



10/21/2024

Gamauf Hardware & Supply  
Attn: John and Thomas Gamauf, Owners  
11395 S. Cleveland-Massillon Rd.  
Copley, OH 44321

RE: DFFO  
NPDES  
Summit County  
8DU01221

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  
B. Fischbein, Legal  
Journal Room  
File



#### **IV. FINDINGS**

The Director of Ohio EPA makes the following findings:

1. Respondents own and operate Gamauf Hardware & Supply Company which is located at 1395 South Cleveland-Massillon Road, Copley, OH 44321, Summit County. ("The Facility").
2. The Facility was historically served by a sewage treatment system ("STS"). No information is available regarding the design of the STS.
3. Ohio EPA, Division of Surface Water ("DSW"), Northeast District Office ("NEDO") staff through previous interactions with the city of Akron and Copley Township were made aware the Facility was not connected to public sewers. The city of Akron confirmed that its sanitary sewer system is located along South Cleveland-Massillon Road adjacent to Respondents' facility approximately 75 feet to the west.
4. On March 13, 2023, Ohio EPA, DSW, NEDO, sent a compliance letter to Respondents notifying them of the need to abandon its STS and connect to the available and accessible sanitary sewer system.
5. On July 11, 2023, Ohio EPA, DSW, NEDO issued a Notice of Violation ("NOV") to Respondents for the failure to connect to the available and accessible sanitary sewer. Respondents failed to submit a written response.
6. On October 23, 2023, Ohio EPA, DSW, NEDO issued a second NOV to Respondents for the failure to connect to the available and accessible sanitary sewer. Respondents failed to submit a written response.
7. On January 2, 2024, Ohio EPA, DSW, NEDO mailed certified letters, to notify Respondents of a potential enforcement action. Letter was picked up from the USPS on January 8, 2024.

8. Pursuant to ORC Section 6111.04(A), no person shall cause pollution or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution, except is such discharges occur in accordance with a valid unexpired NPDES permit issued by the Director or if any application for renewal of such permit is pending.
9. Pursuant to OAC Section 3745-33-08(C), Notwithstanding the issuance or non-issuance of an NPDES permit to a semi-public disposal system, whenever the sewage system of a publicly owned treatment works becomes available and accessible, the permittee operating any semi-public disposal system shall abandon the semi-public disposal system and connect it into the publicly owned treatment works.
10. Pursuant to OAC Section 3745-42-07(D), connection into existing publicly owned or regional sanitary sewers shall be required for the disposal of sewage when said sewers are accessible and available. Accessible and available shall be determined as follows [...] for an existing structure, where any part of a structure from which waste is generated is within three hundred feet of the nearest boundary of the right-of-way within which the existing sanitary sewer is located. Respondents' facility is located approximately 75 feet from the sanitary sewer.
11. On or around September 12, 2024, plumbing fixtures in the building were removed and the facility's septic system was pumped then physically removed in anticipation of a sale to a third-party buyer. To the extent that future use of the property will involve generation of sewage or industrial waste, the third-party buyer will be responsible for connecting these wastewater flows to the available and accessible sewer.
12. 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 PTI requirements of ORC 6111.44 and 6111.45 and OAC Chapter 3745-42.
13. 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 purposes of ORC Chapter 6111.

**V. ORDERS**

1. Respondents shall pay to the Ohio EPA the amount of five-thousand dollars (\$5,000) in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to Chapter 6111 of the Ohio revised Code. 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 with a letter identifying the Respondent, to:

Ohio Environmental Protection Agency  
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 Environmental Protection Agency  
Division of Surface Water  
P.O. Box 1049  
Columbus, Ohio 43216-1049

**VI. TERMINATION**

Respondents' obligations under these Orders shall terminate upon payment of the civil penalty required by Order 1.

**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**

Unless otherwise provided, all documents required to be submitted by Respondents shall be addressed to:

Ohio Environmental Protection Agency  
Division of Surface Water, CDO  
50 West Town Street, Suite 700  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: Enforcement Supervisor

**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, Respondents consent 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 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 Respondent 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**

Anne M Vogel

Anne M. Vogel, Director

10/21/2024

Date

**IT IS SO AGREED:**

**John Gamauf**

John Gamauf  
Signature

9-30-24  
Date

John GAMAUF  
Printed or Typed Name

1/2 owner  
Title

over



**Thomas Gamauf**

Thomas L. Gamauf

9-30-24

Signature

Date

Thomas GAMAUF

Printed or Typed Name

1/2 owner

Title