BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter Of:

Bel-Wood Investment Group I, LLC.  Director's Final
5873 Ludlum Road  Findings and Orders
Morrow, Ohio 45152

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Bel-Wood Investment Group I, LLC. ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Chapters 6111 and 3745.

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 determined the following findings:

1. Respondent is a country club and golf course, located at 5873 Ludlum Road, Morrow, Ohio 45152 ("the Facility").


3. Respondent's predecessor was issued coverage under the General National Pollutant Discharge Elimination System Permit Authorization to Discharge Wastewater from Sewage Treatment Systems Designed to Treat an Average Flow of 25,000 Gallons per Day or Less that Cannot Meet Best Available
Demonstrated Control Technology (BADCT) Standard National Pollutant Discharge Elimination System General Permit 1GV00022*AG ("BADCT NPDES Permit" or "the Permit") on May 5, 2015.

4. Respondent’s predecessor was required by the Permit to complete upgrades to the wastewater treatment plant ("WWTP") located on site in order to meet effluent limits by December 1, 2016.

5. Respondent’s predecessor was issued a Notice of Violation ("NOV") on August 24, 2015 for failure to submit electronic discharge monitoring reports ("eDMR") for June and July 2015. The NOV also noted the need to upgrade the WWTP.

6. Respondent’s predecessor was issued an NOV on December 3, 2015 for failure to submit a Permit to Install ("PTI") for upgrades to the WWTP as required under the Permit.

7. A compliance evaluation inspection was conducted on June 17, 2016 which noted black solids and sewage fungus downstream of the WWTP’s discharge.

8. Respondent’s predecessor was issued an NOV on June 29, 2016 for failure to submit a PTI application and for failure to start construction of upgrades to the WWTP by June 1, 2016 as required under the permit. The NOV noted that construction of required upgrades was to be completed by November 1, 2016, and final compliance with effluent limits was required by December 1, 2016. The NOV noted that these dates were unlikely to be met.

9. Respondent’s predecessor submitted a PTI application for upgrades to the WWTP on October 24, 2016. The PTI was approved by the Ohio EPA on November 21, 2016.

10. Respondent’s predecessor was issued an NOV on March 10, 2017 to for failure to start construction and failure to meet final effluent limits by December 1, 2016 as required by the Permit.

11. Respondent’s predecessor’s PTI expired on May 21, 2018 since construction had not commenced under the PTI.

12. Respondent’s predecessor met with Ohio EPA for a final compliance meeting on February 15, 2018. Respondent’s predecessor indicated the WWTP may soon be eliminated if the property is developed since a connection to nearby sewers would service the golf facility. Respondent’s predecessor indicated reluctance to undertake expensive upgrades if they would soon become obsolete.

13. Ohio EPA agreed in the compliance meeting that Respondent’s predecessor could plug its system and eliminate the WWTP discharge and submit receipts
showing that the sewage was being pumped and taken to an alternate treatment facility as a temporary solution.

14. The March and April 2018 eDMRs showed the WWTP was still discharging.

15. Respondent’s predecessor capped the WWTP on September 5, 2018 to eliminate the discharge. The WWTP was discharging up until this time.

16. Respondent purchased the facility in March of 2019. Respondent expeditiously contacted Ohio EPA to ascertain what actions needed to be taken to come into compliance with ORC Chapter 6111.

17. Respondent and Ohio EPA met on May 21, 2019 to discuss the facility and what steps Respondent would need to take to come into compliance.

18. Respondent was not privy to the communications between Ohio EPA and Respondent’s predecessor, so Respondent is without complete information regarding the findings referencing Respondent’s predecessor.

19. 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.

20. 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.

21. 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 ORC §§ 6111.44 and 6111.45 and OAC Chapter 3745-42.

22. The Director has given consideration to, and based her 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

1. Until upgrades are completed, Respondent is authorized to use the wastewater treatment plant as a holding tank to prevent discharge of poorly treated effluent to waters of the state.

2. Respondent shall either record and maintain daily logs of the freeboard reading for the treatment system while the treatment system is being used as a wastewater holding tank, or Respondent shall immediately install a high-water alarm at seventy (70) percent capacity of the holding tank. Respondent shall have such records available upon Ohio EPA's request as necessary.

3. Respondent shall have all wastewater pumped and hauled from the WWTP as necessary to prevent any overflow from the WWTP until such time as the discharge is eliminated or a compliant system is installed. Respondent shall have such records available upon Ohio EPA's request.

4. Within two (2) months of the effective date of these Orders, Respondent shall submit to Ohio EPA an approvable General Plan with milestone dates for achieving long term compliance with Chapter 6111 and the rules promulgated thereunder.

5. Ohio EPA shall review, comment, and approve the General Plan upon which the milestone dates contained within shall become an enforceable part of these Orders.

6. The General Plan shall contain milestone dates for the following:

   a. Submittal of a permit to install application to upgrade the system. Said permit to install may be for any of the following:
      
      i. A discharging system under the jurisdiction of the Ohio EPA;
      ii. An onsite system under the jurisdiction of the health department or an onsite system under the jurisdiction of Ohio EPA; or,
      iii. Connection to the sanitary sewer.

   b. If necessary, based on the chosen system, submittal of an application for an individual NPDES permit.
   c. Commencement of construction.
   d. Completion of construction.
   e. Final date for achieving compliance with Chapter 6111 and any applicable permit limits not later than twelve (12) months after the effective date of these findings and orders.
7. The General Plan shall also sufficiently outline a plan for decommissioning the current facility if necessary.

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(F).

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 operation of Respondent’s wastewater treatment system.

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
Southwest District Office
Division of Surface Water
401 East Fifth Street
Dayton, Ohio 45402-2911

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.

[Signature page to follow]
IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Laurie A. Stevenson
Director

Date

IT IS SO AGREED:

Bel-Wood Investment Group I, LLC.

William B. Morand
Signature

Date

William B. Morand  Managing Member
Printed or Typed Name and Title