



6/20/2024

GB Fabrication Company  
Attn: Michael Pechette, CFO  
60 Scott Street  
Shilo, Ohio 44878

RE: DFFO  
  
NPDES  
Richland  
2PR00139

VMI Notes Company  
Michael Pechette, Managing Member  
1120 East Main Street  
Delta, Ohio 43515

Mr. Pechette:

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

Sincerely,

Tyler Liston, Manager  
Permits Processing  
Division of Surface Water

TL/jj

Enclosure

**CERTIFIED MAIL**

ec: L. Reeder, DSW  
R. Demuth, DSW  
J. Hamilton, DSW  
D. Turner, DSW  
D. Stoll, NEDO, DSW  
P. Simcic, Legal  
B. Fischbein, Legal  
T. Poffenbarger, NWDO, DSW  
Journal Room  
File

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

<b>GB Fabrication Company</b>	:	<u><b>Director's Final Findings</b></u>
<b>2510 Taylortown Road</b>	:	<u><b>and Orders</b></u>
<b>Shelby, Ohio 44875</b>	:	
	:	
<b>and</b>	:	
	:	
<b>VMI Notes Company</b>	:	
<b>1120 E. Main Street</b>	:	
<b>Delta, Ohio 43515</b>	:	

**Respondents.**

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to GB Fabrication Company and VMI Notes Company ("Respondents") 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 Respondents and successors in interest liable under Ohio law. No change in the composition of Respondents, or the ownership or operation of the Site (as defined herein), shall in any way alter Respondents' obligations under these Orders.

**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 adopted thereunder.

**IV. FINDINGS**

The Director of Ohio EPA has made the following findings:

1. Respondent GB Fabrication Company is located at 2510 Taylortown Road, Shelby, Richland

County, Ohio. Respondent VMI Notes Company is listed as the property owner of the Site. GB Fabrication employs 20-25 employees and had a wastewater treatment system (WWTP) which discharged into an Unnamed Tributary to Bear Run. The WWTP was covered under an individual National Pollutant Discharge Elimination System permit up until 2021, but the permit expired. Currently, the Site is covered under Ohio EPA's General Permit for Small Sanitary Discharges (2GS00039\*AG).

2. In November of 2015, GB Fabrication indicated to Ohio EPA that it was discontinuing use of the WWTP and instead converting the plant into a holding tank. The holding tank would be pumped out by a contractor on an as-needed basis. An inspection was conducted in October of 2021, which indicated no discharge from the holding tank.
  3. On March 27, 2023, Ohio EPA conducted another inspection of the Site. During the inspection it was observed that wastewater was overflowing from the holding tank located onsite. GB Fabrication representatives at the time indicated the collection system has bad inflow and infiltration and was experiencing higher flow during wet weather. An April 10, 2023 Notice of Violation letter was sent to the company advising them of the unauthorized discharge to waters of the state and requesting that the company take appropriate action.
  4. After receiving no response to the NOV after multiple attempts by Ohio EPA to contact the company, a second NOV was issued on September 26, 2023. Furthermore, no records of pumping the holding tank were received by Ohio EPA with respect to the use of the WWTP as a holding tank. The last submitted Discharge Monitoring Reports (DMRs) by the company of the effluent in 2015 indicated violations of E. coli., Total Suspended Solids and Ammonia.
  5. Pursuant to Ohio Revised Code Section 6111.04(A), no person 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 without a valid, unexpired permit.
  6. Pursuant to ORC 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 without first receiving a permit from the director to do so.
  7. Pursuant to ORC 6111.07(A), no person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term or condition of a permit issued or adopted by the director of environmental protection pursuant to those sections. Each day of violation is a separate offense.
  8. The Director has given consideration to, and based her 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 R.C. Chapter 6111.
-

**V. ORDERS**

1. Within sixty (60) days from the effective date of these Orders, Respondents shall submit an approvable permit-to-install (PTI) application and detail plans for a new sanitary wastewater treatment system to serve the Site.
2. Within one (1) year from the effective date of these Orders, Respondents shall complete construction of the sanitary wastewater treatment system improvements per the approved PTI.
3. Until such time as the construction of the sanitary wastewater treatment system is complete, Respondents shall do all of the following: 1) inspect the current holding tank daily; 2) keep records of such inspections; and 3) empty the tank upon reaching 75% capacity. Respondents shall submit a monthly checklist to Ohio EPA documenting the daily inspections.
4. Within thirty (30) days of the completion of construction of the new sanitary wastewater treatment system, Respondents shall complete the abandonment of the existing WWTP in accordance with all federal, state and local rules and requirements.
5. Respondents shall pay the amount of eleven thousand five-hundred dollars (\$11,500.00) in settlement of Ohio EPA's claim 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 the total amount. The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying Respondents and the site, to:

Ohio EPA  
Office of Fiscal Administration  
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**

Respondents' obligations under these Orders shall terminate when Respondents certify in writing and demonstrate to the satisfaction of Ohio EPA that Respondents have performed all obligations under these Orders and 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 Respondents of the obligations that have not been performed, in which case Respondents 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 Respondents to Ohio EPA and shall be signed by a responsible official of Respondents.

#### **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 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 Respondents.

#### **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**

Unless otherwise specified, all documents required to be submitted by Respondents pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency,  
Northwest District Office  
347 N. Dunbridge Road  
Bowling Green, Ohio 43402  
Division of Surface Water  
Attn: Enforcement Supervisor  
(Or by email to [Thomas.Poffenbarger.epa.ohio.gov](mailto:Thomas.Poffenbarger.epa.ohio.gov))

#### **XI. RESERVATION OF RIGHTS**

Ohio EPA and Respondents 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, through the date of these Orders, Respondents consent to the issuance of these Orders and agree to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondents' liability for the violations specifically cited herein.

Respondents hereby waive the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondents hereby waive any and all rights Respondents may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondents agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondents retain the right to intervene and participate in such appeal. In such an event, Respondents 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 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**

E-SIGNED by Anne Vogel  
on 2024-06-18 18:44:31 GMT

\_\_\_\_\_  
Anne M. Vogel  
Director

\_\_\_\_\_  
Date

**IT IS SO AGREED:**

**GB Fabrication Company**

By

Michael A Pechette

Printed or Typed Name

CFO

Title

Date

6/3/24

VMI Notes Company

By

Michael A Pechette

Printed or Typed Name

Managing Member

Title

Date

6/3/24