**CLEAN WATER ACT INSPECTION REPORT**
**U.S. ENVIRONMENTAL PROTECTION AGENCY**
**REGION 5**

**Purpose:** Consent Decree Monitoring Inspection

**Facility:** City of Fostoria
1301 Perrysburg Road
Fostoria, Ohio 48830

**NPDES Permit Number:** OH005274 (2PD00031*PD)

**Date of Inspection:** June 9-10, 2022

**Facility Representatives:**
Joshua Clark, Safety Service Director, City of Fostoria
Jameson Botimer, Assistant Superintendent, City of Fostoria
Todd Jenkins, P.E., Chief Operating Officer, Peterman Associates, Inc.

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**Report Date:** August 18, 2022

**Approver Name & Title:**
Molly Smith, Supervisor, Section 1, Water Enforcement and Compliance Assurance Branch

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**Approval Date:** 8/19/22

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## I. INTRODUCTION

The purpose of this report is to describe, evaluate, and document the City of Fostoria, Ohio's historic and current Long Term Control Plan work required by the Consent Decree in *United States of America and State of Ohio v. City of Fostoria, Ohio* (3:06-cv-01626).

## II. BACKGROUND

The City of Fostoria is located in three counties in Ohio – Hancock, Seneca, and Wood. The Fostoria wastewater treatment plant (WWTP) is located at 1301 Perrysburg Road, Fostoria, Ohio 48830 in Wood County. Fostoria's sewer system is currently both a combined sewer system and a separate sanitary sewer system. Fostoria is authorized by the Ohio Environmental Protection Agency (Ohio EPA) to discharge from the Fostoria WWTP to the East Branch of the Portage River in accordance with the provisions set forth in National Pollutant Discharge Elimination System (NPDES) Permit No. OH00052744 (Ohio EPA Permit No. 2PD000031*PD), which was issued by Ohio EPA and that has an effective date of January 1, 2017, and an expiration date of December 31, 2021.[1] Fostoria's NPDES permit also authorizes Fostoria to discharge from four combined sewer overflow (CSO) locations during wet weather and in accordance to the provisions set forth in the permit. The design average flow for Fostoria's WWTP is listed in the NPDES permit as 8.25 MGD. **Appendix A** contains Fostoria's 2017 NPDES permit.

## III. CONSENT DECREE AND LONG TERM CONTROL PLAN

The Consent Decree was entered by the Court on August 28, 2006, and a modification (First Amendment to the Consent Decree) was entered by the Court on June 12, 2013. The Consent Decree identified certain injunctive relief required by Fostoria to address violations of the Clean Water Act related to, among other issues, illegal discharges from Fostoria's wastewater treatment plant and its combined sewer system. Section V of the Consent Decree includes the required compliance measures to be completed by Fostoria. The compliance measures listed are: 1) operation and maintenance-related measures; 2) system characterization, including flow monitoring; 3) elimination/reduction of inflow; 4) pollution prevention program; 5) pretreatment/industrial users; 6) NPDES permit compliance; and 7) Long Term Control Plan. The focus of this inspection was on Fostoria's work on the Long Term Control Plan compliance requirements, which have a final compliance date of December 31, 2029.[2] **Appendix C** contains the Consent Decree, excluding the appendices; and **Appendix D** contains the 2013 modification to the Consent Decree entered by the Court.

In a submittal dated February 29, 2012, Fostoria submitted its final LTCP, including the Consent Decree-required Evaluation of Control Alternatives Plan, to EPA. EPA sent a letter dated April 19, 2013, to Fostoria in which EPA communicated that the LTCP was conditionally approved upon Court approval of the modification, which was entered by the Court on June 12, 2013.

[1] Ohio EPA issued the Public Notice for Fostoria's renewed NPDES Permit on June 14, 2022 through July 15, 2022. The current status of the renewed permit is unknown.

[2] December 31, 2025, was the final compliance date for the LTCP compliance measures in the Consent Decree entered on August 28, 2006. The current final compliance date for the LTCP compliance measures was agreed to by all parties and was entered with the Court on June 12, 2013.

Fostoria's LTCP identifies seven projects, each with individual milestone dates establishing when the projects are to be initiated and completed. On November 28, 2017, Fostoria submitted a request to EPA to change the sequence, deadline or both for five projects. On January 10, 2018, EPA approved Fostoria's request. On August 19, 2019, Fostoria submitted a request to EPA to change the sequence or change the deadline for four projects. On April 17, 2020, EPA approved Fostoria's request. **Appendix E** contains the February 29, 2012, LTCP; **Appendix F** contains EPA's April 19, 2013, conditional approval letter; and **Appendix G** contains the 2017-2020 communication between EPA and Fostoria related to changes to the LTCP project schedule. **Table 1**, below, identifies the seven LTCP projects and the Start and End Dates approved by EPA in the April 17, 2020, letter.

**Table 1:** Fostoria's LTCP Projects

| Project Number[3] | Project Name | Start Date | End Date |
|---|---|---|---|
| 1 | WWTP Upgrades – Phase 1 (Clarifiers/Digester) | 1/1/2011 | 12/31/2013 |
| 2 | Sewer Cleaning (Large Diameters>36") and repair | 1/1/2011 | 12/31/2014 |
| 3 | CSO No. 1 Weir Raising and Backwater | 1/1/2016 | 12/31/2021 |
| 4 | WWTP Upgrades – Phase 2 (headworks, grit chamber, controls, screw pumps) | 1/1/2020 | 9/20/2021 |
| 5 | CSO No. 2 & CSO No. 3 Elimination and Structure Modification | 4/1/2017 | 12/31/2024 |
| 6 | CSO No. 5 Elimination and Structure Modification (Weir, Separation, Backflow) | 1/1/2025 | 12/31/2027 |
| 7 | CSO Reduction and River Intrusion Mitigation | 1/1/2028 | 12/31/2029 |

## IV. INSPECTION ACTIVITY SUMMARY

*Thursday, June 9, 2022*

On Thursday, June 9, 2022, EPA representatives (we) arrived at the Fostoria WWTP and convened in a conference room in the Administration Building where we met the following Fostoria representatives: Todd Jenkins, Chief Operating Officer, Peterman Associates, Inc.; Jameson Botimer, Assistant Superintendent; and Joshua Clark, Safety Service Director. We remained in the conference room with Fostoria representatives discussing Fostoria's WWTP, sewer system, organizational structure, and consent decree work until 11:30 a.m., at which time we departed for lunch.

We arrived back at the Fostoria WWTP at approximately 12:30 p.m. where we met Fostoria representatives with whom we departed for the field visit. With Fostoria representatives, we visited the west and east siphon chambers, CSO 001 (NPDES permitted CSO 004) manhole and

[3] There are no project numbers included in the 2012 LTCP. In the 2017 request to reorder certain projects, Fostoria included an enumerated list of the projects based on the previously approved and then-current requested resequencing. In Fostoria's 2019 request to reorder certain projects, Fostoria included an updated enumerated list of the projects based on that requested resequencing of projects. The numerical project identifiers in this table reflect Fostoria's 2019 requested and EPA 2020 approved resequencing of projects.

outfall, CSO 002 (NPDES permitted CSO 005) manhole and outfall, CSO 003 (NPDES permitted CSO 006) manhole and outfall, Project 7 reservoir (Mosier Lake), and CSO 005 (NPDES permitted CSO 008). EPA and Fostoria representatives returned to the WWTP Administration Building at 2:30 p.m. and reconvened in the conference room where we continued discussions. EPA and Fostoria representatives concluded discussions for the day at 4 p.m. at which time we departed the facility.

*Friday, June 10, 2022*
On Friday, June 10, 2022, we arrived at the Fostoria WWTP at approximately 8:05 a.m. and convened with Fostoria representatives in the conference room at Administration Building where we continued discussions until 8:30 a.m., at which time EPA and Fostoria representatives departed the Administration Building and began the walk-through of the WWTP. We finished the walk-through of the WWTP at approximately 11:15 a.m. and reconvened for discussion in the conference room in the Administration Building. The discussion concluded at approximately 11:45 a.m., at which time we departed the facility.

**Table 2**, below, identifies the dates and photo numbers of the locations visited and photographed on June 9 and 10, 2022. The photos are contained in the Photo Log in **Appendix B**.

**Table 2:** List of Sites Visited During the Inspection

| Date of Site Visit | Site Visit Location | Photo Numbers as Listed in Appendix B |
|---|---|---|
| 6/9/2022 | West siphon chamber | 1-3 |
| 6/9/2022 | CSO 001 (NPDES permitted CSO 004) manhole and outfall | 4-12 |
| 6/9/2022 | CSO 002 (NPDES permitted CSO 005) manhole and outfall | 13-24 |
| 6/9/2022 | CSO 003 (NPDES permitted CSO 006) manhole and outfall | 25-34 |
| 6/9/2022 | LTCP Project 7 reservoir (Mosier Lake) | 35-39 |
| 6/9/2022 | CSO 005 (NPDES permitted CSO 008) manhole and outfall | 40-45 |
| 6/10/2022 | WWTP | 46-104 |

## V. SEWER SYSTEM AND WASTEWATER TREATMENT PLANT

### A. Personnel and Organizational Structure

- The Superintendent of the WWTP is Mike Ritter, who is a Class IV Certified Wastewater Operator and is the operator of record for the Fostoria WWTP. Mr. Ritter has been the operator of record since April 2019.
- Todd Jenkins, who works for Petermen Associates, Inc. and who has been contracted by Fostoria since January 14, 2019, as a Class III Certified Wastewater Operator, fills in for Mike Ritter or the other operators when necessary. Mr. Jenkins replaced a previous operator who left Fostoria in December 2018. Mr. Jenkins is generally at the Fostoria

WWTP two days per week. Mr. Jenkins is also in charge of Fostoria's pretreatment program.

- Jameson Botimer started working for the City in April of 2019, but started in his current role as the Assistant Superintendent in October 2021. Mr. Botimer is a Class III Certified Wastewater Operator who supervises the three Class I Certified Wastewater Operators and other staff at the WWTP. Mr. Botimer and his staff are responsible for checking the CSOs daily.
- Joshua Clark has been in his current role as Safety Service Director since 2021. Mr. Clark, who replaced the former Safety Service Director, Deb Hellman, reports directly to the Mayor of Fostoria.
- There are three departments related to water and sewer: 1) Wastewater Treatment; 2) Sewer Collections and Water Distribution; and 3) Water Treatment. Wastewater Treatment and Water Treatment are budgeted for separately and portions from each budget are allocated to Sewer Collections and Water Distribution.
- Fostoria's Wastewater Treatment and Water Treatment budgets are included in Fostoria's "5-Year Recovery Plan," which is a rolling 5-year budget that City personnel begin working on in August, adjust in October, and that is typically approved by the City Council the following January. The 5-Year Recovery Plan is required by the State of Ohio Auditor due to Fostoria being placed under fiscal emergency several years back; the exact date Fostoria was placed under fiscal emergency was not discussed during this visit. Fostoria representatives stated that when they are no longer on fiscal emergency, the City plans to continue the 5-Year Recovery Plan budget structure.

## B. Location, Service Area, Population, and Sewer System

- Fostoria is located in three counties: Seneca, Wood, and Hancock. The majority of the service population is located in Seneca County. The WWTP is located in Wood County.
- Fostoria has a population of approximately 13,500 and the total service population of Fostoria's WWTP is roughly between 16,000 and 18,000; Fostoria collects and conveys wastewater for treatment from outside of its boundaries. Specifically, Fostoria collects and conveys wastewater for treatment from: 1) Northwest Water and Sewer District; 2) New Riegel; and 3) Alvada (Seneca County Sewer District).
- Fostoria's sewer system is comprised of approximately 69% combined sewer system and 31% separate sanitary sewer system. The separate sanitary areas also have storm sewers.
- Fostoria has 13 lift stations, all of which are maintained by Sewer Collections.
- Fostoria has 11 industrial users (IU) – only 10 of which are currently operating – that are subject to pretreatment regulations. The ten IUs are located within Fostoria's boundaries; one IU, Charter Steel, is a categorical IU located outside of Fostoria's boundaries.
- Fostoria is currently in the process of drafting a fats, oil, and grease (FOG) ordinance. One business fast food restaurant (McDonalds) located in Fostoria, has been the cause of SSOs and basement backups due to FOG; the exact number and location of SSOs and basement backups was not discussed during this visit.

## C. Wastewater Treatment Plant

Fostoria's WWTP has a design average flow of 8.25 million gallons per day (MGD) and an actual daily average flow rate of 4 MGD. When all of the upgrades are complete at the WWTP, the maximum treatment capacity will be 12 MGD. The WWTP is an activated sludge treatment plant with the following main treatment steps: screening, wet weather equalization basin, primary clarification, fine air and extended air aerated activated sludge secondary treatment, final settling, and ultraviolet (UV) disinfection. The wet weather equalization (EQ) basin can take up to 33 MGD of flow, which, when added to 12 MGD, gives the WWTP a peak hydraulic capacity of 45 MGD. Information about flow conveyance and treatment at the WWTP is contained in the Photo Log in **Appendix B** and below.

- Headworks
  - Flow enters the WWTP via a 60-inch sewer flowing from manhole A2.
  - There is an 18-foot deep wet well recently constructed as part of the new headworks building, which was constructed as part of the LTCP Project 4 (WWTP Upgrades – Phase 2)The new wet well replaced a 2-foot deep grit chamber.
  - The wet well has seven pumps. Two pumps are dry weather pumps that each have a capacity of 6.1 MGD and five pumps are wet weather pumps that each have a capacity of 11.3 MGD.

- Equalization Basin and Wet Weather Overflow
  - The EQ basin has a capacity of 7.5 million gallons (MG). The EQ basin that existed at the time the Consent Decree was entered with the Court had a capacity of 2 MG.
  - Excess wet weather flow enters the EQ basin from the EQ splitter structure, which receives flow from the EQ in/out chamber, which receives excess flow from a diversion from the headworks effluent/primary influent channel.
  - When the capacity of the EQ basin has been exceeded, the EQ basin overflows and ultimately recombines with the WWTP discharge before discharging to the river.
  - The EQ basin drains back to the in/out chamber from which flow is gravity fed back to the headworks to go through treatment.

- Primary Treatment: There are three round primary settling tanks. Only two of the tanks are operated at any given time in rotation, as one of the tanks is kept empty and the other two tanks are operated.

- Secondary Treatment: There are four fine air diffused activated sludge aeration tanks and six extended air diffused activated sludge aeration tanks. All four of the fine air aeration tanks are used all of the time; only four of the extended air aeration tanks are used at any given time. In rotation, two of the extended air aeration tanks are kept empty and four tanks are operated.

- Final Clarifiers:
    - There are two circular final clarifiers that Fostoria representatives reported were completed in 2013.
    - Since the construction of the clarifiers until 2019, when Mr. Jenkins started his position working for the City at the WWTP, only one of the clarifiers was being used and operated. Since 2019, Fostoria has been operating both final clarifiers.

**D. Combined Sewer Overflows**

Information about Fostoria's four CSOs is contained in the Photo Log in **Appendix B** and below.

- CSO 001 (NPDES permitted outfall 004)
    - CSO 001 is located near the WWTP. The CSO 001 two-manhole chamber (001-N manhole and 001-S manhole) receives flow from an 84-inch pipe and from which flow is either diverted to the CSO 001 outfall through two 42-inch pipes with duckbills on the ends, or through the 36-inch pipe that conveys flow to the WWTP.
    - ADS Environmental Services (ADS) conducts flow monitoring of this CSO as part of the flow monitoring that ADS has been contracted by Fostoria to do since 2010/2011.

- CSO 002 (NPDES permitted outfall 005)
    - The regulator for CSO 002 is located at the northwest corner of Summit Street and Berkshire Drive, and is a three-manhole Brown and Brown regulator configuration.
    - The gate chamber of the Brown and Brown regulator is abandoned and flow is only conveyed through the other two manholes, one of which is the overflow manhole that is connected to the CSO 002 outfall pipe. ADS does flow monitoring for this CSO.
    - Flow is conveyed into the CSO 002 overflow manhole from three pipes with the following diameters: 8-inch, 12-inch, and 21-inch. From this manhole, flow is either conveyed through the 60-inch outlet pipe to CSO 002 outfall or to the second manhole through a 12-inch by 12-inch square pipe.
    - From the second manhole in the CSO 002 regulator, flow is conveyed through two 18-inch pipes that send flow to the sewer system.
    - River intrusion occurs at and through the CSO 002 outfall. The river gets up to the elevation of the top of uppermost circular opening in the CSO 002 outfall structure. Fostoria representatives reported that they want to install check valves to prevent river intrusion.

- CSO 003 (NPDES permitted outfall 006)
    - CSO 003 is also a location where there is river intrusion, which to address, Fostoria representatives reported that they want to install a check valve.
    - CSO 003 does not have real time flow data; Fostoria calculates flow using the weir height.

- CSO 005 (NPDES permitted outfall 008)
    - CSO 005 is an infrequent discharger. Fostoria reported this CSO discharging once in three years. CSO 005 is hydraulically connected to CSO 001 and Fostoria representatives reported they expect this CSO will be eliminated when CSO 001 is addressed. LTCP Project 3 (CSO No. 1 Weir Raising and Backwater) should have been completed by December 31, 2021. See discussion in Section E for more information on the status of LTCP Project 3.

### E. Long Term Control Plan Projects

Below is information regarding five of the seven LTCP projects.

- Project 3 – CSO No. 1 Weir Raising and Backwater: Fostoria representatives reported that they were under the impression that this project was done, but they haven't been able to locate any documentation supporting its completion. There was some documentation found that indicate the current weir that is present was installed in 2011. Fostoria representatives communicated that they would like to conduct monitoring and modeling to evaluate the need for Fostoria to complete this project.

- Project 4 – WWTP Upgrades – Phase 2 (headworks, grit chamber, controls, screw pumps): Strand is the contractor Fostoria retained for this project. Fostoria reported that the last component of this project, the waste activated sludge (WAS) pumps, were to be installed the following week (i.e., the week of June 13, 2022).

- Project 5 – CSO No. 2 & CSO No. 3 Elimination and Structure Modification: Fostoria originally retained Strand for this project, but this project was put on hold and Project 4 was implemented instead. Fostoria representatives communicated that they would like to conduct monitoring and modeling to evaluate the need for Fostoria to complete this project.

- Project 6 – CSO No. 5 Elimination and Structure Modification (Weir, Separation, Backflow): Fostoria representatives communicated that they would like to conduct monitoring and modeling to evaluate the need for Fostoria to complete this project.

- Project 7 – CSO Reduction and River Intrusion Mitigation: This project is to address river intrusion, specifically affecting CSO 002 and CSO 003, and involves converting a once used drinking water reservoir into a wetland and rerouting and restoring the near-by stream. Fostoria is seeking grant funding from H2Ohio. Fostoria representatives reported that they submitted a preliminary application to H2Ohio and received a "verbal positive" on the application. They expected the official notification in July 2022.

## VI. DOCUMENTS RECEIVED

I received the below listed documents from Fostoria representatives during this inspection.

- Wastewater Flow Schematic Diagram (11x17 paper)

- Overall Site Location Plan, LTCP Improvements, Phase 1 (11x17 paper)
- 1997 As-Built – CSO No. 1 Abatement (11x17 paper and electronic, "City of Fostoria – CSO No. 1 Abatement.pdf")
- 2007 Fostoria Map (paper, large size)
- February 26, 2019, Combined Sewer Overflow Nos. 2 and 3 Elimination Preliminary Design Report ("Fostoria.Preliminary Design Memorandum.FINAL.pdf")