

By: Holly A. Mink Date: _____

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

12/21/2020

In the Matter Of:

**Ukrainian American Youth Association
47890 Bursley Road
Wellington, OH 44090**

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**Director's Final Findings
and Orders**

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the Ukrainian American Youth Association ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Chapters 6111 and 3745.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 6111 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent is a non-profit organization operating a youth camp in Lorain County, located at 47890 Bursley Road, Wellington, Ohio 44090 ("the Facility").
2. Respondent has a wastewater treatment plant ("WWTP") for the Facility that does not have a National Pollutant Discharge Elimination System ("NPDES") permit.
3. The WWTP discharges to Charlemont Creek and then to the West Branch of the Black River, Waters of the State.

4. On June 14, 2017, Ohio EPA inspected Respondent's Facility. The inspection revealed a WWTP at the Facility discharging without an NPDES permit. The WWTP also did not meet the required treatment standards for a discharging system, specifically lacking secondary treatment component and de-chlorination.
5. The inspection also found several holding tanks, privies, and washing stations throughout the property.
6. Respondent was issued a Notice of Violation ("NOV") on June 16, 2017 after this inspection for failing to have an NPDES permit. The NOV cited ORC Chapter 6111.04(A) and Ohio Administrative Code ("OAC") 3745-33-02(A), citing no person may discharge pollution to waters of the state without a valid NPDES permit.

The June 16, 2017 NOV requested Respondent submit a response to Ohio EPA within 30 days on what action Respondent was taking to obtain NPDES permit coverage for the WWTP. The NOV also copied personnel from Lorain County Public Health LCPH.

7. On July 18, 2017, Respondent's then consultant contacted Ohio EPA providing an outline of a plan in response to the NOV. The plan included site evaluation to determine the feasibility of a non-discharging onsite system for the Facility. If an onsite system was not feasible, the proposed plan included upgrades to the existing WWTP including the submission of an NPDES permit application, submission of a Permit to Install ("PTI") application for upgrades if necessary, hiring of a certified operator, performing effluent testing, and reporting to Ohio EPA.
8. On July 21, 2017, Ohio EPA contacted Respondent providing information needed to submit an NPDES application as well as a list of certified operators and contact information for Ohio EPA's Office of Compliance Assistance and Pollution Prevention ("OCAPP").
9. On September 15, 2017, Ohio EPA contacted Respondent by email requesting an update on progress of attaining compliance and a timeline for submitting NPDES permit coverage or conversion to an onsite system. The email requested an update by September 22, 2017. No update was received.
10. Respondent was issued a second NOV on October 4, 2017. The NOV cited a failure to take adequate action to address the violations cited in the June 16, 2017 NOV and inspection on June 14, 2017. The second NOV cited ORC Chapter 6111.04(A) and Ohio Administrative Code ("OAC") 3745-33-02(A), citing no person may discharge pollution to waters of the state without a valid NPDES permit.

11. On November 27, 2017, a meeting is held with Ohio EPA personnel, the LCPH, and Respondent. The purpose of this meeting was to discuss a path to compliance with Respondent and to ensure compliance before camp came back into session.
12. On November 28, 2017, the LCGHD sent a follow-up email to Respondent and Ohio EPA outlining and detailing possible coverage for sewage treatment for the Facility including the WWTP and the holding tanks, privies, and washing stations on Respondent's property. The email also provided contact information for soil scientists, designers, and installers of wastewater treatment systems. The message detailed potential options for different treatment paths and discussed Respondent's need to address outstanding NOVs from Ohio EPA.
13. Ohio EPA contacted Respondent or its consultants at least six times from November 28, 2017 to August 15, 2018 requesting updates and compliance information from Respondent.
14. On August 15, 2018, Ohio EPA conducted a site inspection with the LCPH. The inspection found the violations in the June and October NOVs had not been resolved.
15. In April of 2019, Ohio EPA and Respondent began negotiation of Director's Findings and Orders regarding the Facility. Respondent was unable to fund the necessary repairs and therefore operated the facility as a primitive campground to eliminate the discharge to waters of the state while negotiating the Director's Findings and Orders. Respondent continued to conduct fundraising during this time.
16. ORC 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 National Pollutant Discharge Elimination System (NPDES) permit issued by the Director or if an application for renewal of such permit is pending.
17. Under OAC 3745-33-02(A) no person may discharge any pollutant or cause, permit, or allow a discharge of any pollutant without applying for and obtaining an Ohio NPDES permit in accordance with the requirements of this chapter.
18. Under ORC 6111.46(C), the Ohio EPA may require the submission of records and data of construction, operation, and maintenance, including plans and descriptions of existing works or means of treatment and disposal of such sewage and industrial wastes. When the agency requires the submission of such records or information, the public officials or person, firm, or corporation having the works in charge shall comply promptly with that order.

19. OAC 3745-42-11 establishes the permit to install application requirements, management plan application requirements, design standards, siting restrictions and operation and maintenance requirements for any holding tank. 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 PTI requirements of ORC §§ 6111.44 and 6111.45 and OAC Chapter 3745-42.
20. 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. Within thirty (30) days of the effective date of these Orders, Respondent shall submit to Ohio EPA plans for an onsite treatment system approved by Lorain County Public Health for the Facility,
2. Within ninety (90) days of the effective date of these Orders, Respondent shall commence construction of the onsite system per the approved plans, in the event inclement weather prevents commencement of construction under this Order, Respondent shall submit to Ohio EPA confirmation that contracts have been let for construction of the onsite system, and documentation detailing reasons for the delay in commencement of construction for Ohio EPA's approval which shall not be unreasonably withheld,
3. Within one hundred and eighty (180) days of the effective days of these Orders, Respondent shall complete construction and maintain an operational level of the onsite system,
4. Within ninety (90) days of the effective date of these Orders, Respondent shall submit to Ohio EPA conformation contracts for construction have been let for removal and/or proper abandonment of the privy holding tanks and removal and/or proper abandonment of the existing wastewater treatment plant,
5. Within one hundred and eighty (180) days of the effective date of these Orders, Respondent shall complete construction having properly removed and/or abandoned the privy holding tanks and the existing wastewater treatment plant,

6. Respondent shall submit to Ohio EPA, in accordance with Section X. of these Orders, confirmation each of the above milestones have been met,
7. Within sixty (60) days of the effective date of these Orders, Respondent shall pay to the Ohio EPA the amount of \$2,000 (two thousand dollars), Respondent shall pay \$1,000 (one thousand dollars) of this amount within thirty (30) days of the effective date of these Orders, which may be assessed pursuant to ORC § 6111.09. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" for the total amount within sixty (60) days of the effective date of these Orders. The official check and a cover letter identifying the Respondent shall be submitted to Carol Butler, or her successor at:

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

A copy of the check shall also 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, OH 43216-1049

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 Respondent. For purposes of these Orders, a responsible official is as 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 the operation of Respondent's waste water treatment 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 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
Northeast District Office
Division of Surface Water
2100 East Aurora Road
Twinsburg, Ohio 44087

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 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.

[Signature Page Follows]

IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Laurie A. Stevenson

Laurie A. Stevenson
Director

12/21/2020

Date

IT IS SO AGREED:

The Ukrainian American Youth Association

Taras Lawriw
Signature

11/19/2020
Date

TARAS LAWRIW

Printed or Typed Name and Title