

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	:	<u>DIRECTOR'S FINAL</u>
Crane & Morris, Ltd.	:	<u>FINDINGS AND ORDERS</u>
Spring Valley Frontier	:	
Campground	:	
1036 Warwick Place	:	
Dayton, OH 45419	:	

Respondent,

PREAMBLE

It is agreed by the Parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Crane & Morris, Ltd. (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) § 3745.01 and Chapters 6111 and 6109.

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 the Site (as hereinafter defined) or public water system (PWS) shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders and in the attachments shall have the same meaning as defined in ORC Chapters 6111 and 6109 and the rules promulgated thereunder.

IV. FINDINGS

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

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency

Donna Jackson 06-2-04

1. On June 21, 2001, the Director issued Final Findings and Orders (June 21, 2001 Orders) to Paul and Nancy Lineen, the former owners of the Spring Valley Frontier Campground (Site) (copy attached hereto and incorporated by reference as if fully rewritten herein).
2. The June 21, 2001 Orders contained a compliance schedule for the former owners to resolve violations of Ohio Administrative Code (OAC) Chapter 3745-34 and 3745-81 at the Site by constructing wastewater treatment facilities, plugging and abandoning the Class V injection wells (dry wells) in accordance with an Ohio EPA approved closure plan, and monitoring the PWS for total coliform bacteria and nitrate.
3. Subsequent to the issuance of the June 21, 2001 Orders, the former owners of the Site filed for bankruptcy protection and foreclosure proceedings ensued against the Site. On April 7, 2003, Respondent purchased the Site.
4. The June 21, 2001 Orders required the former owners of the Site to submit a written closure plan for removal of the dry wells and associated piping, as well as removal or reuse of the septic tanks, to Ohio EPA for approval by September 19, 2001.
5. On October 28, 2001, the former owners of the Site submitted a written closure plan for the dry wells. However, the former owners failed to update this plan to comply with the new closure requirements contained in OAC Rule 3745-34-13(F).
6. On April 30, 2002, pursuant to a permit to install (PTI) application submitted by the former owners of the Site as required by the June 21, 2001 Orders, the Director issued a PTI to the former owners for construction of wastewater treatment facilities to serve the Site.
7. The June 21, 2001 Orders required the former owners to begin construction of wastewater treatment facilities to serve the Site by May 30, 2002; the former owners failed to comply with this requirement.
8. The June 21, 2001 Orders required the former owners to complete construction of the wastewater treatment facilities to serve the Site by July 29, 2002; the former owners failed to comply with this requirement.
9. On April 30, 2002, pursuant to a National Pollutant Discharge Elimination (NPDES) Permit application submitted by the former owners as required by the June 21, 2001 Orders, the Director issued NPDES Permit No. 1PV00114*AD to the former owners for the wastewater treatment facilities to serve the Site.

10. The June 21, 2001 Orders required the former owners of the Site to achieve compliance with the effluent limits contained in their NPDES Permit by August 28, 2002; the former owners failed to complete the construction of the wastewater treatment facilities necessary to comply with this requirement.
11. As of the effective date of these Orders, each of the requirements listed in Findings No. 5, 7, 8, 9 and 10 above remain outstanding and must be completed in order to bring the Site into compliance with ORC Chapters 6111 and 6109.
12. With respect to Orders issued pursuant to ORC Chapter 6111 herein, the Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purposes of ORC Chapter 6111.

V. ORDERS

1. Beginning in the month in which these Orders become effective, Respondent shall increase bacteriological monitoring of the Site's PWS distribution system from one routine sample per quarter to one routine sample per month. Respondent shall continue this monthly bacteriological monitoring until twelve months after the dry wells have been permanently abandoned. Respondent shall also comply with all repeat monitoring requirements of OAC Rule 3745-81-21.
2. Respondent shall monitor for total coliform bacteria in PWS' untreated source water with the following frequency - one sample per month in April, May, and June, one sample in the July calendar quarter, and one sample in the October calendar quarter. Respondent shall continue this monitoring frequency until twelve months after the dry wells have been permanently abandoned.
3. Respondent shall continue the quarterly monitoring for nitrate until twelve months after the dry wells have been permanently abandoned.
4. Within thirty (30) days of the effective date of these Orders, Respondent shall submit an updated and revised closure plan to Ohio EPA for approval in accordance with OAC Rules 3745-34-07 and 3745-34-13(F). Any soil, gravel, sludge, liquids, or other materials removed from or adjacent to the dry wells being closed shall be disposed or managed in accordance with all applicable federal, state, or local regulations and requirements. This closure plan shall at a minimum include:
 - A. Notification of the Director of the intent to close the class V wells at least thirty (30) days prior to commencing closure;

- B. Procedures for the removal of any solids and sludges from the class V wells being closed; and
 - C. Procedures for plugging the dry wells consistent OAC Rule 3745-34-07(A) and all other applicable federal, state or local regulations and requirements.
5. Respondent shall begin construction of wastewater treatment facilities to serve the Site within thirty (30) days of the effective date of these Orders.
 6. Respondent shall complete construction and commence operation of the wastewater treatment facilities to serve the Site within ninety (90) days of the effective date of these Orders.
 7. Respondent shall achieve compliance with the effluent limits contained in NPDES permit No. 1PV000114*AD within one hundred and twenty (120) of the effective date of these Orders.
 8. In accordance with OAC Rules 3745-34-13(F)(3) and 3745-34-17(D), within one hundred and fifty (150) days of the effective date of these Orders, Respondent shall submit to the Director a written report detailing actual closure activities and certifying that the dry wells were closed in compliance with these Rules.

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 Chiefs of Ohio EPA's Divisions of Drinking and Ground Waters and Surface Water acknowledge, 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)(1) for a corporation.

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 Site or Respondent, including, but not limited 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. 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
Lazarus Government Center
Division of Drinking and Ground Waters
122 South Front Street
Columbus, Ohio 43215
Attn: UIC Section 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

JUN 2 2004
Date

IT IS SO AGREED:

Crane & Morris, Ltd.



Signature

4/29/04
Date

Brent H. Crane, Member
Printed or Typed Name and Title

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 ensure that the Spring Valley Frontier Campground is operated in compliance with the State's surface water, underground injection control, and safe drinking water laws. This final action of the Director will be effective on June 2, 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