



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

6/13/2018

JTM Provisions Company, Inc.  
270 Industrial Drive  
Harrison, Ohio 45030

RE: Director's Final Findings & Orders  
NPDES  
Hamilton County  
DSWPTI1206060

Ladies and Gentlemen:

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

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin J. Fowler". The signature is fluid and cursive.

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

KJF/dks

Enclosure

**CERTIFIED MAIL**

cc: L. Reeder, DSW  
R. Demuth, DSW  
B. Palmer, DSW  
S. Sheerin, DSW  
J. Martin, DSW  
Fiscal  
M. Burt, SWDO/DSW  
Compliance Section  
M. McCarron, PIC  
H. Griesmer, PIC  
J. Lee, PIC  
B. Fischbein, Legal  
P. Fallah, DEFA  
File

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

JTM Provisions Company, Inc .  
d/b/a, JTM Food Group  
270 Industrial Drive  
Harrison, Ohio 45030

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 JTM Provisions Company, Inc., d/b/a JTM Food Group ("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 successors in interest liable under Ohio law. No change in ownership of Respondent shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapters 6111 and 3745, and the rules promulgated thereunder.

IV. FINDINGS

Nothing in the findings shall be considered to be an acknowledgment, statement, or admission by Respondent of any matter of law or fact. These findings are not considered evidence. The Director of Ohio EPA has determined the following findings:

1. Respondent owns a property ("Site") located at 270 Industrial Drive, Harrison, Ohio 45030.

2. Respondent installed a pre-treatment system to remove fats, oils, and grease without Ohio EPA's review and approval via a Permit-to-Install (PTI) for the above-mentioned Site.
3. Pursuant to ORC Section 6111.45, No municipal corporation, county, public institution, corporation, or officer or employee thereof or other person shall establish as proprietor, agent, employee, lessee, or tenant, any garbage disposal plant, shop, factory, mill, industrial establishment, process, trade, or business in the operation of which an industrial waste is produced, or make a change in or enlargement of a garbage disposal plant, shop, factory, mill, industrial establishment, process, trade, or business whereby an industrial waste is produced or materially increased or changed in character, or install works for the treatment or disposal of any such waste until the plans for the disposal of the waste have been submitted to and approved by the Director of environmental protection.
4. Pursuant to Ohio Administrative Code ("OAC") Section 3745-42-02(A)(1), no person shall cause, permit, or allow the installation of a new disposal system or cause, permit, or allow the modification of a disposal system without first obtaining and individual PTI, a general PTI, or plan approval in accordance with this chapter and all other applicable rules and laws.
5. In a letter dated November 17, 2017, Respondent notified Ohio EPA that Respondent was informed by the City of Harrison on November 15, 2017 that an Ohio PTI application must be issued prior to installation of the pre-treatment system and that Respondent is in the process of having an engineer prepare and submit the As-Built PTI application as soon as possible.
6. On November 22, 2017, Ohio EPA received a PTI application from Respondent.
7. On November 27, 2017, Ohio EPA sent Respondent correspondence outlining actions needed for approval of the PTI application and along with matters of concern regarding permit compliance as a result of the installation.
8. Respondent then submitted the information requested by Ohio EPA.
9. On December 12, 2017, Ohio EPA issued the Respondent an As-Built PTI for the installation of a pre-treatment system for fats, oils, and grease removal.
10. 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

## **V. ORDERS**

1. In accordance with ORC Section 6111.45 and OAC Section 3745-42-02(A)(1), Respondent shall not install sewerage, or treatment works for sewage disposal or new disposal systems, including, but not limited to, sanitary sewers, at any location in Ohio without first receiving prior approval from the Director as required by law.

2. 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". The official check shall be submitted to Carol Butler, or her successor, together with a letter identify the Respondent, to:

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

A copy of the check shall be sent to Larry Reeder, Environmental Manager, 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 the obligations under Order No. 2 above 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 the obligations under Order No. 2 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(F).

#### **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. 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 Surface Water  
ATTN: DSW Enforcement Unit Supervisor  
401 E. Fifth Street  
Dayton, Ohio 45402

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 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.

**XI. EFFECTIVE DATE**

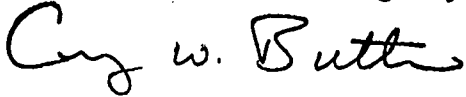
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**XIII. SIGNATORY AUTHORITY**

Each undersigned representative or 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**



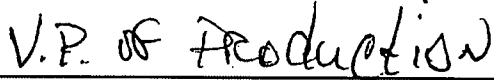
**Director**

**IT IS SO AGREED:**

**JTM Provisions Company, Inc., dba JTM Food Group**



**Printed or Typed Name** *Joseph Maas*



**Title**