



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

July 29, 2019

B & G Autosales, LLC
6091 Woodward Court
Middletown, Ohio 45044

Re: B & G Autosales, LLC
Director's Final Findings and Orders (DFFO)
DFFO
Municipal Solid Waste Landfills
Butler County
MSWL021798

Subject: Final Findings and Orders of the Director

Dear Sir or Madam:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for B & G Autosales, LLC.

If you have any questions, please contact Teri Finfrock at (614) 644-3037.

Sincerely,

A handwritten signature in cursive script that reads "Jeri Main".

Jeri Main, Administrative Professional Unit
Division of Materials & Waste Management

Enclosure

ec: Kelly Jeter, DMWM, CO
Carl Mussenden, DMWM, CO
Kelly Jeter, DMWM, CO
Maria Lammers, DMWM, SWDO
Dylan Dyer, DMWM, SWDO
Robin Nichols, Legal
Teri Finfrock, Legal

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter Of

B & G Autosales, LLC	:	Modified <u>Director's</u>
6091 Woodward Court	:	<u>Final Findings and Orders</u>
Middletown, Ohio	:	

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

Ohio EPA JUL 29 '19
Entered Directors Journal

These Director's Final Findings and Orders ("Orders") are issued to B & G Autosales, LLC ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3714.12, 3734.13, and 3745.01 and to modify the Director's Final Findings and Orders dated July 5, 2018.

II. PARTIES

These Orders shall apply to and be binding upon Respondent, and its heirs and successors in interest liable under Ohio law. No change in ownership of the Property (as hereinafter defined) shall in any way alter Respondent obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in ORC Chapters 3714. and 3734. and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent is a limited liability company organized in the state of Ohio and is the owner of the property identified as Parcel Number C1710017000085 ("the Property") located at 3560 South Main Street, in Middletown, Lemon Township, Butler County, Ohio.

2. Respondent is a "person" as that term is defined in ORC Sections 3714.01 and 3734.01(G), and in Ohio Administrative Code ("OAC") Rules 3745-27-01(P)(3) and 3745-400-01(P)(1).
3. Respondent is an "owner" as that term is defined in OAC Rules 3745-27-01(O)(7) and 3745-400-01(P)(2).
4. On July 5, 2018, the Director and Respondent consented to Director's Final Findings and Orders ("July 2018 Orders") to resolve violations at the Property. In the July 2018 Orders Respondent agreed to, in pertinent part, properly remove of all solid waste and construction and demolition debris ("C&DD") from the Property by January 1, 2019.
5. On December 26, 2018, Respondent requested an extension of the milestones set forth in the July 2018 Orders.
6. On January 29, 2019 and April 22, 2019, Ohio EPA and Respondent discussed Respondent's request to extend the milestones in the July 2018 Orders.

V. ORDERS

Respondent shall achieve compliance with ORC Chapters 3714 and 3734 and the rules promulgated thereunder according to the following compliance schedule:

1. Section V of the July 2018 Orders is hereby modified to replace Order 3 with the following:
 - "3. Respondent shall remove all solid waste and C&DD from the Property, including all material resulting from demolition activities described in Finding 15 of the July 2018 Orders, and shall dispose of the solid waste and C&DD at a licensed disposal facility authorized to accept the material in accordance with the following schedule:
 - A. Not later than August 1, 2019, Respondent shall remove and properly dispose of at least one hundred fifty (150) cubic yards (or equivalent) of solid waste or C&DD from the Property; and
 - B. Not later than January 1, 2020, Respondent shall complete the removal and proper disposal of all solid waste and C&DD from the Property."
2. Section V of the July 2018 Orders is hereby modified to replace Order 4 with the following:
 - "4. Respondent shall obtain disposal receipts from the licensed solid waste disposal facility and/or the licensed C&DD facility indicating weight or volume

of material disposed. Beginning on the effective date of these Orders, and continuing until all solid waste and C&DD is properly disposed, Respondent shall forward such documentation to Ohio EPA Southwest District Office on a monthly basis by the 10th day of each month until receipts documenting the amount of solid waste and C&DD that has been appropriately disposed from the prior month."

3. Section V of the July 2018 Orders is hereby modified to replace Order 5 with the following:

"5. If Respondent fails to timely perform any obligation set forth in Paragraphs 1 through 4 of Section V of the July 2018 Orders, Respondent shall immediately pay to Ohio EPA the amount of two thousand five hundred dollars (\$2,500.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 3734. Payment of a civil penalty pursuant to this Paragraph does not release Respondent from the obligation to comply with Paragraphs 1 through 3 above. Payment to Ohio EPA shall be made by official check made payable to "Treasurer, State of Ohio" for two thousand five hundred dollars (\$2,500.00). The official check shall be submitted together with a letter identifying the Respondent to the following address:

Ohio EPA
Office of Fiscal Administration
Attn: Brenda Case
P.O. Box 1049
Columbus, Ohio 43216-1049"

4. Section V of the July 2018 Orders is hereby modified to remove Order 6.
5. Except as specifically set forth in Orders 1 through 4 above, all provisions of the July 2018 Orders remain unchanged and in effect.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Materials and Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "[Name] certifies that the information contained in or accompanying this certification is true, accurate and complete." This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the Property.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken by Respondent pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent or the Property.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Southwest District Office,
Division of Materials and Waste Management
401 East Fifth Street
Dayton, Ohio 45402
Attn: Unit Supervisor, DMWM

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to

comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

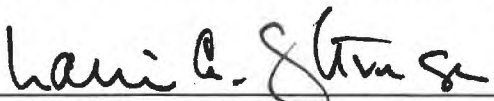
The effective date of the Orders is the date these Orders are entered into the Ohio EPA Director's Journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

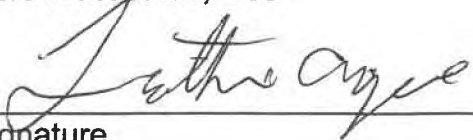
Ohio Environmental Protection Agency



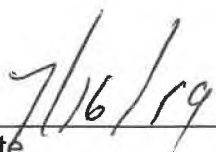
Laurie A. Stevenson, Director

IT IS SO AGREED:

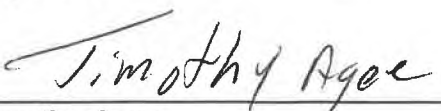
B&G Autosales, LLC



Signature



Date



Timothy Agee