



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

17 APR 2007

WC-15J

CERTIFIED MAIL 7001 0320 0005 8920 6144
RETURN RECEIPT REQUESTED

George Elmaraghy, Chief
Division of Surface Water
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

Subject: Notice of Proposed Administrative Assessment of Class II Civil Penalty:
Logan County Water Pollution Control, Indian Lake District
Docket No. **CWA-05-2007-0004**

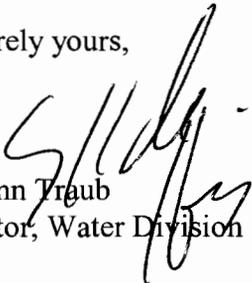
Dear Mr. Elmaraghy:

Enclosed is a copy of the Administrative Complaint which the U.S. Environmental Protection Agency (USEPA) has issued to Logan County Water Pollution Control, Indian Lake District for violations of Section 405(e) of the Clean Water Act (Act), 33 U.S.C. § 1345(e). Region 5 has issued the Complaint to propose administrative assessment of a Class II civil penalty against Logan County Water Pollution Control, Indian Lake District for violations of Section 405 of the Clean Water Act. Because the violations occurred in Ohio, USEPA would like to offer you an opportunity to confer with us regarding the proposed assessment.

You may request a conference with USEPA anytime within twenty (20) days of receipt of this letter. The conference may be in person or by telephone and may cover any matters relevant to the proposed assessment. A copy of USEPA's procedures governing the assessment of Class II civil penalties under the Act is also enclosed.

If you wish to request a conference or if you have any comments or questions regarding this matter, please call Valdis Aistars at (312) 886-0264. For questions regarding legal issues, please contact Diana Embil at (312) 886-7889.

Sincerely yours,



Jo Lynn Traub
Director, Water Division

Enclosure

cc: Regional Hearing Clerk



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

17 APR 2007

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CERTIFIED MAIL 7001 0320 0005 8920 6151
RETURN RECEIPT REQUESTED

Mr. Garis Pugh
General Manager
Logan County Water Pollution Control
Indian Lake District
1015 Orchard Island Road
Russells Point, Ohio 43348

Subject: Notice of Proposed Assessment of a Class II
Administrative Penalty Pursuant to Section 309(g) of the Clean Water Act
Docket No. **CWA-05-2007-0004**

Dear Mr. Pugh:

Enclosed is a copy of an "Administrative Complaint," which I have filed against Logan County Water Pollution Control, Indian Lake District (ILWPCD), under the authority of Section 309(g) of the Clean Water Act ("Act"), 33 U.S.C. § 1319(g). In the Complaint, the U.S. Environmental Protection Agency (USEPA) alleges that the ILWPCD violated Section 405(e) of the Act. The Complaint describes the alleged violations in Counts I through IV.

The ILWPCD may request a hearing regarding the violations alleged in the Complaint and the proposed administrative civil penalty. I invite you to pay particular attention to the section of the Complaint entitled "Notice of Opportunity to Request a Hearing." If the ILWPCD fails to request a hearing within 30 days of receipt of the Complaint, the ILWPCD waives its right to a hearing and may become liable for the entire proposed civil penalty. If the ILWPCD requests a hearing, the ILWPCD may be represented by an attorney, or represent itself at any point in these proceedings.

The rules governing these proceedings are the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits," 40 C.F.R. Part 22, 64 Fed. Reg. 40,138 (July 23, 1999). I have enclosed a copy for your reference.

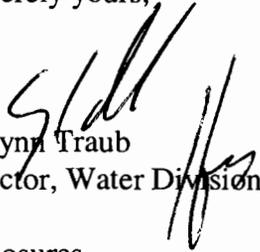
Whether or not the ILWPCD requests a hearing, I invite the ILWPCD to confer informally with USEPA concerning the alleged violations and the amount of the proposed penalty. Again, the

ILWPCD may be represented by an attorney at any conference, whether the meeting occurs in person or by telephone. USEPA encourages all parties to pursue settlement during an informal conference. If the parties reach a satisfactory settlement, a mutually negotiated and executed Consent Agreement will resolve this matter. The issuance of such a Consent Agreement will constitute a waiver by the ILWPCD of its right to a hearing on, and judicial appeal of, the agreed civil penalty.

A request for an informal conference does not extend the 30 days during which the ILWPCD may request a hearing on the proposed penalty assessment. You may pursue the two procedures simultaneously. If the ILWPCD has any questions or wishes to discuss settlement of this matter, please contact Valdis Aistars, Water Division (WC-15J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, or telephone Mr. Aistars at (312) 886-0264. For questions regarding legal issues, please contact Diana Embil, Assistant Regional Counsel at (312) 886-7889.

We urge your prompt attention to this matter.

Sincerely yours,



Jo Lynn Traub
Director, Water Division

Enclosures

cc: George Elmaraghy, OEPA
Suzanne Matz, OEPA
Sandy Lieb Fritz, OEPA
Kevin P. Braig, Dinsmore & Shohl, LLP

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	Docket No. CWA-05-2007-0004
Logan County Water Pollution)	
Control, Indian Lake District)	
1015 Orchard Island Road South,)	Proceeding to Assess a
Russells Point, Ohio,)	Class II Civil Penalty
)	under Section 309(g)
)	of the Clean Water Act,
Respondent.)	33 U.S.C. § 1319(g).
)	
)	

SUBMITTED TO REGIONAL ADMINISTRATOR
MAY 17 2007

ADMINISTRATIVE COMPLAINT

I. General Allegations

1. This is an administrative action commenced by the United States Environmental Protection Agency (EPA) pursuant to Section 309(g) of the Clean Water Act (Act), 33 U.S.C. § 319(g), and Sections 22.01(a)(6) and 22.38 of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits*, 40 C.F.R. §§ 22.01(a) (6) and 22.38 (2007). The Administrator of EPA (Administrator) has delegated the authority to take this action to the Regional Administrator of Region 5, who has re-delegated the authority to the Water Division Director.

2. Respondent Logan County Water Pollution Control, Indian Lake District is a "municipality" within the meaning of Section 502(4) of the Act, 33 U.S.C. § 1362 (4), and 40 C.F.R. § 503.9(o) (2002).

3. Respondent is a "person," as defined in Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 503.9(q).

4. At all times relevant to this Complaint, Respondent owned and operated a device or system used to treat "domestic sewage," as defined at 40 C.F.R. § 503.9(g).
5. Respondent's system is a publicly owned "treatment works," ("POTW") as defined at 40 C.F.R. §§ 503.9(aa) and 501.2.
6. Respondent's POTW is located at 1015 Orchard Island Road South in Russells Point, Ohio.
7. Pursuant to Section 405(d) of the Act, 33 U.S.C. § 1345(d), the Administrator published "Standards for the Use or Disposal of Sewage Sludge" on February 19, 1993, which are codified at 40 C.F.R. Part 503 ("Part 503 regulations" or "Part 503") (2002). The Part 503 regulations became effective one year after the date of publication.
8. Respondent generated "sewage sludge," as defined at 40 C.F.R. § 503.9(w), at its POTW.
9. Respondent is a "person who prepares sewage sludge," as defined at 40 C.F.R. § 503.9(r).
10. At all times relevant to this Complaint, Respondent did not sell that sewage sludge or give it away in bags or other containers for application to the land.
11. The sewage sludge was "bulk sewage sludge," as defined at 40 C.F.R. § 503.11(e).
12. Respondent's method of disposing of the bulk sewage sludge that it generated was by "land application," as defined at 40 C.F.R. § 503.11(h).
13. Respondent applied sewage sludge to the land. (*See* 40 C.F.R. § 503.9(a).)
14. Pursuant to 40 C.F.R. § 503.1(b)(1),(2),(4), Part 503 applies to Respondent, its bulk sewage sludge, and the land to which it was applied by Respondent.

15. Under Section 405(e) of the Act, 33 U.S.C. § 1345(e), it is unlawful for any person to dispose of sludge from a POTW or any other treatment works treating domestic sewage for any use for which the Part 503 regulations were established, except in accordance with those regulations.

16. Rule 40 C.F.R. § 503.3(b) additionally provides that no person shall use or dispose of sewage sludge through any practice for which the Part 503 requirements were established, except in accordance with those requirements.

17. Section 309(g) of the Act, 33 U.S.C. § 1319(g), authorizes the Administrator to assess a Class II civil penalty under Section 309(g)(2)(B) of the Act, 33 U.S.C. § 1319(g)(2)(B), after consultation with the State, when the Administrator finds, on the basis of any information available, that a person has violated Section 405 of the Act, 33 U.S.C. § 1345.

18. At all times relevant to this Complaint, the State of Ohio operated a National Pollutant Discharge Elimination System (NPDES) permit program designed to authorize the discharge of pollutants into waters of the United States.

19. In 2005, the Administrator delegated sewage sludge management under 40 C.F.R. Part 503 to the State of Ohio as part of the State's NPDES permit program.

20. Prior to 2005, the State of Ohio did not administer and enforce a sewage sludge management program under 40 C.F.R. Part 503.

21. The violations alleged herein and the underlying conduct or omissions giving rise to such allegations occurred prior to 2005.

22. For purposes of the sewage sludge management violations alleged herein and the underlying conduct or omissions giving rise to such allegations, EPA is the “permitting authority,” as defined at 40 C.F.R. § 503.9(p).

23. Respondent’s POTW is a “Class I sludge management facility,” as defined at 40 C.F.R. § 503.9(c).

24. Respondent’s POTW has a design flow rate equal to or greater than one million gallons per day and/or that serves more than 10,000 people.

II. Alleged Violations

Count I - Failure to Report

25. Paragraphs 1 through 24 are re-alleged here as if set forth in full.

26. Under 40 C.F.R. § 503.18, Respondent’s POTW is required to submit to the permitting authority in February of each year an annual “sewage sludge report” for the preceding calendar year, containing, *inter alia*, a certification of compliance with Part 503 requirements and other information about such compliance as set out and applicable in 40 C.F.R. § 503.17(a).

27. Pursuant to 40 C.F.R. § 503.18 and 40 C.F.R. § 503.17(a), Respondent was required to certify to EPA, in its annual sludge reports for calendar years 2002 and 2003, that the applicable pathogen reduction requirements and vector attraction reduction requirements were met and provide descriptions of how such requirements were met.

28. Respondent’s POTW has not submitted annual sludge reports to EPA for calendar years 2002 and 2003.

29. Respondent has not certified to EPA that the applicable pathogen reduction requirements and vector attraction reduction requirements were met for calendar years 2002 and 2003 and provided descriptions of how such requirements were met.

30. Respondent's repeated failures to comply with the reporting requirements found at 40 C.F.R. § 503.18, constitute unlawful acts under Section 405(e) of the Act, 33 U.S.C. § 1345(e).

Count II - Failure to Meet Pathogen Reduction Requirements

31. Paragraphs 1 through 24 are re-alleged here as if set forth in full.

32. Agricultural land," is defined at 40 C.F.R. § 503.11 (a), as land on which a food crop, a feed crop, or a fiber crop is grown. Agricultural land includes "range land" and land used as "pasture," as defined at 40 C.F.R. §§ 503.11(k) and (m).

33. At all times relevant to this Complaint, Respondent disposed of its bulk sewage sludge by applying it to agricultural land or forest located adjacent to its POTW.

34. Pursuant to 40 C.F.R. § 503.15(a)(1), when bulk sewage is applied to agricultural land, forest, a public site, or a reclamation site, the Class A pathogen requirements in 40 C.F.R. § 503.32(a) *or* Class B pathogen requirements and site restrictions in 40 C.F.R. § 503.32(b) must be met.

35. During calendar years 2002 and 2003, Respondent's POTW did not meet the Class A pathogen requirements in 40 C.F.R. § 503.32(a).

36. Rule 40 C.F.R. § 503.32(b)(1)(I), provides that one of the alternative requirements of either 40 C.F.R. §§ 503.32(b)(2), (3) or (4), must be met (“Class B pathogen requirements”) for a sewage sludge to be classified Class B with respect to pathogens.

37. During calendar years 2002 and 2003, Respondent’s POTW did not meet the Class B pathogen requirements in either 40 C.F.R. §§ 503.32(b)(2) or (4).

38. The Class B pathogen requirement in 40 C.F.R. § 503.32(b)(3), provides that sewage sludge that is used or disposed shall be treated in one of the “Processes to Significantly Reduce Pathogens” described in appendix B to Part 503 (“pathogen reduction treatment processes”).

39. Respondent indicated that its sewage sludge would undergo the pathogen reduction treatment process known as “anaerobic digestion.”

40. Appendix B to Part 503 describes “anaerobic digestion” as “[s]ewage sludge is treated in the absence of air for a specific mean cell residence time at a specific temperature. Values for the mean cell residence time and temperature shall be between 15 days at 35 to 55 degrees Celsius and 60 days at 20 degrees Celsius.”

41. During calendar years 2002 and 2003, Respondent failed to maintain its pathogen reduction treatment process for the mean cell residence time and temperature between 15 days at 35 to 55 degrees Celsius and 60 days at 20 degrees Celsius.

42. During calendar years 2002 and 2003, Respondent failed to meet the Class B pathogen requirement in 40 C.F.R. § 503.32(b)(3).

43. During calendar years 2002 and 2003, Respondent failed to comply with the pathogen requirements of 40 C.F.R. § 503.15(a)(1).

44. Respondent's repeated failures to comply with the pathogen requirements of 40 C.F.R. § 503.15(a)(1), constitute unlawful acts under Section 405(e) of the Act, 33 U.S.C. § 1345(e).

Count III - Failure to Meet
Vector Attraction Reduction Requirements

45. Paragraphs 1 through 24 are re-alleged here as if set forth in full.

46. Rule 40 C.F.R. § 503.15(c)(1), provides that one of the vector attraction reduction requirements in 40 C.F.R. §§ 503.33(b)(1) through (b)(10), must be met when bulk sewage sludge is applied to agricultural land, forest, a public contract site, or a reclamation site.

47. Rule 40 C.F.R. § 503.33(b)(1) provides that the mass of volatile solids in the sewage sludge shall be reduced by a minimum of thirty-eight (38) percent.

48. During calendar years 2002 and 2003, Respondent did not meet any of the vector attraction reduction requirements in 40 C.F.R. §§ 503.33(b)(1) through (b)(10), as required by 40 C.F.R. § 503.15(c)(1).

49. Respondent's repeated failures to comply with the vector attraction reduction requirements of 40 C.F.R. § 503.15(c)(1), constitute unlawful acts under Section 405(e) of the Act, 33 U.S.C. § 1345(e).

Count IV - Failure to Land Apply
Sewage Sludge at Agronomic Rate

50. Paragraphs 1 through 24 are re-alleged here as if set forth in full.

51. Rule 40 C.F.R. § 503.14 sets out management practices that must be followed concerning bulk sewage sludge that is applied to land.

52. Rule 40 C.F.R. § 503.14(d), in relevant part, requires that bulk sewage be applied to agricultural land and forest at a whole sludge application rate equal to or less than the agronomic rate for the bulk sewage sludge.

53. “Annual whole sludge application rate” is defined at 40 C.F.R. § 503.11(d), as the maximum amount of sewage sludge (dry weight basis) that can be applied to a unit area of land during a 365 day period.

54. “Agronomic rate” is defined at 40 C.F.R. § 503.11(b), as the whole sludge application rate (dry weight basis) designed: (1) to provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop, or vegetation grown on the land; and (2) to minimize the amount of nitrogen in the sewage sludge that passes below the root zone of the crop or vegetation grown on the land to the ground water.

55. Calculation of the agronomic rate at which sewage sludge is applied to land depends, among other things, on the amount of acreage used for the application and the type of crop or vegetation grown on the land.

56. During calendar years 2002 and 2003, Respondent failed to land apply its sewage sludge at an agronomic rate.

57. Respondent’s repeated failures to comply with the agronomic rate land application requirements of 40 C.F.R. § 503.14(d), constitute unlawful acts under Section 405(e) of the Act, 33 U.S.C. § 1345(e).

III. Notice of Proposed Penalty Assessment

Based upon the foregoing findings of violations and pursuant to Section 309(g)(2)(B) of the Act, 33 U.S.C. § 1319(g)(2)(B), the Administrator may assess a Class II civil penalty not to exceed ten thousand dollars (\$10,000.00) per day for each day during which the violations continue, to a maximum administrative civil penalty of one hundred twenty-five thousand dollars (\$125,000.00) for violations of the Act. The Federal Civil Penalties Inflation Act of 1990, 28 U.S.C. § 2461, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and the regulations promulgated thereto at 40 C.F.R. §§ 19 and 27 (*see* 61 F.R. 69360-69366 and 62 F.R. 13414-13517) increased these amounts to eleven thousand dollars (\$11,000) and one hundred, thirty-seven thousand, five hundred dollars (\$137,500) for violations occurring after January 30, 1997. As the violations alleged in this Complaint all occurred after this date, the amended statutory limits apply.

Based upon the facts alleged in this Complaint, 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, EPA hereby proposes to issue a Final Order assessing a civil penalty against Respondent in the amount of one hundred, thirty-seven thousand, and five hundred dollars (\$137,500) for violations of: (1) regulations at 40 C.F.R. § 503.18, and Section 405(e) of the Act, 33 U.S.C. § 1345(e) (annual sludge reporting requirements); (2) regulations at 40 C.F.R. § 503.15(a)(1), and Section 405(e) of the Act, 33 U.S.C. § 1345(e) (pathogen reduction requirements); (3) regulations at 40 C.F.R. § 503.15(c)(1),

and Section 405(e) of the Act, 33 U.S.C. § 1345(e) (vector attraction reduction requirements); and (4) regulations at 40 C.F.R. § 503.14(d) and Section 405(e) of the Act, 33 U.S.C. § 1345(e) (agronomic rate requirement for land application of bulk sewage sludge).

Respondent shall pay this penalty by certified or cashier's check payable to "Treasurer, the United States of America," and shall send it by regular US postal services mail, with a transmittal letter identifying the Complaint, to:

U.S. Environmental Protection Agency
Box 371099M
Pittsburgh, PA 15251

Respondent shall send a copy of the payment check and the transmittal letter to:

Diana Embil
Office of the Regional Counsel (C-14J)
EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

and

Valdis Aistars
Water Enforcement and Compliance Assurance
Branch (WC-15J)
EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

The proposed penalty may be adjusted if Respondent establishes a *bona fide* issue of ability to pay, or other affirmative defenses relevant to the determination of any final penalty. The proposed civil penalty has been determined in accordance with the Clean Water Act based on the best information available to the Agency at the time, and in consideration of the nature,

circumstances, extent, and gravity of the alleged violations. With respect to Respondent, other factors may mitigate calculation of the final penalty, including ability to pay, prior history of such violations, culpability, economic benefit or savings (if any) resulting from the violations, and such other matters as justice may require.

IV. Notice of Opportunity to Request a Hearing

As provided in Section 309(g) of the Act, 33 U.S.C. § 1319(g), Respondent has the right to request a hearing regarding the Complaint, to contest any material fact contained in the Complaint, and/or to contest the appropriateness of the amount of the proposed penalty. In order to request a hearing, Respondent must specifically make such a request in the Answer, which is discussed below.

Any hearing that Respondent requests regarding this Complaint will be held and conducted in accordance with the provisions of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension or Permits," 40 C.F.R. Part 22, a copy of which accompanies this Complaint.

V. Answer

If Respondent wishes to avoid being found in default, Respondent must file a written Answer to this Complaint with the Regional Hearing Clerk (E-19J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604, within twenty (20) calendar days of receipt of this Complaint.

In accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," found at 40 C.F.R.

Part 22, the Answer must clearly and directly admit, deny, or explain each of the factual allegations contained in the Complaint with respect to which Respondent has any knowledge, or clearly state that Respondent has no knowledge as to particular factual allegations in the Complaint. The Answer must also state:

1. The circumstances or arguments that are alleged to constitute grounds of defense;
2. The facts which Respondent intends to place at issue; and
3. Whether Respondent requests a hearing.

Respondent's failure to deny any of the factual allegations in this Complaint constitutes admission of the un-denied allegations.

A copy of the Answer and any subsequent documents filed in this action should be sent to Diana L. Embil, Associate Regional Counsel, Office of the Regional Counsel (Mail Code C-14J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Ms. Embil may be contacted at (312) 886-7889.

If Respondent fails to file a written Answer within 20 calendar days of service of this Complaint, a Default Order may be issued by the Presiding Officer. Respondent's default constitutes a binding admission of all allegations made in the Complaint and a waiver of Respondent's right to a hearing under the Act. Such Default Order, which constitutes the initial decision of the Presiding Officer, may become the Final Order of the Environmental Appeals Board within forty-five (45) calendar days after its service. The civil penalty proposed herein shall then become due and payable without further proceedings sixty (60) calendar days after a Final Order issued upon default. Respondent's failure to fully pay the entire proposed penalty,

assessed by the Default Order, by its due date will result in a civil action to collect the assessed penalty, plus interest, attorney's fees, costs of collection proceedings and an additional quarterly nonpayment penalty pursuant to Section 309(g)(9) of the Act, 33 U.S.C. § 1319(g)(9).

In addition, the default penalty is subject to the provisions relating to imposition of interest, penalty and handling charges set forth in the Federal Claims Collection Act, 31 U.S.C. § 3717. Interest shall accrue on the default penalty at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. EPA will impose a late payment handling charge of fifteen dollars (\$15.00) after thirty (30) calendar days, with an additional charge of \$15.00 for each subsequent 30 calendar day period over which an unpaid balance remains. In addition, EPA will apply a six percent (6%) per annum penalty on any principal amount not paid within ninety (90) calendar days of the effective date of the Default Order.

Should Respondent request a hearing on the proposed penalty amount, members of the public who have exercised their right to comment and to whom EPA is obligated to give notice of this proposed action, will have a right under Section 309(g)(4)(B) of the Act, 33 U.S.C. § 1319(g)(4)(B), to present evidence on the appropriateness of the penalty assessment. If Respondent does not request a hearing, EPA will issue a Final Order assessing administrative penalties and only members of the public who commented on this proposal during the 30 calendar day period following receipt of this document will have an additional 30 calendar days to petition EPA to set aside the Final Order assessing administrative penalties and to hold a hearing thereon. EPA will grant the petition and hold the hearing only if the petitioner's

evidence is material and was not considered by EPA in the issuance of the Final Order assessing administrative penalties.

VI. Settlement Conference

Whether or not Respondent requests a hearing, Respondent may request an informal conference in order to discuss the facts of this case and to arrive at a settlement. To request a settlement conference, please write to Diana L. Embil, Associate Regional Counsel, Office of the Regional Counsel (Mail Code C-14J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Respondent's request for an informal settlement conference will not extend the 20 calendar day period during which the Respondent must submit a written Answer and Request for Hearing. Respondent may, however, pursue the informal conference procedure simultaneously with the adjudicatory hearing procedure. EPA encourages all parties against whom a civil penalty is proposed to pursue settlement through an informal conference. EPA, however, will not reduce the penalty simply because such a conference is held. Any settlement that may be reached as a result of such conference shall be embodied in a Consent Agreement and Final Order. Respondent's consent to a Consent Order shall constitute a waiver of the right to request a hearing on any matter stipulated to therein.

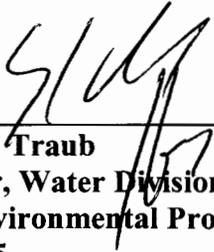
VII. Notice to the State and Public

EPA has consulted with the Ohio Environmental Protection Agency (OEPA) regarding this action by mailing a copy of this Complaint to George Elmaraghy, P.O. Box 1049, Ohio

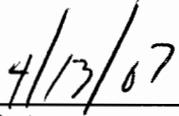
Environmental Protection Agency, Columbus, Ohio 43216-1049, and by offering the State an opportunity to comment on the proposed penalty assessment. EPA, contemporaneously with the issuance of this Complaint, caused a public notice to be published on the website <http://www.epa.gov/region5/publicnotices> regarding this action.

VIII. Continuing Obligation to Comply

Neither assessment nor payment of any administrative civil penalty pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), shall affect Respondent's continuing obligation to comply with the Act, or with any other Federal, State, or local law or regulation, with every term and condition of an NPDES permit, or with any Compliance Order issued under Section 309(a) of the Act, 33 U.S.C. § 1319(a).



Jo Lynn Traub
Director, Water Division
U.S. Environmental Protection Agency
Region 5 **CWA-05-2007-0004**



Date

CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of this Administrative Complaint were filed with the Regional Hearing Clerk on _____ 2007, and that a true and correct copy was mailed along with a copy of the Consolidated Rules of Practice to the addressees as follows:

CERTIFIED MAIL 7001 0320 0005 8920 6151
RETURN RECEIPT REQUESTED

Mr. Garis Pugh
General Manager
Logan County Water Pollution Control
Indian Lake District
1015 Orchard Island Road
Russells Point, Ohio 43348

CERTIFIED MAIL 7001 0320 0005 8920 6144
RETURN RECEIPT REQUESTED

Mr. George Elmaraghy, Chief
Division of Surface Water
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

Denise Moore
Signature

4-17-07
Date

U.S. Environmental Protection Agency
Region 5
77 West Jackson, WC-15J
Chicago, Illinois 60604