OHIO E.P.A.

DEC -4 2013

ENTERED DIRECTOR'S JOURNAL

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.

By: Lassiter Date: 12-4-13

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Broshco Fabricated Products	:	**Director's Expedited**
1595 Longview Avenue	:	**Settlement Agreement and Orders**
Mansfield, Ohio 44906	:	
	:	
Respondent	:	

I. JURISDICTION

This Expedited Settlement Agreement and Order (ESA) is issued to Broshco Fabricated Products ("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. FINDINGS

1. Respondent is the applicant for the permit to install ("PTI") Application number 919963 for the modification 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 are approvable.

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, this ESA is an appropriate mechanism to resolve the noncompliance detailed in the Findings of this ESA.

III. ORDERS

1. Within sixty (60) days from the date of the letter inviting Respondent to sign this ESA, Respondent shall submit revised and approvable as built plans to the following address: Ohio EPA, Division of Surface Water, Central District Office, P.O. Box 1049, Columbus, Ohio 43216-1049.

2. 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, 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 this ESA shall terminate upon Ohio EPA's receipt of the civil penalty payment required by this ESA and compliance with 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

Scott J. Nally, Director

11/27/13
Date

IT IS SO AGREED:

Broshco Fabricated Products

Dick Young
Signature

Nov. 8 2013
Date

Dick Young
Printed or Typed Name

Div. Mgr.
Title