BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:
Lawrence A. Dove
dba Dove Manufacturing, Inc.
27100 Royalton Road
Columbia Station, Ohio 44028

Respondent

Director's Final Findings and Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Lawrence A. Dove, dba Dove Manufacturing, Inc. ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 6111.03, 3734.13, 3734.20 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. No change in the ownership of Respondent or of the Facility shall in any way alter Respondent's obligation under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapters 3734 and 6111 and the rules adopted thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent is the owner and operator of an industrial manufacturing business that manufactures screw machine products for high performance automotive and racing equipment applications and is located at 27100 Royalton Rd, Columbia Station, Lorain County, Ohio ("the Facility").
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2. Respondent is a "person" as that term is defined in ORC Section 3734.01(G) and Ohio Administrative Code ("OAC") rule 3745-50-10(A).

Division of Surface Water Findings

3. On January 16, 2014, the Division of Surface Water ("DSW") conducted an inspection at the Facility and determined numerous areas of pollutants were subjected to storm water exposure, including spent foundry sand with residual aluminum, untreated sewage from a failed onsite waste water treatment plant, cooking oil, petroleum based fluids, contaminated soils from past spills and leaks, scrap metals with residual cutting oils, equipment with residual lubricants, old tires, and general trash and debris.

4. Respondent’s manufacturing operations fall under Standard Industrial Classification (SIC) code 3451: Screw Machine Products. Federal rules codified in 40 CFR 122.26 and Ohio Administrative Code ("OAC") 3745-39-04 require that storm water discharges from such operations are required to be covered by an NPDES permit if pollutants are exposed to storm water. Storm water from the Facility runs off of the property and enters a tributary of Plum Creek, a water of the state as define in R.C. 6111.01.

5. It was also noted at the January 16, 2014 inspection that the Facility’s onsite wastewater treatment plant was in a complete state of failure. The entire area around the treatment plant was overgrown with vegetation and strewn with debris. In addition, the aeration tank was found full of backed up sewage and the blower was not operating. The backed up sewage would run off with the other exposed pollutants during storm water events, discharging into the waters of the state.

6. A Notice of Violation ("NOV") was issued to the Facility by DSW on February 4, 2014. The NOV asked for Dove Manufacturing to: (1) mitigate the exposure of pollutants to storm water; (2) submit a Notice of Intent ("NOI") for coverage under the Industrial Storm Water General Permit; and (3) implement a Storm Water Pollution Prevention Plan ("SWPPP"). Alternatively, DSW indicated that Respondent could apply for a certificate of no exposure if Respondent could demonstrate in the future that all pollutants had been eliminated to the point they were no longer exposed to storm water at the Facility.

7. DSW performed follow up inspections at the Facility on April 1, 2014, April 28, 2014 and March 24, 2015. During each inspection, it was determined that Respondent had taken no action to mitigate the exposure of pollutants to storm waters to qualify for a No Exposure Certification, and did not apply for an NPDES permit authorizing the discharge of polluted storm waters into the waters of the state. Respondent also did not implement a SWPPP as requested in the February 4, 2014 NOV.

8. Furthermore, each inspection again confirmed that the Facility’s onsite waste water treatment plant was in a complete state of failure and sewage was surfacing onto the ground.
9. Additional NOVs were issued on April 18, 2014, June 25, 2014, March 30, 2015 and April 23, 2015 reiterating the storm water and wastewater violations previously noted and asking Respondent to immediately implement actions to fix the onsite waste water treatment plant and ensure the entire area was safe. Respondent never responded to any of the NOVs.

10. ORC § 6111.04 prohibits any person from causing pollution or causing any sewage, industrial waste or other waste to be placed in any location where they cause pollution to waters of the state, except if such discharges occur in accordance with an NPDES permit issued by the Director.

11. Respondent’s actions described above were performed without an NPDES permit. Respondent caused pollution or caused sewage, industrial waste or other waste to be placed in a location where they cause pollution to waters of the state, and as such is a violation of ORC §§ 6111.04.

12. OAC Rule 3745-38-02(A) provides that no person may discharge any pollutant or cause, permit, or allow a discharge of any pollutant from a point source without either applying for and obtaining an Ohio NPDES individual permit in accordance with the requirements of Chapter 3745-33 of the Administrative Code, complying with the indirect discharge permit program pursuant to Chapter 3745-36 of the Administrative Code or obtaining authorization to discharge under an Ohio NPDES general permit in accordance with requirements of Chapter 3745-38 of the Administrative Code. Respondent’s actions described above were performed without an NPDES permit in violation of OAC Rule 3745-38-02(A).

13. OAC Rule 3745-39-04 sets forth the Ohio EPA NPDES requirements for industries. Because Respondent is a business engaged in industrial activities, Respondent was in violation of OAC 3745-39-04, which lists the specific NPDES requirements for industrial facilities.

**Hazardous Waste Program Findings**

14. At the Facility, Respondent generates “used oil” as that term is defined by ORC 3734.01(FF) and OAC rules 3745-50-10 and 3745-279-01. The used oil is generated from machining that is conducted as part of Respondent's manufacturing processes.

a. Failed to properly label containers of used oil, in violation of OAC rule 3745-279-22(C); and  
b. Failed to cleanup releases of used oil at the Facility, in violation of OAC Rule 3745-279-22(D). Areas where releases of used oil have occurred include but are not limited to:  
i. Near the door of the foundry building;  
ii. The concrete pad and the soils adjacent to the concrete pad;  
iii. The floor of the manufacturing building and the area outside the door of this building where the used oil has been tracked; and  
iv. From under the building.


17. 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 and 3734.

V. ORDERS

Division of Surface Water Orders

1. As soon as possible, but not later than thirty (30) days from the effective date of these Orders, Respondent shall submit an NOI for coverage under the Industrial Storm Water General Permit.

2. As soon as possible, but not later than thirty (30) days from the effective date of these Orders, Respondent shall submit and implement an SWPPP including best management practices for ongoing operations and initial clean-up of accumulated openly dumped wastes.

3. As soon as possible, but not later than sixty (60) days from the effective date of these Orders, Respondent shall submit a complete and approvable Permit to Install ("PTI") application with detail plans to repair or replace the onsite WWTP and remove all vegetation and debris from the surrounding areas.

4. As soon as possible, but not later than six (6) months from Ohio EPA's approval of the PTI, Respondent shall initiate construction of the WWTP improvements per any approved PTI.
5. As soon as possible, but not later than nine (9) months from Ohio EPA's approval of
the PTI, Respondent shall complete construction of the WWTP improvements per any
approved PTI.

6. Respondent shall pay the amount of two thousand dollars ($2,000.00), in settlement
of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC
Chapter 6111. Payments to Ohio EPA shall be made by official checks made payable
to "Treasurer, State of Ohio" in four equal installments. Within six (6) months from the
effective date of these Orders, payment to Ohio EPA shall be made by an official
check in the amount of $500.00. The 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, Enforcement Manager, or his
successor, at the following address:

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

Thereafter, Respondent shall make a subsequent payment of $500.00 within one (1)
year from the effective date of these Orders, a third payment of $500.00 within
eighteen (18) months from the effective date of these Orders, and a fourth payment
of $500.00 within two (2) years from the effective date of these Orders, for a total of
$2,000.00.

Hazardous Waste Program Orders

7. As soon as possible, but not later than sixty (60) days from the effective date of these
Orders, Respondent shall submit to Ohio EPA's Division of Environmental Response
and Revitalization – Hazardous Waste Program for approval, a used oil management
plan (Plan) in accordance with OAC rule 3745-279-22. The Plan shall propose a
strategy for assuring compliance with the used oil regulations, including procedures
for properly managing used oil, properly labeling used oil containers with the words
"used oil" and specify activities for cleaning up used oil that has been released at the
Facility. This plan shall include a sampling and analysis plan for characterizing soils
containing used oil as a result of the cleanup, in accordance with OAC rule 3745-52-
11. This plan shall be submitted to the Ohio EPA's Division Environmental Response
and Revitalization – Hazardous Waste Program at the addresses listed in Section X.
of these Orders.
8. The Plan is subject to Ohio EPA review and approval. If Ohio EPA does not approve the Plan and provides Respondent with a written statement of deficiencies, Respondent shall revise the Plan or submit a new Plan for approval that corrects the stated deficiencies within 30 days of receipt of such written notification. Ohio EPA may approve the plan with modifications. If Ohio EPA modifies the Plan, the modified Plan becomes the approved Plan.

9. Upon notification of approval of the Plan, Respondent shall implement the approved Plan in accordance with the terms and conditions and schedules contained therein. Respondent shall submit a report documenting completion of the used oil cleanup including analytical results of samples of the used oil contaminated soils resulting from the cleanup. Completion of Orders Nos. 7. through 10. will abate the violations in Finding No. 15. 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 and the Environmental Administrator of Ohio EPA’s Division of Environmental Response and Revitalization – Hazardous Waste Program acknowledge, 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 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 Facility.

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
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 specified herein, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

For Division of Surface Water Orders:

Ohio Environmental Protection Agency
Division of Surface Water
Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087
(ATTN: Enforcement Supervisor)

For Division Environmental Response and Revitalization – Hazardous Waste Program Orders:

Ohio Environmental Protection Agency
Division Environmental Response and Revitalization – Hazardous Waste Program
Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087
Attention: Manager, Hazardous Waste Program

and

Ohio Environmental Protection Agency
Division Environmental Response and Revitalization – Hazardous Waste Program
Manager, Hazardous Waste Compliance Assurance Section
P.O. Box 1049
Columbus, Ohio 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 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 AND AGREED:
Ohio Environmental Protection Agency

[Signature]
Craig W. Butler
Director

7/12/17
Date

IT IS SO AGREED:

Lawrence A. Dove
dba Dove Manufacturing, Inc.

[Signature]

[Printed or Typed Name]

6-10-2017
Date

Title