

OHIO E.P.A.

NOV 29 2004

ENTERED DIRECTOR'S JOURNAL

Effective Date NOV 29 2004

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: : DIRECTOR'S FINAL
Ken Wobbecke d.b.a : FINDINGS AND ORDERS
Mohican Wilderness Camp :
22463 Walley Road :
Glenmont, Ohio 44628 :
Respondent,

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Ken Wobbecke (Respondent) d.b.a. Mohican Wilderness Camp 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.

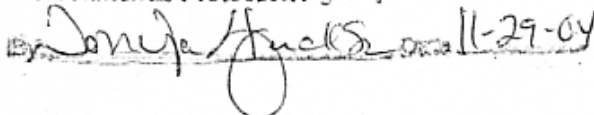
II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and heirs and successors in interest liable under Ohio law. No change in ownership of the Mohican Wilderness Camp, 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.

Truly and faithfully yours,
Director of the Ohio Environmental Protection Agency.

 11-29-04

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 Mohican Wilderness Camp, which is also a "transient non community water system" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID# 4235712) is located at 22463 Walley Road, Glenmont, Knox County, Ohio, 44628.
3. In accordance with OAC Rule 3745-81-14(B), a PWS which monitors with fewer than forty samples per month is in compliance with the maximum contaminant level (MCL) for total coliform when no more than one sample during a month is total coliform-positive.
4. In violation of OAC Rule 3745-81-14(B), Respondent exceeded the total coliform bacteria MCL for October 1999 and October 2003 when more than one sample during the month was total coliform-positive.
5. In accordance with OAC Rule 3745-81-14(D), failure to monitor with repeat samples as required by OAC Rule 3745-81-21 is a MCL violation as well as a monitoring and reporting violation. Failure to monitor with the required repeat samples is a violation that may pose an acute risk to human health (acute MCL).
6. In accordance with OAC Rule 3745-81-21(B)(1), when a routine sample is determined to be total coliform-positive, the PWS shall monitor with a set of four repeat samples within twenty-four (24) hours of being notified of the positive result.
7. In violation of OAC Rule 3745-81-14(D) and 3745-81-21(B)(1), Respondent exceeded the microbiological acute MCL by failing to monitor with a set of four repeat samples within twenty-four (24) hours of being notified of a routine total coliform-positive result on October 21, 1999 and October 28, 2003.
8. In accordance with OAC Rule 3745-81-23, PWSs that have a ground water source shall monitor annually in accordance with a schedule provided by the Director to determine compliance with the MCL for nitrate in OAC Rule 3745-81-11.
9. In violation of OAC Rule 3745-81-23, Respondent failed to monitor for nitrate during the January through June 2001 monitoring period. Respondent monitored untimely for nitrate on September 25, 2001.

10. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS shall provide public notification for violations.
11. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification for exceeding the total coliform bacterial acute and monthly MCL for October 1999 and October 2003.
12. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification for failing to monitor for total coliform bacteria with a set of four repeat samples within twenty-four hours of being notified of the positive result for October 1999 and October 2003.
13. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification for failing to monitor for nitrate during the monitoring period of January through June 2001.
14. In accordance with OAC Rule 3745-91-02(A), no person shall begin construction or installation of a PWS, or make a substantial change in a PWS, until plans therefore have been approved by the Director. An application for approval of plans for such construction, installation, or substantial change in a PWS, as required by ORC § 6109.07, shall be submitted to the district office; this application shall meet all of the requirements of OAC Chapter 3745-91.
15. In violation of OAC Rule 3745-91-02(A), Respondent failed to submit an application for approval of plans for the construction of two underground water storage reservoirs within the distribution system of the PWS.
16. Each violation cited above represents a separate violation of ORC § 6109.31.

V. ORDERS

1. From the effective date of these Orders, and for as long as Respondent operates a PWS, Respondent shall comply with total coliform bacteria monitoring and MCL requirements, in accordance with OAC Rule 3745-81-14 and OAC Rule 3745-81-21, respectively. Respondent shall monitor for total coliform and resolve all MCL violations prior to opening each season.
2. Within thirty (30) days of the effective date of these Orders, Respondent shall notify the public, in accordance with OAC Rule 3745-81-32, for the violations identified in Findings Nos 11, 12, and 13. Respondent shall provide Ohio EPA with copies of all public notices and verification forms.

3. Respondent shall comply with its chemical contaminant monitoring schedule for the calendar year 2004 and all subsequent monitoring schedules issued by Ohio EPA.
4. Within sixty (60) days of the effective date of these Orders, Respondent shall submit an application for approval of detail plans to Ohio EPA in accordance with OAC Rule 3745-91-02 for the existing underground water storage reservoirs.

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 Drinking and Ground Waters 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(D)(3) for a sole proprietorship.

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

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Central District Office
Division of Drinking and Ground Waters
3232 Alum Creek Drive
Columbus, Ohio 43207-3461
Att: Enforcement Manager

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA reserves its rights to seek civil or administrative penalties against Respondent for violations specifically cited in these Orders. 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. Except for the right to seek civil or administrative penalties against Respondent for violations specifically cited in these Orders, which right Ohio EPA does not waive, 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

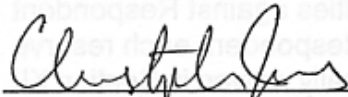
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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



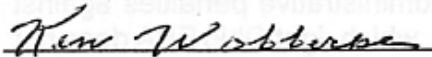
Christopher Jones, Director

NOV 29 2004

Date

IT IS SO AGREED:

Ken Wobbecke d.b.a. Mohican Wilderness Camp



Signature

NOV. 9, 2004

Date

KEN WOBBECKE

Printed or Typed Name and Title

KNOX

PUBLIC NOTICE

OHIO ENVIRONMENTAL PROTECTION AGENCY

Notice is hereby given that the Director of the Ohio Environmental Protection Agency, pursuant to Sections 3745.01 and 6109.04 of the Ohio Revised Code, has issued Final Findings and Orders to Ken Wobbecke d.b.a. Mohican Wilderness Camp to ensure that Mohican Wilderness Camp is operated in compliance with the State's safe drinking water laws. This final action was effective on November 29, 2004, and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be filed with the ERAC within thirty (30) days after notice of the Director's action. A copy of the appeal must be served upon the Director of the Ohio Environmental Protection Agency within three (3) days of filing at the ERAC. The ERAC's address is:

Environmental Review Appeals Commission
309 South Fourth Street
Room 222
Columbus, Ohio 43215

[Handwritten Signature]
Environmental Specialist

Enclosures

cc: Beth Messer, Environmental Manager, DDAGW-CO
Scott Foltz, Environmental Supervisor, DDAGW-CO
Mark Boden, Environmental Specialist, DDAGW-CO
Kim Rhoads, Office of Legal Services
Carol Heater, Manager, FIC