BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:
Barbara Vix dba
Hair Station
5655 Cheviot Road
Cincinnati, Ohio 45247

Director’s Final Findings and Orders

I. JURISDICTION

These Director’s Final Findings and Orders (DFFOs) are issued to Barbara Vix dba Hair Station ("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 owns and operates Hair Station which is located at 5655 Cheviot Road, Cincinnati, Ohio.

2. Respondent holds a valid, unexpired National Pollutant Discharge Elimination System ("NPDES") permit, number 1PX00083*AD, for the discharges to the unnamed tributary of Taylor Creek.

3. The unnamed tributary of Taylor Creek is considered a “waters of the state” as defined by R.C. Section 6111.01

4. This document does not modify NPDES Permit Number 1PX00083*AD. The purpose of this document is to correct a condition of noncompliance with NPDES Permit Number 1PX00083*AD and not to alter said permit.

5. Pursuant to R.C. Section 6111.07(A), no person shall violate or fail to perform any duty imposed by R.C. 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.

6. The NPDES permit Part III. 4. C requires that Discharge Monitoring Reports ("DMRs") submitted using e-DMR shall be submitted to Ohio EPA by the 20th day of the month following the month-of-interest.

8. On October 1, 2017, Ohio EPA issued Respondent a Notice of Violation (NOV) for failure to submit the required DMR data. Ohio EPA received no written response from Respondent.


10. On May 18, 2018, Respondent attended a High-Level Meeting at Southwest District Office (SWDO) to discuss the progress of returning to compliance with the terms and conditions specified in NPDES Permit Number 1PX00083*AD. To date Respondent has failed to submit the required DMR data.

11. The Director and Respondent acknowledge that violations other than those specifically listed in Finding #7 may exist and agree that those violations may be subject to future enforcement action. As set forth in Paragraph V, the Director is reserving his rights for enforcement for violations not specifically listed in Finding #7.

12. 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

1. Within thirty (30) days from the date of the letter inviting Respondent to sign these DFFOs, Respondent shall submit the missing DMRs from January 2017, February 2017, March 2017, April 2017, May 2017, June 2017, July 2017, August 2017, September 2017, October 2017, November 2017, December 2017, January 2018, February 2018, March 2018, April 2018, May 2018, June 2018, July 2018, and August 2018; and begin submitting all required monthly DMRs on time. For post DMR submittal months, if samples were not taken, submission of post DMRs with the use of the proper ‘A’ Code (including comment) is required.
2. Respondent shall pay to the Ohio EPA the amount of five hundred dollars ($500) in settlement of the Ohio EPA's claim for civil penalties, for the violations specifically set forth in Findings #7, which may be assessed pursuant to Chapter 6111.09 of the Ohio Revised Code. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio." The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying Respondent, at the following address:

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:

Division of Surface Water
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, OH 43216-1049

IV. TERMINATION

Respondent's obligations under these DFFOs shall terminate upon Ohio EPA's receipt of the civil penalty payment required by these DFFOs and completion of Order number 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 these DFFOs, Respondent consents to the issuance of these DFFOs and agrees to comply with these DFFOs. Compliance with these DFFOs 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 these DFFOs and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these DFFOs either in law or equity.
Notwithstanding the preceding, Ohio EPA and Respondent agree that if these DFFOs 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 comply with these DFFOs notwithstanding such appeal and intervention unless these DFFOs are stayed, vacated, or modified.

VI. EFFECTIVE DATE

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

VII. SIGNATORY AUTHORITY

Each undersigned representative or party to these DFFOs certifies that he or she is fully authorized to enter into these DFFOs and to legally bind such party to these DFFOs.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Craig W. Butler, Director

December 6, 2018
Date

IT IS SO AGREED:

FACILITY

Barbara Vix

Signature

11-13-18
Date

Printed or Typed Name

Barbara Vix

Title

owner