



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

1/8/2019

Krazy Kats LLC
Attn: Woodrow Blanton, Owner
3451 Northup Avenue
South Bloomfield, Ohio 43103

RE: Director's Final Findings & Orders
NPDES
Pickaway County
8EU00166

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
L. Kaldy, DSW
B. Palmer, DSW
J. Martin, DSW
Fiscal
B. Schuch, CDO/DSW
Compliance Section
B. Fischbein, Legal
Journal Room
File

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

**Krazy Kats LLC
3451 Northup Avenue
South Bloomfield, OH 43103**

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**Director's Final Findings
and Orders**

Respondent

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Krazy Kats 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 owns a property ("Site") located at 3451 Northup Avenue, South Bloomfield, Ohio 43103.
2. Respondent installed a sanitary sewer without Ohio EPA's review and approval via a Permit-to-Install (PTI) for the above-mentioned Site.
3. Pursuant to ORC Section 6111.44(A), No municipal corporation, county, public institution, corporation, or officer or employee thereof or other person shall provide or install sewerage or treatment works for sewage, sludge, or sludge materials disposal or treatment or make a change in any sewerage or treatment works until the plans therefor 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. On October 9, 2018, Ohio EPA received an email from Kramer Engineers, on behalf of Respondent, stating that Respondent installed a sanitary sewer without a PTI from Ohio EPA.
6. On October 10, 2018, Ohio EPA received an additional email from Kramer Engineers further explaining that Respondent had constructed the new sewer as directed by the Village of South Bloomfield.
7. On October 10, 2018, Ohio EPA responded to the emails from Kramer Engineers, specifying that Ohio EPA had previously approved sewers for Respondent which were connected to the Village of South Bloomfield as a satellite system under PTI No. 897023. Ohio EPA emphasized that any new sewers added to the facility would require an additional PTI application subject to approval by Ohio EPA.
8. On October 10, 2018, Kramer Engineers requested clarification on how to proceed since the sanitary sewer had already been constructed without a PTI.
9. On October 12, 2018, Ohio EPA responded to Kramer Engineers and stated that Respondent had violated OAC 3745-42 by constructing a sanitary sewer without an approved PTI. Ohio EPA warned of potential enforcement action.
10. On October 24, 2018, Ohio EPA visited the site to verify the installation of the new sanitary sewer. Respondent was cooperative and indicated exactly where the new sewer was installed. The sewer was observed to be in-use.
11. On October 30, 2018, Ohio EPA issued Respondent an NOV for violation of OAC 3745-42-02 and requesting that Respondent submit a complete and approvable PTI application for the sewers using as-built drawings.
12. 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

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. Within fourteen (14) days of the effective date of these orders, Respondent shall submit a complete and approvable As-Built PTI application, stamped and signed by a professional engineer licensed in the State of Ohio, for the sanitary sewer.
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. Payment to Ohio EPA shall be made in four, equal installments, in accordance with the schedule below, each by official checks made payable to "Treasurer, State of Ohio". Each 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 checks 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

Payment of the five thousand dollars (\$5,000) civil penalty shall be made in four, equal installments within a seven-hundred twenty (720) day period, pursuant to the following schedule:

- The first payment of one-thousand two-hundred fifty dollars (\$1,250) shall be due within one-hundred eighty (180) days after the effective date of these Orders.
- The second payment of one-thousand two-hundred fifty dollars (\$1,250) shall be due within three-hundred sixty (360) days after the effective date of these Orders.
- The third payment of one-thousand two-hundred fifty dollars (\$1,250) shall be due within five-hundred forty (540) days after the effective date of these Orders.

- The fourth payment of one-thousand two-hundred fifty dollars (\$1,250) shall be due within seven-hundred twenty (720) days after the effective date of these Orders.

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
Central District Office
Division of Surface Water
ATTN: DSW Enforcement Unit Supervisor
P.O. Box 1049
Columbus, Ohio 43216-1049

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 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 ORDERED AND AGREED:

Ohio Environmental Protection Agency

Craig W. Butler
Craig W. Butler, Director

January 8, 2019
Date

IT IS SO AGREED:

Krazy Kats LLC

Woodrow Blanton
Signature

12/28/18
Date

Woodrow Blanton
Printed or Typed Name

Owner
Title