



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

10/24/2016

Mark Mehwald
313 Babbling Brook Oval
Hinckley, OH 44233

RE: Director's Final Findings & Orders
NPDES
Medina County
3PR00684

Ladies and Gentlemen:

Transmitted herewith is one copy of the Director's Final Findings & Orders in the referenced matter.

Sincerely,

Kevin J. Fowler, Supervisor
Permit Processing Unit
Division of Surface Water

KJF/dks

Enclosure

CERTIFIED MAIL

cc: M. Mann, DSW
R. DeMuth, DSW
L. Reeder, DSW
J. Martin, DSW
Fiscal
Compliance Section
M. McCarron, PIC
H. Griesmer, PIC
D. Stoll, NEDO/DSW
B. Fischbein, Legal
P. Fallah, DEFA
Journal Room
File

3. On July 29, 2014, memorialized in a letter to Respondent dated August 11, 2014, Ohio EPA inspected the WWTP and noted/observed the following:
 - a. The WWTP was discharging pollutants to waters of the state without a valid, unexpired Ohio National Pollutant Discharge Elimination System ("NPDES") permit issued by the Director;
 - b. The WWTP was equipped with a dual blower/motor system, with the units positioned vertically. The bottom motor was missing and required immediate replacement;
 - c. The sidewalls of the settling tank may require scraping;
 - d. The surface sand filter consisted of two cells, both overgrown with vegetation. Immediate maintenance on the cells was required so that both cells would be free of sludge, vegetation, and debris at all times;
 - e. Once the solids and vegetation are removed, additional filter media may be required; and
 - f. No de-chlorination dispensing unit, required to be operational during May through October, was observed.
4. Respondent has applied for and on January 13, 2016 was issued, an Ohio NPDES permit. The Ohio NPDES permit No. 3PR00684*AD was effective on February 1, 2016 and it will expire on January 31, 2021.

Regulatory Statutes / Violation

5. R.C. 6111.04(A) prohibits any person from causing pollution or causing any sewage, industrial waste or other waste to be placed in any location where they cause pollution to waters of the state, except if such discharges occur in accordance with a valid, unexpired Ohio NPDES permit issued by the Director or if an application for renewal of such permit is pending.
6. R.C. 6111.07(A) prohibits any person from violating, or failing to perform, any duty imposed by R.C. 6111.01 to 6111.08, or violating any order. Each day of violation is a separate offense.
7. R.C. 6111.09 provides that any person who violates R.C. 6111.07(A) shall pay a civil penalty of not more than ten thousand dollars per day of violation.
8. Respondent was causing pollution to waters of the state without a valid, unexpired Ohio NPDES permit issued by the Director, violating R.C. 6111.07(A).

Director's Considerations

9. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and their relation to the benefits to the people of the state to be derived from such compliance in accomplishing the purposes of R.C. Chapter 6111.
10. The following Orders do not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any disposal system. Any such construction or modification is subject to R.C. 6111.44 and 6111.45 and Ohio Admin.Code Chapter 3745-42.

V. ORDERS

1. Respondent shall achieve and maintain compliance with R.C. Chapter 6111 and the rules adopted thereunder and its Ohio NPDES permit.
2. Respondent shall, no later than sixty (60) day from the effective date of these Orders, submit to Ohio EPA in accordance with Section X of these Orders, a description of how it has or will (with specific time frames) remedy the observations set forth in Finding No. 3 above.
3. Respondent shall pay to Ohio EPA the amount of five thousand dollars (\$5,000.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to R.C. Chapter 6111. Payments, pursuant to the schedule set forth below, shall be made by tendering official checks made payable to "Treasurer, State of Ohio" together with letters identifying Respondent, submitted to Carol Butler or her successor at:

Ohio Environmental Protection Agency
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

Payment of the five thousand dollar (\$5,000.00) civil penalty shall be made in eight equal installments, within a two-year period, pursuant to the following schedule:

- The first payment of six hundred twenty-five dollars (\$625.00) shall be due within ninety (90) days of the effective date of these Orders.
- The second payment of six hundred twenty-five dollars (\$625.00) shall be due within one hundred eighty (180) days of the effective date of these Orders.
- The third payment of six hundred twenty-five dollars (\$625.00) shall be due within two hundred seventy (270) days of the effective date of these Orders.

- The fourth payment of six hundred twenty-five dollars (\$625.00) shall be due within three hundred sixty (360) days of the effective date of these Orders.
 - The fifth payment of six hundred twenty-five dollars (\$625.00) shall be due within four hundred fifty (450) days of the effective date of these Orders.
 - The sixth payment of six hundred twenty-five dollars (\$625.00) shall be due within five hundred forty (540) days of the effective date of these Orders.
 - The seventh payment of six hundred twenty-five dollars (\$625.00) shall be due within six hundred thirty (630) days of the effective date of these Orders.
 - The eighth payment of six hundred twenty-five dollars (\$625.00) shall be due within seven hundred twenty (720) days of the effective date of these Orders.
4. If Respondent fails to make any one of the civil penalty payments on or before the date specified by Order No. 3, for such payment, the total civil penalty of five thousand dollars (\$5,000.00), less any amount already paid under these Orders, shall become immediately due and owing.
5. A photocopy of the checks shall be sent to Ohio EPA in accordance with Section X. of these Orders and to Mark Mann, Environmental Manager, Enforcement Section, or his successor, at the following address:

Ohio EPA
Division of Surface Water
P.O. Box 1049
Columbus, OH 43216-1049

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 Surface Water 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: "I certify 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 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 activities occurring on or at Respondent's WWTP.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken 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.

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
Northeast District Office
Division of Surface Water
Attn: DSW Enforcement Unit Supervisor
2110 E. Aurora Road
Twinsburg, Ohio 44087

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 these Orders is the date these Orders are entered into the 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.

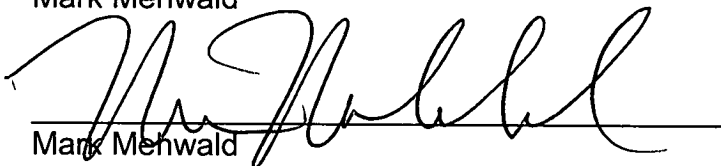
**IT IS SO ORDERED AND AGREED:
Ohio Environmental Protection Agency**



Craig W. Butler
Director

10/2/16
Date

**IT IS SO AGREED:
Mark Mehwald**



Mark Mehwald

9-29-16
Date