

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY, OHIO E.P.A.

JAN -4 2012

In the Matter of:

Faith Ranch and Farms Fund  
P.O. Box 355  
Jewett, OH 43986

Respondent

ENTERED DIRECTOR'S JOURNAL

**Director's Final Findings  
and Orders**

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:

*M. Shorrie* Date: 1/4/2012

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to Faith Ranch and Farms Fund ("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 ranch, as defined below, 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 determined the following findings:

***Background***

1. Respondent, dba Faith Ranch, is an active Ohio corporation for non-profit (Entity Number 461051), and owns and operates a 4200 acre Christian, non-denominational, ranch (horse camp / activity camp), located, at 89500 Jewett-Germano Rd., Jewett, Harrison County, ("ranch").
2. The ranch has, in pertinent part, a ranch house, farm house, covenant house, pioneer house, cabins, bunk houses and food service facility.

### ***Past Disposal System Activities***

3. In 1987, Respondent applied for and obtained a permit to install for a disposal system for the ranch house.
4. In a 1988 letter, Ohio EPA informed Respondent that the 1987 disposal system was not completed according to the approved plans and that new plans were required to be submitted.
5. Respondent has not submitted the requested plans.

### ***Violations of the Permit to Install Rules***

6. In 2005, Respondent corresponded with Ohio EPA regarding proposed sewage systems for new bunkhouses located near the existing ranch house, and a food service building ("dining hall") located near the existing farm house. Respondent provided soils information and Ohio EPA responded with information regarding acceptable disposal systems.
7. In late summer of 2005, Respondent requested that Ohio EPA allow a temporary connection of the dining hall to the existing farm house disposal system, which system was recently replaced.
8. Respondent was informed that a permit to install was required for the replacement system.
9. In a November 2, 2005 e-mail, Ohio EPA informed Respondent that it was acceptable to temporarily tie in the sewage from the dining hall to the existing onsite disposal system for the farm house.
10. The November 2, 2005 email further stated that:

[Ohio EPA] understand that you will install a septic tank at the dining hall ... [and that] the effluent from the new septic tank will be discharged to the farm house system by a new sewer which will be removed before next season when you will be able to install the permanent onsite system for the dining hall. [A] permit to install application and detail plans for the new permanent onsite system to serve the dining hall will be submitted soon to this agency.
11. In August, 2006, Ohio EPA observed that Respondent installed or modified the following disposal systems, all without applying for nor obtaining permits to install and detailed plan approvals from the Director:
  - a. New disposal system for the bunk house;
  - b. Modification to the disposal system for the ranch house; and

- c. New disposal system for the dining hall.

### ***Attempts to Effectuate Compliance***

12. In Autumn 2006, July, 2007, November 2007, and May, 2008, Ohio EPA meet with and informed Respondent that permits to install and detail plans were required for the new and modified disposal systems.
13. In a letter dated April 21, 2009, Respondent was informed that a permit to install, detailed plans and a National Pollutant Discharge Elimination System Permit ("NPDES permit") application were required to be submitted. Also a General Engineering Report for the disposal systems was to be submitted by June 1, 2009.
14. To date, Respondent has not submitted detailed plans, applications for permits to install or NPDES permit, nor a General Engineering Report.

### ***Statutory and Rule Requirements***

15. Ohio Administrative Code ("OAC") Rule 3745-42-02 requires the Director's issuance of a permit to install prior to the installation of a new "disposal system," or the modification of a "disposal system."
16. ORC § 6111.07 (A) prohibits any person from violation of, or failing to perform, any duty imposed by, ORC §§ 6111.01 to 6111.08, or violating any rule adopted by the Director pursuant to those sections, including OAC Rule 3745-42-02.
17. Respondent is in violation of the above cited law and rules, with each day of violation a separate offence.
18. 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 not install a new disposal system or modify a disposal system in Ohio without first receiving prior approval from the Director, as required by law.
2. Respondent shall submit to Ohio EPA within ninety (90) days of the effective date of these Orders, a complete narrative description of all disposal systems that are in use or exist in whole or part, at the ranch.
3. Respondent shall:

- a. Within one-hundred twenty (120) days of the effective date of these Orders, submit complete and approvable applications for permits to install, with detailed plans, for the new disposal systems to serve the bunk house and dining hall, and as built plans for the existing ranch house disposal system with the extension for the leach field included;
  - b. Within one-hundred twenty (120) days of the effective date of these Orders, submit, if necessary, with the aforementioned applications for permits to install and detailed plans, a complete and approvable application for an NPDES permit and Antidegradation Addendum, for the disposal systems to serve the bunk house and dining hall; and
  - c. Within three hundred sixty-five (365) days of the effective date of these Orders, complete all construction as approved in the permits to install and detailed plans, and comply with the NPDES permit.
4. Respondent shall submit to Ohio EPA within fourteen (14) days of the effective date of these Orders, the inventory information for each dry well located at the ranch as required by OAC Rule 3745-34-12(E). Respondent shall submit the information to:
- Ohio EPA,  
Division of Drinking and Ground Waters  
Underground Injection Control  
Lazarus Government Center  
P.O. Box 1049  
Columbus, OH 43216-1049.
5. Respondent shall pay the amount of eight thousand dollars (\$8,000.00) in settlement of Ohio EPA's claims for civil penalties which may be assessed pursuant to ORC Chapter 6111, pursuant to the following installment schedule:
- a. By January 31, 2012, Respondent shall pay the first two thousand dollars (\$2,000.00) of the civil penalty;
  - b. By April 30, 2012, Respondent shall pay two thousand dollars (\$2,000.00) of the civil penalty;
  - c. By July 30, 2012, Respondent shall pay two thousand dollars (\$2,000.00) of the civil penalty; and
  - d. By October 29, 2012, Respondent shall pay the final two thousand dollars (\$2,000.00) of the civil penalty

Within the exception of the October 29, 2012 final payment, the first three (3) payments shall be made by submitting official checks in the amount of two thousand dollars (\$2,000.00) for each payment, and mailed to Brenda Case, or her

successor, together with a letter identifying Respondent, at the address provided below. The October 29, 2012 final payment shall be made by submitting two (2) official checks, one in the amount of one thousand six hundred dollars (\$1,600.00) and a second official check in the amount of four hundred dollars (\$400.00) and mailed to Brenda Case, or her successor, together with a letter identifying Respondent, at the address provided below:

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

All official checks shall be made payable to "Treasurer, State of Ohio." A photocopy of all checks shall be sent to Ohio EPA's Southeast District Office in accordance with Section X of these Orders, and to Mark Mann, Enforcement 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

It is noted that one thousand six hundred dollars (\$1,600.00) of the total penalty shall fund Ohio EPA's Clean Diesel School Bus Fund (Fund 5CD), a supplemental environmental project,

6. If Respondent misses any of the scheduled payments as set forth in Order No. 5, above, all remaining payments shall become due and owing immediately.

## **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**

Unless otherwise stated herein, all documents required to be submitted by Respondent shall be addressed to:

Ohio Environmental Protection Agency  
Southeast District Office  
Division of Surface Water  
Attention: Enforcement Supervisor  
2195 Front Street  
Logan, Ohio 43138

## **XI. RESERVATION OF RIGHTS**

Ohio EPA and Respondent each reserve all other 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.

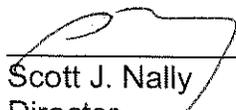
**XIII. EFFECTIVE DATE**

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**XIV. SIGNATORY AUTHORITY**

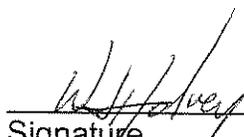
Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

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

  
\_\_\_\_\_  
Scott J. Nally  
Director

4/4/12  
\_\_\_\_\_  
Date

**IT IS SO AGREED:  
Faith Ranch and Farms Fund**

  
\_\_\_\_\_  
Signature

12/16/11  
\_\_\_\_\_  
Date

WILLIAM J. HOLVEY  
\_\_\_\_\_  
Printed or Typed Name

DIRECTOR  
\_\_\_\_\_  
Title