



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

8/28/2018

Millenium Operations, LLC  
One Cedar Point Drive  
Sandusky, OH 44870

RE: Director's Final Findings & Orders  
Permit-to-Install  
Erie County  
DSWPTI1230180

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  
T. Poffenbarger, NWDO/DSW  
Compliance Section  
M. McCarron, PIC  
H. Griesmer, PIC  
J. Lee, PIC  
B. Fischbein, Legal  
P. Fallah, DEFA  
J. Dragovich, DEFA  
File

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**In the Matter of:**

**Director's Final  
Finding and Order**

**Millennium Operations, LLC  
One Cedar Point Drive  
Sandusky, OH 44870**

**Respondent**

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to Millennium Operations, LLC ("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 the composition 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**

1. Respondent operates Lighthouse Point Campground ("Site"), located at One Cedar Point Drive, Sandusky, Ohio 44870.
2. Respondent installed sanitary sewers for a campground expansion 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 an individual PTI, a general PTI, or plan approval in accordance with this chapter and all other applicable rules and laws.
5. Pursuant to OAC Section 3745-39-04 (A)(7)(a)(ii) a discharge composed entirely of storm water associated with a small construction activity shall obtain an Ohio NPDES permit.
6. On June 11, 2018, Respondent contacted Ohio EPA regarding the installation of sanitary sewers for a campground expansion. Respondent stated the sanitary sewers had already been installed.
7. On June 12, 2018, Ohio EPA received and reviewed copies of detail drawings for the campground expansion. Based on this review, Ohio EPA determined a PTI was required prior to the sanitary sewer installation.
8. On June 14, 2018, Ohio EPA received an As-Built PTI application package for the as-built sanitary sewers in the campground. Deficiencies were found in the application and in the installation. However, Ohio EPA issued a PTI approval letter which had conditions to modify the system, submit a revised PTI application, and construct improvements to meet design standards in the off season.
9. On June 20, 2018, Ohio EPA issued the Respondent a Notice of Violation ("NOV") for installing the sanitary sewers prior to Ohio EPA approval and not obtaining coverage under the Construction Storm Water General Permit ("CGP"). Respondent was requested to submit a Notice of Intent ("NOI") for coverage under the CGP and to submit a plan detailing a timeline of actions to be taken to comply with the conditionally approved PTI and to provide a written response indicating what future steps will be taken to ensure that PTI applications are submitted in a timely manner and construction of future waste water conveyance projects not start until after receiving PTI approval.

10. On July 11, 2018, Respondent submitted a Notice of Intent (NOI) to obtain a construction general permit for the Lighthouse Point campground expansion.
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 purpose of ORC 6111.

**V. ORDERS**

1. Respondent shall meet all requirements and conditions of the NOV dated June 20, 2018 and PTI approval letter dated June 14, 2018 by the deadlines set forth in Appendix A to these Orders. The NOV and the PTI approval letter are attached hereto and incorporated herewith as if fully rewritten herein.
2. 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.
3. 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 identifying 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 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(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  
Northwest District Office  
Division of Surface Water  
ATTN: DSW Enforcement Unit Supervisor  
347 N. Dunbridge Road  
Bowling Green, Ohio 43402

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 and the referenced NOV, 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**

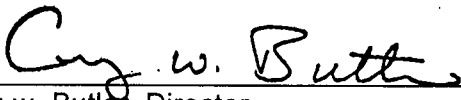
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**XIV. 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 AGREED:**

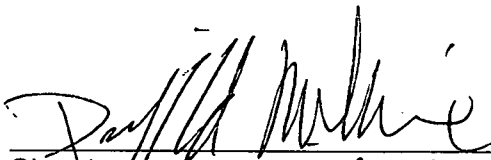
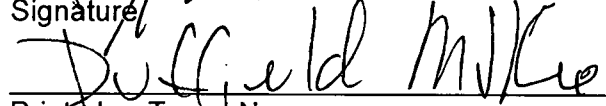
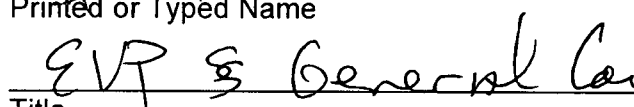
**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Craig w. Butler, Director

August 28, 2018  
Date

**IT IS SO AGREED:**

**Millennium Operations, LLC**

  
\_\_\_\_\_  
Signature  
  
\_\_\_\_\_  
Printed or Typed Name  
  
\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

## Appendix A

### **Timeline of Deliverables under Ohio EPA's NOV and Conditional PTI**

1. Respondent will submit a written plan that provides a timeline of actions to be taken to comply with the conditionally approved PTI within 30 days of the effective date of the Orders.
2. Respondent will submit a written response to the NOV indicating what future steps will be taken to ensure that PTI applications are submitted in a timely manner and that an approved PTI is received by Respondent prior to construction of any future wastewater treatment or conveyance projects within 30 days of the effective date of the Orders.
3. Respondent will cooperate with Ohio EPA to obtain a construction general permit for the Lighthouse Point campground expansion.
4. Respondent will submit revised detail plans in accordance with Paragraph 11 of its June 14, 2018 Conditional Permit to Install by December 1, 2018.
5. Respondent will complete construction of the additional facilities set forth in Paragraph 11 of its June 14, 2018 Conditional Permit to Install by May 1, 2019.