BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Village of Bethesda : Director's Final Findings
    P.O. Box 36 : and Orders
112 South Main Street :
Bethesda, Ohio 43719 :

Respondent :

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the Village of Bethesda ("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 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 Chapters 6111 and 3745, and the rules promulgated thereunder.

IV. FINDINGS

1. Respondent owns the Bethesda Wastewater Treatment Plant ("WWTP") located at Brown Road, Bethesda, Belmont County, Ohio.

2. Respondent allowed newly installed sanitary sewers from the Memory Lane Subdivision ("Site") located at 40°01'21.95" North and 81°04'29.9" West in Bethesda, Belmont County, Ohio, to connect to the WWTP without approval from Ohio EPA via a Permit-to-Install (PTI). The Site is owned by Mr. Joel Braido.

[Signature]

By: [Signature] Date: 2/6/19
3. Pursuant to ORC Section 6111.44(A) no municipal corporation, county, public institution, corporation, or officer or employee thereof or other person shall provide or install sewerage or treatment works for sewage, sludge, or sludge materials disposal or treatment or make a change in any sewerage or treatment works until the plans therefor have been submitted to and approved by the director of environmental protection.

4. On October 10, 2017, Ohio EPA DSW-SED0 received a complaint from an anonymous source stating that a sewer line was being installed to connect three residences to the WWTP. No PTI application had been submitted for the Site.

5. On February 1, 2018, Ohio EPA DSW-SED0 conducted a compliance evaluation inspection at the WWTP. PTI requirements were discussed during the exit interview with Dirk Davis, Village Administrator; David Green, Wastewater Operator; and Joel Braid0, Site Developer.

6. On February 13, 2018, Ohio EPA sent an email to David Green, stating that a PTI is required for sewer extensions. Included in the email were links to information on sanitary sewer extensions and guidance for obtaining a PTI.

7. On May 15, 2018, DSW-SED0 investigated the anonymous complaint pertaining to sanitary sewers being installed at the Site without a PTI. Newly installed sewers were observed along Memory Lane in Bethesda, Ohio, and one house had been built and connected to the newly installed sewer.

8. On July 27, 2018, Ohio EPA issued a Notice of Violation letter to Respondent for allowing newly installed sanitary sewers that were not covered under a PTI to connect to the WWTP.

9. On August 16, 2018, Ohio EPA received a complete and approvable as-built PTI application package, prepared by Chadan Engineering, Inc. on behalf of Joel Braid0. Contained in the application package were drawings, the PTI application, data sheets, and a sign-off sheet from Respondent accepting the newly installed sanitary sewers.

10. On September 13, 2018, an as-built PTI #1242535 was issued to Joel Braid0 for the sanitary sewers installed at the Site.

11. 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 purpose of ORC Chapter 6111.
V. ORDERS

1. Respondent shall not install or allow the connection of sewerage, or treatment works for sewage disposal or new disposal systems, including, but not limited to, sanitary sewers, at any location in Ohio without first receiving prior approval from the Director as required by law.

2. Respondent shall pay the amount of two-thousand five-hundred dollars ($2,500) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 6111. Payment to Ohio EPA shall be made in four, equal installments, in accordance with the schedule below, each by official checks made payable to "Treasurer, State of Ohio". Each official check shall be submitted to Carol Butler, or her successor, together with a letter identifying the Respondent, 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 Larry Reeder, Environmental Manager, Enforcement Section, or his successor, at the following address:

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

Payment of the two-thousand five-hundred dollars ($2,500) civil penalty shall be made in four, equal installments within a three-hundred sixty (360) day period, pursuant to the following schedule:

- The first payment of six-hundred twenty-five dollars ($625) shall be due within ninety (90) days after the effective date of these Orders.

- The second payment of six-hundred twenty-five dollars ($625) shall be due within one-hundred eighty (180) days after the effective date of these Orders.

- The third payment of six-hundred twenty-five dollars ($625) shall be due within two-hundred seventy (270) days after the effective date of these Orders.

- The fourth payment of six-hundred twenty-five dollars ($625) shall be due within three-hundred sixty (360) days after the effective date of these Orders.
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(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 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
Southeast District Office
Division of Surface Water
ATTN: DSW Enforcement Unit Supervisor
2195 Front Street
Logan, Ohio 43138

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 XI 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 or 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

Laurie A. Stevenson, Director

February 6, 2019
Date

IT IS SO AGREED:

Village of Bethesda

Signature

Date

Printed or Typed Name

Title