

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

JUN 27 2006

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Arlington Place Group, LLC : Director's Final Findings and Orders
4555 Summit Circle :
Brecksville, Ohio 44141 :
Respondent :

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Arlington Place Group, 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.

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

The Director of Ohio EPA has made the following findings:

1. Respondent is the permit applicant for a proposed sanitary sewer extension serving a thirty lot residential cluster development in the City of Parma, Cuyahoga County, Ohio (Site).

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

[Handwritten signature] 6-27-06

Arlington Place Group, LLC
Director's Final Findings and Orders
Page 2 of 5

2. On September 20, 2005, the Ohio EPA received permit to install (PTI) application No. 02-21387 and detail plans for the sanitary sewer extension described above.
3. On October 20, 2005, Ohio EPA sent a letter requesting revisions to the PTI application to Respondent's consultant. Revisions were received by Ohio EPA on October 31, 2005.
4. On October 25, 2005, Ohio EPA inspected the Site and found that the proposed sewers had been installed prior to approval of plans or issuance of a PTI.
5. Ohio Administrative Code (OAC) Rule 3745-42-02(A)(1) provides that no person may cause, permit, or allow installation of a new disposal system without first obtaining a permit to install (PTI) or plan approval from the Director.
6. 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 adopted by the Director pursuant to those sections, including OAC Rule 3745-42-02.
6. The sanitary sewer extension proposed in PTI Application No. 02-21387 is a "disposal system," as such term is defined in ORC § 6111.01 (G), and OAC Rule 3745-42-01(G).
8. By letter dated November 4, 2005, Respondent was notified via mail that the sanitary sewer line installation was in violation of ORC Chapter 6111 and PTI regulations.
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 their 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 or modify sewerage systems or treatment works for sewage disposal or disposal systems, including, but not limited to, sanitary sewer lines, at any location in Ohio without first receiving a permit to install or plan approval from the Director as required by OAC Rule 3745-42-02 and ORC § 6111.07(A). Respondent may request termination of this Order upon a demonstration to the satisfaction of Ohio EPA that Respondent has maintained compliance with this Order for a period of three hundred and sixty five (365) days

Arlington Place Group, LLC
Director's Final Findings and Orders
Page 3 of 5

from the effective date of these Orders. Such a request for termination shall be submitted in accordance with Section VI. of these Orders. Termination of this Order does not relieve Respondent of its obligation to comply with all applicable laws and regulations, including but not limited to the requirement to obtain a PTI and/or plan approval prior to installation or modification of sewerage systems, treatment works, or disposal systems.

2. Respondent shall pay to the Ohio EPA the amount of one thousand nine hundred forty-seven dollars and forty cents (\$1,947.40) 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 tendering an official check made payable to "Treasurer, State of Ohio" for the full amount within thirty (30) days of the effective date of these Orders, 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 project .

A photocopy of the check shall be sent to Ohio EPA Northeast District Office at the address below:

Ohio Environmental Protection Agency
Northeast District Office
2110 E. Aurora Road
Twinsburg, Ohio 44087-1969
Attn: Enforcement Supervisor, Division of Surface Water

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 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 Respondent.

Arlington Place Group, LLC
Director's Final Findings and Orders
Page 4 of 5

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 Site.

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 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. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XI. of these Orders.

XI. 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

Arlington Place Group, LLC
Director's Final Findings and Orders
Page 5 of 5

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.

XII. EFFECTIVE DATE

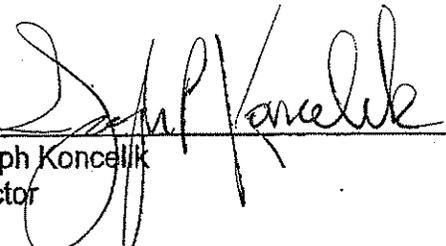
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIII. SIGNATORY AUTHORITY

Each undersigned representative or 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



Joseph Koncinski
Director

6/23/06
Date

IT IS SO AGREED:

Arlington Place Group, LLC



Signature

6/3/06
Date

Scott Gillespie
Printed or Typed Name

Pres. of Managing Member
Title