

OHIO E.P.A.

NOV 22 2016

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO EPA - DSW

OHIO ENVIRONMENTAL PROTECTION AGENCY

2016 NOV -3 PM 11:57

In the matter of:

Nicholas Place, LLC
6170 First Financial Dr., Suite 303
Burlington, KY 41005

Director's Final
Findings and Orders

Respondent

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.

I. JURISDICTION

These Expedited Director's Final Findings and Orders ("DFFOs") are issued to Nicholas Place, LLC ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") 6111.03 and 3745.01.

Laura J. Hill 11-22-16

II. FINDINGS

1. Respondent is the applicant for the permit to install ("PTI") Application number #1082326 for the installation of wastewater treatment facilities.
2. Ohio Administrative Code ("OAC") Rule 3745-42-02 requires the Director's issuance of a PTI prior to the installation of a new "disposal system," or the modification of a "disposal system" as such term is 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 6111.01 to 6111.08 or violating any rule adopted by the Director pursuant to those sections, including OAC Rule 3745-42-02.
4. Construction was completed prior to the issuance of the PTI in violation of ORC Chapter 6111, and OAC Rule 3745-42-02.
5. As built plans have been received by Ohio EPA and on June 15, 2016 the PTI was issued.
6. 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.

7. 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, these Orders are an appropriate mechanism to resolve the noncompliance detailed in the Findings of these Orders.

III. ORDERS

1. Within thirty (30) days from the effective date of these Orders, 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, which may be assessed pursuant to Chapter 6111 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.

A photocopy of the check shall be sent to Ohio EPA at the address listed below:

Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Larry Reeder, Enforcement Supervisor

IV. TERMINATION

Respondent's obligations under these DFFOs shall terminate upon Ohio EPA's receipt of the civil penalty payment required by these DFFOs.

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 these DFFOs, Respondent consents to the issuance of these DFFOs and agrees to comply with these DFFOs. Compliance with these DFFOs 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 these DFFOs, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these DFFOs either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these DFFOs 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 comply with these DFFOs notwithstanding such appeal and intervention unless these DFFOs are stayed, vacated, or modified.

VI. EFFECTIVE DATE


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

VII. SIGNATORY AUTHORITY

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

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency




Craig W Butler, Director

Nov 21/16
Date

IT IS SO AGREED:

Nicholas Place, LLC



Signature

10-31-16
Date

TONYA S. BURNS

Printed or Typed Name

MEMBER

Title

