

**BEFORE THE**  
**OHIO ENVIRONMENTAL PROTECTION AGENCY**

<b>In the Matter of:</b>	:	<b>Case No. 09-WD-026</b>
	:	<b>Hearing Officer Wilson</b>
<b>FLOVEST, INC.</b>	:	
<b>(Super Stop Petroleum, Anna, OH.),</b>	:	<b>REPORT AND RECOMMENDATIONS</b>
	:	
<b>Respondent</b>	:	

Attached hereto is a copy of the Hearing Officer's Report and Recommendations in this matter. Pursuant to Ohio Revised Code Section 119.09 and Ohio Administrative Code Rule 3745-47-24, any party to this matter may file written objections to the Report and Recommendation. Such objections must be filed with the Director of Environmental Protection within ten (10) days of the receipt of the Report and Recommendation. Written objections should be filed with:

Ohio Environmental Protection Agency  
Hearing Clerk  
Legal Section, Fifth Floor  
50 West Town Street  
P. O. Box 1049  
Columbus, Ohio 43216-1049

If objections are filed, an original plus two (2) copies are required.

OHIO EPA  
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**OHIO ENVIRONMENTAL PROTECTION AGENCY**

<b>In the Matter of:</b>	:	<b>Case No. 09-WD-026</b>
	:	
<b>FLOVEST, INC.,</b>	:	<b>REPORT AND RECOMMENDATIONS</b>
<b>(Super Stop Petroleum, Anna, OH.)</b>	:	
	:	
<b>Respondent.</b>	:	

**FINDINGS OF FACT**

1. On May 11, 2009, the Director of the Ohio EPA ("Director") issued a Proposed Order proposing to revoke Flovest Inc.'s National Pollutant Discharge Elimination System (NPDES) Permit No. 1PZ00007\*AD
2. On June 9, 2009, the Ohio EPA received a request for an adjudication hearing from Flovest, Inc., in response to the issuance of the May 11, 2009 proposed revocation of the NPDES permit.
3. On February 10, 2011, this Hearing Officer filed a "Notice of Failures to Comply with Orders" and "Notice of Intent to Dismiss Respondent" in this case.
4. No objection to the Notice of Intent to Dismiss was filed in this matter.
5. On March 16, 2011, this Hearing Officer filed an "Order Dismissing Respondent" as a party to this case.
6. No objection or other response to the Order Dismissing Respondent has been filed in this matter.
7. No adjudication hearing has been held in this matter.

**CONCLUSIONS OF LAW**

1. Because Flovest, Inc. has been dismissed from this case, and because no party is left to participate in an adjudication hearing and prosecute a claim that the Director's May 11, 2009 Proposed Order proposing to revoke Flovest Inc.'s National Pollutant Discharge Elimination System (NPDES) Permit No. 1PZ00007\*AD should not be issued as a final order, the Director should dismiss Ohio EPA Case No. 09-WD-026.

2. Because Flovest, Inc. has been dismissed from this case, and because no party is left to participate in an adjudication hearing and prosecute a claim that the Director's May 11, 2009 Proposed Order proposing to revoke Flovest Inc.'s National Pollutant Discharge Elimination System (NPDES) Permit No. 1PZ00007\*AD should not be issued as a final order, the Director should issue the May 11, 2009 Proposed Order as a Final Order.

### **RECOMMENDATIONS**

1. The Director should dismiss Ohio EPA Case No. 09-WD-026.
2. The Director should issue the May 11, 2009 Proposed Order proposing to revoke Flovest Inc.'s National Pollutant Discharge Elimination System (NPDES) Permit No. 1PZ00007\*AD as a Final Order.

Sam Wilson  
W. SAMUEL WILSON, Esq.  
Presiding Hearing Officer

3-28-11  
Date

FLOVEST, INC. (Super Stop Petroleum Anna, OH)  
Case No. 09-WD-026

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