

## ORDINANCE NO. 24-19

AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF SAFETY AND SERVICE TO TAKE ACTION TO TERMINATE THE SEPTEMBER 8, 1999, CONSENT DECREE NEGOTIATED BY AND AMONG THE UNITED STATES OF AMERICA, THE STATE OF OHIO AND THE CITY OF PORT CLINTON

WHEREAS, on September 8, 1999, the United States District Court for the Northern District of Ohio, in consolidated Case No. 3:99CV7434 issued a Consent Decree negotiated by and among the City of Port Clinton, the United States Environmental Protection Agency, and the Ohio Environmental Protection Agency, requiring the City to perform certain studies and make certain improvements to its waste water treatment plant and to its waste water collection system, and

WHEREAS, the City completed all of the studies and constructed all of the improvements required by the negotiated Consent Decree, and all improvements are operational and performing their intended function; and

WHEREAS, since 1999 the City has regularly renewed the NPDES permit for the operation of its waste water treatment facilities, has submitted its required reports to the U. S. EPA and the Ohio EPA, and has operated its waste water treatment facilities in substantial compliance with the provisions of all of its NPDES permits; and

WHEREAS, the 1999 Consent Decree imposed a \$30,000 civil penalty against the City, which penalty amount was paid in full in 1999, and no further stipulated penalties have been issued against the City by the U. S. EPA or the Ohio EPA; and

WHEREAS, the City has been contacted by representatives of the U. S. Environmental Protection Agency who have asked the City to request the termination of the Consent Decree, due to the City having complied with and completed all requirements of the Consent Decree, and

WHEREAS, this council has considered the request of the U. S. EPA and finds and determines that it is in the best interest of the City and its residents to submit a request pursuant to the terms of the Consent Decree for the termination of the effectiveness of the Decree against the City.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Port Clinton, County of Ottawa and State of Ohio:

**Section 1.** The Director of Safety and Service is hereby authorized and directed to take such action and to execute such agreements, documents, instruments, or certifications as are necessary or appropriate, after consultation with the Law Director, to terminate the effectiveness of the Consent Decree and relieve the City from the terms and conditions of the Consent Decree.

**Section 2.** The Mayor, the Auditor, the Clerk of Council, the Law Director, and other City Officials and/or employees, as appropriate, are each authorized and directed to sign any agreements, documents, instruments, or certifications, and to take such other actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance, and to secure the termination of the Consent Decree.

**Section 3.** This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

**Section 4.** This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2019

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved \_\_\_\_\_,  
2019  
\_\_\_\_\_  
Mayor