

defined by ORC Section 6111.01. The WWTP at the Site is considered a "semi-public disposal system" pursuant to ORC 3709.085(B).

3. A Permit to Install (PTI No. 02-6120) for the construction of the onsite WWTP was issued by the Ohio EPA on July 9, 1991. The PTI stated that "the treatment plant shall be abandoned and the sanitary sewers connected to the public sanitary sewer system whenever such system becomes available."
4. Additionally, a National Pollutant Discharge Elimination System ("NPDES") permit (No. 3PR00383*AD) was issued July 30, 2004 for the Site and became effective September 1, 2004. The expiration date of the NPDES permit is August 31, 2009. The NPDES permit states: "Notwithstanding the issuance or non-issuance of an NDPEs permit to a semi-public disposal system, whenever the sewage system of a publicly owned treatment works becomes available and accessible, the permittee operating any semi-public disposal system shall abandon the semi-public disposal system and connect it into the publicly owned treatment works."
5. The Lake County Utilities Department has an available and accessible sanitary sewer located in the right-of-way on Auburn Road, which runs parallel to the Site's western property line. This sewer was constructed in 1998 and is approximately 130 feet west of the tavern located at the Site.
6. The facility is in violation of Ohio Administrative Code 3745-33-08 (C) which requires the abandonment of a semi-public disposal system whenever the sewage system of a publically treatment works is available and accessible.
7. On March 3, 2009, Ohio EPA, Northeast District Office ("NEDO"), met with Respondent and his engineer to discuss the need to connect to the publicly owned sanitary sewer on Auburn Road. In letters dated 11/16/04, 5/25/05, 7/14/05, 9/20/05, 1/5/06, 5/1/06, 3/20/07, 8/16/07, 6/13/08, 12/24/08 and 2/4/09, NEDO has previously requested that Respondent tie the Site into the publicly owned sanitary sewer system.
8. On behalf of Respondent, Mr. Mark Lewis, P.E., contacted the Lake County Utilities Department regarding connection to the publicly owned sanitary sewer on Auburn Road. In a facsimile dated December 14, 2005, the Lake County Utilities Department calculated a tap-in fee of \$16,205.11 for the Concord Tavern Sanitary Lateral Plan. Respondent appealed the tap in fee through the Lake County Board of Appeals; however, said appeal was not granted.
9. 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.

10. 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 permit to install ("PTI") requirements of ORC sections 6111.44 and 6111.45 and OAC Chapter 3745-42.
11. 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 complete connection of the Site to the publicly owned sanitary sewer on Auburn Road in accordance with OAC Chapter 3745-42 and ORC Chapter 6111. Respondent shall do the following as expeditiously as practicable, but not later than the milestone dates set forth below:
 - a. Within seven (7) months from the effective date of these Orders, Respondent shall initiate construction of a lateral tie in to the Auburn Road sewer;
 - b. Within nine (9) months from the effective date of these Orders, Respondent shall complete construction of a lateral tie in to the Auburn Road sewer;
 - c. Within ten (10) months from the effective date of these Orders, Respondent shall make connection to the publicly owned sanitary sewer on Auburn Road and cease discharge to waters of the state in accordance with the approved PTI issued by the Director.
2. Within thirty (30) days from connecting the Site to the publicly owned sanitary sewer line, Respondent shall complete the abandonment of the onsite WWTP in accordance with all federal, state and local rules and requirements including, but not limited to, those imposed by the Lake County Health District and the provisions 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 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 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 Respondent's sewer 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
2110 East Aurora Road
Twinsburg, Ohio 44087
Attn: Enforcement Unit Supervisor

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.

IT IS SO AGREED:

Thomas F. Salagovic

Thomas F. Salagovic
By

June 16th 2010
Date

THOMAS F. SALAGOVIC
Print Name

President
Title

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Chris Korleski
Chris Korleski

7/9/10
Date