



OHIO E.P.A.

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ENTERED DIRECTOR'S JOURNAL

July 1, 2013

Mr. and Mrs. Vincent Pompey  
4816 Brook Road  
Lancaster, Ohio 43140

**CERTIFIED MAIL**

**RE: Verified Complaint No. VC12035W03  
Alleged Violator: Michael Schoett**

Dear Mr. and Mrs. Pompey:

This letter is intended to serve as a response to the verified complaint, referenced above, that Ohio EPA received on July 9, 2012. Your complaint alleged that the neighboring property owned by Michael Schoett, 4770 Brook Road, was creating a nuisance condition by discharging untreated or partially treated sewage onto your property.

Upon receipt of the verified complaint, staff from Ohio EPA's Division of Surface Water and Fairfield County Department of Health performed an investigation to determine the nature of the problem. On August 20, 2012, an inspector from Ohio EPA met with you at your home at 4816 Brook Road.

In summary, the results of Ohio EPA's investigation of your concerns are as follows:

- Dye testing performed by Fairfield County Department of Health determined that discharges from Mr. Schoett's aeration system were surfacing on your property. It was determined that other properties discharging to a clay tile on your property currently have adequate discharge systems.
- The investigation found that the sewage aeration system on Mr. Schoett's property was an older model that was not functioning correctly for substantial periods of time. This was further demonstrated by the pool of septic water around the clay tile and the odiferous black water found in the catch basin on your property.
- Fairfield County Department of Health notified Mr. Schoett of the problem and ordered Mr. Schoett to replace the aeration tank unit motor with a new motor, have the aeration tank pumped by a Registered Pumper, and to contract with a Registered Service Provider to provide aeration system maintenance.

- A second site investigation was performed by Ohio EPA and Fairfield County Department of Health on June 11, 2013. The investigation found no evidence of untreated or partially treated sewage running over the ground or onto your property. It was determined that Mr. Schoett had complied with all orders from Fairfield County Department of Health and that Mr. Schoett's sewage treatment system was now functioning properly.

Based on the investigation into the allegations in your complaint as well as information developed as a part of the investigation, I find that the violation you alleged did occur. However, as discussed above, the problem has now been adequately addressed. Because of this, I consider this matter resolved and thus I am officially dismissing your verified complaint. I thank you for bringing this concern to our attention so that it could be adequately investigated and addressed.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Ohio Treasurer Josh Mandel", which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission  
77 South High Street, 17th Floor,  
Columbus, OH 43215

Sincerely,



Scott J. Nally  
Director

cc: Bill Fischbein, Legal  
Brittany Schuch, DSW, CO  
Paul Vandermeer, DSW, CDO  
Steve Deeter, Fairfield County Health Department