

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.

OHIO E.P.A.

AUG 21 2013

ENTERED DIRECTOR'S JOURNAL

By: *[Signature]*

Date: 8-21-13

BEFORE THE

**OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the matter of:

City of Parma Heights  
6281 Pearl Road  
Parma Heights, OH 44130

Director's Expedited  
Settlement Agreement and Orders

Respondent

**I. JURISDICTION**

This Expedited Settlement Agreement and Order (ESA) is issued to the City of Parma Heights ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("R.C.") 6111.03 and 3745.01.

**II. FINDINGS**

1. Respondent has authorization to discharge storm water from its municipal separate storm sewer systems (MS4s) under Ohio EPA Facility Permit Number 3GQ00125\*BG
2. Pursuant to Ohio Administrative Code (OAC) 3745-39-03 (C)(7)(c) and Part IV.C of Respondent Small MS4 General Permit, Respondent is required to submit Annual Reports to Ohio EPA by the first day of April each year.
3. To date, Ohio EPA has not received the Respondent's Annual Report for year 2010 activities. Attachment 1 is the Respondent's NOV letter for not submitting the required 2010 Annual Report, which is attached to these Orders and incorporated by reference as if fully rewritten within.
4. To date, Ohio EPA has not received the Respondent's Annual Report for year 2011 activities.

5. To date, Ohio EPA has not received the Respondent's Annual Report for year 2012 activities. Attachment 2 is the Respondent's NOV letter for not submitting the required 2011 and 2012 Annual Reports, which is attached to these Orders and incorporated by reference as if fully rewritten within.
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 R.C. Chapter 6111.

### **III. ORDERS**

The Director hereby issues the following Orders:

1. Within sixty (60) days from the date of the letter inviting Respondent to sign this ESA, Respondent shall submit to Ohio EPA the 2010, 2011 and 2012 Annual Reports. These Annual Reports shall be submitted to Ohio EPA, Division of Surface Water, P.O. Box 1049, Columbus, Ohio 43216-1049 attention: Storm Water Supervisor.
2. In accordance with OAC 3745-39-03(C)(7)(c) and Part IV.C of Respondent's Small MS4 General Permit, Respondent shall submit future Annual Reports on or before the required due date.
3. 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 (\$2,500) dollars in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to Chapter 6111.09 of the Ohio Revised Code. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" for the full amount of two thousand five hundred (\$2,500) dollars. Payment shall be mailed 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 location of the noncompliance detailed in the Findings of this ESA

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

#### **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 No. 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**

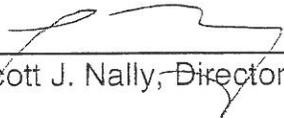
The effective date of this ESA is the date this ESA is entered into the Ohio EPA Director's journal.

**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:**

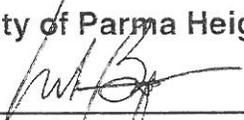
**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Scott J. Nally, Director

9/10/13  
Date

**IT IS SO AGREED:**

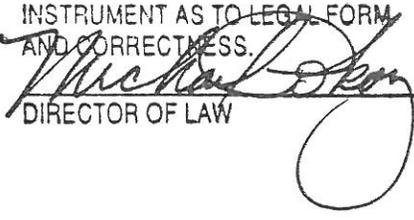
**City of Parma Heights**

  
\_\_\_\_\_  
Signature

MIKE BYRNE  
Printed or Typed Name

MAYOR  
Title

8.6.13  
Date

I HEREBY APPROVE THE WITHIN  
INSTRUMENT AS TO LEGAL FORM  
AND CORRECTNESS.  
  
\_\_\_\_\_  
DIRECTOR OF LAW

ATTACHMENT 1



Environmental  
Protection Agency

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nafly, Director

June 10, 2011

CERTIFIED MAIL

CITY OF PARMA HEIGHTS  
MARTIN K ZANOTTI  
6281 PEARL RD  
PARMA HEIGHTS OH 44130

NOTICE OF VIOLATION

This correspondence serves as Notice of Violation for not submitting your 2010 Annual Report. In accordance with requirements set forth by Part IV.C of your Small MS4 general permit and Ohio Administrative Code (OAC) 3745-39-03 (C)(7)(c), you are required to submit Annual Reports to Ohio EPA. Our records indicate that we have not received your Annual Report for year 2010 activities.

MS4 Operator Name: CITY OF PARMA HEIGHTS  
Ohio EPA Facility Permit No.: 3GQ00125\*BG  
2010 Annual Report Due Date: April 1, 2011

The Small MS4 Annual Report form can be downloaded at the following web page <http://www.epa.state.oh.us/dsw/storm/stormform.aspx>. Within fourteen (14) days of receipt of this notice, please submit your 2010 Annual Report to the following address:

Ohio Environmental Protection Agency  
Division of Surface Water  
Storm Water Program - Small MS4  
P.O. Box 1049  
Columbus, Ohio 43216-1049

If you have any questions or feel our records are incorrect, please contact Anthony Robinson at (614) 728-3392 or via email at [anthony.robinson@epa.state.oh.us](mailto:anthony.robinson@epa.state.oh.us).

Sincerely,

Jason R. Fyffe, Supervisor  
Storm Water Unit  
Division of Surface Water

cc: Dan Bogoevski, Northeast District Storm Water Coordinator  
Dean Stoll, Northeast District Enforcement Coordinator  
File

ATTACHMENT 2



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

June 21, 2013

CERTIFIED MAIL

NOTICE OF VIOLATION  
3GQ00125\*BG

City of Parma Heights  
Dennis Patton  
6281 Pearl Road  
Parma Heights, Ohio 44130

Re: NPDES Storm Water Small MS4 Annual Reports Notice of Violation

Dear Mr. Patton:

This correspondence serves as Notice of Violation for failure to submit your 2010, 2011 and 2012 Annual Reports. In accordance with requirements set forth by Part IV.C of your Small MS4 general permit and Ohio Administrative Code (OAC) 3745-39-03(C)(7)(c), you are required to submit Annual Reports to Ohio EPA. Your 2010, 2011 and 2012 Annual Reports were due on April 1, 2011, April 1, 2012 and April 1, 2013, respectively.

The Small MS4 Annual Report Form can be downloaded at the following web page <http://epa.ohio.gov/dsw/storm/index.aspx>. Within fourteen (14) days of receipt of this notice, please submit your reports which satisfy Annual Reporting requirements for years 2010, 2011 and 2012 or provide a correspondence proposing a schedule to complete. Mail the reports or proposed schedule to the following address:

Ohio Environmental Protection Agency  
Division of Surface Water  
Storm Water Program – Small MS4  
P.O. Box 1049  
Columbus, Ohio 43216-1049

City of Parma Heights  
June 21, 2013  
Page 2

Failure to address the violations by this date will result in an enforcement action through issuance of Director's Final Findings and Orders (DFFOs). If you have any questions, please contact Anthony Robinson at (614) 728-3392 or via email at [anthony.robinson@epa.state.oh.us](mailto:anthony.robinson@epa.state.oh.us).

Sincerely,



Jason R. Fyffe, Supervisor  
Storm Water Unit  
Division of Surface Water

Cc: Dan Bogoevski, Northeast District Office  
Dean Stoll, Northeast District Office  
Larry Reeder, Division of Surface Water  
File

