Message

From: Socha, Julianne [socha.julianne@epa.gov]
Sent: 3/29/2018 1:14:39 PM
To: Kevin.Elder@Agri.ohio.gov
CC: Andrew.Ety@agri.ohio.gov; Timothy.Schirmer@agri.ohio.gov; Catherine A Carney [Catherine.Carney@ohioattorneygeneral.gov]; Nancy.Cunningham@Agri.ohio.gov; Chow, Kevin [chow.kevin@epa.gov]; Kelly McCloud [kelly.mccloud@ohioattorneygeneral.gov]
Subject: RE: Civil Penalty Letter to USEPA for NPDES Delegation

Hi Kevin,
Kevin Chow and I have a call scheduled for April 9 with the HQ team that is involved in the review of the request to transfer. I expect we will have some questions for you after this call.

julianne

Julianne Socha
Section 2 | NPDES Programs Branch | Water Division | Region 5 | U.S. EPA
77 W. Jackson Blvd. WN-15J | Chicago IL 60604
312-886-4436 | socha.julianne@epa.gov

From: Kevin.Elder@Agri.ohio.gov [mailto:Kevin.Elder@Agri.ohio.gov]
Sent: Wednesday, March 21, 2018 3:52 PM
To: Socha, Julianne <socha.julianne@epa.gov>
Cc: Andrew.Ety@agri.ohio.gov; Timothy.Schirmer@agri.ohio.gov; Catherine A Carney <Catherine.Carney@ohioattorneygeneral.gov>; Nancy.Cunningham@Agri.ohio.gov; Chow, Kevin <chow.kevin@epa.gov>; Kelly McCloud <kelly.mccloud@ohioattorneygeneral.gov>
Subject: RE: Civil Penalty Letter to USEPA for NPDES Delegation

Good Afternoon Julianne,

I was just checking in to see if you needed anything else and had any opportunities to review the documents we forwarded.

Thanks!

Kevin H. Elder, Chief
ODA-Division of Livestock Environmental Permitting
8995 East Main Street
Reynoldsburg, Ohio 43068

Phone: 614/387-0469
Cell: 614/582-7880
Fax: 614/728-6335
Web: http://www.agri.ohio.gov/divs/DLEP/dlep.aspx

From: Socha, Julianne [mailto:socha.julianne@epa.gov]
Sent: Thursday, March 01, 2018 1:45 PM
To: Kelly McCloud; Elder, Kevin
Cc: Ety, Andrew; Schirmer, Timothy; Catherine A Carney; Cunningham, Nancy; Chow, Kevin
Subject: RE: Civil Penalty Letter to USEPA for NPDES Delegation

Thank you

julianne

Julianne Socha
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From: Kelly McCloud [mailto:kelly.mccloud@ohioattorneygeneral.gov]
Sent: Thursday, March 01, 2018 12:32 PM
To: Socha, Julianne <socha.julianne@epa.gov>; Kevin.Elder@Agri.ohio.gov
Cc: Andrew.Ety@agri.ohio.gov; Timothy.Schirmer@agri.ohio.gov; Catherine A Carney <Catherine.Carney@ohioattorneygeneral.gov>; Nancy.Cunningham@Agri.ohio.gov; Chow, Kevin <chow.kevin@epa.gov>
Subject: RE: Civil Penalty Letter to USEPA for NPDES Delegation

Hi Julianne. I attached all three Dayton Malleable cases— Common Pleas case (1979); Court of Appeals (1981); and Ohio Supreme Court (1982).

Let us know if you need anything else. Thanks.

Best regards,

Kelly

Kelly D. McCloud
Assistant Attorney General
Environmental Enforcement Section
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From: Socha, Julianne [mailto:socha.julianne@epa.gov]
Sent: Thursday, March 01, 2018 1:28 PM
To: Kevin.Elder@Agri.ohio.gov
Cc: Andrew.Ety@agri.ohio.gov; Timothy.Schirmer@agri.ohio.gov; Catherine A Carney; Kelly McCloud; Nancy.Cunningham@Agri.ohio.gov; Chow, Kevin
Subject: RE: Civil Penalty Letter to USEPA for NPDES Delegation

Hi Kevin,
We are reviewing the information you submitted with the email below. The Feb. 7 2018 letter mentions an enclosed copy of the case,
State ex rel. Brown v. Dayton Malleable (Montgomery C.P. 1979), 13 ERC 2189, 2195, upheld, *State ex rel. Brown v. Dayton Malleable* (1982), 1 Ohio St.3d 151, however, the case was not enclosed. Would you please send me the enclosure?

Thanks,

julianne

Julianne Socha
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312-886-4436 | socha.julianne@epa.gov

From: Kevin.Elder@Agri.ohio.gov [mailto:Kevin.Elder@Agri.ohio.gov]
Sent: Tuesday, February 20, 2018 7:32 AM
To: Socha, Julianne <socha.julianne@epa.gov>
Cc: Andrew.Ety@agri.ohio.gov; Timothy.Schirmer@agri.ohio.gov; Catherine A Carney (Catherine.Carney@ohioattorneygeneral.gov) <Catherine.Carney@ohioattorneygeneral.gov>; Kelly McCloud <kelly.mccloud@ohioattorneygeneral.gov>; Nancy.Cunningham@Agri.ohio.gov
Subject: FW: Civil Penalty Letter to USEPA for NPDES Delegation

Good afternoon Julianne,

I am sorry for the delay in responding. I have attached part of the process of compliance enforcement that we utilize.

We have a new Attorney General representative, Catherine A Carney, (Catherine.Carney@ohioattorneygeneral.gov) . She has been on a couple of the conference calls with Kelly McCloud,, but now will be the primary contact. Kelly will still be available but working in a different section.

The attached document was adapted from a document that was part of the original discussions back in 2006. Evidently it was not in the package submittal, but was submitted later due to the same questions. This is in addition to the penalty procedures in 901:10-5-03 and the civil penalties in 901:10-5-04.

Please let us know of any questions and when we can have the next conference call.

Thank You!

Sincerely,

Kevin H. Elder, Chief
ODA-Division of Livestock Environmental Permitting
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Web: http://www.agri.ohio.gov/divs/DLEP/dlep.aspx

From: Schirmer, Timothy
Sent: Wednesday, February 07, 2018 1:24 PM
To: Elder, Kevin
Cc: Schlichter, John; Calhoun, Dustin
Subject: Civil Penalty Letter to USEPA for NPDES Delegation

Kevin:

Please find attached a copy of the letter regarding civil penalties that I sent you at the end of January. I have updated it to reflect today's date.

Tim

Timothy G. Schirmer, Esq.
Senior Staff Counsel

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