

OHIO E.P.A.

MAR 18 2014

ENTERED DIRECTOR'S JOURNAL

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.

BEFORE THE

By: Donna Cassler

Date: 3-18-14

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Dovetail Energy, LLC
5575 Granger Road, Suite 320
Independence, Ohio 44131

Respondent

: Director's Expedited
: Settlement Agreement and Orders
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:
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I. JURISDICTION

This Expedited Settlement Agreement and Orders ("ESA") is issued to Dovetail Energy, LLC ("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 is the applicant for the permit to install ("PTI") Application number 933544 for an anaerobic digester project.
2. Ohio Administrative Code ("OAC") Rule 3745-42-02 requires the Director's issuance of a Permit to Install ("PTI") prior to the installation of a new "disposal system," or the modification of a "disposal system" as such term is defined in R.C. Section 6111.01(G).
3. R.C. Section 6111.07(A) prohibits any person from violating, or failing to perform, any duty imposed by R.C. 6111.01 to 6111.08, or violating any rule adopted by the Director pursuant to those sections, including OAC Rule 3745-42-02.
4. Construction was commenced prior to the issuance of the PTI in violation of R.C. Chapter 6111 and OAC Rule 3745-42-02.
5. 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.

6. In consideration of Respondent's size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record, this ESA is an appropriate mechanism to resolve the noncompliance detailed in the Findings of this ESA.

III. ORDERS.

1. Respondent shall not install sewerage, or treatment works for sewage disposal or new disposal systems, including, but not limited to, anaerobic digesters, at any location in Ohio without first receiving prior approval from the Director as required by law.
2. Respondent shall not accept any waste until all treatment units have been installed in accordance with the approved PTI.
3. Within sixty (60) days from the date of the letter inviting Respondent to sign this ESA, Respondent shall pay to the Ohio EPA the amount of two thousand five hundred dollars (\$2,500) in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to Chapter 6111 of the Ohio Revised Code. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" to the following address: Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent.

A photocopy of the check shall be sent to Ohio EPA at the address listed below:

Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Larry Reeder, Enforcement Supervisor

IV. TERMINATION

Respondent's obligations under this ESA shall terminate upon Ohio EPA's receipt of the civil penalty payment required by this ESA and completion of Order number 2.

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 this ESA, Respondent consents to the issuance of this ESA and agrees to comply with

this ESA. Compliance with this ESA 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 this ESA, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of this ESA either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if this ESA is 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 this ESA notwithstanding such appeal and intervention unless this ESA is stayed, vacated, or modified.

VI. EFFECTIVE DATE

The effective date of this ESA is the date this ESA is entered into the Ohio EPA Director's journal.

VII. SIGNATORY AUTHORITY

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

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Craig W. Butler, Interim Director

3/11/14
Date

IT IS SO AGREED:

Dovetail Energy, LLC



Signature

Bruce Bailey
Printed or Typed Name

Vice President of Technical Affairs
Title

3/3/14
Date