

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
MAR -5 2003

ENTERED DIRECTOR'S JOURNAL

In the matter of:

Mayor & Council
City of Twinsburg
10075 Ravenna Road
Twinsburg, OH 44087

Director's Final Findings and
Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the City of Twinsburg ("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.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 6111. and the rules promulgated thereunder.

IV. FINDINGS

- 1 Respondent is the City of Twinsburg located in Summit County, Ohio. Respondent is the developer of the Darrow Road widening project located in Twinsburg, Summit County, Ohio.
2. Ohio Administrative Code ("OAC") Rule 3734-31-02 requires the Director's issuance of a permit to install ("PTI") prior to the installation of a new "disposal system," as defined in ORC § 6111.01 (G).
3. ORC § 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 issued by the Director pursuant to those sections, including OAC Rule 3745-31-02.
4. PTI Application 02-15194 and detailed plans were received at Ohio EPA Northeast District Office ("NEDO") on May 16, 2001 for the installation of a sanitary sewer extension to serve Darrow Road.

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: Zona L. Clement Date: Mar 5, 03

5. The sanitary sewer extension proposed in PTI Application 02-15194 is a "disposal system", as defined in ORC § 6111.01(G).
6. On May 21, 2001, the City of Twinsburg was notified by Ohio EPA NEDO via regular mail of requested and necessary revisions to the PTI Application and detailed plans; no response was received from the City with regard this letter.
7. On July 3, 2002, an inspection of Darrow Road was conducted by Ohio EPA NEDO. The inspection confirmed that the installation of the sanitary sewer extension had been completed prior to approval of the detailed plans and issuance of a PTI by the Director.
8. On August 19, 2002, Respondent was notified via certified mail that the Darrow Road sanitary sewer extension installation was in violation of ORC Chapter 6111. and OAC Rule 3745-31-02.
9. Respondent installed a new disposal system without a plan approval or PTI in violation of ORC §§ 6111.03 and 6111.07, and OAC Rule 3745-31-02.
10. 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.

V. ORDERS

1. Respondent shall not install sewerage or treatment works for sewage disposal or new disposal systems, including, but not limited to, sanitary sewers, at any location in Ohio without first receiving prior approval from the Director as required by law.
2. Within thirty (30) days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of five thousand three hundred twenty seven dollars (\$5,327.00) in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6111. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$5,327.00. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio, 43216-1049, together with a letter identifying the Respondent and the project (Darrow Road widening). A photocopy of the check shall be sent to Ohio EPA NEDO, Division of Surface Water, 2110 East Aurora Road, Twinsburg, Ohio, 44087.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official check required by Section V of these Orders.

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, the Darrow Road widening project.

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 Respondent.

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
2110 East Aurora Road
Twinsburg, Ohio 44087
Attn: Enforcement Supervisor, Division of Surface Water

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 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.

