

RESOLUTION NO. 116-13

ADMINISTRATIVE ORDER BY THE BOARD OF HEALTH OF THE SUMMIT COUNTY
COMBINED GENERAL HEALTH DISTRICT TO DECLARE A PUBLIC HEALTH
NUISANCE DUE TO POORLY OPERATING AND ANTIQUATED SEWAGE TREATMENT
SYSTEMS IN AN AREA LOCATED WITHIN THE CITY OF NORTON, SUMMIT
COUNTY, OHIO IN ORDER TO REDUCE OR ELIMINATE EXISTING HEALTH RISKS
AND HAZARDS OF WATER POLLUTION

WHEREAS the properties located within the neighborhood commonly referred to as Nash Heights, Attachment A, and includes some or all properties on the following streets: Alberta Dr., Brookside Ct., Brookside Dr., Clubview Dr., Croyden Rd., Everett Dr., Greenwich Rd., Higgins Dr., Little Blvd., Nash Blvd., Rangley Rd., Shellhart Rd., Valley Rd., Weyrick Dr., Wooddale Dr., hereafter known as the “neighborhood” are served by individual sewage treatment systems; and

WHEREAS the neighborhood is located adjacent to existing sanitary sewer; and

WHEREAS eighty percent of know system types are discharging sewage treatment systems discharging to municipal separate storm sewer system which discharges to waters of the State; and

WHEREAS twenty-one percent of sewage treatment system that could reasonably be evaluated were found to be malfunctioning; and

WHEREAS testing of the nine storm water outfalls from the neighborhood revealed six of the outfalls to have levels of bacteria from 20 fecal coliform colonies per 100 ml to in excess of 240,000 fecal coliform colonies per 100 ml, Attachment B; and

WHEREAS the Ohio Environmental Protection Agency has determined that surface waters with greater than 5000 fecal coliform colonies per 100 ml present a nuisance; and

WHEREAS six of the nine storm water outfall sample results, attachment C, presented levels of bacteria high enough and frequent enough to be deemed a nuisance under Ohio Administrative Code section 3745-1-04(F)(1)(b); and

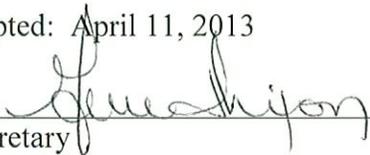
WHEREAS the Board of Health of the Summit County Combined General Health District bears responsibility to abate public health nuisances as authorized by Chapter 3701.01 of the Ohio Revised Code; and

WHEREAS the Board of Health of the Summit County Combined General Health District has the responsibility and may proceed to ensure that premises generating contamination connect to accessible and available sanitary sewers as required by Section 6117.51 of the Ohio Revised Code.

NOW THEREFORE BE IT RESOLVED by the Board of Health of the Summit County Combined General Health District;

1. That the conditions of the sewage treatment system within the neighborhood and the resulting surface water pollution are hereby declared a public health nuisance.
2. That the Board of Health of the Summit County Combined General Health District file a complaint with the Ohio Environmental Protection Agency requesting an evaluation and determination on the abating said nuisance with an extension sanitary sewers to the neighborhood.
3. That the Board of Health of the Summit County Combined General Health District orders that if and when such sewers become available the occupied units within the neighborhood properly abandon their individual sewage treatment systems and the building sewers be connected to the available sanitary sewer system.
4. That the Secretary of the Board of Health of the Summit County Combined General Health District is directed to deliver a certified copy of this resolution and supporting documents to the Ohio Environmental Protection Agency.

Adopted: April 11, 2013


Secretary

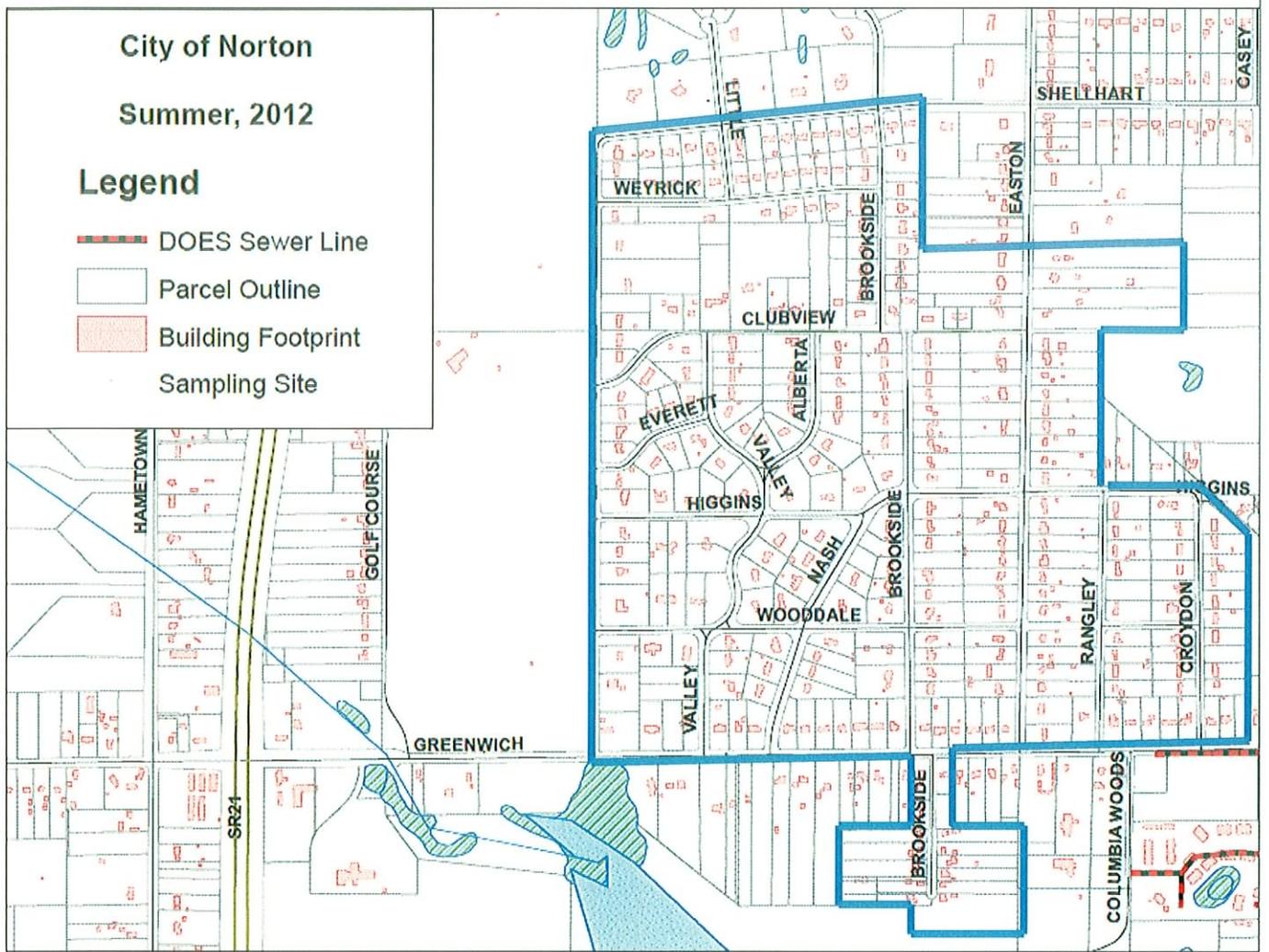

President

I, Gene Nixon, MPH, RS, Secretary of the Board of Health of the Summit County Health District, Summit County, Ohio, do hereby certify that the foregoing Resolution was duly and regularly adopted by the Board of Health of the Summit County Combined General Health District, Summit County, Ohio.


Gene Nixon, MPA, RS, Secretary

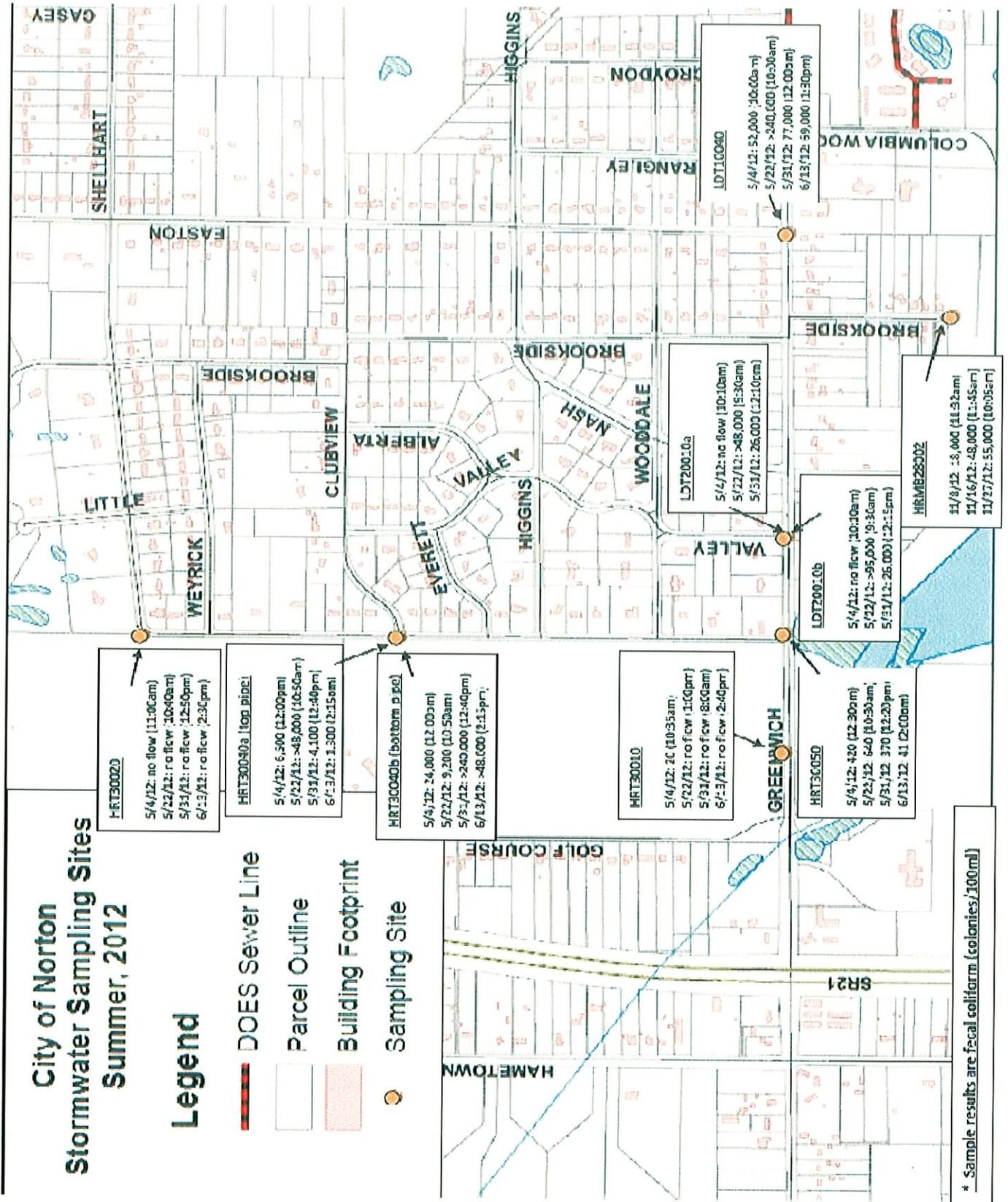
Attachment A:

Area proposed to be included in the nuisance resolution and where sewer is proposed.
The area is enclosed by the blue line.



Attachment B:

2012 Nash Heights Sample Site Locations and Results by location:



Attachment C:

2012 Nash Heights Storm Water Sampling Results:

Sample Location	Results (fecal coliform colonies/100ml)	Standard*	Nuisance
Near the bend of Shellhart	No flow each of the 4 visits	Not applicable	Not observed
Shellhart & Clubview (top pipe)	6,500 >48,000 4,100 1,300	2 of 4 samples were greater than 5,000	Yes
Shellhart & Clubview (bottom pipe)	24,000 9,200 >240,000 >48,000	4 of 4 samples were greater than 5,000	Yes
Greenwich Rd. west of Shellhart	20 No flow each of the other 3 visits	0 of 1 sample was greater than 5,000	No
Greenwich Rd. & Shellhart	420 640 370 41	0 of 4 samples were greater than 5,000	No
Greenwich Rd. & Valley (a)	No flow first visit >48,000 26,000 4 th sample taken after two pipes merged	2 of 2 samples were greater than 5,000	Yes
Greenwich Rd. & Valley (b)	No flow first visit >96,000 26,000 4 th sample taken after two pipes merged	2 of 2 samples were greater than 5,000	Yes
Greenwich Rd. & Valley [at merger of (a) and (b)]	No sample taken first 3 visits 19,000	1 of 1 sample was greater than 5,000	No (need another sample for standard)
Greenwich Rd. & Easton	52,000 >240,000 77,000 69,000	4 of 4 samples were greater than 5,000	Yes
End of Brookside Ct.	18,000 48,000 55,000	3 of 3 samples were greater than 5,000	Yes

* Standard for bacteria: If fewer than 5 samples are taken, at least two exceed a density of 5,000 fecal coliform colonies per 100ml (paragraph (F)(1)(A) and (F)(1)(B) of rule 3745-1-04 of the Ohio Administrative Code.