



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

7/31/2015

Holmes County Airport Authority
2 Court Street, Suite 21
Millersburg, OH 44654

RE: Directors Final Findings & Orders
NPDES
Holmes County
3GC06131

Ladies and Gentlemen:

Transmitted herewith is one copy of the Director's Final Findings and Orders in the referenced matter.

Sincerely,

Ed Swindall, Supervisor
Permit Processing Unit
Division of Surface Water

ERS/dks

Enclosure

CERTIFIED MAIL

cc: M. Mann, DSW
R. DeMuth, DSW
B. Schuch, DSW
L. Reeder, DSW
J. Martin, DSW
D. Stoll, NEDO/DSW
Fiscal
Compliance Section
M. McCarron, PIC
H. Griesmer, PIC
B. Fischbein, Legal
P. Simcic, Legal
P. Fallah, DEFA
Journal Room
File

Ohio EPA Invoice/Receipt

Date Printed: July 31, 2015

Revenue ID: 1046509

Please include this Revenue ID with all correspondence.

Organization ID: 104855

Information: Holmes County Airport Authority
2 Court St Suite 21
Millersburg, OH 44654-

Due Date: August 31, 2015

Amount Due: \$18,852.00

Effective Date: July 31, 2015

Revenue Description: DSW- Findings and Orders-Civil Penalties (FOSW)

Program Name: Surface Water Programs

Reason: FO Stormwater Construction for Holmes Co Airport Authority 3GC06131

For some Revenues, Interest and/or Penalties may be charged for late payment.

Next Interest Date (if applicable):

Next Penalty Date (if applicable):

Remittance Advice

Detach Here - Please Return This Portion With Your Payment

Organization ID: 104855

Information: Holmes County Airport Authority
2 Court St Suite 21
Millersburg, OH 44654-

Due Date: Aug 31, 2015

Amount Due: \$18,852.00

Secondary Type/Id: /

Revenue Type: FOSW

Amount Enclosed: \$ _____

Please write this number on your check. Revenue ID: 1046509

Make check or money order payable to "Treasurer, State of Ohio"

Remit to: Ohio Environmental Protection Agency - OFA
Department L-2711
Columbus, OH 43260-2711

For Ohio EPA use only

Check ID: _____

Check Date: _____

Check Number: _____

Check Amount: \$ _____

104855	Holmes County Airport Authority	1885200	FOSW	1046509
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Ohio EPA Invoice/Receipt

Date Printed: July 31, 2015

Revenue ID: 1046510

Please include this Revenue ID with all correspondence.

Organization ID: 104855

Information: Holmes County Airport Authority
2 Court St Suite 21
Millersburg, OH 44654-

Due Date: August 31, 2015

Amount Due: \$4,713.00

Effective Date: July 31, 2015

Revenue Description: DSW- Findings and Orders-Civil Penalties (FOSW)

Program Name: Surface Water Programs

Reason: FO Stormwater Construction for Holmes Co Airport Authority 3GC06131 - school bus fund

For some Revenues, Interest and/or Penalties may be charged for late payment.

Next Interest Date (if applicable):

Next Penalty Date (if applicable):

Remittance Advice

Detach Here - Please Return This Portion With Your Payment

Organization ID: 104855

Information: Holmes County Airport Authority
2 Court St Suite 21
Millersburg, OH 44654-

Due Date: Aug 31, 2015

Amount Due: \$4,713.00

Secondary Type/Id: /

Revenue Type: FOSW

Amount Enclosed: \$ _____

Please write this number on your check. Revenue ID: 1046510

Make check or money order payable to "Treasurer, State of Ohio"

Remit to: Ohio Environmental Protection Agency - OFA
Department L-2711
Columbus, OH 43260-2711

For Ohio EPA use only

Check ID: _____
Check Date: _____
Check Number: _____
Check Amount: \$ _____

104855	Holmes County Airport Authority	471300	FOSW	1046510
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BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

JUL 31 2015

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Holmes County Airport Authority
2 Court Street, Suite 21
Millersburg, Ohio 44654

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:
:

Director's Final Findings
and Orders

Respondent

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.

PREAMBLE

It is agreed by the parties hereto as follows:

By: 

Date: 7-31-2015

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the Holmes County Airport Authority ("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, or the ownership or operation of the Site (as defined herein), 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 Chapter 6111 and the rules adopted thereunder.

IV. FINDINGS

The Director of Ohio EPA has made the following findings:

1. Fechko Excavating, Inc. submitted a Notice of Intent application ("NOI") for coverage under Ohio's General Permit for Storm Water Discharges Associated with Construction Activity OHC000003 ("Ohio EPA Construction Storm Water General Permit") on September 7, 2012 for the Holmes County Airport Runway 9-27 Relocation and Extension Project, located at 4501 Township Road 307,

Hardy Township, Holmes County ("the Site"). Coverage for the Site was granted on September 14, 2012 (Facility Permit No. 3GC06131*AG).

2. Coverage under the Ohio EPA Construction Storm Water General Permit was transferred to both the Respondent Holmes County Airport Authority and Fechko Excavating, Inc. on August 7, 2013 as co-permittees.
3. The project involves the re-location of the 75 foot wide runway approximately 140 feet to the south and a 902 foot runway extension to the west. Once complete, the new runway will comply with Federal Aviation Administration safety requirements. The Site discharges storm water into unnamed tributaries to Newtons Run and Newtons Run. The unnamed tributaries to Newtons Run and Newtons Run are considered "waters of the state" as defined by ORC Section 6111.01.
4. Ohio EPA conducted inspections of the Site on the following dates: October 18, 2012; December 3, 2012; April 11, 2013; April 30, 2013; May 15, 2013; June 4, 2013; September 30, 2013; and March 11, 2014. The following violations were noted:
 - a) The failure to provide information required to be part of the Storm Water Pollution Prevention Plan ("SWP3"), including areas to be disturbed, storm water runoff calculations, locations of settlement ponds, etc. in violation of Part III(1) of the Ohio EPA Construction Storm Water General Permit and R.C. 6111.07. These violations were observed during an inspection on October 18, 2012.
 - b) The failure to perform temporary stabilization on idle areas within 7 days of the last disturbance in violation of Part III(G)(2)(b)(i) of the Ohio EPA Construction Storm Water General Permit and R.C. 6111.07. These violations were observed during inspections conducted on April 11, 2013 June 4, 2013, and March 11, 2014.
 - c) The failure to provide adequate sediment basins and perimeter sediment barriers prior to grading and within seven days from the start of grubbing in violation of Part III(G)(2)(d)(i) of the Ohio EPA Construction Storm Water General Permit and R.C. 6111.07. These violations were observed during inspections conducted on October 18, 2012, December 3, 2012, April 11, 2013, and March 11, 2014.
 - d) The failure to have any functional best management practices ("BMPs") installed to prevent erosion and the discharge of sediment to waters of the state in violation of Part III(G)(2)(d)(i) of the Ohio EPA Construction Storm Water General Permit and R.C. 6111.07. These violations were observed in

multiple locations during inspections conducted on October 18, 2012, December 3, 2012, April 11, 2013, June 4, 2013, and March 11, 2014.

- e) The failure to have functional BMPs installed to prevent the offsite tracking of sediment in violation of Part III(G)(2)(g) of the Ohio EPA Construction Storm Water General Permit and R.C. 6111.07. This violation was observed during an inspection conducted on June 4, 2013.
 - f) The failure to maintain silt fencing in good working as depicted in the SWP3, in violation of Part III(G)(2)(d)(i) of the Ohio EPA Construction Storm Water General Permit and R.C. 6111.07. These violations were observed during inspections conducted on October 18, 2012, December 3, 2012, April 11, 2013, and March 11, 2014.
 - g) The failure to have functional BMPs installed to prevent leaking oil from an onsite grader (i.e., maintenance and drip pans) from discharging to waters of the state in violation of Part III(G)(2)(g) of the Ohio EPA Construction Storm Water General Permit and R.C. 6111.07, observed during the inspection on April 11, 2013.
5. The following Notice of Violation ("NOV") letter was sent to Fechko Excavating, Inc. documenting the above referenced violations: November 16, 2012. The following Notice of Violation ("NOV") letters were sent to Fechko Excavating, Inc., Respondent Holmes County Airport Authority and Stantec, Inc.: December 18, 2012; April 19, 2013, July 22, 2013, and April 14, 2014.
 6. Through the NOV letters, Respondent has been provided notice of its violations of ORC Chapter 6111, the Ohio Administrative Code, and the Ohio EPA Construction Storm Water General Permit. Respondent consistently failed to respond within the timeframes required by the Ohio EPA Construction Storm Water General Permit and Ohio EPA's notifications.
 7. Pursuant to ORC section 6111.04(A), no person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state. Such an action is prohibited under ORC section 6111.04(A) and is declared to be a public nuisance unless the person causing pollution or placing or causing to be placed wastes in a location in which they cause pollution of any waters of the state holds a valid, unexpired permit, or renewal of a permit, governing the causing or placement as provided in ORC sections 6111.01 to 6111.08 or if the person's application for renewal of such a permit is pending.
 8. Pursuant to ORC section 6111.07(A), no person shall violate or fail to perform

any duty imposed by ORC sections 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.

9. 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 ORC Chapter 6111.

V. ORDERS

1. Respondent shall achieve compliance with the Construction Storm Water General Permit as soon as possible, but not later than thirty (30) days from the effective date of these Orders.
2. Within fourteen (14) days of the effective date of these Orders, Respondent shall submit the most recent storm water pollution prevention plan ("SWP3") for the Site to Ohio EPA for review and approval. Respondent shall amend the SWP3 for the Site as required by Part III.D. of the Construction Storm Water General Permit, and shall submit a copy of any amendments or revisions of the SWP3 to Ohio EPA, in accordance with Section X of these Orders. Respondent shall include all post-construction storm water management requirements in the SWP3 and shall amend the SWP3 to reflect any changes required by the new Construction Storm Water General Permit (Permit #OHC000004.) Detail drawings and maintenance plans for all post-construction BMPs shall be provided by Respondent to the post-construction operator of the site prior to termination of the Construction Storm Water General Permit coverage.
3. Respondent shall pay the amount of Twenty Three Thousand Five Hundred and Sixty Five dollars (\$23,565.00) in settlement of Ohio EPA's claim 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" for \$18,852.00 of the total amount. The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying Respondent and the site, to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

A photocopy of the check shall be sent to Ohio EPA, Northeast District Office, in accordance with Section X of these Orders.

4. In lieu of paying the remaining \$4,713.00 dollars of the civil penalty, Respondent shall within thirty (30) days of the effective date of these Orders, fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of \$4,713.00 to Ohio EPA's Clean Diesel School Bus Fund (Fund 5CD). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for said amount. The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying Respondent and the site, to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

A copy of each check shall be sent to Mark Mann, Environmental Manager, Storm Water and Enforcement Section, or his successor, at the following address:

Ohio EPA
Division of Surface Water
P.O. Box 1049
Columbus, Ohio 43216-1049

5. Should Respondent fail to fund the SEP within the required time frame set forth in Order No. 4 Respondent shall immediately pay to Ohio EPA the remaining \$4,713.00 of the civil penalty in accordance with the procedures in Order No. 3.

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 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.

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 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

Unless otherwise specified, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northeast District Office
Attn: Enforcement Supervisor
Division of Surface Water
2110 E. Aurora Road
Twinsburg, OH 44087

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, through the date of 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.

**IT IS SO ORDERED AND AGREED:
Ohio Environmental Protection Agency**



Craig W. Butler
Director

7/28/15

Date

**IT IS SO AGREED:
Holmes County Airport Authority**



By

Robert P. Baker

Printed or Typed Name

7/6/15

Date

President, of Holmes Co. Airport Authority

Title