

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Holly Serensky-Lupo d.b.a.
Highgrove Golf Course
2977 Newton Falls Road
Diamond, Ohio 44412

Respondent

Director's Final Findings
and Orders

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.

PREAMBLE

It is agreed by the Parties hereto as follows:

By: Doreen Lasser Date: 12-9-14

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Holly Serensky-Lupo d.b.a. Highgrove Golf Course ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("EPA") under Ohio Revised Code (R.C.) §§ 6111.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and her heirs, assigns and successors in interest liable under Ohio law. No change in the ownership of the Facility as defined in Finding No. 1 of these Orders 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. During the time the violations described in these Findings occurred, Respondent owned and/or operated the Highgrove Golf Course, located at 2977 Newton Falls

Road, Diamond, Ohio ("Facility"). The Facility has a wastewater treatment system ("WWTS") that consists of a mechanical home aeration system followed by the discharge of wastewater to an onsite pond in the headwaters of Duck Creek. The WWTS is designed to treat 0.0014 million gallons per day (MGD) of wastewater. The Facility generates an estimated 400 gallons per day of wastewater during the golfing season.

2. Respondent held a National Pollutant Discharge Elimination System (NPDES) permit, number 3PR00482*AD, effective July 1, 2008, which authorized Respondent to discharge effluent from the WWTS to Duck Creek. The permit expired June 30, 2013. The pond and Duck Creek are defined as "waters of the state" pursuant to R.C. § 6111.01.
3. Respondent's NPDES permit, No. 3PR00482*AD, contained a Schedule of Compliance. The schedule required Respondent to submit detail plans for plant and sewer system improvements by no later than February 1, 2009, commence construction by no later than May 1, 2009, and complete construction by no later than July 1, 2009. Respondent was required to attain operational level of the treatment works and meet final effluent limits by no later than September 1, 2009.
4. Respondent violated NPDES permit No. 3PR00482*AD by not complying with the compliance schedule, in violation of R.C. § 6111.07.
5. On December 18, 2009, Ohio EPA sent a letter to Respondent following a meeting on December 1, 2009 at which the options for upgrading the wastewater treatment system were discussed. Effluent violations from January 1, 2009 through November 2009 were identified. The letter noted that Respondent appeared to prefer to install a field tile system to infiltrate the treated water to the soil and abandon the discharge to the pond. Requirements for soil evaluation information and contacts were included in the letter.
6. On January 26, 2010, Ohio EPA sent a letter to Respondent stating that Ohio EPA received a soil evaluation on January 15, 2010 in response to the December 18, 2009 letter. Based on the results of the soil evaluation, two compliance options were detailed. WWTS design considerations and permit to install ("PTI") application requirements were detailed, and a request to install a flow meter on the potable water system before opening the golf course in spring was included.
7. On June 11, 2010, nine months after the compliance date in the NPDES permit, a PTI application was submitted for a proposed modification of Respondent's

WWTS. On September 2, 2010, PTI (No. 765192) was approved for the modification of the WWTS.

8. On October 19, 2011, Ohio EPA sent a letter to Respondent documenting an inspection that occurred on October 18, 2011. The letter detailed the on-going effluent violations that were occurring. No disinfection system was apparent at the time of the inspection. The letter also stated that a PTI was approved on September 2, 2010, yet the approved system was never installed. A compliance plan intended to get the High Grove Golf Course into compliance without escalating enforcement action was attached. It was requested that the compliance plan be signed and returned to the Ohio EPA no later than November 4, 2011. Ohio EPA has not received the signed document.
9. Respondent failed to initiate construction of a WWTS pursuant to the PTI by March 2, 2012, or request an extension of the PTI, and the PTI has, therefore, expired.
10. The Facility has had re-occurring violations of effluent limitations in the permit. Respondent has, on at least the dates listed in the chart attached hereto as Attachment I and incorporated by reference as if fully rewritten herein, violated reporting and sampling frequency requirements and exceeded final effluent limitations in its NPDES permit from October 2008 through October 2012. Respondent also failed to submit the monthly discharge monitoring report for May 2013. Respondent's failure to comply with the final effluent limitations and reporting requirements in the NPDES permit violated the permit and R.C. § 6111.07. Each day of violation cited on Attachment I constitutes a separate offense.
11. Pursuant to R.C. § 6111.04(C), no person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit.
12. R.C. § 6111.07(A) prohibits any person from violating, or failing to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violating any order, rule, or term or condition of a permit issued or adopted by the Director of Environmental Protection pursuant to those sections. Each day of violation is a separate offense.
13. Compliance with R.C. Chapter 6111 is not contingent upon the availability or receipt of financial assistance.

14. On or about May 15, 2013, the Highgrove Golf Course was sold.
15. 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 their 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. Respondent shall pay the amount of twelve thousand dollars (\$12,000.00) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 6111. The penalty shall be paid by tendering official checks totaling nine thousand six hundred dollars (\$9,600.00) made payable to "Treasurer, State of Ohio" in accordance with the schedule below. The official checks shall be submitted to Carol Butler, or her successor, together with letters identifying the Respondent, at:

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

- (a) By no later than January 2, 2015, Respondent shall pay to Ohio EPA the amount of three thousand dollars (\$3,000.00).
- (b) By no later than April 1, 2015, Respondent shall pay to Ohio EPA the amount of three thousand dollars (\$3,000.00).
- (c) By no later than July 1, 2015, Respondent shall pay to Ohio EPA the amount of three thousand dollars (\$3,000.00).
- (d) By no later than October 1, 2015, Respondent shall pay to Ohio EPA the amount of six hundred dollars (\$600.00).

A photocopy of the checks shall be sent to Ohio EPA in accordance with Section X. of these Orders.

2. In lieu of paying the remaining two thousand four hundred dollars (\$2,400.00) of the civil penalty, Respondent shall, by no later than October 1, 2015, fund a supplemental environmental project ("SEP") by making a contribution in the

amount of two thousand four hundred dollars (\$2,400.00) to Ohio EPA's Clean Diesel School Bus Fund (Fund 5CD). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for that amount. The official check and a cover letter identifying the Respondent and Fund 5CD shall be submitted to Carol Butler, or her successor at:

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

A photocopy of the check shall be sent to Ohio EPA in accordance with Section X. of these Orders.

3. Should Respondent fail to fund the SEP within the required time frame set forth in Order No. 2, Respondent shall immediately pay to Ohio EPA the remaining two thousand four hundred dollars (\$2,400.00) of the civil penalty in accordance with the procedures in Order No. 1.
4. If Respondent misses any of the scheduled payments set forth in Order No. 1, above, all remaining payments shall become due and owing immediately.

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 a responsible official of the Respondent. For purposes of these Orders, a responsible official is as defined in OAC Rule 3745-33-03(E).

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 Facility.

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 the Facility.

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

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 Supervisor
2110 E. Aurora Road
Twinsburg, Ohio 44087

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Surface Water
Attn: Manager, Storm water and Enforcement Section
50 West Town Street, Suite 700
[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.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent 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, Respondent consents 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 Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives 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 Respondent agree that if 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 shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

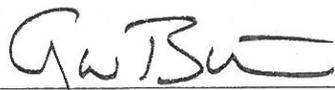
XIII. EFFECTIVE DATE

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

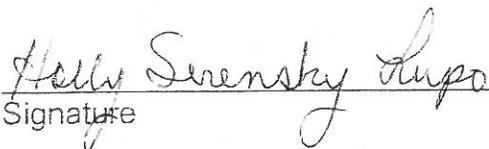


Craig W. Butler
Director

DEC 09 2014

Date

IT IS SO AGREED:
Holly Serensky-Lupo d.b.a.
Highgrove Golf Course



Signature

11/06/2014

Date

Holly Serensky Lupo

Printed or Typed Name

Highgrove Golf Course Owner

Title

Attachment I

Noncompliance Record for Highgrove Golf Course - 3PR00482*AD

Reporting Period	Station	Reporting Code	Parameter	Sample Frequency	Expected	Reported	Violation Date
October 2008	001	00010	Water Temperature	1/Week	1	0	10/15/2008
October 2008	001	00083	Color, Severity	1/Week	1	0	10/15/2008
October 2008	001	00530	Total Suspended Solids Nitrogen Ammonia	1/2Weeks	1	0	10/01/2008
October 2008	001	00610	(NH3	1/2Weeks	1	0	10/01/2008
October 2008	001	01330	Odor Severity	1/Week	1	0	10/15/2008
October 2008	001	01350	Turbidity, Severity	1/Week	1	0	10/15/2008
October 2008	001	31616	Fecal Coliform	1/2Weeks	1	0	10/01/2008
October 2008	001	80082	CBOD 5 day	1/2Weeks	1	0	10/01/2008
October 2008	001	80082	CBOD 5 day	1/2Weeks	1	0	10/15/2008
October 2008	001	50060	Chlorine Total Residu	1/2Weeks	1	0	10/01/2008
October 2008	001	50060	Chlorine, Total Residu	1/2Weeks	1	0	10/15/2008
October 2008	001	00400	pH	1/2Weeks	1	0	10/01/2008
October 2008	001	00300	Dissolved Oxygen	1/Week	1	0	10/01/2008
October 2008	001	00300	Dissolved Oxygen	1/Week	1	0	10/08/2008
October 2008	001	00300	Dissolved Oxygen	1/Week	1	0	10/15/2008
May 2009	001	50060	Chlorine, Total Residu	1/2Weeks	1	0	05/15/2009
May 2009	001	00300	Dissolved Oxygen	1/Week	1	0	05/22/2009

Noncompliance Record for Highgrove Golf Course - 3PR00482*AD

Reporting Period	Parameter	Limit Type	Limit	Reported Value	Violation Date
May 2009	Dissolved Oxygen	1D Conc	5.0	-1	5/6/2009
May 2009	Dissolved Oxygen	1D Conc	5.0	3.61	5/18/2009
June 2009	Dissolved Oxygen	1D Conc	5.0	3.72	6/2/2009
September 2009	Total Suspended Solids	30D Conc	12.0	23.1	9/1/2009
September 2009	Nitrogen, Ammonia (NH3)	30D Conc	1.0	18.3	9/1/2009
September 2009	Nitrogen, Ammonia (NH3)	30D Qty	0.005	.02771	9/1/2009
September 2009	Fecal Coliform	30D Conc	1000	99999	9/1/2009
September 2009	Fecal Coliform	7D Conc	2000	99999	9/1/2009
September 2009	CBOD 5 day	30D Conc	10.0	18.8	9/1/2009
September 2009	Total Suspended Solids	7D Conc	18.0	23.1	9/22/2009
September 2009	Nitrogen, Ammonia (NH3)	7D Conc	1.5	18.3	9/22/2009
September 2009	Nitrogen, Ammonia (NH3)	7D Qty	0.005	.02771	9/22/2009
September 2009	Fecal Coliform	7D Conc	2000	99999	9/22/2009
September 2009	CBOD 5 day	7D Conc	15.0	18.8	9/22/2009
October 2009	Total Suspended Solids	30D Conc	12.0	18.5	10/1/2009
October 2009	Nitrogen, Ammonia (NH3)	30D Conc	1.0	4.33	10/1/2009
October 2009	Nitrogen, Ammonia (NH3)	30D Qty	0.005	.00983	10/1/2009
October 2009	Fecal Coliform	30D Conc	1000	30000	10/1/2009
October 2009	CBOD 5 day	30D Conc	10.0	12.3	10/1/2009
October 2009	Fecal Coliform	7D Conc	2000	30000	10/8/2009
October 2009	Total Suspended Solids	7D Conc	18.0	18.5	10/15/2009
October 2009	Nitrogen, Ammonia (NH3)	7D Conc	1.5	4.33	10/15/2009
October 2009	Nitrogen, Ammonia (NH3)	7D Qty	0.005	.00983	10/15/2009
April 2010	Total Suspended Solids	30D Conc	12.0	17	4/1/2010
April 2010	Nitrogen, Ammonia (NH3)	30D Conc	3.0	7.35	4/1/2010
April 2010	CBOD 5 day	30D Conc	10.0	12.8	4/1/2010
April 2010	Nitrogen, Ammonia (NH3)	7D Conc	4.5	7.35	4/22/2010
May 2010	Fecal Coliform	30D Conc	1000	144913	5/1/2010
May 2010	Fecal Coliform	7D Conc	2000	150000	5/8/2010
May 2010	Fecal Coliform	7D Conc	2000	140000	5/22/2010
June 2010	Total Suspended Solids	30D Conc	12.0	42.9	6/1/2010
June 2010	Total Suspended Solids	30D Qty	0.063	.06495	6/1/2010
June 2010	Nitrogen, Ammonia (NH3)	30D Conc	1.0	4.63	6/1/2010
June 2010	Nitrogen, Ammonia (NH3)	30D Qty	0.005	.00701	6/1/2010
June 2010	Fecal Coliform	30D Conc	1000	469574	6/1/2010
June 2010	CBOD 5 day	30D Conc	10.0	20.7	6/1/2010
June 2010	Fecal Coliform	7D Conc	2000	450000	6/8/2010
June 2010	Total Suspended Solids	7D Conc	18.0	42.9	6/22/2010
June 2010	Nitrogen, Ammonia (NH3)	7D Conc	1.5	4.63	6/22/2010
June 2010	Fecal Coliform	7D Conc	2000	490000	6/22/2010
June 2010	CBOD 5 day	7D Conc	15.0	20.7	6/22/2010
July 2010	Nitrogen, Ammonia (NH3)	30D Conc	1.0	1.58	7/1/2010
July 2010	Fecal Coliform	30D Conc	1000	104800	7/1/2010
July 2010	Fecal Coliform	7D Conc	2000	11000	7/8/2010
July 2010	Nitrogen, Ammonia (NH3)	7D Conc	1.5	1.58	7/15/2010
July 2010	Fecal Coliform	7D Conc	2000	10000	7/15/2010

August 2010	Fecal Coliform	30D Conc	1000	46945.7	8/1/2010
August 2010	Fecal Coliform	7D Conc	2000	38000	8/1/2010
August 2010	Fecal Coliform	7D Conc	2000	58000	8/22/2010
September 2010	Fecal Coliform	30D Conc	1000	2235.06	9/1/2010
September 2010	Fecal Coliform	7D Conc	2000	2500	9/8/2010
September 2010	Fecal Coliform	7D Conc	2000	2000	9/22/2010
October 2010	Fecal Coliform	30D Conc	1000	2280.35	10/1/2010
October 2010	Fecal Coliform	7D Conc	2000	2000	10/1/2010
October 2010	Fecal Coliform	7D Conc	2000	2600	10/22/2010
May 2011	Nitrogen, Ammonia (NH3)	30D Conc	1.0	6.1	5/1/2011
May 2011	Nitrogen, Ammonia (NH3)	30D Qty	0.005	00924	5/1/2011
May 2011	Fecal Coliform	30D Conc	1000	47749.3	5/1/2011
May 2011	Nitrogen, Ammonia (NH3)	7D Conc	1.5	6.1	5/8/2011
May 2011	Nitrogen, Ammonia (NH3)	7D Qty	0.008	00924	5/8/2011
May 2011	Fecal Coliform	7D Conc	2000	60000	5/8/2011
May 2011	Fecal Coliform	7D Conc	2000	38000	5/22/2011
June 2011	Total Suspended Solids	30D Conc	12.0	39	6/1/2011
June 2011	Total Suspended Solids	7D Conc	18.0	39	6/1/2011
June 2011	Nitrogen, Ammonia (NH3)	30D Conc	1.0	1.45	6/1/2011
June 2011	Fecal Coliform	30D Conc	1000	5916.07	6/1/2011
June 2011	Fecal Coliform	7D Conc	2000	35000	6/22/2011
July 2011	Nitrogen, Ammonia (NH3)	30D Conc	1.0	30	7/1/2011
July 2011	Nitrogen, Ammonia (NH3)	30D Qty	0.005	04542	7/1/2011
July 2011	Fecal Coliform	30D Conc	1000	7141.42	7/1/2011
July 2011	Nitrogen, Ammonia (NH3)	7D Conc	1.5	30	7/22/2011
July 2011	Nitrogen, Ammonia (NH3)	7D Qty	0.008	04542	7/22/2011
July 2011	Fecal Coliform	7D Conc	2000	51000	7/22/2011
August 2011	Total Suspended Solids	30D Conc	12.0	20	8/1/2011
August 2011	Fecal Coliform	30D Conc	1000	6986.19	8/1/2011
August 2011	Total Suspended Solids	7D Conc	18.0	20	8/8/2011
August 2011	Fecal Coliform	7D Conc	2000	2182	8/8/2011
August 2011	Fecal Coliform	7D Conc	2000	22368	8/22/2011
September 2011	Fecal Coliform	30D Conc	1000	13416.4	9/1/2011
September 2011	Fecal Coliform	7D Conc	2000	18000	9/8/2011
September 2011	Fecal Coliform	7D Conc	2000	10000	9/22/2011
May 2012	Fecal Coliform	30D Conc	1000	10000	5/1/2012
May 2012	Fecal Coliform	7D Conc	2000	10000	5/8/2012
May 2012	Fecal Coliform	7D Conc	2000	10000	5/22/2012
June 2012	Total Suspended Solids	30D Conc	12.0	38	6/1/2012
June 2012	Fecal Coliform	30D Conc	1000	42426.4	6/1/2012
June 2012	Fecal Coliform	7D Conc	2000	40000	6/1/2012
June 2012	Total Suspended Solids	7D Conc	18.0	38	6/22/2012
June 2012	Fecal Coliform	7D Conc	2000	45000	6/22/2012
July 2012	Total Suspended Solids	30D Conc	12.0	30	7/1/2012
July 2012	Fecal Coliform	30D Conc	1000	3240.37	7/1/2012
July 2012	Total Suspended Solids	7D Conc	18.0	30	7/8/2012
July 2012	Fecal Coliform	7D Conc	2000	3000	7/8/2012
July 2012	Fecal Coliform	7D Conc	2000	3500	7/22/2012
August 2012	Fecal Coliform	30D Conc	1000	15811.3	8/1/2012
August 2012	Fecal Coliform	7D Conc	2000	25000	8/1/2012

August 2012	Fecal Coliform	7D Conc	2000	10000	8/22/2012
September 2012	Fecal Coliform	30D Conc	1000	8860.25	9/1/2012
September 2012	Fecal Coliform	7D Conc	2000	50000	9/8/2012
October 2012	Total Suspended Solids	30D Conc	12.0	73	10/1/2012
October 2012	Total Suspended Solids	30D Qty	0.063	11052	10/1/2012
October 2012	Fecal Coliform	30D Conc	1000	7071.06	10/1/2012
October 2012	CBOD 5 day	30D Conc	10.0	22	10/1/2012
October 2012	Fecal Coliform	7D Conc	2000	10000	10/8/2012
October 2012	Total Suspended Solids	7D Conc	18.0	73	10/22/2012
October 2012	Total Suspended Solids	7D Qty	0.095	11052	10/22/2012
October 2012	Fecal Coliform	7D Conc	2000	5000	10/22/2012
October 2012	CBOD 5 day	7D Conc	15.0	22	10/22/2012

Code Violations

Permit No	Reporting Period	Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
3PR00482*AD	May 2009	001	31616	Fecal Coliform			AK	5/6/2009
3PR00482*AD	May 2009	001	31616	Fecal Coliform			AK	5/14/2009
3PR00482*AD	May 2009	001	31616	Fecal Coliform			AK	5/18/2009
3PR00482*AD	June 2009	001	31616	Fecal Coliform			AK	6/2/2009
3PR00482*AD	June 2009	001	31616	Fecal Coliform			AK	6/12/2009
3PR00482*AD	July 2009	001	31616	Fecal Coliform			AK	7/14/2009
3PR00482*AD	December 2011	588	80991	Sludge Volume Gallons			AK	12/1/2011

