days after the effective date of these Orders, Respondent shall remit \$50,000.00 to Summit Metro Parks to fund mitigation efforts to make habitat improvements specified in the Restoration 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 the Chief of Ohio EPA's Division of Surface Water acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

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

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is defined in OAC Rule 3745-33-03(F).

#### VII. OTHER CLAIMS

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

#### VIII. OTHER APPLICABLE LAWS

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

#### IX. MODIFICATIONS

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

**X. NOTICE**

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

Ohio Environmental Protection Agency  
Division of Surface Water  
2110 East Aurora Road  
Twinsburg, Ohio 44087  
Attn: Enforcement Supervisor

**XI. RESERVATION OF RIGHTS**

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

**XII. WAIVER**

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

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

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

**XIII. EFFECTIVE DATE**

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

**XIV. SIGNATORY AUTHORITY**

Each undersigned representative 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**

\_\_\_\_\_  
Laurie A. Stevenson, Director

\_\_\_\_\_  
Date

**IT IS SO AGREED:**

**Summit County**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed or Typed Name and Title





## TENBROECK CONSERVATION AREA Restoration Plan

This restoration plan is prepared in response to a November 2018 force main break.

On November 20, 2018 a Summit County force main experienced a break. Evidence of a dramatic influent flow change at the Streetsboro WWTP is documented in Portage County influent flow records, this force main discharges into the Portage County Water Resources sanitary sewer. Ohio EPA was notified of this in December (10<sup>th</sup>) and requested the pump station be turned off (12<sup>th</sup>). At a minimum several million gallons of sewage entered a wetland area and flowed into Tinkers Creek above River Mile 25.5 within the boundaries of TenBroeck Conservation Area which is owned and managed by Summit Metro Parks.

Visual inspections following the repair of the break documented material within high quality wetland areas. In consultation with Ohio EPA and Summit County DSSS the following restoration scenario has been developed. As this is a high-quality wetland, minimizing additional disturbance to the area is an initial goal.

### Goals

1. Allow for natural means of restoration through vegetation growth and regrowth.
2. Reevaluate natural restoration progress after 1 complete growing season, in spring/summer of 2020.
3. Use woody plant survivorship and regeneration as indicators of restoration success.
4. Provide for control of invasive species to allow native vegetation to become reestablished.
5. Actively replant habitat-appropriate native trees in select areas.

Cost: Ohio EPA will require Summit County DSSS to pay a fine of \$50,000 to Summit Metro Parks for monitoring, invasive species management, and planting as described in Goal 4 and 5 above. The funds will be made available at the soonest possible date.

### Measurements for success

1. Little to no mortality of existing woody vegetation (excluding species like ash and elm).
2. Native woody regeneration.

At the present time, Summit Metro Parks is not requiring the removal of additional spilled material from the wetlands areas. We hope that the measures outlined above will allow for a successful restoration. In the event that restoration goals cannot be achieved through the actions described above, Summit Metro Parks and Summit County DSSS will consider removal of

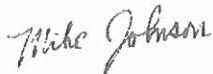


additional spilled materials. Summit Metro Parks and Summit County DSSS will develop a Memorandum of Understanding (MOU) to formalize monitoring of the site and any future actions that may be required beyond the immediate fine of \$50,000.

**Requirement**

Ohio EPA, Summit Metro Parks, and Summit County DSSS will meet at the site in July 2020 to evaluate restoration progress and any need for additional restoration.

Sincerely,



Mike Johnson  
Chief of Conservation  
Summit Metro Parks

