

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

|                            |   |                                                      |
|----------------------------|---|------------------------------------------------------|
| <b>In the Matter of:</b>   | ) | <b>Docket No. CWA-05-2024-0013</b>                   |
|                            | ) |                                                      |
| <b>Hyponex Corporation</b> | ) | <b>Proceeding to Assess a Class II Civil Penalty</b> |
|                            | ) | <b>under Section 309(g) of the Clean Water</b>       |
| <b>Respondent.</b>         | ) | <b>Act, 33 U.S.C. § 1319(g)</b>                      |
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**Consent Agreement and Final Order**

**Preliminary Statement**

1. This is an administrative action commenced and concluded under Section 309(g) of the Clean Water Act ("CWA" or "the Act"), 33 U.S.C. § 1319(g), and Sections 22.13(b) and 22.18(b)(2)-(3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2)-(3).

2. The Complainant is, by lawful delegation, the Director of the Enforcement and Compliance Assurance Division, EPA Region 5, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is Hyponex Corporation (Hyponex), a corporation in Shreve, Ohio.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, an administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). See 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the terms of this CAFO, including the assessment of the civil penalty specified below.

**Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives any right to contest the allegations and its right to appeal the proposed final order accompanying the consent agreement.

**Statutory and Regulatory Background**

9. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants into navigable waters except in compliance with, *inter alia*, a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

10. Section 402 of the CWA, 33 U.S.C. § 1342, establishes the NPDES program under which EPA and, upon receiving authorization from EPA, a state may permit discharges into navigable waters, subject to specific conditions. A violation of a NPDES permit is a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

11. Pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, the State of Ohio requested approval from EPA to administer its own permit program for discharges into navigable waters within Ohio, and such approval was granted by EPA on March 11, 1974. 39 Fed. Reg. 26,061 (July 16, 1974). Therefore, pursuant to the State's permit program, the Ohio Environmental Protection Agency ("Ohio EPA") has issued Ohio NPDES permits.

12. Section 309(g) of the CWA, 33 U.S.C. § 1319(g), authorizes the Administrator to assess a Class II civil penalty under Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), after consultation with the State in which the violation occurs, when the Administrator finds, on the basis of any information available, that a person has violated Section 301 of the CWA, 33 U.S.C. § 1311, which prohibits unpermitted discharges of any pollutant to navigable waters and discharges of any pollutant to navigable waters not in compliance with a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342, or when the Administrator finds that a person has violated a condition or limitation of a permit issued under 33 U.S.C. § 1342.

**Factual Allegations**

13. Respondent is a corporation and therefore a “person” under Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

14. At all times relevant to this CAFO, Respondent owned and operated the Hyponex Corporation facility, an industrial facility, located in Shreve, Ohio (“facility”).

15. Kiser Ditch, a tributary to Lower Muddy Fork Mohican River, is a “navigable water” under Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

**Count 1: Unlawful Discharge of Pollutants into Kiser Ditch**

16. The statements in paragraphs 1 through 15 are hereby incorporated by reference as if set forth in full.

17. At specific times relevant to this CAFO, listed in Attachment A, the Facility’s Outfall 002 discharged, among other pollutants, total suspended solids (TSS) and chlorine.

18. At specific times relevant to this CAFO, listed in Attachment A, the Facility's Outfall No. 602 discharged, among other pollutants, TSS, total residual chlorine (TRC), *E. coli*, ammonia-nitrogen, and Chemical Biological Oxygen Demand (CBOD) into Kiser Ditch.

19. On January 31, 2017, Respondent was issued a permit OH0107077 ("Permit") under Section 402 of the CWA, 33 U.S.C. § 1342, by Ohio EPA.

20. The Permit set the following limitations on Respondent's TSS, CBOD, TRC, *E. coli*, and ammonia-nitrogen discharges:

| Outfall | Parameter              | Limitation    |         |        |         |                |        |         |
|---------|------------------------|---------------|---------|--------|---------|----------------|--------|---------|
|         |                        | Concentration |         |        |         | Loading kg/day |        |         |
|         |                        | Maximum       | Minimum | Weekly | Monthly | Daily          | Weekly | Monthly |
| 002     | pH S.U.                | 9.0           | 6.5     | -      | -       | -              | -      | -       |
|         | TSS mg/l               | -             | -       | 45     | 30      | -              | -      | -       |
|         | TRC mg/l               | 0.019         | -       | -      | -       | -              | -      | -       |
| 003     | pH S.U.                | 9.0           | 6.5     | -      | -       | -              | -      | -       |
| 602     | TSS mg/l               | -             | -       | 18     | 12      | -              | 0.102  | 0.068   |
|         | NH <sub>3</sub> mg/l   | -             | -       | 3.0    | 2.0     | -              | 0.017  | 0.011   |
|         | <i>e. coli</i> #/100ml | -             | -       | 284    | 126     | -              | -      | -       |
|         | CBOD <sub>5</sub> mg/l | -             | -       | 15     | 10      | -              | 0.085  | 0.057   |

21. The Permit includes monitoring and reporting requirements that require Respondent to sample and test its effluent and monitor its compliance with Permit conditions and applicable regulations, according to specific procedures.

22. The Permit requires Respondent to file certified Discharge Monitoring Reports ("DMRs") of the results of monitoring its effluent with Ohio EPA.

23. Certified DMRs filed by Respondent with Ohio EPA, as required by the Permit, show discharges of pollutants from the Facility which exceed the effluent limitations established in the Permit.

24. More specifically, from March 31, 2018, through December 31, 2020, Respondent discharged effluent from Outfalls 002 and 602 in excess of permitted limits. Those discharges are listed in Attachment A.

25. TSS, CBOD, TRC, *E. coli*, and ammonia-nitrogen are "pollutants," as defined in Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

26. As contemplated by its NPDES permit, Respondent used equipment, including but not limited to pipes, to discharge into Kiser ditch.

27. A pipe is a discernible, confined, and discrete conveyance and constitutes a "point source" as defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

28. Respondent's additions of TSS, CBOD, TRC, *E. coli*, and ammonia-nitrogen from March 31, 2018, through December 31, 2020, as listed in Attachment A, for Outfalls 002 and 602 into Kiser ditch each constitute a "discharge of a pollutant," as defined in Section 502(12) of the CWA, 33 U.S.C. § 1362(12).

29. Because Respondent owns or operates a Facility with outfalls that acted as point sources for the discharge of pollutants to navigable waters, Respondent and the Facility have been subject to the CWA and the NPDES program at all times relevant to this CAFO. Thus, any such Discharge has been and is subject to the CWA and its implementing regulations and the specific terms and conditions prescribed in the NPDES Permit.

30. Therefore, Respondent is a person who discharged pollutants from a point source into navigable waters in violation of its permit, in violation of Section 301 of the CWA, 33 U.S.C. § 1311.

31. Each day the pollutant remains in the navigable waters and/or each day the pollutant is discharged to the navigable waters constitutes a continuing violation of the CWA and an additional day in violation of Section 301 of the CWA, 33 U.S.C. § 1311.

**Count 2: Failure to Conduct Quarterly Benchmark Monitoring**

32. The statements in paragraphs 1 through 15 are hereby incorporated by reference as if set forth in full.

33. The Permit requires quarterly benchmark monitoring at Outfalls 002 and 003 for nitrate-nitrite, lead, zinc, and phosphorous.

34. Respondent failed to perform quarterly benchmark monitoring as required by the Permit from 2017 through 2020.

35. Each failure to perform quarterly benchmark monitoring as required by the Permit is a violation of the Permit. A violation of a NPDES permit is a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

**Civil Penalty**

36. Under Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), and 40 C.F.R. Part 19, the Administrator may assess a Class II civil penalty up to \$26,685 per day of violation up to a total of \$333,552, for violations of the CWA that occurred after November 2, 2015 and for which penalties are assessed on or after December 27, 2023, or other amounts as penalty levels may be later adjusted at 40 C.F.R. Part 19.

37. Based upon the facts alleged in this CAFO, and upon the nature, circumstances, extent and gravity of the violations alleged, as well as Respondent's ability to pay, prior history of such violations, degree of culpability, economic benefit or savings (if any) resulting from the

violations, and such other matters as justice may require, U.S. EPA has determined that an appropriate civil penalty to settle this action is \$100,000.

38. Within 30 days after the effective date of this CAFO, Respondent must pay the \$100,000 civil penalty by electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

Federal Reserve Bank of New York  
ABA No. 021030004  
Account No. 68010727  
33 Liberty Street  
New York, New York 10045

In the comment or description field of the electronic funds transfer, state Respondent's name and the docket number of this CAFO.

39. A transmittal letter, stating Respondent's name, complete address, and the case docket number must accompany the payment. Respondent must write the case docket number on the face of the check and send copies of the check and transmittal letter to:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard (E-19J)  
Chicago, Illinois 60604-3590

Jake Berger (ECW-15J)  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Lisa Frasco (C-14J)  
Associate Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

40. This civil penalty is not deductible for federal tax purposes.

41. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (“IRS”) annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to EPA’s Cincinnati Finance Center at [wise.milton@epa.gov](mailto:wise.milton@epa.gov), within 30 days after the Final Order ratifying



this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and

d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the effective date of this CAFO, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:

- i. notify EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the effective date of this CAFO; and
- ii. provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

42. If Respondent does not timely pay the civil penalty, Complainant may request the United States Department of Justice bring a civil action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States' enforcement expenses for the collection action. Respondent acknowledges that the validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

43. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established pursuant to 26 U.S.C. § 6621(a)(2); 31 U.S.C. § 3717. In addition to the assessed penalty and interest, Respondent must pay the United States' attorneys fees and costs for collection proceedings, and Respondent must pay a nonpayment penalty each quarter during which the assessed penalty is overdue. This nonpayment penalty will be 20 percent of the

aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. *See* 33 U.S.C. § 1319(g)(9).

#### **General Provisions**

44. The parties consent to service of this CAFO by email at the following valid email addresses: [frasco.lisa@epa.gov](mailto:frasco.lisa@epa.gov) (for Complainant) and [christina.grasseschi@scotts.com](mailto:christina.grasseschi@scotts.com) (for Respondent). Respondent understands that the CAFO will become publicly available upon proposal for public comment and upon filing.

45. Full payment of the penalty as described in paragraphs 37 and 38 and full compliance with this CAFO shall not in any case affect the right of the U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

46. As provided under 40 C.F.R. § 22.18(c), full payment of the penalty as described in paragraphs 37 and 38 and full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties under Section 309(g) of the CWA, 33 U.S.C. § 1319(g), for the particular violations alleged in this CAFO.

47. This CAFO does not affect Respondent's responsibility to comply with the CWA and other applicable laws, regulations, or permits.

48. Respondent certifies that it is complying with Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a), 1342.

49. The terms of this CAFO bind Respondent and its successors and assigns.

50. Each person signing this CAFO certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to the terms of this CAFO.

51. Each party agrees to bear its own costs and attorneys fees in this action.

52. This CAFO constitutes the entire agreement between the parties.

53. Pursuant to 40 C.F.R. § 22.18(b)(3), this Consent Agreement does not dispose of this proceeding without execution of the Final Order. The Final Order will not be issued until after completion of the requirements of Section 309(g)(4) of the CWA, 33 U.S.C. § 1319(g)(4), and 40 C.F.R. § 22.45(b), which require, among other things, public notice and a reasonable opportunity to comment on any proposed penalty order. Further, under Section 309(g), 33 U.S.C. § 1319(g), and 40 C.F.R. § 22.45, this Consent Agreement may be withdrawn before execution of the Final Order. Please refer to Section 309(g) of the CWA, 33 U.S.C. 1319(g), 40 C.F.R. § 22.45, and 40 C.F.R. Part 22 (the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties) for detailed information on the procedures regarding Consent Agreement and Final Order as a penalty order under the CWA and settlement under Part 22.

54. When final and effective, this CAFO is a "final order" for purposes of 40 C.F.R. §§ 22.13, 22.18, 22.31, 22.45 and the EPA's Interim Clean Water Act Settlement Penalty Policy (Mar. 1995).

55. In accordance with Section 309(g)(5) of the CWA, 33 U.S.C. § 1319(g)(5), and 40 C.F.R. § 22.45, this CAFO shall become effective 30 days after the date of issuance unless, if applicable, a commenter files a petition for judicial review pursuant to 33 U.S.C. § 1319(g)(8) or a request for hearing pursuant to 33 U.S.C. § 1319(g)(4)(C), or, if applicable, 30 days after the request or petition is denied. The date of issuance is the date the Final Order is signed by the Regional Judicial Officer or Regional Administrator.

**In the Matter of:**  
**Hyponex Corporation**  
**Docket No. CWA-05-2024-0013**

**Hyponex Corporation, Respondent**



Eric Ernst  
Vice President, Supply Chain  
Hyponex Corporation

4/18/24

Date

**United States Environmental Protection Agency, Complainant**

MICHAEL  
HARRIS

Digitally signed by  
MICHAEL HARRIS  
Date: 2024.04.29  
10:38:34 -05'00'

Michael D. Harris  
Division Director  
Enforcement and Compliance Assurance Division  
U.S. EPA Region 5

Date

**In the Matter of: Hyponex Corporation**  
**Docket No. CWA-05-2024-0013**

**Final Order**

In accordance with Section 309(g)(5) of the CWA, 33 U.S.C. § 1319(g)(5), and 40 C.F.R.

§ 22.45, this CAFO shall become effective 30 days after the date of issuance unless, if applicable, a commenter files a petition for judicial review pursuant to 33 U.S.C. § 1319(g)(8) or a request for hearing pursuant to 33 U.S.C. § 1319(g)(4)(C), or, if applicable, 30 days after the request or petition is denied. The date of issuance is the date the undersigned signed this Final Order. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18, 22.31, and 22.45. IT IS SO ORDERED.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Ann L. Coyle  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
Region 5

**ATTACHMENT A**

**VIOLATIONS OF NDPES PERMIT OH0107077 ISSUED TO HYPONEX CORPORATION BY THE OHIO ENVIRONMENTAL PROTECTION AGENCY**

| Station | Monitoring Period Date | Parameter Description          | Limit Type | Limit Value | Limit Unit | DMR Value | DMR Unit  | Exceedance % |
|---------|------------------------|--------------------------------|------------|-------------|------------|-----------|-----------|--------------|
| 602     | 3/31/2018              | Solids, total suspended        | WKLY MAX   | 18          | mg/L       | 70        | mg/L      | 289          |
| 602     | 3/31/2018              | Solids, total suspended        | MO AVG     | 0.068       | kg/d       | 0.095     | kg/d      | 40           |
| 602     | 3/31/2018              | Solids, total suspended        | MO AVG     | 12          | mg/L       | 70        | mg/L      | 483          |
| 602     | 4/30/2018              | BOD, carbonaceous, 5-day       | MO AVG     | 10          | mg/L       | 15        | mg/L      | 50           |
| 602     | 4/30/2018              | BOD, carbonaceous, 5-day       | WKLY MAX   | 0.085       | kg/d       | 0.15      | kg/d      | 76           |
| 602     | 4/30/2018              | BOD, carbonaceous, 5-day       | MO AVG     | 0.057       | kg/d       | 0.15      | kg/d      | 163          |
| 602     | 4/30/2018              | Solids, total suspended        | MO AVG     | 12          | mg/L       | 40        | mg/L      | 233          |
| 602     | 4/30/2018              | Solids, total suspended        | WKLY MAX   | 0.102       | kg/d       | 0.41      | kg/d      | 302          |
| 602     | 4/30/2018              | Solids, total suspended        | WKLY MAX   | 18          | mg/L       | 40        | mg/L      | 122          |
| 602     | 4/30/2018              | Solids, total suspended        | MO AVG     | 0.068       | kg/d       | 0.41      | kg/d      | 503          |
| 602     | 10/31/2018             | E. coli, MTEC-MF               | MO GEOMN   | 126         | MPN/100mL  | 308       | MPN/100mL | 144          |
| 602     | 10/31/2018             | E. coli, MTEC-MF               | WK GEOMN   | 284         | MPN/100mL  | 308       | MPN/100mL | 8            |
| 2       | 2/28/2019              | Solids, total suspended        | WKLY MAX   | 45          | mg/L       | 55        | mg/L      | 22           |
| 2       | 2/28/2019              | Solids, total suspended        | MO AVG     | 30          | mg/L       | 55        | mg/L      | 83           |
| 602     | 5/31/2019              | E. coli, MTEC-MF               | WK GEOMN   | 284         | MPN/100mL  | 771       | MPN/100mL | 171          |
| 602     | 5/31/2019              | E. coli, MTEC-MF               | MO GEOMN   | 126         | MPN/100mL  | 771       | MPN/100mL | 512          |
| 602     | 5/31/2019              | Nitrogen, ammonia total (as N) | MO AVG     | 2           | mg/L       | 26.4      | mg/L      | 1220         |
| 602     | 5/31/2019              | Nitrogen, ammonia total (as N) | WKLY MAX   | 3           | mg/L       | 26.4      | mg/L      | 780          |
| 602     | 5/31/2019              | Nitrogen, ammonia total (as N) | WKLY MAX   | 0.017       | kg/d       | 0.036     | kg/d      | 112          |
| 602     | 5/31/2019              | Nitrogen, ammonia total (as N) | MO AVG     | 0.011       | kg/d       | 0.036     | kg/d      | 227          |
| 2       | 5/31/2019              | Chlorine, total residual       | DAILY MX   | 0.019       | mg/L       | 0.16      | mg/L      | 742          |
| 2       | 5/31/2019              | Solids, total suspended        | MO AVG     | 30          | mg/L       | 31        | mg/L      | 3            |
| 602     | 6/30/2019              | E. coli, MTEC-MF               | MO GEOMN   | 126         | MPN/100mL  | 243       | MPN/100mL | 93           |
| 602     | 6/30/2019              | Nitrogen, ammonia total (as N) | WKLY MAX   | 3           | mg/L       | 27.3      | mg/L      | 810          |

|     |           |                                |          |       |           |        |           |      |
|-----|-----------|--------------------------------|----------|-------|-----------|--------|-----------|------|
| 602 | 6/30/2019 | Nitrogen, ammonia total (as N) | WKLY MAX | 0.017 | kg/d      | 0.223  | kg/d      | 1212 |
| 602 | 6/30/2019 | Nitrogen, ammonia total (as N) | MO AVG   | 2     | mg/L      | 27.3   | mg/L      | 1265 |
| 602 | 6/30/2019 | Nitrogen, ammonia total (as N) | MO AVG   | 0.011 | kg/d      | 0.223  | kg/d      | 1927 |
| 602 | 7/31/2019 | Nitrogen, ammonia total (as N) | WKLY MAX | 3     | mg/L      | 4.38   | mg/L      | 46   |
| 602 | 7/31/2019 | Nitrogen, ammonia total (as N) | MO AVG   | 2     | mg/L      | 4.38   | mg/L      | 119  |
| 2   | 7/31/2019 | Chlorine, total residual       | DAILY MX | 0.019 | mg/L      | 0.06   | mg/L      | 216  |
| 602 | 9/30/2019 | E. coli, MTEC-MF               | WK GEOMN | 284   | MPN/100mL | 2420   | MPN/100mL | 752  |
| 602 | 9/30/2019 | E. coli, MTEC-MF               | MO GEOMN | 126   | MPN/100mL | 2420   | MPN/100mL | 1821 |
| 602 | 9/30/2019 | Nitrogen, ammonia total (as N) | WKLY MAX | 0.017 | kg/d      | 0.0244 | kg/d      | 44   |
| 602 | 9/30/2019 | Nitrogen, ammonia total (as N) | MO AVG   | 0.011 | kg/d      | 0.0244 | kg/d      | 122  |
| 602 | 2/29/2020 | BOD, carbonaceous, 5-day       | MO AVG   | 10    | mg/L      | 15     | mg/L      | 50   |
| 2   | 2/29/2020 | Solids, total suspended        | MO AVG   | 30    | mg/L      | 36     | mg/L      | 20   |
| 602 | 3/31/2020 | BOD, carbonaceous, 5-day       | WKLY MAX | 15    | mg/L      | 25     | mg/L      | 67   |
| 602 | 3/31/2020 | BOD, carbonaceous, 5-day       | MO AVG   | 15    | mg/L      | 25     | mg/L      | 67   |
| 602 | 3/31/2020 | Solids, total suspended        | MO AVG   | 12    | mg/L      | 17     | mg/L      | 42   |
| 602 | 4/30/2020 | BOD, carbonaceous, 5-day       | MO AVG   | 10    | mg/L      | 15     | mg/L      | 50   |
| 602 | 4/30/2020 | Solids, total suspended        | WKLY MAX | 18    | mg/L      | 22     | mg/L      | 22   |
| 602 | 4/30/2020 | Solids, total suspended        | MO AVG   | 12    | mg/L      | 22     | mg/L      | 83   |
| 602 | 5/31/2020 | E. coli, MTEC-MF               | WK GEOMN | 284   | MPN/100mL | 1733   | MPN/100mL | 510  |
| 602 | 5/31/2020 | E. coli, MTEC-MF               | MO GEOMN | 126   | MPN/100mL | 1733   | MPN/100mL | 1275 |
| 602 | 5/31/2020 | Nitrogen, ammonia total (as N) | MO AVG   | 2     | mg/L      | 4.65   | mg/L      | 133  |
| 602 | 6/30/2020 | E. coli, MTEC-MF               | WK GEOMN | 284   | MPN/100mL | 2420   | MPN/100mL | 752  |
| 602 | 6/30/2020 | E. coli, MTEC-MF               | MO GEOMN | 126   | MPN/100mL | 2420   | MPN/100mL | 1821 |
| 602 | 7/31/2020 | BOD, carbonaceous, 5-day       | MO AVG   | 10    | mg/L      | 33     | mg/L      | 230  |
| 602 | 7/31/2020 | BOD, carbonaceous, 5-day       | WKLY MAX | 15    | mg/L      | 33     | mg/L      | 120  |
| 602 | 7/31/2020 | BOD, carbonaceous, 5-day       | MO AVG   | 0.057 | kg/d      | 0.06   | kg/d      | 5    |
| 602 | 7/31/2020 | E. coli, MTEC-MF               | MO GEOMN | 126   | MPN/100mL | 1842   | MPN/100mL | 1362 |
| 602 | 7/31/2020 | E. coli, MTEC-MF               | WK GEOMN | 284   | MPN/100mL | 1842   | MPN/100mL | 549  |
| 2   | 8/31/2020 | Chlorine, total residual       | DAILY MX | 0.019 | mg/L      | 0.06   | mg/L      | 216  |
| 602 | 9/30/2020 | Solids, total suspended        | WKLY MAX | 0.102 | kg/d      | 0.23   | kg/d      | 125  |
| 602 | 9/30/2020 | Solids, total suspended        | WKLY MAX | 18    | mg/L      | 39     | mg/L      | 117  |

|     |            |                         |          |       |      |       |      |     |
|-----|------------|-------------------------|----------|-------|------|-------|------|-----|
| 602 | 9/30/2020  | Solids, total suspended | MO AVG   | 12    | mg/L | 39    | mg/L | 225 |
| 602 | 9/30/2020  | Solids, total suspended | MO AVG   | 0.068 | kg/d | 0.23  | kg/d | 238 |
| 602 | 10/31/2020 | Solids, total suspended | WKLY MAX | 0.102 | kg/d | 0.32  | kg/d | 214 |
| 602 | 10/31/2020 | Solids, total suspended | MO AVG   | 0.068 | kg/d | 0.083 | kg/d | 22  |
| 602 | 10/31/2020 | Solids, total suspended | MO AVG   | 12    | mg/L | 18    | mg/L | 50  |
| 602 | 10/31/2020 | Solids, total suspended | WKLY MAX | 18    | mg/L | 66    | mg/L | 267 |
| 602 | 11/30/2020 | Solids, total suspended | WKLY MAX | 18    | mg/L | 23    | mg/L | 28  |
| 602 | 12/31/2020 | Solids, total suspended | MO AVG   | 0.068 | kg/d | 0.19  | kg/d | 179 |
| 602 | 12/31/2020 | Solids, total suspended | WKLY MAX | 0.102 | kg/d | 0.19  | kg/d | 86  |

"WKLY MAX": Weekly Maximum

"MO AVG": Monthly Average

"MO GEOMN": Monthly Geometric Mean

"WK GEOMN": Weekly Geometric Mean

"DAILY MX": Daily Maximum