



City of Bellevue – Water Pollution Control Facility Industrial Pretreatment Program

Issues an

Administrative Order

Wastewater Industrial User Permit #01-2025*AP

Date: 12/19/2025

BACKGROUND

The City of Bellevue (“the City”) recently adopted updated local limits for its industrial users pursuant to the June 11, 2025 letter received from Ohio EPA (“OPEA”), titled *Approval of a Substantial Pretreatment Program Modification – Local Limits*. In the letter, OPEA proposed several revisions to the local limits for the City’s Industrial Users. OPEA proposed a new limitation of 2,500 mg/L for Total Filterable Residue, also known as Total Dissolved Solids, or TDS. In response to Ohio EPA’s proposed local limits, on October 17, 2025, the City issued Bunge a renewed industrial discharge permit which reduced Bunge’s TDS limit from 4,725 mg/L to 2,500 mg/L. The permit becomes effective January 1, 2026.

Bunge subsequently expressed concern regarding its current ability to consistently comply with the revised TDS effluent requirement. To consistently comply with the TDS limit in the revised permit, Bunge anticipates it will need to engineer and implement treatment improvements. Due to the risk of future significant non-compliance, the City is issuing this Administrative Order. The purpose of this document is to address the potential for significant non-compliance status, develop a compliance schedule to address these concerns, and identify enforcement discretion that the City will exercise while Bunge follows the *Compliance Schedule* in this Order.

ENFORCEMENT AUTHORITY

The City retains the right to impose the following enforcement activities, according to City of Bellevue Codified Ordinances Section 925.43 (emphasis added):

*“If a user is found to be in noncompliance with this chapter, the enforcement management strategy on file at the Safety-Service Director's office and the City WPCC shall be initiated. The user shall then be subject to one or more of the provisions under **Sections 925.32 and 925.50. The City shall annually publish in the Bellevue Gazette and/or other newspapers a list of the SIUs which were in significant noncompliance with pretreatment requirements or standards at least once during the previous twelve months according to procedures contained in 40 CFR 403.8(F), (2), (VII). The notification shall also summarize any enforcement action taken against the SIU during the same twelve months. All records relating to compliance with pretreatment standards shall be made available to officials of the Ohio EPA upon request.**”*

The City will publish all necessary information on its website, as the local newspaper is no longer operational.

Enforcement management strategies according to Section 925.32 and 925.50 include:

- (1) Suspending the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in order to stop an actual or threatened discharge which presents or may present an imminent endangerment to the health or welfare of persons, causes interference to the WPCC or its sludge program or causes the City to violate its NPDES permit. Any person or significant industrial user (SIU) notified of the suspension of wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of failure of the person or SIU to comply voluntarily with the suspension order, the City shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within fifteen days of the date of occurrence;
- (2) Require pretreatment to an acceptable condition or acceptable amount of contaminant before discharge into the sewage system;
- (3) Require payment to cover added costs of handling and treating the wastes not covered by existing charges.
- (4) Issue administrative findings and orders. These findings and orders may include fines of not more than ten thousand dollars (\$10,000)/day/violation compliance schedules, cease and desist orders, or a combination of these. Such findings and orders shall include the factual and legal basis for the Safety-Service Director's action. For the purpose of appeal, the findings and orders issued by the Safety-Service Director shall constitute a final order.
 - (a) Any user subject to pretreatment standards and requirements who willfully or negligently fails to comply with any provisions of this chapter, and the orders, rules, regulations and permits issued hereunder, may be fined up to ten thousand dollars (\$10,000) for each offense. Each day on which a violation continues shall be deemed a separate and distinct offense. In addition to penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the user found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

According to City of Bellevue Codified Ordinances Section 925.42, subsection (b),

“If an industrial user is not meeting or cannot meet pretreatment standards with its existing treatment system, a compliance schedule shall be issued with specific dates for attaining compliance”.

The City plans to use the following enforcement strategies while the Administrative Order is in effect:

- (1) If wastewater discharge presents an imminent endangerment to the health and welfare of persons or causes interference to the Publicly Owned Treatment Works ("POTW"), its sludge program or causes the City to violate its NPDES permit, suspension of wastewater treatment service will be necessary.
- (2) The industrial user will be required to continue pretreatment at its facility following Permit #01-2025*AP during this Order.
- (3) If the City has additional costs of handling and treating wastes as a direct result of the industrial user's wastewater, payment to cover the added costs will be required. The City will provide a (90) day notification in advance of any costs.
- (4) Fines shall only be applied if actions in the compliance schedule are not completed, late, or if fines are levied on the POTW as a direct result of the industrial user's wastewater causing interference at the POTW.

SCHEDULE REQUIREMENTS

Steps in the schedule are required to include:

- (1) Increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment systems required for the industrial user to meet the applicable local limits or categorical pretreatment standards (for example, hiring additional personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc);
- (2) Increments in the schedule not to exceed nine months.
- (3) Submittal of a progress report to the Safety Service Director, no later than fourteen days after each activity date, including at a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reasons for delay and the steps being taken by the IU to return the construction to the established schedule. In no event shall nine months elapse between reports to the Safety Service Director.

COMPLIANCE SCHEDULE

As part of this Administrative Compliance Order, Bunge shall perform the following tasks:

- (1) As soon as possible, but **no later than April 1, 2026**, hire an engineering firm to thoroughly evaluate opportunities for TDS reduction at Bunge's facility and provide Bunge with an engineering report containing a **conceptual-level design** for upgrades and/or operational improvements for Bunge's pretreatment system.
- (2) As soon as possible, but **no later than October 1, 2026**, the Bunge facility's wastewater pretreatment system shall be evaluated by an engineering firm to determine what upgrades are needed in order to achieve consistent compliance with the City of Bellevue's local pretreatment standards and requirements for TDS. The firm shall provide Bunge with an engineering report containing a **conceptual-level design** for pretreatment system upgrades and/or operational improvements,

stamped by an Ohio PE. Bunge shall submit the engineering report to City of Bellevue's Safety Service Director and the Wastewater Superintendent.

- (3) As soon as possible but **no later than January 1, 2027**, hire an engineering firm to provide Bunge with an engineering report containing a **construction-level design** for upgrades and/or operational improvements for Bunge's pretreatment system.
- (4) As soon as possible but **no later than July 1, 2027**, Bunge shall obtain an engineering report containing a **construction-level design** for pretreatment system upgrades and/or operational improvements, stamped by an Ohio PE. Bunge shall submit the engineering report to City of Bellevue's Safety Service Director and the Wastewater Superintendent. The report shall include a schedule to complete construction of any needed upgrades to the wastewater pretreatment system as soon as possible. Per the City's requirements, the increments in the schedule will not exceed nine (9) months.
- (5) **If necessary**, as soon as possible but **no later than October 1, 2027**, Bunge shall apply for a Permit to Install from Ohio EPA's Division for Surface Water to perform pretreatment system upgrades.
- (6) Upon receiving the engineering report with construction-level design, and if necessary, approval via a Permit to Install from Ohio EPA¹, Bunge shall implement the recommended process improvements and/or upgrades to the wastewater pretreatment system consistent with the schedule in the engineering report.

Thank you for your attention to this matter. Please contact me at (419) 217-1994 if you have any questions or concerns.

Sincerely,



Kegan Lilly
City of Bellevue's Wastewater Superintendent

¹ By law, Ohio EPA must provide a Permit to Install within 180 days of receipt of an administratively complete permit application.