OHIO E.P.A.
AUG - 8 2013
ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Moonlight, LLC 6409 Lincoln Hwy Crestline, Ohio 44827 Respondent	: : : :	Director's Final Findings and Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Finding and Orders ("Orders") are issued to Moonlight, 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 its 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 determined the following findings:

1. Respondent owns and operates Joez Lounge, a restaurant and bar in conjunction with the Mansfield Inn, a 96 room motel, located at 880 Laver Rd., Mansfield, Ohio 44905 (Parcel I.D. # 0211705806003) ("the Site"). The Site is currently served by a wastewater treatment plant ("WWTP") that discharges final effluent to an unnamed tributary of Rocky Fork of the Mohican River. Rocky Fork and the Mohican River are "waters of the state" as defined by ORC Section 6111.01.

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: Tony Cassider Date: 8-8-13

2. Respondent dba "Joez Lounge", held National Pollutant Discharge Elimination System ("NPDES") permit number 2PR00238*AD for the discharges from the WWTP, effective February 1, 2007. The permit expired on January 31, 2012.

3. A renewal application was not received following the expiration of Permit 2PR00238*AD for the continued discharge from the WWTP. The Site is currently discharging without a valid NPDES permit.

4. Respondent has also violated the final effluent and monitoring frequency limits of its NPDES permit, as listed in Attachment I. Attachment I is incorporated into these Findings and Orders by reference. Each violation cited constitutes a separate violation of ORC §§ 6111.04 and 6111.07.

5. The NPDES permit also contained a schedule of compliance to construct upgrades to meet the effluent limits contained in the final table or abandon the plant and tie in to the Richland County Wastewater District sanitary sewer system. Respondent's schedule of compliance required 1) submittal of a final plan by August 1, 2008, 2) the commencement of construction by August 1, 2009 and 3) attainment of final compliance with the effluent limits by February 1, 2010. None of these deadlines have been met by Respondent as required by the NPDES permit.

6. Pursuant to ORC Section 6111.07(A), no person shall violate or fail to perform any duty imposed by ORC Sections 6111.01 to 6111.08 or violate any order, rule, or term or condition of a permit issued or adopted by the Director of Ohio EPA pursuant to those sections. Each day of violation is a separate offense.

7. Pursuant to ORC section 6111.04(A), no person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state. Such an action is prohibited under ORC section 6111.04(A) and is declared to be a public nuisance unless the person causing pollution or placing or causing to be placed wastes in a location in which they cause pollution of any waters of the state holds a valid, unexpired permit, or renewal of a permit, governing the causing or placement as provided in ORC sections 6111.01 to 6111.08 or if the person's application for renewal of such a permit is pending.

8. Pursuant to ORC § 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.

9. The Ohio EPA has sent at least eight (8) Notice of Violations ("NOVs") to the Site in an effort to address the compliance issues at the WWTP.

10. The following Orders do not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Any such construction or modification is subject to the PTI requirements of Ohio Administrative Code ("OAC") Chapter 3745-42.

11. Compliance with ORC Chapter 6111 is not contingent upon the availability or receipt of financial assistance.

12. 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

The Director hereby issues the following Orders:

1. Respondent shall complete connection of the Joez Lounge Site (Parcel I.D. # 0211705806003) to the Richland County sanitary sewer system in accordance with OAC Chapter 3745-42 and ORC Chapter 6111. Respondent shall do the following as expeditiously as practicable, but not later than the milestone dates set forth below:

    a. Within thirty (30) days from the effective date of these Orders, Respondent shall submit an application to the Richland County Sanitary Engineer with detail plans, to construct a lateral tie in to the Richland County sewer system;

    b. Within sixty (60) days from the effective date of these Orders, Respondent shall initiate construction of a lateral tie in to the Richland County sewer system;

    c. Within ninety (90) days from the effective date of these Orders, Respondent shall complete connection to the Richland County sanitary sewer system and cease discharges to waters of the state.

2. Within thirty (30) days from connecting the Site to the publicly owned sanitary sewer line, Respondent shall complete the abandonment of the onsite WWTP in accordance with all federal, state and local rules and requirements including, but not limited to, those imposed by the Richland County Health District and the provisions of these Orders.

3. Until the date specified in the schedule listed in Order No. 1 in which Respondent's WWTP is connected to the Richland County sanitary sewer system, Respondent shall properly operate and maintain its existing WWTP to achieve the best quality effluent possible.

4. Respondent shall pay the amount of six thousand dollars ($6,000.00) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 6111. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" in the amount of $4,800.00. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondents, to:

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

   A copy of the check shall be sent to Mark Mann, Environmental Manager, Storm Water and Enforcement Section, or his successor, at the following address:

   Ohio EPA
   Division of Surface Water
   P.O. Box 1049
   Columbus, Ohio 43216-1049

5. In lieu of paying the remaining $1,200.00 of the civil penalty, Respondent shall, within thirty (30) days of the effective date of these Orders, fund a supplemental environmental project ("SEP") by making a contribution in the amount of $1,200.00 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 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 copy of the check shall be sent to Mark Mann, Environmental Manager, Storm Water and Enforcement Section, or his successor, at the following address:

   Ohio EPA
   Division of Surface Water
   P.O. Box 1049
   Columbus, OH 43216-1049

6. Should Respondent fail to fund the SEP within the required time frame set forth in Order No. 5, Respondent shall immediately pay to Ohio EPA the remaining $1,200.00 of civil penalty in accordance with the procedures in Order No 4.

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 Respondent. For purposes of these Orders, a responsible official is as defined in OAC rule 3745-33-03.

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 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 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
Northwest District Office
Division of Surface Water
ATTN: DSW Enforcement Unit Supervisor
347 N. Dunbridge Road
Bowling Green, Ohio 43402

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]

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 waive 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

Scott J. Nally
Director

8/8/13
Date

IT IS SO AGREED:

Moonlight, LLC

By

7-16-2013
Date

Thomas E Doeb
Print Name

Statutory agent
Title

Attachment I

Joez Lounge NPDES permit limit violations February 2007 through July 2012

Permit No.	Reporting Period	Stat Bl	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
2PR00238*AD	August 2007	001	31616	Fecal Coliform	30D Conc	1000	4600.	8/1/2007
2PR00238*AD	August 2007	001	31616	Fecal Coliform	1D Conc	2000	4600.	8/21/2007
2PR00238*AD	September 2007	001	31616	Fecal Coliform	30D Conc	1000	4000.	9/1/2007
2PR00238*AD	September 2007	001	31616	Fecal Coliform	1D Conc	2000	4000.	9/25/2007
2PR00238*AD	October 2007	001	31616	Fecal Coliform	30D Conc	1000	3000.	10/1/2007
2PR00238*AD	October 2007	001	31616	Fecal Coliform	1D Conc	2000	3000.	10/16/2007
2PR00238*AD	October 2007	001	00400	pH	1D Conc	9.0	9.3	10/26/2007
2PR00238*AD	May 2008	001	31616	Fecal Coliform	30D Conc	1000	2400.	5/1/2008
2PR00238*AD	May 2008	001	31616	Fecal Coliform	1D Conc	2000	2400.	5/20/2008
2PR00238*AD	May 2009	001	31616	Fecal Coliform	30D Conc	1000	2700.	5/1/2009
2PR00238*AD	May 2009	001	31616	Fecal Coliform	1D Conc	2000	2700.	5/19/2009
2PR00238*AD	June 2009	001	31616	Fecal Coliform	30D Conc	1000	1000.	6/1/2009
2PR00238*AD	February 2010	001	00530	Total Suspended Solids	30D Conc	12	15.9	2/1/2010
2PR00238*AD	April 2010	001	00530	Total Suspended Solids	30D Conc	12	16.	4/1/2010
2PR00238*AD	July 2010	001	00530	Total Suspended Solids	30D Conc	12	17.2	7/1/2010
2PR00238*AD	July 2010	001	31616	Fecal Coliform	30D Conc	1000	20000.	7/1/2010
2PR00238*AD	July 2010	001	31616	Fecal Coliform	1D Conc	2000	20000.	7/7/2010
2PR00238*AD	September 2010	001	00610	Nitrogen, Ammonia (NH3	30D Conc	1.0	12.6	9/1/2010
2PR00238*AD	September 2010	001	00610	Nitrogen, Ammonia (NH3	30D Qty	0.08	.14307	9/1/2010
2PR00238*AD	September 2010	001	31616	Fecal Coliform	30D Conc	1000	5000.	9/1/2010
2PR00238*AD	September 2010	001	80082	CBOD 5 day	30D Conc	10	23.7	9/1/2010
2PR00238*AD	September 2010	001	00610	Nitrogen, Ammonia (NH3	1D Conc	1.5	12.6	9/28/2010
2PR00238*AD	September 2010	001	00610	Nitrogen, Ammonia (NH3	1D Qty	0.12	.14307	9/28/2010
2PR00238*AD	September 2010	001	31616	Fecal Coliform	1D Conc	2000	5000.	9/28/2010
2PR00238*AD	September 2010	001	80082	CBOD 5 day	1D Conc	15	23.7	9/28/2010
2PR00238*AD	December 2010	001	00530	Total Suspended Solids	30D Conc	12	12.8	12/1/2010
2PR00238*AD	January 2011	001	00530	Total Suspended Solids	30D Conc	12	18.4	1/1/2011
2PR00238*AD	January 2011	001	00530	Total Suspended Solids	1D Conc	18	18.4	1/4/2011
2PR00238*AD	March 2011	001	00610	Nitrogen, Ammonia (NH3	30D Conc	3.0	6.39	3/1/2011
2PR00238*AD	March 2011	001	80082	CBOD 5 day	30D Conc	10	15.6	3/1/2011
2PR00238*AD	March 2011	001	00610	Nitrogen, Ammonia (NH3	1D Conc	4.5	6.39	3/23/2011
2PR00238*AD	March 2011	001	80082	CBOD 5 day	1D Conc	15	15.6	3/23/2011
2PR00238*AD	April 2011	001	00530	Total Suspended Solids	30D Conc	12	15.2	4/1/2011
2PR00238*AD	May 2011	001	31616	Fecal Coliform	30D Conc	1000	4200.	5/1/2011
2PR00238*AD	May 2011	001	31616	Fecal Coliform	1D Conc	2000	4200.	5/11/2011
2PR00238*AD	July 2011	001	00610	Nitrogen, Ammonia (NH3	30D Conc	1.0	1.38	7/1/2011
2PR00238*AD	July 2011	001	31616	Fecal Coliform	30D Conc	1000	20000.	7/1/2011
2PR00238*AD	July 2011	001	31616	Fecal Coliform	1D Conc	2000	20000.	7/13/2011
2PR00238*AD	August 2011	001	00530	Total Suspended Solids	30D Conc	12	21.2	8/1/2011
2PR00238*AD	August 2011	001	00530	Total Suspended Solids	1D Conc	18	21.2	8/24/2011
2PR00238*AD	September 2011	001	31616	Fecal Coliform	30D Conc	1000	5700.	9/1/2011
2PR00238*AD	September 2011	001	31616	Fecal Coliform	1D Conc	2000	5700.	9/14/2011
2PR00238*AD	October 2011	001	31616	Fecal Coliform	30D Conc	1000	4200.	10/1/2011
2PR00238*AD	October 2011	001	31616	Fecal Coliform	1D Conc	2000	4200.	10/5/2011
2PR00238*AD	November 2011	001	80082	CBOD 5 day	30D Conc	10	13.	11/1/2011
2PR00238*AD	December 2011	001	00530	Total Suspended Solids	30D Conc	12	36.	12/1/2011
2PR00238*AD	December 2011	001	00530	Total Suspended Solids	1D Conc	18	36.	12/7/2011
2PR00238*AD	March 2012	001	00530	Total Suspended Solids	30D Conc	12	18.	3/1/2012
2PR00238*AD	May 2012	001	31616	Fecal Coliform	30D Conc	1000	20000.	5/1/2012
2PR00238*AD	May 2012	001	31616	Fecal Coliform	1D Conc	2000	20000.	5/9/2012
2PR00238*AD	June 2012	001	31616	Fecal Coliform	30D Conc	1000	20000.	6/1/2012
2PR00238*AD	June 2012	001	31616	Fecal Coliform	1D Conc	2000	20000.	6/6/2012
2PR00238*AD	July 2012	001	00530	Total Suspended Solids	30D Conc	12	15.	7/1/2012
2PR00238*AD	July 2012	001	31616	Fecal Coliform	30D Conc	1000	4000.	7/1/2012
2PR00238*AD	July 2012	001	31616	Fecal Coliform	1D Conc	2000	4000.	7/2/2012