BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Ronald E. Campbell
Marjorie A. Campbell
Jennifer Elizabeth Campbell
9918 State Route 682
Athens, OH 45701

Respondents

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 Ronald E. Campbell, Marjorie A. Campbell, and Jennifer Elizabeth Campbell, together referred to as "Respondents" and individually by their names, and whose tax mailing address is indicated above, pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Revised Code ("R.C.") 6111.03(H) and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondents and successors in interest liable under Ohio law. No change in the ownership of the site, the structure situated thereon, or sewage system, all identified below, 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 R.C. Chapter 6111 and the rules adopted thereunder.

IV. FINDINGS

The Director has made the following findings:

1. Respondents are "persons" as defined in R.C. 6111.01(I) and 1.59(C), and own property located at 9918 State Route 682, The Plains, Athens County, (Parcel No. A040020034200), ("site"), on which is situated a multi-story, more than three family, housing structure ("structure"), to which has been assigned the property class "commercial" by the Athens County Auditor."
2. The structure has a sewage system consisting of a septic tank, the capacity and functionality of which are unknown, to which is attached a pipe which discharges to a State Route 682 roadside ditch, and then to Little Factory Creek, both waters of the state.

3. On September 30, 2016, a Notice of Violation letter was sent to Respondent Ronald E. Campbell memorializing a September 14, 2016 Ohio EPA inspection, whereat it was observed that the sewage system was discharging black and odiferous raw sewage through a pipe into a roadside ditch along State Route 682.

4. The above described discharge was not authorized or permitted.

5. The Notice of Violation letter requested that Respondent Ronald E. Campbell:
   
   a. On a temporary basis, plug the sewage system and use the septic tank as a holding tank so that no pollutants are discharged to waters of the state;
   
   b. Evaluate the sewage system to determine if the system, as designed, is adequate to serve the structure and submit the findings to Ohio EPA for review. If:
      
      i. it is determined that the sewage system is inadequate to serve the structure, submit a report indicating if an onsite sewage system can be constructed to replace the existing system; or
      
      ii. the two afore-mentioned options are unavailable, contact Ohio EPA for a discussion of alternatives; and
   
   c. Within 30 days provide documentation to Ohio EPA of the actions taken and/or will be taken to resolve the violations cited above, and submit the documents requested above.

6. On December 6, 2016, a second Notice of Violation letter was sent to Respondent Ronald E. Campbell requesting that:
   
   a. On a temporary basis, plug the sewage system and use the septic tank as a holding tank so that no pollutants are discharged to waters of the state;
   
   b. Submit a plan detailing a return to compliance; and
   
   c. Within 14 days provide documentation to Ohio EPA of the actions taken and/or will be taken to resolve the violations cited.

7. Respondents have plugged the discharge pipe and use the septic tank as a holding tank with the tank pumped out as needed, with copies of the pumping receipts submitted to Ohio EPA.
8. On January 18, 2017, Respondents submitted a compliance schedule and supporting documentation. The schedule was dependent on obtaining funding and to that end, Responded Ronald E. Campbell was working with Ohio Rural Community Assistance Partnership ("Ohio RCAP") since mid-December.

9. On August 16, 2017, Ohio RCAP informed Ohio EPA that Respondent Ronald E. Campbell’s funding was approved.

10. On December 18, 2017, a permit to install application was submitted to Ohio EPA for a disposal system.

11. On January 10, 2018, an Ohio National Pollutant Discharge Elimination System ("NPDES") permit application was electronically submitted to Ohio EPA to authorize a discharge of pollution to waters of the state.

12. R. C. 6111.04(A) provides that no person shall cause pollution or place or cause to be placed any sewage where they cause pollution of any waters of the state unless authorized by the Director.

13. R.C. 6111.04(A)(2) provides that the action prohibited under R. C. 6111.04(A)(1) is declared to be a public nuisance.

14. Ohio Adm.Code 3745-33-02 (A) provides that no person may discharge any pollutant or cause, permit, or allow a discharge of any pollutant without applying for and obtaining an NPDES permit.

15. R.C. 6111.07(A) provides that no person shall violate or fail to perform any duty imposed by R.C. 6111.01 to R.C. 6111.08 or violate any rule adopted by the Director. Each day of violation is a separate offense.

16. Respondents' unauthorized discharge of pollutants to the waters of the state was a violation of R.C. 6111.04(A), Ohio Adm.Code 3745-33-02(A) and R.C. 6111.07(A), and a public nuisance.

17. The following Orders do not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any disposal system. Any such construction or modification is subject to R.C. 6111.44 and R.C. 6111.45 and Ohio Adm.Code Chapter 3745-42.

18. The Director considered 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 their 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.
V. ORDERS

1. Respondents shall achieve compliance with R.C. Chapter 6111, the rules adopted thereunder, and the NPDES permit, in accordance with the following procedure and schedule:

   a. Until a new sewage system is operational and in compliance with R.C. Chapter 6111, the rules adopted thereunder and the NPDES permit, Respondents shall plug and maintain the plug on the existing sewage system discharge pipe so that there is no discharge of pollutants to waters of the state, treat the septic tank as a holding tank, pump out the septic tank as needed and submit the pumping receipts to Ohio EPA, in accordance with Section X of these Orders, within ten (10) days of said pumping;

   b. Respondent shall achieve compliance with R.C. Chapter 6111, the rules adopted thereunder, and the NPDES permit, no later than August 1, 2018.

2. Respondents shall submit revisions / corrections to address any deficiencies in any documents submitted pursuant to these Orders within thirty (30) days of notification by letter from Ohio EPA of any deficiencies.

3. Should the new sewage system fail to attain operational level and compliance with R.C. Chapter 6111, the rules adopted thereunder and the NPDES permit by August 1, 2018, Respondents shall immediately pay to Ohio EPA the amount of fourteen thousand fifteen dollars ($14,015.00) in settlement of Ohio EPA’s claim for civil penalties, which may be assessed pursuant to R.C. Chapter 6111. Payment shall be made by tendering an official check for that amount, made payable to “Treasurer, State of Ohio.” The official check, together with a letter identifying Respondents, shall be submitted to Carol Butler or her successor at:

   Ohio Environmental Protection Agency
   Office of Fiscal Administration
   P.O. Box 1049
   Columbus, Ohio 43216-1049

   A photocopy of the check shall be sent to Ohio EPA, in accordance with Section X of these Orders, and to Larry Reeder, Environmental Manager, Enforcement Section, or his successor, at the following address:

   Ohio Environmental Protection Agency
   Division of Surface Water
   P.O. Box 1049
   Columbus, OH 43216-1049
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: “We certify that the information contained in or accompanying this certification is true, accurate and complete.” The certification shall be signed by Respondents and submitted to Ohio EPA.

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, structure located thereon, or sewage system.

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.

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
Southeast District Office
Division of Surface Water
Attn: DSW Enforcement Unit Supervisor
2195 Front Street
Logan, OH 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 Respondents each reserve all rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

XII. WAIVER

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 specified 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 person 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 in the Director's journal.
Ohio Environmental Protection Agency  
Southeast District Office  
Division of Surface Water  
Attn: DSW Enforcement Unit Supervisor  
2195 Front Street  
Logan, OH 43138

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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

Craig W. Butler
Director

[Signature]

5/3/18
Date

IT IS SO AGREED:
Ronald E. Campbell

[Signature]

4/13/18
Date

Marjorie A. Campbell

[Signature]

4/13/18
Date

Jennifer Elizabeth Campbell

[Signature]

4/13/18
Date