

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.

OHIO E.P.A.

MAY -5 2014

EXPEDITED DIRECTOR'S JOURNAL

By: Dmy Kasler

Date: 5-5-14

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

John Krizman dba Little Eagle
Drive Thru
11114 Chardon Road
Chardon, Ohio 44024

Director's Expedited
Settlement Agreement and Orders

Respondent

I. JURISDICTION

This Expedited Settlement Agreement and Order (ESA) is issued to John Krizman dba Little Eagle Drive Thru ("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 and 3745.01.

II. FINDINGS

1. Respondent owns and operates Little Eagle Drive Thru which is located at 11114 Chardon Road, Chardon, Ohio, Geauga County.
2. Respondent holds a valid, unexpired National Pollutant Discharge Elimination System ("NPDES") permit, number 3IG00055*FD, for the discharges to the unnamed tributary of the East Branch Chagrin River.
3. The unnamed tributary of the East Branch Chagrin River is considered a "waters of the state" as defined by R.C. Section 6111.01
4. This document does not modify NPDES Permit Number 3IG00055*FD. The purpose of this document is to correct a condition of noncompliance with NPDES Permit Number 3IG00055*FD and not to alter said permit.
5. Pursuant to R.C. Section 6111.07(A), no person shall violate or fail to perform any duty imposed by R.C. Sections 6111.01 to 6111.08 or violate any order, rule, or term or condition of a permit issued or adopted by the Director of Ohio EPA pursuant to those sections. Each day of violation is a separate offense.
6. The NPDES permit Part III. 4. C requires that Discharge Monitoring Reports ("DMRs") submitted using e-DMR shall be submitted to Ohio EPA by the 20th day of the month following the month-of-interest.

7. Respondent has failed to submit DMRs for the months of March 2013, April 2013, May 2013, June 2013, July 2013 and August 2013. Respondent was notified of these violations via monthly non-submittal letters for each month identified.
8. The Director and Respondent acknowledge that violations other than those specifically listed in Finding 7 exist and agree that those violations may be subject to future enforcement action. As set forth in Paragraph V, the Director is reserving his rights for potential future enforcement for violations not specifically listed in Finding 7.
9. 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.
10. 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 thirty (30) days from the date of the letter inviting Respondent to sign this ESA, Respondent shall submit the missing DMRs from March 2013 through August 2013 and begin submitting all required monthly DMRs on time.
1. 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 two thousand five hundred dollars (\$ 2,500) in settlement of the Ohio EPA's claim for civil penalties, for the violations specifically set forth in Finding 7, which may be assessed pursuant to Chapter 6111.09 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 and the location of the noncompliance detailed in the Findings of this ESA. Respondent shall pay \$2,500 of the civil penalty in accordance with the following schedule:
 - a. By April 1, 2014 make payment to Ohio EPA by an official check made payable to "Treasurer, State of Ohio" for \$420.00;

- b. By June 30, 2014 make payment to Ohio EPA by an official check made payable to "Treasurer, State of Ohio" for \$420.00;
- c. By September 28, 2014 make payment to Ohio EPA by an official check made payable to "Treasurer, State of Ohio" for \$420.00;
- d. By December 27, 2014 make payment to Ohio EPA by an official check made payable to "Treasurer, State of Ohio" for \$420.00;
- e. By March 27, 2015 make payment to Ohio EPA by an official check made payable to "Treasurer, State of Ohio" for \$420.00;
- f. By June 25, 2015 make payment to Ohio EPA by an official check made payable to "Treasurer, State of Ohio" for \$400.00;

IV. TERMINATION

Respondent's obligations under this ESA shall terminate upon Ohio EPA's receipt of the civil penalty payment required by this ESA and completion of Order number 1.

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

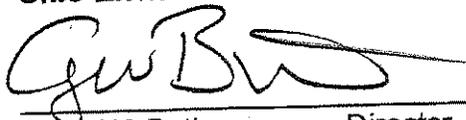
The effective date of this ESA is the date this ESA is entered into the Ohio EPA Director's journal.

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

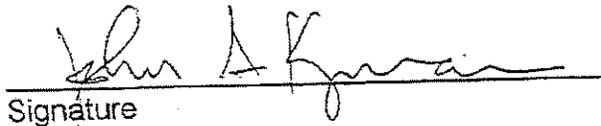


Craig W. Butler, Director

4/8/14
Date

IT IS SO AGREED:

John Krizman dba Little Eagle Drive Thru


Signature

JOHN A - KRIZMAN
Printed or Typed Name

OWNER
Title

4/8/2014
Date