

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.  
MAY - 6 2002  
ENTERED DIRECTOR'S JOURNAL

**In the matter of:**

Village of Columbus Grove  
113 East Sycamore St.  
Columbus Grove, OH 45830

: Director's Final Findings  
: and Orders  
:

**PREAMBLE**

Pursuant to Ohio Revised Code (ORC) Sections 6111.03 and 3745.01, the Director of the Ohio Environmental Protection Agency (Ohio EPA) hereby makes the following Findings and issues the following Orders:

**PARTIES BOUND**

These Orders shall apply to and be binding upon the Village of Columbus Grove (Respondent) and successors in interest liable under Ohio law. No change in ownership relating to the Columbus Grove Wastewater Treatment Plant (Facility) shall in any way alter Respondent's obligations under these Orders. Respondent's obligations under these Orders may be altered only by the written action of the Director of Ohio EPA (Director).

**FINDINGS OF FACT**

1. Respondent is a Village located in Columbus Grove, Ohio. Respondent is the owner of the Facility, which is located in Pleasant Township, Putnam County, Ohio.
2. Ohio Administrative Code (OAC) Rule 3745-31-02 requires the Director's issuance of a Permit to Install (PTI) prior to the modification of a "disposal system," as defined in ORC Section 6111.01 (G).
3. ORC Section 6111.07(A) prohibits any person from violating, or failing to perform, any duty imposed by ORC Sections 6111.01 to 6111.08, or violating any rule issued by the Director pursuant to those sections, including OAC Rule 3745-31-02.
4. In an inspection letter dated September 25, 1998, Ohio EPA requested that an as-built PTI application be submitted for a dechlorination system that had been installed at the Facility without receiving prior PTI approval from the Director.

5. On October 28, 1998, PTI Application 03-11676 and detailed plans were received at Ohio EPA Northwest District Office (NWDO) for the installation of a dechlorination system at the Facility. This submittal was deficient and not approvable.
6. The installation of the dechlorination system proposed in PTI Application 03-11676 constitutes the modification of a disposal system under OAC Rule 3745-31-02.
7. In an inspection letter dated November 24, 2000, Ohio EPA again requested a revised and approvable PTI application for the dechlorination system.
8. On January 29, 2001, Ohio EPA received from Timothy Harman, Finkbeiner, Pettis and Strout, Inc., a faxed proposal to complete and submit a revised PTI application for the Facility's dechlorination system.
9. On February 6, 2001, Ohio EPA received a letter from Respondent stating that the revised PTI application for the dechlorination system should be submitted within six (6) months.
10. On November 9, 2001, Ohio EPA NWDO notified Respondent via certified mail that the dechlorination system installation was in violation of ORC Chapter 6111 and OAC Chapter 3745-31.
11. On November 20, 2001, Ohio EPA NWDO had a telephone conversation with Jeffery Vance who stated that Respondent would be submitting the revised PTI application and would also write a letter to document their efforts.
12. As of the date of issuance of these Orders, Ohio EPA has failed to receive an approvable PTI application from Respondent for the installed dechlorination system.
13. Respondent modified a disposal system without plan approval or a PTI in violation of ORC Section 6111.07(A) and OAC Rule 3745-31-02.
14. 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.

### ORDERS

1. Within fourteen (14) days of issuance of the effective date of these Orders, Respondent shall submit to the attention of the Division of Surface Water (DSW), Enforcement Group Leader, NWDO (at the address provided in Order No. 3) a revised and approvable PTI application for the dechlorination system at the Facility.
2. Respondent shall not install or modify sewerage or treatment works for sewage disposal or disposal systems without first receiving prior approval from the Director as required by law.
3. Respondent shall pay to the Ohio EPA the amount of one thousand dollars (\$1,000.00) in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6111. This payment shall be made by tendering a check payable to the "Treasurer, State of Ohio" for the full amount within thirty (30) days after the effective date of these Findings and Orders to the following address:

Vicki Galilei, Office of Fiscal Administration  
Ohio Environmental Protection Agency  
P.O. Box 1049  
Columbus, Ohio 43216-1049

A photocopy of the check shall be sent to the attention of the DSW, Enforcement Group Leader, NWDO, at the address listed below:

Ohio Environmental Protection Agency  
Northwest District Office  
347 North Dunbridge Road  
Bowling Green, OH 43402

### 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. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to Respondent and its operations.

### **RESERVATION OF RIGHTS**

These Orders do not prevent Ohio EPA from enforcing the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with these Orders. These Orders do not prevent Ohio EPA from exercising its authority to require Respondent to perform additional activities pursuant to ORC Chapter 6111, or any other applicable law in the future. These Orders do not restrict the right of Respondent to raise any administrative, legal or equitable claim or defense for any additional activities that Ohio EPA may seek to require of Respondent. These Orders do not limit the authority of Ohio EPA to seek relief for violations not cited in these Orders.

### **TERMINATION**

The Respondent's obligations under these Orders shall be satisfied and terminated when the Respondent demonstrates in writing and certifies to the satisfaction of the Ohio EPA that it has satisfied all its obligations under these Orders, has subsequent to the issuance of these Orders complied with OAC Rule 3745-31-02 for a period of twelve (12) consecutive months, and the Chief of Ohio EPA's Division of Surface Water acknowledges the termination of these Orders in writing.

This certification shall be submitted by the Respondent to the NWDO (attention: DSW Enforcement Group Leader) and shall be signed by a responsible official of the Respondent. A responsible official is as defined in OAC Rule 3745-33-03(D)(1) for a corporation, OAC Rule 3745-33-03(D)(2) for a partnership, OAC Rule 3745-33-03(D)(3) for a sole proprietorship, and OAC Rule 3745-33-03(D)(4) for a municipal, state, or other public facility. The certification shall contain the following attestation:

*"I certify under the penalty of law that I have personally examined and are familiar with the information contained in or accompanying this certification, and based on inquiry of those individuals immediately responsible for obtaining the information, I believe the information contained in or accompanying this certification is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment."*

### **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 agrees to comply with these Orders, Respondent agrees that these Orders are lawful and reasonable, and Respondent agrees that the times provided for compliance herein are reasonable. Compliance with these Orders shall be a full accord

and satisfaction of Respondent's liability for the violations specifically cited herein. Ohio EPA specifically does not waive its right to pursue actions and civil penalties as set forth in the Reservation of Rights paragraph of these Orders.

Respondent hereby waives the right to appeal the issuance, terms and service of these Orders, and it hereby waives any and all rights it might have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that in the event that 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 agrees to continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated, or modified.

**SIGNATORY AUTHORITY**

Each undersigned representative of a signatory to these Orders certifies that he or she is fully authorized to enter into the terms and conditions of these Orders and to legally bind such signatory to this document.

**IT IS SO AGREED:**

Village of Columbus Grove

By:

Date: 4-11-02

Title: VILLAGE ADMINISTRATOR

**IT IS SO ORDERED AND AGREED:**

Ohio Environmental Protection Agency

Date: 4-30-02

Christopher Jones, Director