BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Orient (Harrisburg) DOHP XII, LLC
9010 Overlook Boulevard
Brentwood, TN 37027

and

Orient (Harrisburg) DOHP, LLC
9010 Overlook Boulevard
Brentwood, TN 37027

and

GBT Realty Corporation
9010 Overlook Boulevard
Brentwood, TN 37027

and

Dollar General Corporation
100 Mission Ridge
Goodlettsville, TN 37072

Respondents

Director's Final Findings
and Orders

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: [Signature]
Date: 1/29/19

PRE AMBLE

It is agreed by the Parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Orient (Harrisburg) DOHP XII, LLC, Orient (Harrisburg) DOHP, LLC, GBT Realty Corporation, and Dollar General Corporation ("Respondents") 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 Respondents and their successors in interest liable under Ohio law. No change in the composition of Respondents shall in any way alter Respondents’ 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 makes the following findings:

1. Respondent Orient (Harrisburg) DOHP, LLC, formerly named Orient (Harrisburg) DOHP XIV, LLC, owns property located at 6732 Lambert Road, Orient, Franklin County, Ohio, 43146 (“Site”), on which a Dollar General store (“Facility”) has been constructed.

2. Storm water from the Site associated with construction activity discharges to an unnamed tributary of Big Darby Creek. The unnamed tributary and Big Darby Creek constitute “waters of the state,” as defined in ORC § 6111.01(H). Sediment contained in storm water constitutes “other wastes,” as defined in ORC § 6111.01(D). Placement of other wastes into waters of the state constitutes “pollution,” as defined in ORC § 6111.01(A).

3. Ohio Administrative Code (“OAC”) § 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 National Pollutant Discharge Elimination System (“NPDES”) individual permit in accordance with 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.
4. 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. Under 40 C.F.R. 122.26, dischargers of storm water associated with construction activity that disturbs more than one (1) acre of land are required to obtain an individual NPDES permit or coverage under a storm water general permit.

5. Because the Site is a construction site which disturbed more than one (1) acre of land, Respondents were 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 and to develop and implement a Storm Water Pollution Prevention Plan (SWP3) specific to the Site prior to initiating construction activity.

6. The Site is located within the Big Darby Creek watershed. On September 11, 2015, Ohio EPA received a Notice of Intent ("NOI") for coverage under Ohio EPA's General Permit Authorization for Storm Water Discharges Associated with Construction Activity Located within the Big Darby Creek Watershed under the National Pollutant Discharge Elimination system ("Construction General Permit") from Respondent Orient (Harrisburg) DOHP XII, LLC ("DOHP XII").

7. Coverage under the Construction General Permit (No. 4GCD0146*AG) was granted to Respondent DOHP XII on March 21, 2016.

8. Respondent Dollar General Corporation is the owner or lessee of the Facility. Construction of Dollar General stores follow Dollar General's site design guidelines. Therefore, Respondent Dollar General is an "operator" as defined in the Construction General Permit and should have obtained coverage under the permit as a co-permittee with Respondent DOHP XII. Respondent Dollar General will be responsible for post-construction maintenance of the Site pursuant to its lease with Respondent GBT Realty. Failure to submit an NOI for coverage as a co-permittee is a violation of the Construction General Permit and ORC § 6111.07.

9. Respondent GBT Realty Corporation is the construction manager at the Site. As such, it is an "operator" as defined in the Construction General Permit and should
have obtained coverage under the permit as a co-permittee with Respondent DOHP XII. Failure to submit an NOI for coverage as a co-permittee is a violation of the Construction General Permit and ORC § 6111.07.

10. A bioretention area is a vegetated area where storm water runoff is filtered through specialized soil mixes and vegetation to allow the runoff to infiltrate into the underlying soils or drain by underdrains to an appropriate outlet. Contaminants and sediment are removed from the storm water runoff through this process. The purpose of the bioretention area is to allow for groundwater recharge through the infiltration of storm water, which is a requirement of the Construction General Permit.

11. On February 14, 2017, Ohio EPA conducted an inspection of the Site. Respondents had constructed the Facility, a Dollar General store, on the Site that was open for business. Numerous issues and violations of the Construction General Permit and ORC §§ 6111.04 and 6111.07 were noted, including the following: no soil stabilization in areas at final grade; barren areas; inadequate rock outlet; lack of sediment and erosion controls; no riser or skimmer on the sediment basin outfall structure; lack of maintenance of the concrete washout pit; and installation concerns with the bioretention basin. A subsequent inspection letter was mailed to Respondent DOHP XII on February 24, 2017.

12. On April 10, 2017, Ohio EPA conducted the second inspection of the Site. As a result of the inspection, an inspection letter and a Notice of Violation ("NOV") were mailed to Respondent DOHP XII on April 21, 2017 and the following violations of the Construction General Permit and ORC §§ 6111.04 and 6111.07 were noted: silt fence still down along perimeter of site; area surrounding the septic mound was not stabilized; barren areas of soil; and the rock outlet protection for the bioretention area was inadequate to prevent erosion.

13. On May 16, 2017 and June 16, 2017, Ohio EPA conducted additional inspections of the Site. As a result of these inspections, inspection letters and NOVs were issued on May 25, 2017 and June 29, 2017 to Respondent DOHP XII. All the inspection letters and NOVs documented that the following violations of the Construction General Permit and ORC §§ 6111.04 and 6111.07 had still not been abated: silt fence still down along perimeter of site; area surrounding the septic mound was not stabilized; barren areas of soil; and the rock outlet protection for the bioretention area was inadequate to prevent erosion. In addition, the June 29,
2017 inspection letter noted that the skimmer in the sediment basin was partially buried in sediment and appeared to be lacking maintenance.

14. On July 25, 2017, Ohio EPA conducted an inspection of the Site. As a result of the inspection, a Partial Resolution of Violation (“PROV”) was issued to Respondent DOHP XII on August 9, 2017. The PROV noted abatement of the Site stabilization violation. However, the following violations of the Construction General Permit and ORC §§ 6111.04 and 6111.07 were documented in the PROV and in an inspection letter mailed to Respondent DOHP XII on August 7, 2017 as still outstanding: silt fence was still in need of maintenance in several areas along the perimeter; and the rock outlet protection for the bioretention area was inadequate to prevent erosion.

15. On September 6, 2017, Ohio EPA conducted an inspection of the Site. As a result of the inspection, a PROV was issued to Respondent DOHP XII on September 15, 2017. The PROV noted the abatement of the violation of inadequate rock outlet protection for the bioretention area. However, the following violations of the Construction General Permit and ORC §§ 6111.04 and 6111.07 were documented in the PROV and in an inspection letter mailed to Respondent DOHP XII on September 15, 2017 as still outstanding: silt fence was still in need of maintenance in several areas along the perimeter; the post construction Storm Water Management Plan that was submitted did not name an appropriate designated entity for maintenance of post construction Best Management Practices (“BMPs”) nor did it contain routine and non-routine maintenance tasks and a schedule for inspections and maintenance; and the bioretention area had not been planted or seeded and appeared to be clogged with sediment. Standing water was present in the bioretention area.

16. On October 5, 2017 a meeting took place at Ohio EPA Central District Office (CDO) to discuss the ongoing compliance issues at the Site and sites in northwest Ohio with Respondent GBT Realty. Respondent GBT Realty indicated during the meeting that the Site would return to compliance by October 23, 2017. Ohio EPA agreed to this timeframe.

17. On October 19, 2017, Ohio EPA conducted an inspection and met onsite with contractors associated with the project to determine the status of compliance with the terms agreed to in the October 5, 2017 meeting. Ohio EPA observed that the Site had 70% vegetative cover except near the sediment basin. In addition, it was observed that there was standing water in the bioretention area. The contractors
indicated the well installation contractors had been flushing the well and discharging shocked water into the bioretention area. Ohio EPA recommended the following actions: completely rebuild the bioretention area due to impacts of the sediment; remove silt fence in areas where vegetative cover had reached 70%; in areas without 70% vegetative cover, re-seed and/or re-sod and install new silt fence; add stabilization to the bioretention area; send written response to September 15, 2017 NOV. It was agreed that these items would be addressed by November 6, 2017.

18. Following the October 5, 2017 meeting and the October 19, 2017 inspection and meeting, an NOV was issued to Respondent DOHP XII on November 9, 2017 and the following violations of the Construction General Permit and ORC §§ 6111.04 and 6111.07 were noted: silt fence was in continued need of maintenance in several areas along the perimeter of the Site; the updated post construction Storm Water Management Plan had not been submitted, and the one on file did not name a designated entity for maintenance of post construction BMPs nor did it contain routine and non-routine maintenance tasks. Other deficiencies noted included no schedule for inspections and maintenance, the bioretention area still had standing water, appeared to be clogged with sediment, and had not been planted or seeded. The NOV also noted that the agreement to bring the Site into compliance by October 23, 2017, later extended to November 6, 2017, had not been met.

19. On December 20, 2017, Ohio EPA conducted an inspection of the Site to determine if compliance had been achieved with the terms discussed during the October 5, 2017 meeting. Ohio EPA determined that compliance with those terms had not been met. An NOV mailed to Respondent DOHP XII on December 28, 2017, noted the following violations of the Construction General Permit and ORC §§ 6111.04 and 6111.07: silt fence was in need of maintenance in several areas along the perimeter of the Site and areas of the Site had not reached 70% vegetative cover; an updated Post Construction Storm Water Management Plan had not been submitted to Ohio EPA, and the Plan previously submitted did not name a designated entity for maintenance of post construction BMPs, nor did it contain routine and non-routine maintenance tasks or a schedule for inspections and maintenance; and standing water was present in the bioretention area and appeared to have been there longer than 48 hours, indicating the soil was clogged. An inspection letter mailed December 27, 2017 also noted that other items agreed upon at the October 19, 2017 meeting had not been completed, such as the rock outlet area had not been adequately stabilized, work had not begun to remedy
issues with the bioretention area, and no response to the September 15, 2017 NOV had been received by Ohio EPA.

20. On February 1, 2018, Ohio EPA conducted an inspection of the Site. An inspection letter was mailed to Respondent DOHP XII on February 7, 2018 describing the same conditions and violations of the Construction General Permit and ORC §§ 6111.04 and 6111.07 on the Site as the December 27, 2017 inspection letter.

21. On February 23, 2018, Ohio EPA issued effective expedited Final Findings and Orders to which Respondent DOHP XII agreed ("expedited Orders"). The expedited Orders required that Respondent DOHP XII take the following actions: (1) Within 14 days after the effective date of the Orders, repair silt fence around the perimeter of the Site and maintain it until 70% vegetative cover is achieved; (2) Within 30 days after the effective date of the expedited Orders, repair and remediate the bioretention area, and stabilize the area; (3) Within 30 days after the effective date of the expedited Orders, seed any barren areas to provide immediate cover; (4) Within 30 days after the effective date of the expedited Orders, develop and submit a post-construction long-term maintenance plan that includes, but is not limited to, naming the responsible party for the lifetime of the bioretention basin, details what items need regular maintenance, and the frequency of such maintenance; (5) Within 30 days after the effective date of the expedited Orders, pay a civil penalty of $5,000.00.

22. On April 2, 2018, Ohio EPA conducted an inspection of the Site to determine whether compliance with the terms agreed upon at the October 5, 2017 meeting and the expedited Orders had been achieved. An NOV and an inspection letter were mailed to Respondent DOHP XII on April 12, 2018. The inspection letter noted conditions identical to those described in the December 27, 2017 and February 1, 2018 inspection letters. The NOV detailed noncompliance with Orders 1-4 of the expedited Orders. Violations of the expedited Orders are violations of ORC § 6111.07.

23. On May 2, 2018, Ohio EPA conducted an inspection of the Site to determine whether compliance with the terms agreed upon at the October 5, 2017 meeting and the expedited Orders had been achieved. An inspection letter and an NOV were mailed to Respondent DOHP XII on May 14, 2018. The NOV detailed noncompliance with Orders 1-4 of the expedited Orders. The inspection letter differed from the previous three inspection letters only in noting that a contractor
was removing soils from the bioretention area which, according to the contractor, did not contain any underdrain structure, but did contain a layer of clay.

24. The Construction General Permit requires the permittee to prepare maintenance plans for all post-construction BMPs and to provide the maintenance plans to the post-construction operator of a site upon completion of construction. This post-construction long-term maintenance plan must describe maintenance operations to ensure all post-construction BMPs are maintained in perpetuity and all storm water management systems function as they were designed and constructed, including the routine and non-routine maintenance tasks to be undertaken, a schedule for inspections and maintenance, and the designation of an entity for storm water inspection and maintenance responsibilities.

25. On May 22, 2018, Ohio EPA received an updated copy of the Long-Term Maintenance Plan from Respondent GBT Realty. The updated plan named an Environmental Compliance Specialist with Respondent Dollar General Corporation as the responsible party for the Site. Many of the tasks listed in the maintenance plan are to be completed monthly, and the responsible party is based in Tennessee. Therefore, Ohio EPA requires more explanation of how the designated responsible party will accomplish these inspection and maintenance tasks or the designation of a responsible party located at or close to the Site.

26. On July 13, 2018, Ohio EPA conducted an inspection of the Site to determine compliance with applicable laws and regulations, the Construction General Permit, and the expedited Orders. A subsequent NOV, mailed to Respondent DOHP XII on August 1, 2018, noted the following violations of the Construction General Permit, the expedited Orders, and ORC §§ 6111.04 and 6111.07: silt fence was in need of maintenance in several areas and areas of the Site had not reached 70% vegetative cover; the bioretention area had been dug out, but appeared to have been idle for two months after soils were dug out and had not been remediated by installation of underdrains, gravel, sand, and bioretention soils; slopes of the rock outlet protection area had not been stabilized and were in need of additional stone; the Site is still not in compliance with the terms agreed to in the October 5, 2017 meeting or the expedited Orders. An inspection letter noting some additional concerns such as the continued failure to respond to Ohio EPA’s September 15, 2017 NOV, was also mailed to Respondent DOHP XII on August 1, 2018.
27. On August 16, 2018, Ohio EPA met on the Site with the Franklin Soil and Water Conservation District and Respondent GBT Realty. Discussions included rebuilding the bioretention area, repairing the rock outlet protection area, and re-seeding areas near the sedimentation basins. Respondent GBT Realty agreed that these activities would be accomplished.

28. On or about October 18, 2018, Respondent Dollar General Corporation submitted to Ohio EPA an NOI for coverage as a co-permittee under Construction General Permit 4GCD0146*AG.

29. On October 22, 2018, Ohio EPA inspected the bioretention area on the Site. The bioretention area had been rebuilt. However, Ohio EPA is concerned about the suitability of the material used as sand in the bioretention soil mix. It also appeared that the bioretention area had been driven over and the soil compacted, which is contrary to the correct method for constructing a bioretention area. The rock outlet protection area still needed to be repaired.

30. On or about November 20, 2018, Respondent Orient (Harrisburg) DOHP XII, LLC submitted an application to renew coverage under the Construction General Permit. The renewal application was due by October 20, 2018.

31. On December 4, 2018, Ohio EPA determined that the bioretention area had been adequately stabilized for the winter with mulch.

32. Failure of the bioretention area may be indicated by any of the following: failure of the bioretention area to properly drain (for example, rainfall less than 0.75 inches taking more than forty-eight (48) hours to drain initially or drainage bypassing the soil media layer in some manner); rill or gully erosion along the side slopes of the bioretention area indicating inadequate stabilization in these areas; or an observable major deficiency in the construction of the bioretention area or its outlet.

33. Ohio’s Rainwater and Land Development manual is a manual describing construction and post-construction best management practices and associated specifications. A copy of the manual can be found at https://epa.ohio.gov/Portals/35/storm/technical_assistance/Ch2_Adapted%20for%20CGP%20changes.pdf, or it may be obtained by contacting the Ohio Department of Natural Resources, Division of Soil & Water Conservation.
34. 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.

35. 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 permit to install ("PTI") and plan approval requirements of Ohio Administrative Code ("OAC") Chapter 3745-42 and ORC § 6111.44.

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

37. 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.

V. ORDERS

1. Within fourteen (14) days after the effective date of these Orders, in accordance with Part II.A of the Construction General Permit, Respondent GBT Realty shall submit an NOI and request modification of coverage under Construction General Permit No.4GCD0146*BG to become a co-permittee.

2. Respondents shall stabilize all areas on the Site in accordance with the following:

   a. As soon as weather conditions allow in the spring, but no later than May 1, 2019, Respondents shall plant suitable potted materials in the bioretention area in accordance with the specifications in the detailed plans in the approved SWP3.

   b. As soon as weather conditions allow in the spring, but no later than May 1, 2019 Respondents shall seed any other areas on the Site lacking 70% vegetative cover.
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c. Once 70% vegetative cover is achieved, Respondents shall remove the silt fence.

3. Respondents shall maintain the rock outlet protection area and repair it as necessary.

4. Within thirty (30) days after the effective date of these Orders, Respondents shall update the post-construction long term maintenance plan to include a designated entity for storm water inspection and maintenance responsibilities for the lifetime of the bioretention basin. The designated entity shall be available to conduct inspections on the schedule included in the maintenance plan. Respondent DOHP XII shall provide the maintenance plan to the post-construction operator of the Site, Respondent Dollar General.

5. Respondent Dollar General shall ensure that the post-construction Long-Term Maintenance Plan is implemented upon completion of construction activities at the Site and that the bioretention area and the detention pond function as designed and are maintained in perpetuity.

6. If Respondents find that the bioretention area has ceased to function as required by Construction General Permit 4GCD0146*BG, or experiences a failure as described in Finding No. 32, within twenty-four (24) hours, Respondents shall notify Ohio EPA in accordance with Section X. of these Orders, and shall reconstruct the bioretention area as follows:

   a. Within two (2) days after a determination that the bioretention area has failed, Respondents shall remove all materials used to build the bioretention area, including the underdrain.

   b. Within seven (7) days after a determination that the bioretention area has failed, Respondents shall complete rebuilding of the bioretention area in accordance with the detailed plans in the approved SWP3.

   c. Respondents shall provide written confirmation to Ohio EPA, in accordance with Section X. of these Orders, that each material used in constructing the bioretention area conforms to the specifications for bioretention practices in Ohio’s Rainwater and Land Development Manual. The written confirmation shall be provided to Ohio EPA prior to each material being placed in the bioretention area.
d. Respondents shall notify Ohio EPA in writing in accordance with Section X. of these Orders when the bioretention area is empty of all added materials, as each different type of material is added, when the bioretention soil is being mixed if Respondents or their contractor mix the bioretention soil themselves, and within seven (7) days after rebuilding of the bioretention area is complete.

e. Respondents shall provide reasonable time for Ohio EPA to inspect the bioretention area and observe the work after each notification before additional work is performed.

7. Respondents shall also reconstruct the bioretention area in accordance with Order No. 6.a - 6.e if Respondents are notified by Ohio EPA or Franklin Soil and Water Conservation District that the bioretention area has failed.

8. Respondents shall comply with all terms and conditions of Construction General Permit No. 4GCD0146*BG.

9. Respondents shall submit a Notice of Termination ("NOT") form to Ohio EPA within 45 days of completing all Construction General Permit requirements.

10. Respondents shall pay the amount of twenty-seven thousand five hundred sixty-eight dollars ($27,568.00) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 6111. 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" in the amount of twenty-seven thousand five hundred sixty-eight dollars ($27,568.00). The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying the Respondents, at:

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:
VI. TERMINATION

Respondents' obligations under these Orders shall terminate when Respondents certify in writing and demonstrate to the satisfaction of Ohio EPA that Respondents have 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 Respondents of the obligations that have not been performed, in which case Respondents 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 Respondents to Ohio EPA and shall be signed by responsible officials of the Respondents. For purposes of these Orders, a responsible official is defined in OAC Rule 3745-33-03(F)(1) for a corporation, OAC Rule 3745-33-03(F)(2) for a partnership, OAC Rule 3745-33-03(F)(3) for a sole proprietorship, and OAC Rule 3745-33-03(F)(4) for a municipal, state, or other public facility.

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 Respondents, the Site or the Facility.
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 Respondents pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Central District Office
Division of Surface Water
Attn: DSW Enforcement Unit Supervisor
50 West Town Street, Suite 700
[P.O. Box 1049]
Columbus, Ohio 43215 [43216-1049]

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Surface Water
Attn: Manager, Enforcement Section
50 West Town Street, Suite 700
[P.O. Box 1049]
Columbus, Ohio 43215 [43216-1049]

[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 Respondents 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, Respondents consent to the issuance of these Orders and agree to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondents’ liability for the violations specifically cited herein.

Respondents hereby waive the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondents hereby waive any and all rights Respondents may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondents agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondents retain the right to intervene and participate in such appeal. In such an event, Respondents 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.
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IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

______________________________
Laurie A. Stevenson
Director

IT IS SO AGREED:

Orient (Harrisburg) DOHP XII, LLC

______________________________
Signature

Zach Rogers
Printed or Typed Name

Authorized Agent
Title

1/2/19
Date

Orient (Harrisburg) DOHP, LLC

______________________________
Signature

Zach Rogers
Printed or Typed Name

Authorized Agent
Title

1/2/19
Date
GBT Realty Corporation

[Signature]

1/2/19
Date

Zach Rogers
Printed or Typed Name

Authorized Agent
Title

Dollar General Corporation

[Signature]

1/7/19
Date

Anthony Suggs
Printed or Typed Name

VP of Construction and Facilities
Title