BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Integrity Design & Construction LLC
21477 Township Rd. 282
Coshocton, Ohio 43812

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 Integrity Design & Construction 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 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

The Director of the Ohio EPA has made the following findings.
1. Respondent Integrity Design & Construction LLC, an active, for profit corporation registered in the State of Ohio, is or was engaged in the construction of a residence on property more than one acre in size located at 828 High Street, Coshocton, Coshocton County, Ohio ("Site").

2. Storm water from the Site discharges to roadside ditches and a stream in a ravine that is an unnamed tributary to the Muskingum River. The roadside ditches, the unnamed tributary and the Muskingum River constitute "waters of the state," as defined by ORC § 6111.01(H). Sediment contained in the storm water constitutes "other wastes," as defined in ORC § 6111.01 (D). Placement of this waste into waters of the state constitutes "pollution," as defined in ORC § 6111.01 (A).

3. ORC Section 6111.04(A) 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 a valid, unexpired NPDES permit issued by the Director or if an application for renewal of such permit is pending.

4. Ohio Administrative Code ("OAC") Rule 3745-38-02 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 National Pollutant Discharge Elimination System ("NPDES") individual permit in accordance with requirements of OAC Chapter 3745-33, complying with the indirect discharge permit program pursuant to OAC Chapter 3745-36 or obtaining authorization to discharge under an Ohio NPDES general permit in accordance with requirements of OAC Chapter 3745-38.

5. ORC § 6111.03(J)(1) authorizes the Director to set the terms and conditions of the permit. That section further provides that any permit terms and conditions set by the Director shall be designed to achieve and maintain full compliance with mandatory requirements of the Federal Water Pollution Control Act that are imposed by regulation of the Administrator of the United States Environmental Protection Agency. Pursuant to Section 402(p) of the federal act, the Administrator of USEPA imposed by regulation requirements to regulate storm water discharges. In 40 C.F.R. 122.26, the Administrator requires dischargers of storm water associated with construction activity that disturbs more than one (1) acre of land to obtain an individual NPDES permit or coverage under a storm water general permit.

6. Because the Site is a construction site at which more than one (1) acre of land has been disturbed, each operator was required to submit a Notice of Intent ("NOI") to obtain coverage under the Ohio EPA National Pollutant Discharge Elimination
System ("NPDES") General Permit for Storm Water Discharges Associated with
Construction Activity ("NPDES Storm Water Construction General Permit") and to
develop and implement a Storm Water Pollution Prevention Plan ("SWP3") specific
to the Site prior to initiating construction activity.

7. Respondent and the owner of the Site are "operators" as defined in Part VII of the
NPDES Storm Water Construction General Permit.

8. Pursuant to Part I.F.1. of the NPDES Storm Water Construction General Permit,
each operator who will be engaged at a site must seek coverage under the permit.
Respondent failed to seek coverage under the permit in violation of the permit and
ORC § 6111.07(A).

9. Pursuant to Part III.B. of the NPDES Storm Water Construction General Permit, a
Storm Water Pollution Prevention Plan ("SWP3") must be completed at the time of
NOI submission and prior to initiation of construction activities and implemented
upon initiation of construction activities. Respondent did not prepare or implement
a SWP3 at the Site in violation of the permit and ORC § 6111.07(A).

10. At the time construction activities were initiated on the Site, the NPDES Storm
Water Construction General Permit in effect was number OHC000004. That
permit expired on April 20, 2018. On April 23, 2018, permit No. OHC000005
became effective.

11. On January 7, 2019, Ohio EPA received a verified complaint alleging, among other
things, that Respondent was engaging in construction activities at the Site without
having applied for or obtained coverage under the construction storm water
general permit or any other NPDES permit in violation of OAC 3745-38-02(A) and
(G) and ORC 6111.04, and that storm water from the Site was flowing downhill,
through pipes, into roadside ditches, across the complainant’s property and into a
stream in a ravine behind complainant’s home.

12. On January 7, 2019, Ohio EPA conducted an inspection at the Site and determined
that total disturbance at the Site from the construction is estimated to have been
just over two acres of land. The inspection confirmed that construction activities at
the Site had commenced prior to the submission of a NOI for coverage under the
NPDES Storm Water Construction General Permit, and that storm water
associated with the Site was discharging to waters of the state without a permit in
violation of OAC § 3745-38-02(A) and (E) and ORC § 6111.04(A)(1). Construction
at the Site appeared to have been completed by the time of the inspection on
13. Part V.P. of the NPDES Storm Water Construction General Permit requires a permittee to apply for and obtain a new permit if the permittee wishes to continue construction activities regulated by the permit after the expiration date of the permit. Although construction at the Site continued after April 20, 2018, Respondent did not apply for coverage under Permit No. OHC0000005 after Permit No. OHC0000004 expired.

14. Both NPDES Storm Water Construction General Permit No. OHC0000004 and Permit No. OHC0000005 include post-construction storm water management requirements in Part III.G.2.e. for providing perpetual or long-term management of runoff quality and quantity. The permits require the SWP3 to contain a description of the post-construction best management practices ("BMPs") that will be installed during construction for the site and the rationale for their selection. Further, to ensure that storm water management systems function as designed and constructed, the permits require a post-construction operation and maintenance plan that is a stand-alone document with specified contents. All post-construction BMPs must meet plan specifications and be maintained in perpetuity either under the permit or a maintenance agreement. (Parts III.G.2.e and IV.B.1 of the permits.)

15. Ohio EPA sent a Notice of Violation ("NOV") dated May 22, 2019, to notify Respondent that the construction activities that occurred at the Site were in violation of storm water permitting requirements. Respondent responded to the NOV on July 8, 2019, stating that in the future it will submit a NOI, prepare a SWP3, and implement sediment controls and post-construction controls.

16. By way of storm water discharges Respondent was discharging wastes and pollutants into waters of the state without an appropriate permit or authorization in violation of ORC § 6111.04, OAC § 3745-38-02(A), and 40 C.F.R. 122.26.

17. The storm water runoff from the Site has not abated with the completion of construction. Currently storm water from the roof of the main house and runoff from the surrounding hill drain to a catch basin north of the main house on the Site, then through roughly 350 feet of 18-inch corrugated pipe that runs southeast to a roadside ditch along High Street. From this point water is conveyed under High St. through an approximately 4-inch pipe and then flows approximately 100 feet overland on the side of the complainant’s property to the tree line and then downhill into an unnamed tributary on the complainant’s property.

18. Respondent did not prepare a post-construction operation and maintenance plan in accordance with Part III.G.2.e. of the NPDES Storm Water Construction General
Permits. Post-construction best management practices required by the NPDES Storm Water Construction General Permits have not been installed at the Site.

19. 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, 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. Compliance with ORC Chapter 6111 is not contingent upon the availability or receipt of financial assistance.

21. 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 initiate construction activities that disturb one or more acres of land or that will disturb less than one acre of land but are part of a larger common plan of development or sale that will ultimately disturb one or more acres of land without first obtaining coverage under the NPDES Storm Water Construction General Permit for the construction activities.

2. To obtain coverage under the NPDES Storm Water Construction General Permit, Respondent shall submit a complete and accurate Notice of Intent ("NOI") application form to Ohio EPA at least twenty-one (21) days prior to commencement of construction activity.

3. Respondent shall complete and submit an acceptable Storm Water Pollution Prevention Plan ("SWP3") in accordance with Part III of the NPDES Storm Water Construction General Permit with the submittal of an NOI, including post-construction best management practices as required in Part III.G.2.e. of the permit.

4. 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 accordance with the schedule below, 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 the Respondent, to:

Office of Fiscal Administration  
Ohio Environmental Protection Agency  
P.O. Box 1049  
Columbus, Ohio 43215-1049

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 43215-1049

Payment of the two thousand five hundred dollars ($2,500) civil penalty shall be Made in three installments within a one hundred and eighty day period, pursuant to the following schedule:

- The first payment of five hundred dollars ($500) shall be due within thirty (30) days after the effective date of these Orders.  
- The second payment of one thousand dollars ($1,000) shall be due within ninety (90) days after the effective date of these Orders.  
- The third payment of one thousand dollars ($1,000) shall be due within one hundred and eighty 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 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
Lazarus government Center
Division of Surface Water
Attn: Enforcement Manager
50 West Town Street, Suite 700
[P.O. Box 1049]
Columbus, Ohio 43215 [43216-1049]

and to

Ohio Environmental Protection Agency
Southeast District Office
Division of Surface Water
Attn: DSW Enforcement Unit Supervisor
2195 Front Street
Logan, Ohio 43138

[For mailings use the post office box number and zip code in brackets.]

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.
XV. 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]
Laurie A. Stevenson
Director

Date 10/28/19

IT IS SO AGREED:

Integrity Design & Construction LLC

[Signature]
Joel Stevens
Printed or Typed Name

Date 9/24/19

Owner
Title