

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

JUN -6 2012

ENTERED DIRECTOR'S JOURNAL

In the matter of:

Erie Islands Resort & Marina
4495 W. Darr-Hopfinger Road
Port Clinton, OH 43452

Director's Final Findings
and Orders

Respondent :

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Erie Islands Resort & Marina ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 6111.03, and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and its successors in interest liable under Ohio law.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 6111 and the rules promulgated there under.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent owns and operates a wastewater treatment plant ("WWTP") located at 4495 W. Darr-Hopfinger Road.
2. Respondent holds a valid, expired National Pollutant Discharge Elimination System ("NPDES") permit, number 2PS00008*DD, for the discharges from the WWTP.
3. Respondent submitted a NPDES permit renewal application to Ohio EPA NWDO on November 15, 2011.
4. Respondent discharges to the Portage River. The Respondent discharges to "waters of the state" as defined by ORC Section 6111.01.

5. This document does not modify NPDES Permit No. 2PS00008*DD. The purpose of this document is to correct a condition of noncompliance with NPDES Permit No. 2PS00008*DD and not to alter said permit.
6. Pursuant to ORC Section 6111.04(C), no person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit.
7. Pursuant to ORC Section 6111:07(A), no person shall violate or fail to perform any duty imposed by ORC Sections 6111.01 to 6111.08 or violate any order, rule, or term or condition of a permit issued or adopted by the Director of Ohio EPA pursuant to those sections. Each day of violation is a separate offense.
8. The Ohio EPA has sent Respondent at least two (2) inspection letters in an effort to address the compliance issues at the WWTP. Attachment I is Respondent's two most recent inspection letters. The letter sent in 2010 addresses the need for additional plant improvements. The letter from 2011 states that the improvements completed in 2010 did not have the desired effect in improving NPDES permit compliance. Attachment I is hereby incorporated into these Findings and Orders as if fully stated herein.
9. The following Orders do not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Any such construction or modification is subject to the PTI requirements of Ohio Administrative Code ("OAC") Chapter 3745-42.
10. Compliance with the ORC Chapter 6111 is not contingent upon the availability or receipt of financial assistance.
11. 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 its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purposes of ORC Chapter 6111.

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall not cause, permit or allow the installation or modification of a disposal system at any location in Ohio without first receiving a permit to install (PTI) or plan approval from the Director as required by OAC Rule 3745-42-02 and ORC 6111.45.
2. Respondent is ordered to assess the Erie Islands Resort & Marina WWTP and collection system within sixty (60) days from the effective date of these Orders, and shall complete a report on the results of the assessment within ninety (90) days from the effective date of these Orders. Respondent shall provide a copy of the report to the Ohio EPA Northwest District Office. The Respondent is further ordered to complete all recommended repairs of the Erie Islands Resort & Marina WWTP within twelve (12) months from the effective date of these Orders.
 - a. If portions of the report are deemed unsatisfactory by Ohio EPA Northwest District Office, the deficiencies must be addressed immediately by a person with technical experience. A revised report shall be submitted within sixty (60) days upon receipt of comments from Ohio EPA Northwest District Office.
 - b. If a PTI is needed for upgrades, Respondent shall submit an approvable PTI application.
3. Respondent shall attain compliance with final effluent limitations in its NPDES Permit No. 2PS00008*DD or any successor permit Respondent shall properly operate and maintain its existing WWTP to achieve the best quality effluent possible.
4. Respondent shall pay the amount of five thousand dollars (\$5,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 6111. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for \$1,250 of the total amount. The official check shall be submitted to Akia Smith, or her successor, together with a letter identifying the Respondent, to:

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

Thereafter, Respondent shall make a subsequent payment of \$1,250 within 90 days from the effective date of these Orders, a third payment of \$1,250 within 180 days from the effective date of these Orders, and a final payment of \$1,250 within 270 days from the effective date of these Orders for a total of \$5,000.

A copy of the checks shall be sent to Mark Mann, Environmental Manager, Storm Water and Enforcement Section, or his successor, at the following address:

Ohio EPA
Division of Surface Water
P.O. Box 1049
Columbus, Ohio 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 a responsible official of the Respondent. For purposes of these Orders, a responsible official is defined in OAC Rule 3745-33-03(D)(1) for a corporation, OAC Rule 3745-33-03(D)(2) for a partnership, OAC Rule 3745-33-03(D)(3) for a sole proprietorship, and OAC Rule 3745-33-03(D)(4) for a municipal, state, or other public facility.

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 the site.

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. RESERVATION OF RIGHTS

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

XI. 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.

XII. EFFECTIVE DATE

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

XIII. 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



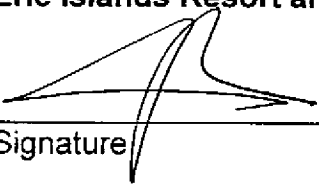
Scott J. Nally, Director

6/5/12

Date

IT IS SO AGREED:

Erie Islands Resort and Marina



Signature

5-29-12

Date

JOHN GRONVALL

Printed or Typed Name

CEO

Title

OHIO EPA - DSW

2012 MAY 30 AM 8:51

Attachment 1



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korfeski, Director

Re: Ottawa County
Erie Islands Resort & Marina
NPDES

August 17, 2010

Mr. John Gronvall, CEO
Erie Island Resort & Marina
4495 West Darr- Hoppfinger Rd.
Port Clinton, OH 43452

Dear Mr. Gronvall:

On July 19, 2010, an inspection was made of the wastewater treatment plant serving Erie Islands Resort. Mr. Jeff Lagrou was also present. At the time of my visit, final effluent was acceptable, however, plant improvements started last year need to be completed. Mr. Lagrou stated that approximately one- half of the plant's aeration piping and diffusers were replaced last year, but the remainder needs to be completed. This was evident as the head works of the plant were nearly septic, but recovered as mixed liquor moved forward. This project must be completed in time for next tourist season. Please notify me upon completion.

NPDES permit monthly discharge monitoring reports are being received and a review indicates improved compliance in 2010. However, an unacceptable level of violations remains. A summary of the violations is enclosed to review with your operator. Please be aware that chronic NPDES permit violations may subject you to enforcement action from this Agency

Please find enclosed a copy of our inspection report, If there are any errors, or if you have any questions, please call me at (419) 373-3020 or email at rick.zuzik@epa.state.oh.us

Sincerely,

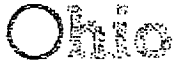
Richard A. Zuzik, MSE
Division of Surface Water

/lb

pc: Ottawa County Health Department
Henry Biggert
NWDO file

Northwest District Office
347 North Dunbridge Road
Bowling Green, OH 43402-9398

419 | 352 8461
419 | 352 8468 (fax)
www.epa.ohio.gov



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Ottawa County
Erie Islands Resort & Marina
NPDES Permit

August 30, 2011

Mr. John Gronvall, CEO
Erie Island Resort & Marina
4495 West Darr-Hoppfinger Road
Port Clinton, Ohio 43452

Dear Mr. Gronvall:

On July 27, 2011, an inspection was made of the wastewater treatment plant serving Erie Islands Resort. At the time of my visit, final effluent was acceptable; however, plant piping improvements completed last year have not had the desired effect in improving plant NPDES permit compliance. I noted that the mixed liquor in the aeration tanks was nearly dark grey, indicating inadequate oxygen. Mr. Henry Biggert, your operator, was contacted and stated that the motor/blower starter units on the EQ pumps were experiencing electrical problems, and efforts to resolve the problem were being undertaken. I also noted that there were no feeder tubes in the disinfection units, as tablets were just placed in the bottom. Mr. Biggert informed me that new feeders were ordered.

NPDES permit monthly discharge monitoring reports are being received and a review indicates continued chronic ammonia violations along with some bacteria violations since my inspection last July. A summary of the violations is enclosed to review with Mr. Biggert. Steps must be taken to bring the plant into compliance.


I recommended to Mr. Biggert that an independent third party be contracted with to do a comprehensive evaluation of all major plant components in order to identify deficiencies. He indicated that Mack Industries has been contacted for this service. I am asking you to provide support as chronic NPDES permit violations will subject you to enforcement action from this Agency. Please notify me when the evaluation will be conducted and provide me a copy of the report upon completion.

Mr. John Gronvall
August 30, 2011
Page Two

Lastly, your NPDES permit expires on November 30, 2011, and we have yet to receive the necessary renewal application forms. These should have been submitted no later than six months prior to expiration. Please submit the applicable forms and fees within 30 days of the date of this letter.

Please find enclosed a copy of our inspection report. If there are any errors, or if you have any questions, please call me at (419) 373-3020 or email at rick.zuzik@epa.state.oh.us.

Sincerely,



Richard A. Zuzik, MSE
Division of Surface Water

/jlm

Enclosures

pc: Ottawa County Health Department
Henry Biggert
File