

APPENDIX C

APPROVAL AND IMPLEMENTATION OF TREATMENT AT NITRIFICATION TOWERS

Defendant shall assess the performance of the nitrification towers and demonstrate that Defendant is providing treatment for flows up to 70 MGD, consistent with the Performance Criteria in Appendix A to the Consent Decree.

(A) Sampling: Defendant shall perform sampling from July 2018 through July 2019, when operating the Nitrification Towers to determine the effectiveness of treating flows during wet weather events and demonstrate that Defendant meets Performance Criteria in Appendix A for flows from 40 mgd to 70 mgd at Defendant's WWTP, prior to discharge from 604. By May 31, 2019, Defendant must determine if the sampling period of July 2018 through July 2019 is sufficient to determine compliance with the Performance Criteria. If Defendant contends that the sampling period of July 2018 through July 2019 is not sufficient to determine compliance with the Performance Criteria because of inadequate sampling events, Defendant may request that EPA and Defendant allow for an additional period of sampling, not to exceed a year. If EPA and Defendant agree that an additional period of sampling is needed, EPA and Ohio EPA shall approve, in writing, one additional period of sampling. The decision to approve an additional period of sampling shall be subject to dispute resolution under Section XIII of the Decree.

(B) Nitrification Towers Performance Criteria: The following not to exceed 7-day average values are included in Performance Criteria in Appendix A:

- (1) CBOD- 65 mg/liter
- (2) SS- 65 mg/liter
- (3) pH- shall be maintained between the limits of 6 and 9

The 7 day average shall apply to any 7 consecutive days of operation. If a wet weather event does not produce flow for seven consecutive days of operation, Lima shall sample the number of days within a 7-day period that the nitrification towers treated flow, and average those samples to produce the 7-day average value.

The following not to exceed 30-day average values are included in Performance Criteria in Appendix A:

- (1) CBOD- 45 mg/liter
- (2) SS- 45 mg/liter
- (3) pH- shall be maintained between the limits of 6 and 9

The 30-day average shall apply to any 30 consecutive days of operation.

Samples shall be collected and analyzed in accordance with 40 CFR Part 136.

(C) Nitrification Towers Performance Report: By November 30, 2019, or by November 30, 2020 if the sampling period is extended under Paragraph A , Defendant shall submit to U.S. EPA and Ohio EPA for review, comment, and approval in accordance with the terms of Section VI.C (Plaintiff's Review and Approval of Submissions) of the Consent Decree, a Report that contains the following:

(1) The relevant information and supporting documentation that demonstrates that Defendant sampled and analyzed the effluent from the nitrification towers in accordance with Paragraph A and B, above;

(2) The results of the sampling, including, but not limited to, an evaluation of whether the sampling results at the WWTP meets all Performance Criteria in Appendix A for treating wet weather flows in accordance with Paragraphs A and B, above;

(3) All operational and performance monitoring data collected during sampling pursuant to Paragraphs A and B, provided as attachments; and

(4) An analysis of additional feasible measures identified during the sampling that can be taken to maximize treatment at the Nitrification Towers. The analysis shall: (i) describe in detail such additional or alternative measures to maximize treatment, including the measures' predicted impact on the Nitrification Towers; (ii) estimate the capital and operation and maintenance costs of the additional or alternative measures; and (iii) recommend those additional or alternative control measures for Defendant to construct or install that will allow Defendant to maximize treatment.

(D) Sampling Results: If the evaluation of sampling conducted in accordance with Paragraphs A and B show that the nitrification towers effluent meets the Performance Criteria in Appendix A at least 95% of the time, Defendant shall continue to operate the nitrification towers and associated treatment equipment, in accordance with the criteria set forth in Appendix A.

(E) U.S. EPA and Ohio EPA Review of Nitrification Towers Performance Report: The submission of Defendant's Nitrification Towers Performance Report shall be governed by the provisions of Section VI.C (Plaintiff's Review and Approval of Submissions) of the Consent Decree, except that within 60 days of receiving comments from U.S. EPA and Ohio EPA, Defendant shall submit a revised Nitrification Towers Performance Report that answers and responds fully to U.S. EPA and Ohio EPA's comments. Upon receipt of U.S. EPA and Ohio EPA's final approval of the Nitrification Towers Performance Report, as applicable, Defendant shall operate the nitrification towers at the WWTP in accordance with the approved plans and all schedules contained therein.

(F) Supplemental Treatment Plan: If the results of the sampling pursuant to Paragraphs A and B show that the nitrification towers do not meet the Performance Criteria at least 95% of the time for CBOD, TSS or pH set forth in Paragraph B, above, and in Appendix A, Defendant shall, within 60 days of U.S. EPA and Ohio EPA approval of the Nitrification Towers Performance Report, submit a Supplemental Treatment Plan (the “Supplemental Plan”), which shall include the plans and schedules for construction or completion of one of the following alternatives for clarification after the nitrification towers: (1) recirculation and rerouting; use of Primary Clarifiers 5, 6 and 7; or (2) addition of microstrainers, unless informed by U.S. EPA and Ohio EPA that such Supplemental Plan is not required. The selected treatment alternative shall meet the design criteria and time deadlines set forth in Appendix A. Defendant may select a treatment alternative other than clarification, if Defendant can demonstrate that the selected alternative will meet the design criteria and time deadlines set forth in Appendix A. Defendant shall also include with the Supplemental Plan a description of the additional monitoring needed to assess the operation of the selected treatment alternative, including an analysis as to whether Defendant has achieved Performance Criteria in Appendix A and a schedule for performing such monitoring and analysis. U.S. EPA and Ohio EPA’s review of the Supplemental Plan shall be governed in accordance with the provisions of Section VI.C (Plaintiff’s Review and Approval of Submissions) of the Consent Decree.

(G) Upon receipt of U.S. EPA and Ohio EPA’s final approval of the applicable Supplemental Plan(s), if any, described in Paragraph F, above, Defendant shall complete the construction and/or installation of such treatment alternative facilities and equipment to be constructed or installed at the WWTP (as applicable) in accordance with Appendix A, the approved plans, and all schedules contained in such Plan(s).