

OHIO E.P.A.

JUL 18 2005

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Jitendra Kapasi
P.O. Box 212
Twinsburg, Ohio 44087

Director's Final Findings
and Orders

Respondent

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Jitendra Kapasi ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("R.C.") §§ 6111.03(H) and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and heirs and successors in interest liable under Ohio law. No change in ownership of the Facility, as hereinafter defined, 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 R.C. Chapter 6111, and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has made the following findings:

1. Respondent is the owner of the Palms Motel located at 9686 State Route 14, Streetsboro, Portage County, Ohio.
2. Respondent operates a semipublic disposal system, as defined by R.C. § 3709.085, ("Facility") that discharges sewage to a tributary of Tinker's Creek, and to Tinker's Creek. The tributary of Tinker's Creek, and Tinker's Creek, constitute "waters of the state" as defined by R.C. § 6111.01.

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

By: [Signature] Date 7/18/05

3. Pursuant to R.C. § 6111.04, no person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state, except in compliance with a valid, unexpired National Pollutant Elimination System ("NPDES") permit.
4. Respondent has not applied for, nor obtained, a NPDES permit for the discharge of pollutants to waters of the state.
5. Since at least June 1998, Respondent has received from Ohio EPA numerous notices of violation of R.C. Chapter 6111, including discharging to waters of the state without a NPDES permit. Respondent was also notified that sanitary sewers for the City of Streetsboro were in close proximity to the Palms Motel, requiring investigation of connection to the sewers as the preferred option over upgrading the Facility. Respondent failed to take action to correct the violations.
6. On August 24, 1999, the City of Streetsboro issued a compliance order to Respondent, requiring Respondent to immediately cease the discharge of untreated sewage into waters of the state. Respondent failed to comply with this order.
7. The sewage system of a publicly owned treatment works ("POTW"), owned and operated by the City of Streetsboro, is now located on State Route 14 in Streetsboro, and is available and accessible to 9686 State Route 14. The sewage system and POTW owned and operated by the City of Streetsboro has a valid, unexpired NPDES permit.
8. Pursuant to paragraph 3745-33-08(C) of the Ohio Administrative Code ("OAC"), "Notwithstanding the issuance or non-issuance of an NPDES permit to a semipublic disposal system, whenever the sewage system of a publicly owned treatment works becomes available and accessible, the permittee operating any semipublic disposal system shall abandon the semipublic disposal system and connect it into the publicly owned treatment works."
9. Pursuant to R.C. § 6111.07, no person shall violate or fail to perform any duty imposed by R.C. §§ 6111.01 to 6111.08 or any order or rule issued or adopted pursuant to these sections. Each day of violation is a separate offense.
10. 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 the permit to install requirements of OAC Chapter 3745-42.
11. Compliance with R.C. Chapter 6111 is not contingent upon the availability or receipt

of financial assistance.

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 R.C. Chapter 6111.

V. ORDERS

1. Within sixty (60) days after the effective date of these Orders, Respondent shall submit an approvable Permit to Install ("PTI") application, and attached detailed plans stamped by a professional engineer registered in the state of Ohio, for the abandonment of Respondent's semipublic disposal system, and connection of the discharge from the Palms Motel to the City of Streetsboro's sewage system and POTW.
2. Respondent shall submit corrections to address any deficiencies in the PTI application required by Order No. 1 to Ohio EPA within thirty (30) days of notification by letter from Ohio EPA of any deficiencies.
3. Within thirty (30) days after receiving from Ohio EPA an approved PTI for the abandonment of Respondent's semipublic disposal system, and connection to the City of Streetsboro's sewage system and POTW, Respondent shall initiate construction in accordance with the approved PTI.
4. Within sixty (60) days after initiation of construction under the Ohio EPA approved PTI, Respondent shall connect all sewage flow from the Palms Motel to the City of Streetsboro's sewage system and POTW, and complete the abandonment of Respondent's semipublic disposal system.
5. Within fourteen (14) days after completion of the construction under the approved PTI, Respondent shall inform Ohio EPA, in writing, of the completion of the project.

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 the Respondent.

VII. 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.

VIII. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northeast District Office
Division of Surface Water
Attn: DSW Enforcement Unit Supervisor
2110 East Aurora Road
Twinsburg, Ohio 44087

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Surface Water
Attn: Manager, Stormwater and Enforcement Section
122 South Front Street [P.O. Box 1049]
Columbus, Ohio 43215 [43216-1049]

[For mailings use the post office box number and zip code in brackets]

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

IX. RESERVATION OF RIGHTS

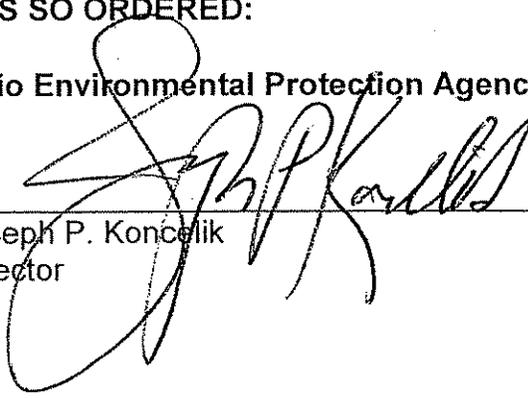
Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with these Orders and/or for the violations described herein. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to R.C. Chapter 6111 or any other applicable law in the future. Nothing herein shall restrict the right of Respondent to raise any administrative, legal or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Respondent. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

X. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

IT IS SO ORDERED:

Ohio Environmental Protection Agency



Joseph P. Koncelik
Director

7/12/05
Date