

OHIO E.P.A.

Effective Date SEP 09 2010

SEP -9 2010

ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:


DIRECTOR'S FINAL  
FINDINGS AND ORDERS

Meadowview Village, Inc. :  
6658 Palmer St. NW :  
Canton, OH 44718 :

Respondent,

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.

Re: Whispering Pines Estates MHP  
106 Wadsworth Rd.  
Orrville, OH 44667

By:  Date: 9.9.10

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to Meadowview Village, Inc. (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Chapter 6109 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 ownership of Respondent's public water system 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 6109 and the rules promulgated thereunder.

**IV. FINDINGS**

The Director of Ohio EPA (Director) has determined the following findings:

1. Respondent owns and operates a "public water system" (PWS) at the Whispering Pines Estates Mobile Home Park (Whispering Pines MHP) as defined by ORC § 6109.01, which is also a "community water system" as defined by Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID# OH8502912) at Whispering Pines MHP is located at 106 Wadsworth Rd., Orrville, (Wayne County), Ohio, 44667, obtains its drinking water from a "ground water" source as defined by OAC Rule 3745-81-01, and serves a population of 140 persons.
3. On October 3, 2002, Respondent's PWS at Whispering Pines MHP was designated by the Director as a Class A PWS in accordance with OAC Rule 3745-7-03.
4. In accordance with OAC Rule 3745-81-21(A)(1)(a), a community water system using ground water and serving not more than one thousand (1000) persons shall monitor with at least one total coliform bacteria sample each month.
5. In violation of OAC Rule 3745-81-21(A)(1)(a), Respondent failed to collect at least one total coliform bacteria sample during the months of March 2005, August 2006, April 2007, October 2007, November 2007, December 2007, January 2008, February 2008, March 2008, April 2008, May 2008, July 2008, August 2008, September 2008, October 2008, November 2008, April 2009, and May 2009.
6. In accordance with OAC Rule 3745-81-24, community PWSs shall monitor for organic chemicals according to a schedule provided by the Director.
7. On or about January 1, 2007, the Director issued a chemical contaminant monitoring schedule to Respondent (2007 monitoring schedule) for the compliance period that began on January 1, 2007 and ended on December 31, 2007. Pursuant to the 2007 monitoring schedule, Respondent was required to monitor with one total trihalomethane (TTHM) and one haloacetic acids five (HAA5) water sample during the July 1 through September 30, 2007 monitoring period.
8. In violation of OAC Rule 3745-81-24 and the 2007 monitoring schedule, Respondent failed to submit results for TTHM and HAA5 for the July 1 through September 30, 2007 monitoring period.
9. In accordance with OAC Rule 3745-81-23(B), PWSs shall monitor to determine compliance with the maximum contaminant level (MCL) for nitrate according to a schedule provided by the Director.

10. On or about January 1, 2008, the Director issued a chemical contaminant monitoring schedule to Respondent (2008 monitoring schedule) for the compliance period that began on January 1, 2008 and ended on December 31, 2008. Pursuant to the 2008 monitoring schedule, Respondent was required to monitor with one nitrate sample during the June 1 through October 31, 2008 monitoring period.
11. In violation of OAC Rule 3745-81-23(B) and the 2008 monitoring schedule, Respondent failed to monitor for nitrate during the June 1 through October 31, 2008 monitoring period.
12. In accordance with OAC Rule 3745-81-23(E), PWSs shall monitor to determine compliance with the MCLs for arsenic according to a schedule provided by the Director.
13. On December 16, 2005, the Director issued a contaminant monitoring schedule to Respondent (2006 monitoring schedule) for the compliance period that began on January 1, 2006 and ended on December 31, 2006. Pursuant to the 2006 monitoring schedule, Respondent was required to monitor with one arsenic sample during the January 1 through March 31, 2006 monitoring period.
14. In violation of OAC Rule 3745-81-23(E) and the 2006 monitoring schedule, Respondent failed to monitor for arsenic during the January 1 through March 31, 2006 monitoring period.
15. In accordance with OAC Rule 3745-83-01(C)(1), all community PWSs shall maintain a minimum chlorine residual of at least two-tenths milligram per liter (mg/L) free chlorine, or one mg/L combined chlorine measured at representative points throughout the distribution system.
16. In violation of OAC Rule 3745-83-01(C)(1), during the February 2009 Ohio EPA survey of Respondent's PWS, the chlorine pump's solution feed line had a break in the line, which resulted in a failure of the PWS to maintain the required minimum chlorine residual of at least two-tenths mg/L free chlorine, or one mg/L combined chlorine. On April 16, 2009, a follow-up evaluation by Ohio EPA of Respondent's PWS confirmed that the chlorine line has been repaired.
17. In accordance with OAC Rule 3745-83-01, the owner or operator of a PWS required to monitor under OAC Rule 3745-83-01(G) and (H) shall prepare an operation report for each month of operation on forms (MOR) acceptable to the Director.

18. In accordance with OAC Rule 3745-83-01(1)(2), the MOR shall be signed by the operator in responsible charge designated in accordance with OAC Rule 3745-7-02 and submitted to the district office no later than the tenth of the month following the month for which the MOR was prepared.
19. In violation of OAC Rule 3745-83-01, Respondent failed to submit a MOR for all months within the years 2004 through 2008, with the exception of January through March 2007, and Respondent failed to submit a MOR for the months of April, May, July, August, September, and October 2009.
20. In accordance with OAC Rule 3745-83-01(D), all chemicals, substances, and materials added to or brought in contact with water in or intended to be used in a PWS or used for the purpose of treating, conditioning, altering, or modifying the characteristics of such water shall be shown by either the manufacturer, distributor, or purveyor to be non-toxic and harmless to humans when used in accordance with the formulation and concentration as specified by the manufacturer, and shall conform with the "American National Standards Institute/National Sanitation Foundation" (ANSI/NSF) standard 60 Drinking Water Treatment Chemicals – Health Effects (2005 and previous), or standard 61 Drinking Water System Components - Health Effects (2005 and previous).
21. In violation of OAC Rule 3745-83-01(D), during the February 2009 Ohio EPA survey of Respondent's PWS, it could not be determined if the chlorine (bleach) or salt (for the softener) utilized at the PWS conformed to either ANSI/NSF 60 or 61 certification. An April 16, 2009 Ohio EPA follow-up evaluation found that Respondent still failed to demonstrate compliance with the certification standards.
22. In accordance with OAC Rule 3745-09-05(P), a well shall have a well cap or seal to prevent the entrance of water, dirt, animals, insects, or other foreign matter. The well cap or seal shall fit securely to the top of the well casing, be secured with screws or other appropriate connections and vent to the atmosphere.
23. In accordance with OAC Rule 3745-09-05(U)(2)(c), a well shall be altered, modified, or repaired in accordance with OAC Rule 3745-09, or a well shall be sealed in accordance with OAC Rule 3745-09-10 if potential or actual risk of contamination of ground water exists due to casing deterioration or the condition of the well.
24. In violation of OAC Rule 3745-09-05(P) and (U)(2)(c), Respondent's Well 1 (located inside the Quonset Hut with the water treatment plant) was highly corroded, and had a well cap that could not be securely fastened to inhibit contaminants from entering the well. During the April 16, 2009 Ohio EPA follow-up evaluation of Respondent's PWS, it was determined that Well 1 had been inspected, primed for painting, and a new well cap had been affixed to the top of the well.

25. In accordance with OAC Rule 3745-09-05(O), the height of a well casing must be twelve inches above the finished grade, and the finished grade shall be sloped for surface water runoff away from the well.
26. In violation of OAC Rule 3745-09-05(O) and (P), during the March 4, 2009 and March 3, 2010 Ohio EPA follow-up evaluations of Respondent's PWS, it was observed that Respondent's Well 2 lacked a proper well cap, and the well's head was located in a pit below finished grade.
27. In accordance with OAC Rule 3745-9-05(N), a connection to a well casing that is made above ground shall be installed through the following methods:
  - (a) Threaded connection;
  - (b) Welded connection;
  - (c) Bolted flanges with rubber gaskets at twelve inches or greater above ground surface;
  - (d) Extension of the casing at least 0.5 inch into the base of a pump mounted on and sealed to a concrete pedestal.
28. In violation OAC Rule 3745-9-05(N), during the March 3, 2010 Ohio EPA follow-up evaluation of Respondent's PWS, it was observed that an attempt was made to remediate the height of Respondent's Well 2, by improperly using flexible sleeve to couple a PVC extension to the existing well casing.
29. In accordance with OAC Rule 3745-7-02(A)(1), each person owning or operating a PWS shall designate one or more operator of record to oversee the technical operation of the PWS or each water treatment plant and distribution system within the PWS. Each operator of record shall have a valid certification of a class equal to or greater than the classification of the PWS, distribution system or water treatment plant.
30. In violation of OAC Rule 3745-7-02(A)(1), Respondent failed to designate an operator of record with a valid class A certification or greater to oversee the PWS. Respondent returned to compliance by entering into a contract with an appropriately certified operator, and by notifying the Director of the identity of the operator of record, on May 3, 2010, by submitting an Operator of Record Notification Form.

31. In accordance with OAC Rule 3745-7-09(A)(2), the owner and operator of a PWS shall maintain or cause to be maintained operation and maintenance records for each PWS and water treatment plant within a PWS, and the records shall be accessible onsite for twenty-four hour inspection by Ohio EPA or emergency response personnel.
32. In violation of OAC Rule 3745-7-09(A)(2), an evaluation of Respondent's operational records and Well 2 could not be completed during the February 4, 2009 Ohio EPA sanitary survey due to the records and well being locked inside the office. On March 4, 2009, an Ohio EPA follow-up inspection found that a separate room had been created and the records had been relocated in compliance with the twenty-four hour accessibility requirement.
33. In accordance with OAC Rule 3745-85-01, community PWSs must prepare and maintain a written contingency plan that must be revised and updated at least annually.
34. In violation of OAC Rule 3745-85-01, Respondent failed to prepare and maintain a written contingency plan during the years 2003 through 2006. Respondent returned to compliance by preparing a written contingency plan in January 2007.
35. In accordance with OAC Rule 3745-96-01(E), each community water system shall deliver a report to its customers and meet the requirements of OAC Rule 3745-96-04(B) by July first annually. Each report shall contain data collected during, or prior to, the previous calendar year as prescribed in OAC Rule 3745-96-02(D)(3).
36. In accordance with OAC Rule 3745-96-04(C), by July first annually, each community water system shall provide to the Director the following information:
  - a) a copy of the report [Consumer Confidence Report (CCR)]; and
  - b) a distribution certification, on a form acceptable to the Director, certifying that the CCR has been distributed to customers, a good faith effort to reach non-bill paying customers has been completed, and that the information is correct and consistent with the compliance monitoring data previously submitted to the Director.
37. In violation of OAC Rule 3745-96-01(E) and OAC Rule 3745-96-04(C), Respondent failed to prepare and mail or otherwise directly deliver a copy of the 2007 CCR to the Ohio EPA and each customer by July 1, 2008. Additionally, Respondent failed to prepare and mail or otherwise directly deliver a copy of the 2008 CCR to the Ohio EPA and each customer by July 1, 2009.

38. In accordance with OAC Rule 3745-95-09(A), PWSs are prohibited from using yard hydrants with weep holes.

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39. In violation of OAC Rule 3745-95-09(A), Respondent has failed to initiate measures to determine if its yard hydrants are equipped with prohibited weep holes, since being notified during the February 4, 2009 Ohio EPA sanitary survey of the prohibition of using yard hydrants with weep holes.
40. In accordance with OAC Rule 3745-81-86(D)(4)(c), a small or medium PWS that does not exceed either the lead or copper action level during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years. Samples collected once every three years shall be collected no later than every third calendar year.
41. In accordance with OAC Rule 3745-81-86(D)(4)(d), systems monitoring annually or less frequently shall conduct the lead and copper tap water monitoring during the months of June, July, August, or September unless the Director has approved a different sampling period in accordance with OAC Rule 3745-81-86(D)(4)(d)(i).
42. In violation of OAC Rule 3745-81-86(D)(4)(c) and (d), Respondent failed to conduct triennial lead and copper monitoring during the months of June, July, August, or September 2007 and failed to perform the required make-up sampling in 2008.
43. The Recommended Standards for Water Works, 2003 Edition (Ten States Standards), Part 8.10.1 requires that there be no connection between the distribution system and any pipes, pumps, hydrants, or tanks whereby unsafe water or other contaminating materials may be discharged or drawn into the system. Each water utility shall have a program conforming to state requirements to detect and eliminate cross connections. Ohio's requirements are contained in OAC Chapter 3745-95.
44. In accordance with OAC Rule 3745-81-60(D), PWSs shall respond to the Director in writing, within forty-five days following receipt of a sanitary survey letter, indicating how and on what schedule the PWS will address any significant deficiencies noted in the survey.
45. In violation of OAC Rule 3745-81-60(D), 3745-95-04(D)(11) and in contradiction of the recommendations of Ten States Standards, Part 8.10.1, Respondent failed to address the need for an air gap between their softener's discharge line and the sewer system's riser pipe. The need for an air gap was first noted during the September 21, 2006 Ohio EPA sanitary survey and the deficiency remained unaddressed during the February 4, 2009 sanitary survey. During an April 16, 2009 Ohio EPA evaluation, an air gap was observed.

46. On February 27, 2009, Ohio EPA provided Respondent with a letter identifying possible deficiencies which were discussed during the February 4, 2009 sanitary survey of Respondent's PWS. This letter advised that if the float switches utilized in Respondent's storage tank contain mercury, Respondent will be required to replace the float switches.
47. In violation of OAC Rule 3745-81-60(D), and OAC Rule 3745-83-01(D), Respondent could not provide documentation, during the April 16, 2009 Ohio EPA follow-up evaluation of Respondent's PWS, that an investigation of the float switches utilized in Respondent's storage tank had been conducted to determine the switches' mercury content.
48. In accordance with OAC Rule 3745-81-32(D)(2)(a), community PWSs shall provide notice for violations of the monitoring and testing procedure requirements to all persons served by the PWS, by mail or other direct delivery.
49. In accordance with OAC Rule 3745-81-32(A)(3), within ten days of completing the public notification requirements under Rule 3745-81-32 for the initial public notice and any repeat notices, a PWS must submit to the Director a completed verification form indicating that it has fully complied with the public notification regulations. The PWS must include with this certification a representative copy of each type of notice distributed, published, posted, and made available to the persons served by the system and to the media.
50. In violation of OAC Rule 3745-81-32(D)(2)(a), Respondent failed to issue public notification(PN) by direct delivery for:
  - a) Their failure to monitor for arsenic during the January 1 through March 31, 2006 monitoring period. PN and verification received on December 26, 2006; however, according to the verification received the notice was only posted, not directly delivered. On April 16, 2009 Respondent re-issued the PN for the January 1 through March 31, 2006 arsenic monitoring violation by hand delivery; however, in violation of OAC Rule 3745-81-32(A)(3), Respondent has failed to submit a copy of the PN distributed to the Director.
  - b) Their failure to collect at least one total coliform bacteria sample during the month of November 2009. PN and verification received on January 7, 2010; however, according to the verification received the notice was only posted, not directly delivered.

51. In violation of OAC Rule 3745-81-32(A)(3), Respondent has failed to:

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- a) Issue PN and submit copies of the required PN and verification form for failing to conduct lead and copper monitoring in 2007; failing to monitor for nitrate during the June 1 through October 31, 2008 monitoring period, and failing to collect at least one total coliform bacteria sample during the months of August 2006, April 2009, May 2009, August 2009, September 2009, and October 2009.
- b) Submit a completed verification forms indicating that Respondent has fully complied with the public notification regulations for failing to collect at least one total coliform bacteria sample during the months of March 2005, April 2007, October 2007, November 2007, December 2007, January 2008, February 2008, March 2008, April 2008, May 2008, July 2008, August 2008, September 2008, October 2008, November 2008.

52. Each violation cited above represents a separate violation of ORC § 6109.31.

53. To settle Ohio EPA's claim for civil penalties for the above-referenced violations, the assessment of a penalty pursuant to ORC Chapter 6109, in the amount of twenty four thousand, six hundred dollars (\$24,600.00), was proposed by the Director on December 22, 2009.

54. Ohio EPA has reviewed Respondent's financial documentation and determined that Respondent has the ability to pay five thousand dollars (\$5,000.00) of the \$24,600.00 penalty assessed pursuant to ORC Chapter 6109 for the above-referenced violations

## **V. ORDERS**

1. Respondent shall comply with all current and subsequent chemical monitoring schedules issued by the Director.
2. From the effective date of these Orders, Respondent shall comply with total coliform bacteria monitoring, in accordance with OAC Rules 3745-81-21 and 3745-81-14.
3. From the effective date of these Orders, Respondent shall maintain a minimum chlorine residual of at least two-tenths mg/L free chlorine or one mg/L combined chlorine, measured at representative points throughout the distribution system, in accordance with OAC Rule 3745-83-01(C)(1).

4. From the effective date of these Orders, Respondent shall retain an appropriately certified operator, to fulfill the minimum staffing requirements specified by OAC Rule 3745-7-03(C)(1), and in addition when the PWS is in operation, daily visits to the PWS shall be performed by the owner, supplier, or his representative or agent seven days per week and noted in the operational and maintenance records required by OAC Rule 3745-7-09, in accordance with 3745-7-03(D)(2). Additionally, Respondent shall notify the Director in the event of a change of operator of record, in writing, by submitting an Operator of Record Notification Form to the address below, in accordance with OAC Rule 3745-7-02.

Ohio EPA, Division of Drinking and Ground Waters  
Operator Certification Unit  
P.O. Box 1049  
Columbus, OH 43216-1049

5. From the effective date of these Orders, Respondent shall prepare an MOR for each month of operation on forms acceptable to the Director, in accordance with OAC Rule 3745-83-01(I)(1), and in accordance with OAC Rule 3745-83-01(I)(2), shall submit the report to Ohio EPA, Northeast District Office (NEDO), Division of Drinking and Ground Waters (DDAGW), 2110 E. Aurora Road, Twinsburg, Ohio 44087, no later than the tenth of the month following the month for which the report was prepared.
6. From the effective date of these Orders, Respondent shall ensure the operation and maintenance records for Respondent's PWS are accessible onsite for twenty-four hour inspection by Ohio EPA or emergency response personnel, in accordance with OAC Rule 3745-7-09(A)(2).
7. Within thirty (30) days of the effective date of these Orders, Respondent shall remove yard hydrants with weep holes from its PWS, and for any remaining hydrants shall submit documentation, verifying that the remaining yard hydrants are not equipped with weep holes, in accordance with OAC Rule 3745-95-09.
8. Within thirty (30) days of the effective date of these Orders, Respondent shall provide adequate documentation that the float switches utilized in Respondent's storage tank do not contain mercury or that the switches have been replaced in accordance with OAC 3745-83-01(D).
9. Within thirty (30) days of the effective date of these Orders, Respondent shall ensure that Well 2 is equipped with an appropriate cap that can be securely fastened, that the well's improper well casing extension is remediated using approved methods to extend the casing a minimum of 12 inches above finished grade, and that the finished grade is sloped for surface water runoff away from the well, in accordance with OAC Rule 3745-9-05 (N), (O) and (P).

10. Within sixty (60) days of the effective date of these Orders, Respondent shall submit an updated written contingency plan to Ohio EPA for review and approval, and shall at least annually update and revise the plan and maintain a copy of the updated contingency plan at the PWS, in accordance with OAC Rule 3745-85-01.
11. Within thirty (30) days of the effective date of these Orders, Respondent shall provide to the Director documentation demonstrating that the chlorine and salt utilized by Respondent's PWS conforms to either ANSI/NSF 60 or 61 certification, in accordance with OAC Rule 3745-83-01(D).
12. Within thirty (30) days of the effective date of these Orders, Respondent shall provide to customers a CCR containing data pertaining to both calendar years 2007 and 2008, and provide a copy of the CCR distributed and a distribution certification to the Director, in accordance with OAC Chapter 3745-96.
13. From the effective date of these Orders, Respondent shall, by July first annually, provide to customers a CCR containing data collected during or prior to, the previous calendar year; and provide a copy of the CCR distributed and a distribution certification to the Director, in accordance with OAC Chapter 3745-96.
14. Within thirty (30) days of the effective date of these Orders, Respondent shall remedy the violations in Finding Nos. 50 and 51 by:
  - a) Issuing a PN and by submitting copies of the required PN and verification form to the Director, in accordance with OAC Rule 3745-81-32, for failing to conduct lead and copper monitoring in 2007; failing to monitor for nitrate during the June 1 through October 31, 2008 monitoring period, and failing to collect at least one total coliform bacteria sample during the months of August 2006, April 2009, May 2009, August 2009, September 2009, October 2009, and November 2009
  - b) Submitting to the Director a copy of the PN distributed for the January 1 through March 31, 2006 arsenic monitoring violation; and
  - c) Submitting completed verification forms indicating that Respondent has fully complied with the public notification regulations for failing to collect at least one total coliform bacteria sample during the months of March 2005, April 2007, October 2007, November 2007, December 2007, January 2008, February 2008, March 2008, April 2008, May 2008, July 2008, August 2008, September 2008, October 2008, November 2008.

15. Respondent shall pay the amount of five thousand dollars (\$5,000.00) in two payments in settlement of Ohio EPA's claim for civil penalties which may be assessed pursuant to ORC Chapter 6109. Within thirty (30) days after the effective date of these Orders, payment shall be made by an official check made payable to "Treasurer, State of Ohio" for two thousand five hundred dollars (\$2,500.00) of the penalty and within one hundred and eighty days of the effective date of these Orders, payment shall be made by an official check made payable to "Treasurer, State of Ohio" for the remaining two thousand five hundred dollars (\$2,500.00) of the penalty. The official checks shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to: Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049.

#### **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 DDAGW 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 Respondent. For purposes of these Orders, a responsible official is as defined in OAC Rule 3745-33-03.

#### **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 the operation of Respondent's PWS.

#### **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**

Except as required by a specific order, 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 Drinking and Ground Waters  
2110 E. Aurora Road  
Twinsburg, Ohio 44087  
Attn: Dave Maschak, DOCC

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 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, Respondent consents to the issuance of these Orders and agrees to comply with these Orders and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in 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



Chris Korleski, Director

SEP 09 2010

Date

**IT IS SO AGREED:**

Meadowview Village, Inc.



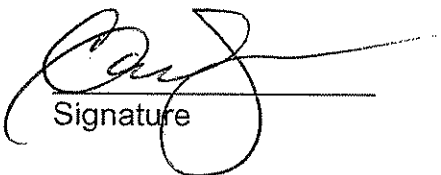
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Date



Printed or Typed Name and Title



Signature

8/6/10

Date

GARY SPANNA, PRES

Printed to Typed Name and Title