

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. CWA-05-2023-0003
)	
DUREZ CORPORATION,)	Proceeding to Access a Class II
)	Civil Penalty under Section 309(g)
Kenton, Ohio,)	of the Clean Water Act, 33 U.S.C.
)	§ 1319(g)
Respondent.)	
)	

CONSENT AGREEMENT AND FINAL ORDER

I. PRELIMINARY STATEMENT

1. This administrative action is 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).

3. Respondent is Durez Corporation, a corporation incorporated in the State of Delaware with a facility located in Kenton, 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.

II. JURISDICTION AND WAIVER OF RIGHT TO A HEARING

7. Respondent admits to the jurisdictional allegations in this CAFO.
8. Respondent neither admits nor denies the factual allegations in this CAFO.
9. Respondent waives any and all remedies, claims for relief, and otherwise

available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO including, but not limited to, its right to request a hearing under 40 C.F.R. § 22.15(c) and Sections 309(g)(2)(B) and (4)(C) of the CWA, 33 U.S.C. § 1319(g)(2)(B) and (4)(C); its right to appellate review under Section 309(g)(8)(B) of the CWA, 33 U.S.C. § 1319(g)(8)(B); its right to seek federal judicial review of the CAFO pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-06; any right to contest the allegations in this CAFO; and its right to appeal this CAFO. Respondent also consents to the issuance of this CAFO without further adjudication.

III. STATUTORY AND REGULATORY BACKGROUND

10. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), makes it unlawful for any person to discharge 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.

11. 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 of pollutants into navigable waters, subject to specific conditions.

12. A violation of an NPDES permit is a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

13. The State of Ohio requested approval from EPA to administer its own permit program for discharges into navigable waters within Ohio, pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. EPA granted the State of Ohio's request on March 11, 1974. *See* 39 Fed. Reg. 26,061 (July 16, 1974). Therefore, pursuant to the State's permit program, the Ohio Environmental Protection Agency ("OEPA") is authorized to issue NPDES permits.

14. Section 502(5) of the CWA defines a "person" as "an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body." 33 U.S.C. § 1362(5).

15. Section 502(12) of the CWA defines "discharge of a pollutant," as, *inter alia*, "any addition of any pollutant to navigable waters from any point source." 33 U.S.C. § 1362(12).

16. Section 502(6) of the CWA defines "pollutant," as "dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water." 33 U.S.C. § 1362(6).

17. Section 502(14) of the CWA defines "point source" as "any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged." 33 U.S.C. § 1362(14).

18. Section 502(7) of the CWA defines "navigable waters" as "the waters of the United States, including the territorial seas." 33 U.S.C. § 1362(7).

19. The regulation at 40 C.F.R. § 122.2 (1993) defines the term "waters of the United States," as:

- (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (b) All interstate waters, including interstate “wetlands;”
- (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, “wetlands,” sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (3) Which are used or could be used for industrial purposes by industries in interstate commerce;
- (d) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) The territorial sea; and
- (g) “Wetlands” adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area’s status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

20. 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 includes discharges not in compliance with an NPDES permit under Section 402 of the CWA, 33 U.S.C. § 1342.

IV. GENERAL ALLEGATIONS

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

22. At all times relevant to this Order, Respondent owned and operated a facility located at 13717 US Route 68 South in Kenton, Ohio (“Facility”), where it manufactured phenolic-based molding compounds and resins.

23. At all times relevant to this Order, Respondent discharged treated process wastewater into Taylor Creek through the Facility’s NPDES permitted outfall, Outfall 001.

24. The treated process wastewater that Respondent discharged from Outfall 001 included, among other things, *E. Coli*, Nitrogen, and Carbonaceous Biochemical Oxygen Demand (CBOD).

25. *E. Coli*, Nitrogen, and CBOD are “pollutants,” as defined in Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

26. The discharge described in Paragraph 23, above, is the “discharge of a pollutant,” as defined in Section 502(12) of the CWA, 33 U.S.C. § 1362(12).

27. Facility Outfall 001 is a “point source,” as defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

28. At all times relevant to this order, Respondent was discharging pollutants from a point source into Taylor Creek.

29. Taylor Creek is a “navigable water,” as defined in Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and “waters of the United States” as defined at 40 C.F.R. § 122.2.

30. Because Respondent, a person, owned or operated a Facility with an Outfall that acted as a point source for the discharge of pollutants into navigable waters, Respondent and the Facility have been subject to the CWA at all times relevant to this Order. Thus, any discharge of pollutants has been and continues to be subject to the specific terms and conditions prescribed in an NPDES Permit.

31. OEPA, under the authority of Section 402(b) of the CWA, 33 U.S.C. § 1342(b), issued Respondent modified NPDES permit number 21F00002*OD (“Permit”) on March 23, 2018.

32. At all times relevant to this Order, Respondent was authorized to discharge pollutants from the Facility to Taylor Creek only in compliance with the specific terms and conditions of the Permit.

33. 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. The Permit also requires Respondent to file certified Discharge Monitoring Reports (“DMRs”) of the results of monitoring and noncompliance reports with OEPA, as appropriate.

34. The Permit contains effluent limitations and monitoring requirements that place certain limitations on the quality and quantity of effluent discharged by Respondent. The relevant discharge limitations are specified in Part I, A of the Permit and included in Appendix A to this Order and incorporated by reference as though fully set forth herein.

35. Certified DMRs filed by Respondent with OEPA, as required by the Permit, show discharges of pollutants from the Facility that exceeded the effluent limitations established by the Permit, which are incorporated herein by reference. The list of discharges of pollutants exceeding Permit effluent limitations is included in Appendix B to this Order and incorporated by reference as though fully set forth herein.

V. VIOLATIONS

Unlawful Discharge of Pollutants into Taylor Creek

36. Complainant reincorporates the allegations contained in Paragraphs 21 through 35, above, by reference as though fully set forth herein.

37. Respondent, a person, discharged pollutants from a point source into Taylor Creek, a navigable water, in violation of its NPDES Permit. The list of instances in which Respondent discharged pollutants in violation of its NPDES Permit is included in Appendix B to this Order and incorporated by reference as if fully set forth herein.

38. Each instance in which Respondent discharged pollutants into Taylor Creek in amounts exceeding the effluent limitations of its Permit is a violation of the Permit and of Section 301 of the CWA, 33 U.S.C. § 1311.

39. Each day the pollutants remained in the navigable waters constituted a continuing violation of the CWA and an additional day in violation of Section 301 of the CWA, 33 U.S.C. § 1311.

40. Therefore, on at least 49 occasions, Respondent violated its Permit and Section 301 of the CWA, 33 U.S.C. § 1311.

VI. CIVIL PENALTY

41. According to 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 of up to \$25,847 per day of violation up to a total of \$323,081 for violations of the CWA that occurred after November 2, 2015 and for which penalties are assessed on or after January 16, 2023, or other amounts as penalty levels may be later adjusted at 40 C.F.R. Part 19.

42. 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 \$150,000.

43. Within 30 days after the effective date of this CAFO, Respondent must pay the \$150,000 civil penalty by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

44. 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

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

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

46. 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.

47. 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).

VII. General Provisions

48. The parties consent to service of this CAFO by email at the following valid email addresses: Futerman.andrew@epa.gov (for Complainant) and DFlynn@phillipslytle.com (for Respondent).

49. Full payment of the penalty as described in paragraphs 42 and 43 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.

50. As provided under 40 C.F.R. § 22.18(c), full payment of the penalty as described in paragraphs 42 and 43 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.

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

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

53. This CAFO is a "final order" for purposes of 40 C.F.R. § 22.31 and the EPA's Interim Clean Water Act Settlement Penalty Policy (Mar. 1995).

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

55. 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.

56. Each party agrees to bear its own costs and attorney's fees in this action.

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

58. The effective date for this CAFO is the date it is filed with the Regional Hearing Clerk, which is after completion of the notice and comment requirements of Sections 309(g)(4)(C) and 309(g)(5) of the CWA, 33 U.S.C. §§ 1319(g)(4)(C), (5) and 40 C.F.R. §§ 22.38, 22.45, and which shall be at least 30 days after the CAFO has been signed by the Regional Judicial Officer or Regional Administrator.

In the Matter of: Durez Corporation
Docket No. CWA-05-2023-0003

Durez Corporation, Respondent



Scott T. Franks,
Plant Manager
Durez Corporation

7/19/23

Date

In the Matter of:
Durez Corporation
Docket No. CWA-05-2023-0003

United States Environmental Protection Agency, Complainant

**MICHAEL
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2023.07.21
10:48:31 -05'00'

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

Date

**In the Matter of:
Durez Corporation
Docket No. CWA-05-2023-0003**

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5

Date

APPENDIX A

Final Effluent Limitations and Monitoring Requirements

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/Week	Maximum Indicating Thermometer	All
00300 - Dissolved Oxygen - mg/l	-	5	-	-		-	-	-	1/Week	Grab	Winter
00300 - Dissolved Oxygen - mg/l	-	7	-	-		-	-	-	1/Week	Grab	Summer
00400 - pH - S.U.	9	6.5	-	-		-	-	-	1/Week	Grab	All
00530 - Total Suspended Solids - mg/l	45	-	-	30		30.7	-	20.5	1/Week	24hr Composite	All
00550 - Oil and Grease, Total - mg/l	10	-	-	-		-	-	-	1/Week	Grab	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	2.25	-	-	1.5		1.54	-	1.03	1/Week	24hr Composite	Summer
00610 - Nitrogen, Ammonia (NH3) - mg/l	12	-	-	8		8.18	-	5.46	1/Week	24hr Composite	Winter
00665 - Phosphorus, Total (P) - mg/l	-	-	-	-		-	-	-	1/Week	24hr Composite	All
01082 - Strontium, Total (Sr) - ug/l	-	-	-	-		-	-	-	1/Quarter	24hr Quarterly Composite	Quarterly

01118 - Chromium, Total Recoverable - ug/l	-	-	-	-		-	-	-	1/Month	24hr Composite	All
31648 - E. coli - #/100 ml	284	-	-	126		-	-	-	1/Week	Grab	Summer
32102 - Carbon Tetrachloride - ug/l	29	-	-	14		0.016	-	0.008	1/Year	Grab	September
32106 - Chloroform - ug/l	35	-	-	16		0.020	-	0.009	1/Year	Grab	September
34010 - Toluene - ug/l	49	-	-	18		0.027	-	0.010	1/Year	Grab	September
34030 - Benzene - ug/l	105	-	-	28		0.059	-	0.016	1/Year	Grab	September
34200 - Acenaphthylene - ug/l	45	-	-	17		0.025	-	0.009	1/Year	24hr Composite	September
34205 - Acenaphthene - ug/l	38	-	-	17		0.022	-	0.009	1/Year	24hr Composite	September
34215 - Acrylonitrile - ug/l	186	-	-	74		0.105	-	0.042	1/Year	Grab	September
34220 - Anthracene, General Organic - ug/l	0.35	-	-	0.034		0.00020	-	0.00002	1/Year	24hr Composite	September
34230 - 3,4-BenzoFluoranthene - ug/l	47	-	-	2.8		0.027	-	0.002	1/Year	24hr Composite	September
34242 - Benzo(k)Fluoranthene - ug/l	45	-	-	2.8		0.025	-	0.002	1/Year	24hr Composite	September
34247 - Benzo-A-Pyrene - ug/l	52	-	-	20		0.031	-	0.012	1/Year	24hr Composite	September
34311 - Chloroethane - ug/l	206	-	-	80		0.117	-	0.045	1/Year	24hr Composite	September

34320 - Chrysene - ug/l	45	-	-	2.8		0.025	-	0.002	1/Year	Grab	September
34336 - Diethyl phthalate - ug/l	156	-	-	62		0.088	-	0.035	1/Year	24hr Composite	September
34341 - Dimethyl phthalate - ug/l	36	-	-	15		0.020	-	0.008	1/Year	24hr Composite	September
34371 - Ethylbenzene - ug/l	83	-	-	25		0.047	-	0.014	1/Year	Grab	September
34376 - Fluoranthene - ug/l	7.4	-	-	1.4		0.004	-	0.0008	1/Year	24hr Composite	September
34381 - Fluorene - ug/l	45	-	-	17		0.025	-	0.009	1/Year	24hr Composite	September
34396 - Hexachloroethane - ug/l	42	-	-	16		0.023	-	0.009	1/Year	24hr	September
- Methyl Chloride - ug/l	146	-	-	66		0.083	-	0.037	1/Year	Grab	September
34423 - Methylene Chloride - ug/l	69	-	-	31		0.039	-	0.017	1/Year	Grab	September
34447 - Nitrobenzene - ug/l	52	-	-	21		0.029	-	0.012	1/Year	24hr Composite	September
34461 - Phenanthrene - ug/l	45	-	-	3.9		0.028	-	0.003	1/Year	24hr Composite	September
34469 - Pyrene - ug/l	49	-	-	7.9		0.027	-	0.005	1/Year	24hr Composite	September
34475 - Tetrachloroethylene - ug/l	43	-	-	17		0.024	-	0.009	1/Year	Grab	September
34496 - 1,1-Dichloroethane - ug/l	45	-	-	17		0.025	-	0.009	1/Year	Grab	September
34501 - 1,1-Dichloroethylene - ug/l	19	-	-	12		0.010	-	0.007	1/Year	Grab	September

34506 - 1,1,1-Trichloroethane - ug/l	42	-	-	16		0.023	-	0.009	1/Year	Grab	September
34511 - 1,1,2-Trichloroethane - ug/l	42	-	-	16		0.023	-	0.009	1/Year	Grab	September
34526 - Benzo(A)Anthracene - ug/l	45	-	-	2.8		0.025	-	0.002	1/Year	24hr Composite	September
34531 - 1,2-Dichloroethane - ug/l	162	-	-	52		0.092	-	0.029	1/Year	Grab	September
34536 - 1,2-Dichlorobenzene - ug/l	125	-	-	30		0.071	-	0.017	1/Year	Grab	September
34541 - 1,2-Dichloropropane - ug/l	198	-	-	132		0.116	-	0.077	1/Year	Grab	September
34546 - 1,2-trans-Dichloroethylene - ug/l	42	-	-	16		0.025	-	0.009	1/Year	Grab	September
34551 - 1,2,4-Trichlorobenzene - ug/l	108	-	-	52		0.061	-	0.029	1/Year	24hr Composite	September
34566 - 1,3-Dichlorobenzene - ug/l	34	-	-	24		0.019	-	0.013	1/Year	Grab	September
34571 - 1,4-Dichlorobenzene - ug/l	22	-	-	12		0.012	-	0.007	1/Year	Grab	September
34586 - 2-Chlorophenol - ug/l	75	-	-	24		0.042	-	0.014	1/Year	24hr Composite	September
34591 - 2-Nitrophenol - ug/l	53	-	-	32		0.030	-	0.018	1/Year	24hr Composite	September
34601 - 2,4-Dichlorophenol - ug/l	86	-	-	19		0.048	-	0.011	1/Year	24hr Composite	September
34606 - 2,4-Dimethylphenol - ug/l	28	-	-	14		0.016	-	0.008	1/Year	24hr Composite	September
34611 - 2,4-Dinitrotoluene - ug/l	219	-	-	75		0.124	-	0.049	1/Year	24hr Composite	September

34616 - 2,4-Dinitrophenol - ug/l	95	-	-	55		0.054	-	0.031	1/Year	24hr Composite	September
34626 - 2,6-Dinitrotoluene - ug/l	493	-	-	120		0.279	-	0.068	1/Year	24hr Composite	September
34646 - 4-Nitrophenol - ug/l	95	-	-	55		0.054	-	0.031	1/Year	24hr Composite	September
34657 - 4,6-Dinitro-ocresol - ug/l	213	-	-	60		0.121	-	0.034	1/Year	24hr Composite	September
34694 - Phenol - ug/l	20	-	-	12		0.011	-	0.007	1/Year	24hr Composite	September
34696 - Naphthalene - ug/l	45	-	-	17		0.025	-	0.009	1/Year	24hr Composite	September
39100 - Bis(2-ethylhexyl) Phthalate - ug/l	215	-	-	13		0.121	-	0.008	1/Year	24hr Composite	September
39110 - Di-N-Butylphthalate - ug/l	44	-	-	21		0.024	-	0.012	1/Year	24hr Composite	September
39175 - Vinyl Chloride - ug/l	206	-	-	80		0.117	-	0.045	1/Year	Grab	September
39180 - Trichloroethylene - ug/l	42	-	-	16		0.023	-	0.009	1/Year	Grab	September
39700 - Hexachlorobenzene - ug/l	22	-	-	12		0.012	-	0.007	1/Year	24hr Composite	September
39702 - Hexachlorobutadiene - ug/l	38	-	-	15		0.021	-	0.008	1/Year	24hr Composite	September
40013 - Chlorobenzene - ug/l	22	-	-	12		0.012	-	0.012	1/Year	Grab	September
50050 - Flow Rate - MGD	-	-	-	-		-	-	-	1/Day	Continuous	All

50060 - Chlorine, Total Residual - mg/l	-	-	-	-		-	-	-	1/Month	Grab	All
50092 - Mercury, Total(Low Level) - ng/l	-	-	-	-		-	-	-	1/Quarter	Grab	Quarterly
51173 - Cyanide, Free (Low Level) - ug/l	-	-	-	-		-	-	-	1/Week	24hr Composite	All
61425 - Acute Toxicity, Ceriodaphnia dubia - TUa	-	-	-	-		-	-	-	1/Year	24hr Composite	September
61426 - Chronic Toxicity, Ceriodaphnia dubia - TUC	-	-	-	-		-	-	-	1/Year	24hr Composite	September
703300 - Residual, Total Filterable - mg/l	-	-	-	-		-	-	-	1/Week	24hr Composite	All
77089 - Aniline - ug/l	-	-	-	-		-	-	-	1/Year	24hr Composite	September
77163 - 1,3-Dichloropropylene - ug/l	30	-	-	2.9		0.0205	-	0.00198	1/Year	Grab	September
80082 - CBOD 5 day - mg/l	15	-	-	10		10.3	-	6.82	1/Week	24hr Composite	Summer
80082 - CBOD 5 day - mg/l	38	-	-	25		25.9	-	17.1	1/Week	24hr Composite	Winter
81708 - Styrene - ug/l	83	-	-	25		0.0566	-	0.0171	1/Year	Grab	September

* Effluent loadings based on 95th percentile of monthly averages of 0.18 MGD.

** ELG concentration limits were adjusted by a factor (86%) to reflect the portion of total flow (process and stormwater) to which ELG limits apply. The same factor was applied to the flow rate used to calculate ELG loading limits, resulting in a flow rate of 0.155 MGD.

APPENDIX B

Violations of NPDES Permit 21F00002*PD issued by Ohio Environmental Protection Agency

Monitoring Period Date	Parameter Description	Limit Type	DMR Value	DMR Value Unit	Limit Value	Limit Value Unit	% Exceedance	Days with Exceedances
10/31/2017	BOD, carbonaceous, 05 day, 20 C	DAILY MX	16	mg/L	15	mg/L	7	1
11/30/2017	BOD, carbonaceous, 05 day, 20 C	MO AVG	87.7	mg/L	25	mg/L	251	
11/30/2017	BOD, carbonaceous, 05 day, 20 C	DAILY MX	57.5	kg/d	25.9	kg/d	122	
11/30/2017	BOD, carbonaceous, 05 day, 20 C	MO AVG	23.8	kg/d	17.1	kg/d	39	30
11/30/2017	BOD, carbonaceous, 05 day, 20 C	DAILY MX	220	mg/L	38	mg/L	479	1
12/31/2017	BOD, carbonaceous, 05 day, 20 C	MO AVG	83	mg/L	25	mg/L	232	31
12/31/2017	BOD, carbonaceous, 05 day, 20 C	DAILY MX	27.7	kg/d	25.9	kg/d	7	1
12/31/2017	BOD, carbonaceous, 05 day, 20 C	DAILY MX	120	mg/L	38	mg/L	216	
1/31/2018	BOD, carbonaceous, 05 day, 20 C	DAILY MX	45	mg/L	38	mg/L	18	1
6/30/2018	Nitrogen, ammonia total (as N)	MO AVG	6.47	mg/L	1.5	mg/L	331	30
6/30/2018	Nitrogen, ammonia total (as N)	DAILY MX	13.2	mg/L	2.25	mg/L	487	
6/30/2018	Nitrogen, ammonia total (as N)	DAILY MX	2.25	kg/d	1.54	kg/d	46	1
8/31/2018	E. coli, MTEC-MF	DAILY MX	649	MPN/100mL	284	MPN/100mL	129	1
9/30/2018	Nitrogen, ammonia total (as N)	DAILY MX	3.54	mg/L	2.25	mg/L	57	1
9/30/2018	Nitrogen, ammonia total (as N)	MO AVG	1.7	mg/L	1.5	mg/L	13	30
9/30/2018	E. coli, MTEC-MF	DAILY MX		MPN/100mL	284	MPN/100mL	99999	1

9/30/2018	E. coli, MTEC-MF	MO GEOMN		MPN/100mL	126	MPN/100mL	99999	30
2/28/2019	BOD, carbonaceous, 05 day, 20 C	DAILY MX	51.5	kg/d	25.9	kg/d	99	
2/28/2019	BOD, carbonaceous, 05 day, 20 C	MO AVG	27.3	kg/d	17.1	kg/d	60	28
2/28/2019	BOD, carbonaceous, 05 day, 20 C	DAILY MX	160	mg/L	38	mg/L	321	1
2/28/2019	BOD, carbonaceous, 05 day, 20 C	MO AVG	84.8	mg/L	25	mg/L	239	
3/31/2019	BOD, carbonaceous, 05 day, 20 C	MO AVG	245.8	kg/d	17.1	kg/d	1337	
3/31/2019	BOD, carbonaceous, 05 day, 20 C	MO AVG	580	mg/L	25	mg/L	2220	31
3/31/2019	BOD, carbonaceous, 05 day, 20 C	DAILY MX	1100	mg/L	38	mg/L	2795	
3/31/2019	BOD, carbonaceous, 05 day, 20 C	DAILY MX	545.4	kg/d	25.9	kg/d	2006	1
4/30/2019	BOD, carbonaceous, 05 day, 20 C	MO AVG	402	mg/L	25	mg/L	1508	
4/30/2019	BOD, carbonaceous, 05 day, 20 C	DAILY MX	377	kg/d	25.9	kg/d	1356	1
4/30/2019	BOD, carbonaceous, 05 day, 20 C	DAILY MX	810	mg/L	38	mg/L	2032	
4/30/2019	BOD, carbonaceous, 05 day, 20 C	MO AVG	151	kg/d	17.1	kg/d	783	30
5/31/2019	Nitrogen, ammonia total (as N)	MO AVG	1.66	mg/L	1.5	mg/L	11	31
5/31/2019	Nitrogen, ammonia total (as N)	DAILY MX	3.77	mg/L	2.25	mg/L	68	1
5/31/2019	E. coli, MTEC-MF	DAILY MX	2420	MPN/100mL	284	MPN/100mL	752	1
5/31/2019	BOD, carbonaceous, 05 day, 20 C	DAILY MX	19	mg/L	15	mg/L	27	1
5/31/2019	BOD, carbonaceous, 05 day, 20 C	MO AVG	14	mg/L	10	mg/L	40	31
6/30/2019	E. coli, MTEC-MF	DAILY MX	2420	MPN/100mL	284	MPN/100mL	752	1
7/31/2019	E. coli, MTEC-MF	DAILY MX	2420	MPN/100mL	284	MPN/100mL	752	1

7/31/2019	BOD, carbonaceous, 05 day, 20 C	MO AVG	15	mg/L	10	mg/L	50	31
7/31/2019	BOD, carbonaceous, 05 day, 20 C	DAILY MX	22	mg/L	15	mg/L	47	1
1/31/2020	BOD, carbonaceous, 05 day, 20 C	DAILY MX	45	mg/L	38	mg/L	18	1
2/29/2020	BOD, carbonaceous, 05 day, 20 C	MO AVG	28	mg/L	25	mg/L	12	28
2/29/2020	BOD, carbonaceous, 05 day, 20 C	DAILY MX	92	mg/L	38	mg/L	142	1
5/31/2020	E. coli, MTEC-MF	DAILY MX	2420	MPN/100mL	284	MPN/100mL	752	1
5/31/2020	BOD, carbonaceous, 05 day, 20 C	DAILY MX	28	mg/L	15	mg/L	87	1
5/31/2020	BOD, carbonaceous, 05 day, 20 C	MO AVG	16	mg/L	10	mg/L	60	31
5/31/2020	BOD, carbonaceous, 05 day, 20 C	DAILY MX	12	kg/d	10.3	kg/d	17	
6/30/2020	BOD, carbonaceous, 05 day, 20 C	DAILY MX	32	mg/L	15	mg/L	113	
6/30/2020	BOD, carbonaceous, 05 day, 20 C	DAILY MX	13	kg/d	10.3	kg/d	26	1
7/31/2020	Nitrogen, ammonia total (as N)	DAILY MX	3.55	mg/L	2.25	mg/L	58	1
7/31/2020	E. coli, MTEC-MF	DAILY MX	548	MPN/100mL	284	MPN/100mL	93	1

“DAILY MX” = Daily Maximum

“MO AVG” = Monthly Average

“MO GEOMN” = Monthly Geometric Mean