

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Steron Co., LLC  
600 State Road  
Ashtabula, OH 44004

Respondent

Director's Final Findings  
and Orders

OHIO ENVIRONMENTAL PROTECTION AGENCY  
DIRECTOR'S JOURNAL

FEB 11 2013

OHIO E.P.A.

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Steron Co., 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. No change in the composition of Respondent or the ownership or operation of the site or wastewater treatment plant ("WWTP"), as identified herein, shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC § 6111.01 and the rules adopted thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent, an active Ohio domestic limited liability company (entity No. 1509597), located at 600 State Road, Ashtabula Township, Ashtabula County, 44004, owns, at that address, a 7 acre parcel ("site") that was formally a portion of the RMI Sodium facility.
2. The site consists of a building currently used as medical and business offices and is serviced by an 1,000 gallons per day, onsite package WWTP, constructed in the 1950s and operating under Ohio National Pollutant Discharge Elimination System ("NPDES") permit No. 3IE00012, with Respondent using the name of State Road Industrial Development, LLC as permittee.

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: Dan Lasiter 2-11-13

3. The WWTP consists of two septic tanks in series acting as a trash trap, extended aeration system with clarifier and a final monitoring manhole. Sludge management consists of sludge removal from the extended aeration tank when needed, to a publicly owned treatment works. The WWTP discharges, south of the site, to the Diamond Shamrock Tributary to Fields Brook, which are waters of the state.
4. On May 28, 2008, a renewal NPDES permit No. 31E00012\*FD, ("permit") was issued.

**Ohio Water Pollution Control Laws  
Regulatory Statutes**

5. 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.
6. Pursuant to ORC § 6111.07(A), no person shall violate or fail to perform any duty imposed by ORC §§ 6111.01 to 6111.08 or violate any order, rule, term or condition of a permit issued or adopted by the Director of Ohio EPA pursuant to those sections. Each day of violation constitutes a separate offense.
7. Pursuant to ORC § 6111.09(A), any person who violates ORC § 6111.07 shall pay a civil penalty of not more than ten thousand dollars per day of violation.

**NPDES Permit Violations  
Compliance Schedule**

8. Part I, C of the NPDES permit contains a schedule of compliance that required Respondent to make upgrades to the WWTP according to the following:
  - a. Submit detail plans and obtain an approvable permit to install by September 1, 2008;
  - b. Initiate construction by November 1, 2008;
  - c. Complete construction by January 1, 2009; and
  - d. Achieve compliance with final effluent limits by March 1, 2009.
9. On December 11, 2008, permit to install No. 651146 was issued to Respondent for an upgrade of the WWTP, at an estimated cost of \$9,500.00, to include the current septic tank or two new tanks at a volume of 3,000 gallons (one 1,000 gallons; one 2,000 gallons), a 1,000 gallon dosing tank to a 20 x 15 foot recirculating sand filter, to a UV

filter, to an existing manhole prior to discharge. The average daily flow of the WWTP was to remain at 1,000 gallons per day.

10. Respondent failed to initiate and complete construction and did not achieve compliance with the final effluent limits of its NPDES permit, as is required by the NPDES permit.
11. Respondent has violated ORC § 6111.07(A).

***NPDES Permit Effluent Limits and Monitoring Frequency Violations***

12. Respondent has exceeded the effluent limits set forth in the NPDES permit, with the exceedances from August, 2010 to August, 2011 set forth below:

Permit No	Reporting Period	Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
3IE00012*FD	March 2011	001	00530	Total Suspended Solids	30D Conc	12	19.	3/1/2011
3IE00012*FD	March 2011	001	00530	Total Suspended Solids	7D Conc	18	19.	3/15/2011
3IE00012*FD	March 2011	001	00530	Total Suspended Solids	30D Qty	0.0455	.07192	3/1/2011
3IE00012*FD	March 2011	001	00530	Total Suspended Solids	7D Qty	0.0682	.07192	3/15/2011
3IE00012*FD	March 2011	001	00610	Nitrogen, Ammonia (NH3	30D Conc	3.0	8.	3/1/2011
3IE00012*FD	March 2011	001	00610	Nitrogen, Ammonia (NH3	7D Conc	4.5	8.	3/15/2011
3IE00012*FD	March 2011	001	00610	Nitrogen, Ammonia (NH3	30D Qty	0.0114	.03028	3/1/2011
3IE00012*FD	March 2011	001	00610	Nitrogen, Ammonia (NH3	7D Qty	0.0171	.03028	3/15/2011
3IE00012*FD	March 2011	001	00300	Dissolved Oxygen	1D Conc	6.0	2.3	3/21/2011
3IE00012*FD	August 2010	001	00530	Total Suspended Solids	30D Conc	12	482.	8/1/2010
3IE00012*FD	August 2010	001	00530	Total Suspended Solids	7D Conc	18	482.	8/22/2010
3IE00012*FD	August 2010	001	00530	Total Suspended Solids	30D Qty	0.0455	1.82437	8/1/2010
3IE00012*FD	August 2010	001	00530	Total Suspended Solids	7D Qty	0.0682	1.82437	8/22/2010
3IE00012*FD	December 2010	001	00530	Total Suspended Solids	30D Conc	12	113.	12/1/2010
3IE00012*FD	December 2010	001	00530	Total Suspended Solids	7D Conc	18	113.	12/1/2010
3IE00012*FD	December 2010	001	00530	Total Suspended Solids	30D Qty	0.0455	.42771	12/1/2010
3IE00012*FD	December 2010	001	00530	Total Suspended Solids	7D Qty	0.0682	.42771	12/1/2010
3IE00012*FD	December 2010	001	00610	Nitrogen, Ammonia (NH3	30D Conc	3.0	6.6	12/1/2010
3IE00012*FD	December 2010	001	00610	Nitrogen, Ammonia (NH3	7D Conc	4.5	6.6	12/1/2010
3IE00012*FD	December 2010	001	00610	Nitrogen, Ammonia (NH3	30D Qty	0.0114	.02498	12/1/2010
3IE00012*FD	December 2010	001	00610	Nitrogen, Ammonia (NH3	7D Qty	0.0171	.02498	12/1/2010
3IE00012*FD	June 2011	001	00530	Total Suspended Solids	30D Conc	12	25.	6/1/2011
3IE00012*FD	June 2011	001	00530	Total Suspended Solids	7D Conc	18	25.	6/22/2011
3IE00012*FD	June 2011	001	00530	Total Suspended Solids	30D Qty	0.0455	.09463	6/1/2011
3IE00012*FD	June 2011	001	00530	Total Suspended Solids	7D Qty	0.0682	.09463	6/22/2011
3IE00012*FD	June 2011	001	00610	Nitrogen, Ammonia (NH3	30D Conc	1.0	2.7	6/1/2011
3IE00012*FD	June 2011	001	00610	Nitrogen, Ammonia (NH3	7D Conc	1.5	2.7	6/22/2011
3IE00012*FD	June 2011	001	00610	Nitrogen, Ammonia (NH3	30D Qty	0.0037	.01022	6/1/2011
3IE00012*FD	June 2011	001	00610	Nitrogen, Ammonia (NH3	7D Qty	0.0056	.01022	6/22/2011
3IE00012*FD	June 2011	001	00300	Dissolved Oxygen	1D Conc	6.0	3.6	6/24/2011
3IE00012*FD	August 2011	001	00530	Total Suspended Solids	30D Conc	12	32.	8/1/2011
3IE00012*FD	August 2011	001	00530	Total Suspended Solids	7D Conc	18	32.	8/22/2011
3IE00012*FD	August 2011	001	00530	Total Suspended Solids	30D Qty	0.0455	.12112	8/1/2011
3IE00012*FD	August 2011	001	00530	Total Suspended Solids	7D Qty	0.0682	.12112	8/22/2011
3IE00012*FD	August 2011	001	00300	Dissolved Oxygen	1D Conc	6.0	4.2	8/22/2011

13. From the period of July 2010 to November 2011, Respondent has failed to monitor pursuant to the frequencies set forth in the NPDES permit a total of 228 times.

14. Respondent has violated ORC § 6111.07(A).

***Facility Operation and Quality Control***

15. The NPDES permit requires that a permittee shall, at all times, maintain the WWTP in good working order, to be operated as efficiently as possible and that all treatment or control facilities or systems be installed or used to achieve compliance with the NPDES permit.
16. The Findings herein show that Respondent has not complied with the above stated NPDES permit requirement.
17. Respondent has violated ORC § 6111.07(A).

***Letters of Violations Since July, 2010***

18. On July 20, 2010, a letter was sent to Respondent memorializing a June 30, 2010 compliance evaluation inspection.
- a. The letter set forth the following violations:
- i. The surface of the clarifier was covered in duckweed and effluent channels and weirs appeared to not have been scraped and cleaned in some time. Both of the sludge return lines and skimmer were not operating properly at the time of the inspection;
  - ii. From the period of August 1, 2008 to March 12, 2010, there were approximately 87 effluent limit violations for total suspended solids, nitrogen, ammonia; dissolved oxygen CBOD 5 day; and fecal coliform;
  - iii. Improper use of the AK reporting code for fecal coliform;
  - iv. 446 instances of not performing the required monitoring;
  - v. Noncompliance with the compliance schedule for WWTP upgrades; and
  - vi. Failure to submit all data required by the discharge monitoring reports.
- b. The letter concluded with the notation that the WWTP remains in significant noncompliance with the terms and conditions of the NPDES permit and therefore subject to enforcement. Respondent was to inform Ohio EPA within 14 days of the letter as to actions to be taken or will be taken to correct the cited violations.
- c. Respondent did not respond.

19. On October 18, 2011, a letter was sent to Respondent providing notice of noncompliance with the NPDES permit's schedule of compliance for upgrade of the WWTP.
  - a. The letter stated that failure to comply with the NPDES permit's compliance schedule may lead to enforcement action, and that Respondent should contact the Ohio EPA, Northeast District Office.
  - b. Respondent did not respond.
20. On July 29, 2011, a letter was sent to Respondent memorializing a July 25, 2011 compliance evaluation inspection.
  - a. The letter set forth the following violations:
    - i. The west blower was out of service;
    - ii. Both the sludge return lines and skimmer were not operating properly;
    - iii. For the period of June 1, 2010 to July 1, 2011 there were 30 instances of effluent limit exceedances and 180 instances of the failure to perform monitoring at the frequencies required by the NPDES permit;
    - iv. Noncompliance with the NPDES permit compliance schedule for WWTP upgrades; and
    - v. Failure to submit all data required by the discharge monitoring reports.
  - b. The letter concluded with the statement that it is imperative that Respondent complies with the NPDES permit until connection is made to the Ashtabula sanitary sewer,<sup>1</sup> a sewer line owned and operated by the Ashtabula City Port Authority and located south of the site. The WWTP remains in significant noncompliance with the terms and conditions of the NPDES permit and is subject to enforcement. Respondent was to inform Ohio EPA within 30 days as to the actions taken or will be taken to correct the violation.
  - c. Respondent did not respond.

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<sup>1</sup> The relationship to the Ashtabula sanitary sewer is addressed later in the Orders.

21. On October 24, 2011, a notice of violation letter was sent to Respondent providing notice of being in significant noncompliance<sup>2</sup> for total suspended solids for 8 times in the period of April, 2011 to August, 2011. Respondent was also in significant noncompliance regarding the compliance schedule for WWTP upgrades.
  - a. The letter requested an update as to the connection to the Ashtabula sanitary sewer and the actions to be taken or will be taken by Respondent to correct the violations. The update was requested within 30 days.
  - b. Respondent did not respond.
22. On November 28, 2011, a notice of violation letter was sent to Respondent notifying that the WWTP was in significant noncompliance for total suspended solids, that there were other noncompliance violations at the WWTP, and that Ohio EPA has not received a response from the July 29, 2011 inspection. The letter concluded with the statement that due to the nature of NPDES permit violations, including failure to follow the compliance schedule, lack of a timely response, and continuing violations, this matter will be referred for enforcement.
23. On February 16, 2012, proposed Director's Final Findings and Orders were transmitted to Respondent requiring the immediate operation of the WWTP as efficiently as possible and its maintenance in good working order, connection to the Ashtabula sanitary sewers, and proper abandonment of the existing WWTP, with area cleanup. Also proposed was the payment of a civil penalty, calculated by Ohio EPA's standard methodology for surface water violations.

***Ashtabula Sanitary Sewer***

24. Pursuant to an existing Regional Sewer Agreement between the City of Ashtabula and Ashtabula County, a commercial or industrial property locate in the unincorporated portion of Ashtabula Township, such as the site, may connect to the Ashtabula sanitary sewer and have its waste transported to the City of Ashtabula wastewater treatment plant if and only if the property is included in a Joint Economic Development District ("JEDD") created by agreement between the City of Ashtabula and Ashtabula Township.
25. The JEDD has yet to be created.
26. Respondent has voiced a desire to connect to the Ashtabula sanitary sewer when the sewer becomes available, and on January 3, 2012, transmitted a letter to Ohio EPA, which stated in part that:

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<sup>2</sup> U.S. EPA defines significant noncompliance for total suspended solids if a facility exceeds the limits established in the NPDES permit for more than 40 % for two or more months during the consecutive quarter review.

During the past six months I was pretty sure the sewers would be completed thus allowing me to be connected and properly dumping into Ashtabula's sewer system. ... It appears that within the next thirty days, I can be tied into the sewer system and dismantle the septic system. If necessary, I will have a hauler keep my system pumped out so no further contamination is done. My tap in fee had been sent to Ashtabula City Officials some time ago but the delays had kept me in violation.

27. In calendar year 2012, Respondent was able to secure for the site a temporary connection to the Ashtabula sanitary sewer for 180 days under conditions, which in part stated that in the event a JEDD has not been formed within said period Respondent shall, within 60 days thereafter, sever and abandon the connection to the sewer unless the City of Ashtabula consents in writing to an extension.
28. The City of Ashtabula has indicated that while at present the JEED has not been formed, it is not at this time considering requiring the removal of Respondent's temporary connection.

#### ***Director's Considerations***

29. The following Orders to 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 permit to install requirements of ORC §§ 6111.44 and 6111.45 and OAC Rule 3745-42-02.
30. After review of financial records it was determined that Respondent had the ability to pay a civil penalty settlement amount of two thousand four hundred dollars (\$2,400.00) in settlement of the violations set forth above.
31. 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 purpose of ORC Chapter 6111.

#### **V. ORDERS**

1. Respondent shall continue with its temporary connection to the Ashtabula sanitary sewer until such time as Respondent receives:
  - a. Permission to permanently connect to the sewer, whereupon such permanent connection shall be made within thirty (30) days of receiving such permission. Respondent shall provide written notification to Ohio EPA within seven (7) days

of: (a) its receiving permission to permanently connect to the Ashtabula sanitary sewer and (b) of the actual permanent connection; OR

- b. Notification to sever its temporary connection to the Ashtabula sanitary sewer. Respondent shall provide written notification to Ohio EPA within seven (7) of receiving such notification and provide information regarding the servicing of the site's wastewater requirements after the connection is severed.
2. Within thirty (30) days of the effective date of these Orders, Respondent shall provide electronic discharge monthly reports as are required in the NPDES permit.
  3. Within forty-five (45) days of the effective date of these Orders, Respondent shall submit to the Ohio EPA, Northeast District Office, for its review and approval, in accordance with Section X of these Orders, a complete and detailed plan for the abandonment of the existing WWTP and area cleanup.
  4. Respondent shall respond in writing to any questions or comments Ohio EPA, Northeast District Office, may have on the plan submitted under Order No. 3, within thirty (30) days of the date on the correspondence from Ohio EPA.
  5. Respondent shall implement the plan submitted under Order No. 3, as approved or revised by Ohio EPA, upon the permanent connection of the site to the Ashtabula sanitary sewer.
  6. Respondent shall pay the amount of two thousand four hundred dollars (\$2,400.00) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 6111, in four installments according to the following schedule:
    - a. No later than forty-five (45) days after the effective date of these Orders, Respondent shall pay the first installment of six hundred dollars (\$600.00);
    - b. No later than two hundred twenty-five (225) days after the effective date of these Orders, Respondent shall pay the second installment of six hundred dollars (\$600.00);
    - c. No later than four hundred five (405) days after the effective date of these Orders, Respondent shall pay the third installment of six hundred dollars (\$600.00); and
    - d. No later than five hundred eighty-five (585) days after the effective date of these Orders, Respondent shall pay the fourth installment of six hundred dollars (\$600.00).

All of the above payments shall be by official check made payable to "Treasurer, State of Ohio" and submitted to Carol Butler, or her successor, together with a letter identifying Respondent, to:

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

A photocopy of the check shall be sent to Ohio EPA, Northeast District Office, in accordance with Section X of these Orders.

7. If Respondent shall miss any of the scheduled payments as set forth in paragraph 6 above, all remaining payments shall become due and owing immediately.

#### **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 the Respondent. For purposes of these Orders, a responsible official is 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**

Unless otherwise stated herein, 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  
Attn: DSW Enforcement Unit Supervisor  
2110 E. Aurora Road  
Twinsburg, Ohio 44087

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 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 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**

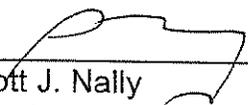
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal

**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:**

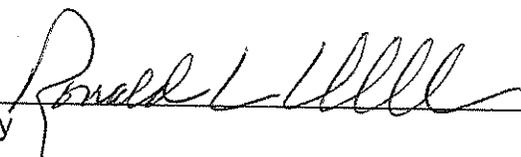
Ohio Environmental Protection Agency

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

2/8/13  
\_\_\_\_\_  
Date

**IT IS SO AGREED:**

Steron Co., LLC

By   
\_\_\_\_\_

1-28-13  
\_\_\_\_\_  
Date

RONALD L McVoy  
\_\_\_\_\_  
Print Name

owner  
\_\_\_\_\_  
Title

