I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: [signature] Date: 5-3-13

OHIO E.P.A.
MAY -3 2013
ENTERED IN THE DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Quality Inn-Akron South 2940 Chenoweth Rd. Akron, OH 44312 Attn: Paul Garcha	:	Director's Expedited Settlement Agreement and Orders
Respondent	:	

I. JURISDICTION

This Expedited Settlement Agreement and Order (ESA) is issued to Paul Garcha of Quality Inn-Akron South public water system (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) 6109.04 and 3745.01.

II. FINDINGS

1. Respondent owns and operates a public water system (PWS) located at 2940 Chenoweth Road, Akron, Ohio.

2. The purpose of this document is to correct a condition of noncompliance with Ohio Administrative Code (OAC) Rule 3745-7-02.

3. OAC Rule 3745-7-02(A)(1) requires each person owning or operating a PWS to designate one or more operators of record to oversee the technical operation of the PWS. The operator of record must have a valid certification of class equal to or greater than the classification of the PWS.

4. Pursuant to ORC Section 6109.31, no person shall violate this chapter, any rule adopted under it, or any order or term or condition of a license, license renewal, variance, or exemption granted by the director of environmental protection under it. Each day of noncompliance is a separate violation.

5. On February 7, 2012, Ohio EPA sent the Respondent a letter noting violations and recommendations observed during the January 4, 2012 sanitary survey conducted at the PWS. The requirements of the letter state an appropriately certified operator had not been designated as required by OAC 3745-7-02. Attachment I is Respondent's letter. Attachment I is hereby incorporated into these Findings and Orders as if fully stated herein.

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.
By: Date:

6. On December 4, 2012, Ohio EPA sent the Respondent a second notice of violation (NOV) in an effort to address the failure to designate an appropriately certified operator of record as indicated in Finding #5 above. Attachment II is Respondent's second letter. Attachment II is hereby incorporated into these Findings and Orders as if fully stated herein.

7. Respondent failed to respond to the notices and remains in violation of OAC Rule 3745-7-02(A)(1) for failure to obtain an appropriately certified operator.

8. In consideration of Respondent's size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record, this ESA is an appropriate mechanism to resolve the noncompliance detailed in the Findings of this ESA.

III. ORDERS

1. Within sixty (60) days from the date of the letter inviting Respondent to sign this ESA, Respondent shall hire an appropriately certified operator and supply a completed Operator of Record Notification Form (enclosed) as required under Chapter 3745-7-02 (A)(1) of the Ohio Administrative Code to the following address: Ohio EPA, Division of Drinking and Ground Waters, P.O. Box 1049, Columbus, Ohio 43216-1049 attn. Andrew Barienbrock.

2. Within sixty (60) days from the date of the letter inviting Respondent to sign this ESA, Respondent shall pay to the Ohio EPA the amount of one thousand dollars ($1,000) in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to Chapter 6109 of the Ohio Revised Code. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" to the following address: Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent.

IV. TERMINATION

Respondent's obligations under this ESA shall terminate upon Ohio EPA's receipt of the Operator of Record Notification Form and civil penalty payment required by this ESA.

V. RESERVATION OF RIGHTS AND WAIVER

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived herein.

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 this ESA, Respondent consents to the issuance of this ESA and agrees to comply with this ESA. Compliance with this ESA shall be a full accord and satisfaction of Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of this ESA, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of this ESA either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if this ESA is 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 comply with this ESA notwithstanding such appeal and intervention unless this ESA is stayed, vacated, or modified.

VI. EFFECTIVE DATE

The effective date of this ESA is the date this ESA is entered into the Ohio EPA Director's journal.

VII. SIGNATORY AUTHORITY

Each undersigned representative or party to this ESA certifies that he or she is fully authorized to enter into this ESA and to legally bind such party to this ESA.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Scott J. Nally, Director

MAY 0 3 2013
Date

IT IS SO AGREED:

Paul Garcha

Signature

4/29/13.
Date

Paul Garcha
Printed or Typed Name

GM
Title