

By:  Date: \_\_\_\_\_

1/7/2021

**BEFORE THE**  
**OHIO ENVIRONMENTAL PROTECTION AGENCY**

**In the Matter of:**

**Matthew Schaad**  
**1115 McNeal Road**  
**Waterford, Ohio 45786**

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**Director's Final Findings**  
**and Orders**

**Respondent**

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to Matthew Schaad ("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**

1. Respondent is the owner of Schaad Apartments, a three-structure complex on 1.6 acres located at 3527, 3529 and 3531 Wells Road, Waterford Township, Washington County, Ohio (the "Site"). Respondent installed a lift station and a force main to connect the Site to the sanitary sewer system owned by the Waterford Water & Sewer Association, without Ohio EPA's approval via a Permit-to-Install (PTI).
2. Ohio EPA had previously issued PTI #938101 on October 10, 2013, which permitted the installation of an onsite sewage treatment system ("OSTS") at the Site that included a drip system. This PTI did not permit the force main and lift station that were later installed at the Site.

3. On December 11, 2018, Ohio EPA conducted a complaint investigation at the Site and observed the presence of a lift station, which had not been covered under PTI #938101.
4. On January 24, 2019, Ohio EPA issued Notices of Violation ("NOV") to Respondent and the Waterford Water & Sewer Association, for installing a lift station and force main and connecting to the Waterford Water & Sewer Association's sanitary collection system without a PTI.
5. On February 25, 2019, the NOV mailed to Respondent was returned to Ohio EPA due to a change in Respondent's address. The NOV was mailed to the appropriate address on February 26, 2019 and later returned unclaimed to Ohio EPA on March 19, 2019.
6. On April 11, 2019, Ohio EPA once again mailed the January 24, 2019 NOV to Respondent along with a letter detailing Ohio EPA's mailing attempts. Respondent acknowledged receipt of the NOV and associated cover letter on April 15, 2019.
7. Ohio EPA received an email from Respondent on April 23, 2019, stating they would be working with an engineering firm to complete the as-built PTI application.
8. Respondent made periodic contact with Ohio EPA following update inquiries on July 2, 2019 and August 27, 2019. An as-built PTI application had yet to be submitted, and Respondent stated the engineering firm could have it completed by the end of August 2019.
9. On October 8, 2019, Respondent emailed Ohio EPA requesting a telephone call for the next day.
10. On October 9, 2019, Ohio EPA discussed with Respondent the expectations for the as-built PTI application. Respondent expressed a desire to submit the application and stated that a quote had been received from the engineering firm. Ohio EPA then communicated with the engineering contact and clarified the criteria needed for the as-built PTI application.
11. On January 13, 2020, Ohio EPA emailed Respondent's engineering contact for an update. On January 15, 2020 the engineering contact emailed Ohio EPA and Respondent inquiring if Respondent had contracted with anyone to complete the as-built PTI application and stating additional investigation of the Site would be needed to provide an updated cost proposal for the work. The engineering contact requested a Site visit with the Operator of Record on January 22, 2020.

12. As of the date of these Orders, an as-built PTI application has not been submitted for the for the lift station and force main installed at the Site.
13. Pursuant to ORC Section 6111.44(A), No municipal corporation, county, public institution, corporation, or officer or employee thereof or other person shall provide or install sewerage or treatment works for sewage, sludge, or sludge materials disposal or treatment or make a change in any sewerage or treatment works until the plans therefor have been submitted to and approved by the director of environmental protection.
14. Pursuant to Ohio Administrative Code ("OAC") Section 3745-42-02(A)(1), no person shall cause, permit, or allow the installation of a new disposal system or cause, permit, or allow the modification of a disposal system without first obtaining an individual PTI, a general PTI, or plan approval in accordance with this chapter and all other applicable rules and laws.
15. 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 purposes of ORC Chapter 6111.

#### **V. ORDERS**

1. Respondent shall not install sewerage, or treatment works for sewage disposal or new disposal systems, including, but not limited to, sanitary sewers, at any location in Ohio without first receiving prior approval from the Director as required by law.
2. Within ninety (90) days of the effective date of these Orders, Respondent shall submit a complete and approvable as-built PTI application with detailed plans for the installation of the lift station and force main at the Site.
3. 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 two, equal installments, in accordance with the schedule below, each by official checks made payable to "Treasurer, State of Ohio". Each 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 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, Ohio 43216-1049

Payment of the two-thousand five-hundred dollars (\$2,500) civil penalty shall be made in two, equal installments within a one-hundred eighty (180) day period, pursuant to the following schedule:

- The first payment of one-thousand two-hundred fifty dollars (\$1,250) shall be due within ninety (90) days after the effective date of these Orders.
- The second payment of one-thousand two-hundred fifty dollars (\$1,250) shall be due within one-hundred eighty (180) 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 Rule 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  
Southeast District Office  
Division of Surface Water  
ATTN: DSW Enforcement Unit Supervisor  
2195 Front Street  
Logan, Ohio 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 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.

**XIV. SIGNATORY AUTHORITY**

Each undersigned representative or 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**

  
\_\_\_\_\_  
Laurie A. Stevenson, Director

01/06/2021  
Date

**IT IS SO AGREED:**

**Matthew Schaad**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed or Typed Name

\_\_\_\_\_  
Title

XIV. SIGNATORY AUTHORITY

Each undersigned representative or 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:**

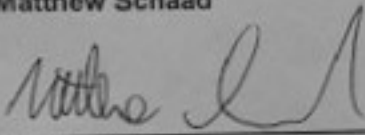
Ohio Environmental Protection Agency

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Laurie A. Stevenson, Director

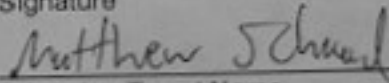
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**IT IS SO AGREED:**

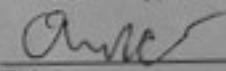
**Matthew Schaad**

  
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Signature

  
\_\_\_\_\_

Printed or Typed Name

  
\_\_\_\_\_

Title

12/20/2020  
Date