

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

SEP 18 2009

In the Matter of:

John Roberds
d.b.a. Enon Heights Mobile Home Park
P.O. Box 292
Enon, OH 45323

Respondent

ENTERED DIRECTOR'S JOURNAL
Director's Final Findings
and Orders

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.

PREAMBLE

It is agreed by the Parties hereto as follows:

By: [Signature] Date: 9-18-09

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to John Roberds ("Respondent"), d.b.a. Enon Heights Mobile Home Park ("park"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 6111.03 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 the ownership or the operation of the park 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 6111. and the rules adopted thereunder.

IV. FINDINGS

The Director of Ohio EPA has made the following findings:

1. Respondent owns and operates the park, which consists of 45 mobile homes and is located at 4460 Dayton Road, Springfield, Clark County, Ohio.
2. Based on 300 gpd per mobile home, as set forth in Ohio Administrative Code ("OAC") Rule 3745-42-05, the wastewater treatment plant ("WWTP") that serves the park should be capable of treating an average daily flow of 13,500 gpd.
3. Neither the Ohio EPA nor the Clark County Combined Health District have a record of an approved disposal system for the park. The previous owner, Ms. Margaret Stiffler, reported that the disposal system was a 5,000 gallon septic tank, a 1,500 gallon sump pit, and 2 leaching fields (alternated monthly) to a polishing lagoon with

a point of discharge to the Mad River, via tributaries, a distance of approximately 3,240 linear feet. The Mad River and its tributaries are waters of the state, with a specific use designation of state resource water, warmwater habitat, agricultural water supply, industrial water supply and primary contact recreation.

4. In a letter dated October 29, 2002 to the Ohio EPA, the Clark County Department of Utilities ("County") stated that it anticipated the construction of a sewer interceptor tributary to the City of Springfield's Southern Interceptor, to be located in the vicinity of the park's WWTP. The County anticipated that bids would be advertised in late January, 2003, with construction completed in December, 2003. If the interceptor is delayed, the County will request a temporary connection to the closest available City sewer, to be used only until the interceptor is available.
5. The project described in Finding No. 4 did not commence.
6. Respondent purchased the park on December 20, 2002, and on May 25, 2005, submitted to Ohio EPA an application for the transfer of Ohio National Pollutant Discharge Elimination System Permit ("NPDES permit") No. 1PV00106*AD. NPDES permit No. 1PV00106*AD was transferred to Respondent on September 28, 2005, with an effective date of May 23, 2005.
7. A renewal NPDES permit No. 1PV00106*BD, ("renewal NPDES permit"), effective January 1, 2006, was issued to Respondent and addressed, in pertinent part, the following key parameters: CBOD 5 day, Chlorine Demand, Dissolved Oxygen, Fecal Coliform, Nitrogen, Ammonia (NH₃) and Total Suspended Solids.
8. As construction of the County interceptor did not go forward, the renewal NPDES permit contained a compliance schedule (Part 1.C) for improvements to the WWTP. The schedule, in pertinent part, required Respondent to perform the following:
 - a. Submit detail plans for plant and sewer system improvements within 4 months of the renewal NPDES permit effective date;
 - b. Commence construction within 12 months from the renewal NPDES permit effective date;
 - c. Complete construction within 23 months from the renewal NPDES permit effective date; and
 - d. Attain operational level of the treatment works and meet final effluent limits within 24 months from the renewal NPDES permit effective date.
9. Respondent has failed to comply with the compliance schedule set forth in the renewal NPDES permit, as described in Finding No.8, with Notice of Violation letters sent to Respondent on October 12, 2006, July 5, 2007, October 11, 2007, December 6, 2007. and March 19, 2008.

10. The failure to comply with the compliance schedule set forth in the renewal NPDES permit is a violation of ORC §§ 6111.04 and 6111.07 and the renewal NPDES permit.
11. Final effluent violations can be documented from May, 2003, with the most recent Notice of Violation letters transmitted on:

	<i>Date of Letter</i>	<i>Reporting Period</i>
a.	May 3, 2005	January 2004 through March 2005
b.	August 4, 2005	March 2005 through June 2005
c.	October 12, 2006	July 2005 through August 2006
d.	July 5, 2007	September 2006 through May 2007
e.	October 11, 2007	June 2007 through August 2007
f.	December 6, 2007	September 2007 through October 2007
g.	March 19, 2008	November 2007 through February 2008
h.	July 18, 2008	March 2008 through June 2008
i.	October 1, 2008	July 2008 through August 2008
j.	January 23, 2009	September 2008 through December 2008

12. On at least the dates outlined in Attachment I, Respondent violated the final effluent limits of its current NPDES permit, No. 1PV00106*BD. The Attachment indicates that violations continued after the new WWTP went online. [See Finding No. 17.] Each violation cited in Attachment I constitutes a separate violation of ORC §§ 6111.04 and 6111.07. Attachment I is hereby incorporated by reference into these Orders as if fully rewritten herein.
13. In the following letters, Respondent's consultant, Winelco Inc., ("Winelco") made the following statements:

	<i>Date of Letter</i>	<i>Statement</i>
a.	December 1, 2006	Received authorization to complete and submit a permit to install application for WWTP improvements. Hope to submit the application in the upcoming weeks.
b.	July 17, 2007	Resubmitted a budgetary proposal for an upgraded treatment system to Respondent and was waiting for approval to submit the permit to install application.

- c. September 7, 2007 Will be submitting plans for a new WWTP.
 - d. October 22, 2007 The reasons for the effluent violations is that there is no type of disinfection. Hope to submit permit to install application by end of next month.
14. On November 26, 2007, Ohio EPA received a permit to install application, with detail plans, from Respondent for a WWTP upgrade. The upgrade included a replacement of the existing system with an extended aeration treatment system, to include flow equalization, aeration, clarification, sand filters, sludge wasting and UV disinfection, at an estimated cost of \$175,000. The annual operation/maintenance cost was estimated at \$5,000.
15. On January 22, 2008, the permit to install application, with detail plans, (Application No. 634282) was approved and issued to Respondent.
16. On May 19, 2008, an inspection of the site found the construction of the new WWTP had commenced, with the following items that required completion:
- a. Order and installation of the ultra violet disinfection equipment;
 - b. Order and installation of the post-aeration equipment;
 - c. Connection of electricity to the WWTP;
 - d. Completion of final grading; and
 - e. Installation of a fence around the WWTP.
17. The new WWTP went on-line on July 11, 2008.
18. Historically, sludge reports were required to be submitted on a monthly basis. Upon renewal, Respondent's NPDES permit was written with a yearly requirement. [NPDES Permit No. 1PV00106*BD, Part I.B, Sludge Monitoring Requirements.] Respondent is in compliance with outfall 588 for submitting monthly reports.
19. ORC § 6111.04(A) provides that no person shall cause pollution or place or caused to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state.
20. ORC § 6111.04(C) provides that no person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit.

21. ORC § 6111.07(A) provides that no person shall violate or fail to perform any duty imposed by ORC §§ 6111. 01 to 6111. 08 or violate any order, rule, or term or condition of a permit issued or adopted by the Director of Ohio EPA pursuant to those sections. Each day of violation is a separate offense.
22. The Director has given consideration to, and based his determination on evidence related 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. Respondent shall attain and maintain compliance with the final effluent limits in its NPDES permit and any modifications and renewals thereto.
2. Respondent shall pay the amount of seven thousand eighty-five dollars (\$7,085.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6111. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by Respondent by means of an official check made payable to "Treasurer, State of Ohio" for five thousand six hundred sixty-eight dollars (\$5,668.00) of the total amount. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent and the mobile home park, to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

A photocopy of the check shall be sent to the Ohio EPA, Southwest District Office, in accordance with Section X of these Orders.

3. In lieu of paying the remaining one thousand four hundred seventeen dollars (\$1,417.00) of the civil penalty, Respondent shall within thirty (30) days of the effective date of these Orders, fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of one thousand four hundred seventeen dollars (\$1,417.00) to Ohio EPA's Clean Diesel School Bus Fund (Fund 5CD). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for said amount. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent and the mobile home park, to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

A copy of each check shall be sent to Mark Mann, Enforcement Coordinator, Division of Surface Water, or his successor, at the following address:

Ohio EPA
Division of Surface Water
P.O. Box 1049
Columbus, OH 43216-1049

4. Should Respondent fail to fund the SEP within the required time set forth in Order No. 3, Respondent shall immediately pay to Ohio EPA the remaining one thousand four hundred seventeen dollars (\$1,417.00) of the of the civil penalty in accordance with the procedures in Order No.2.
5. Notwithstanding the NPDES Permit, sludge monitoring for outfall 588, Final, the monitoring and reporting frequency for the parameter set forth in the NPDES permit shall be on a monthly basis.

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 Surface Water 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 the Respondent. For purposes of these Orders, a responsible official is as defined in OAC Rule 3745-33-03(D)(4) for a municipal, state, or other public facility.

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 activities occurring on or at the Facility.

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

Unless otherwise specified herein, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Southwest District Office
Division of Surface Water
Attn: DSW Enforcement Unit Supervisor
401 East Fifth Street
Dayton, Ohio 45402

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all 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. 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.

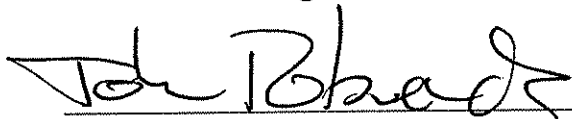
**IT IS SO ORDERED AND AGREED:
Ohio Environmental Protection Agency**



Chris Korleski
Director

9/17/09
Date

**IT IS SO AGREED:
John Roberds
d.b.a. Enon Heights Mobile Home Park Mobile Home Park**



Signature

9-1-09
Date



Printed or Typed Name

owner

Title

Attachment I

Enon Heights MHP Final Effluent Limitations Violations for Outfall 001
NPDES No. 1PV00106

Reporting Period	Parameter	Limit Type	Limit	Reported Value	Violation Date
May 2003	Total Suspended Solids	30D Qty	1.5	1.77983	5/1/2003
June 2003	Fecal Coliform	30D Conc	1000	4100.	6/1/2003
June 2003	Fecal Coliform	7D Conc	2000	4100.	6/8/2003
July 2003	Fecal Coliform	30D Conc	1000	10600.	7/1/2003
July 2003	Fecal Coliform	7D Conc	2000	10600.	7/1/2003
August 2003	Fecal Coliform	30D Conc	1000	AK	8/4/2003
August 2003	Fecal Coliform	7D Conc	2000	AK	8/4/2003
September 2003	Fecal Coliform	30D Conc	1000	2000.	9/1/2003
September 2003	Fecal Coliform	7D Conc	2000	2000.	9/8/2003
October 2003	Fecal Coliform	30D Conc	1000	25000.	10/1/2003
October 2003	Fecal Coliform	7D Conc	2000	25000.	10/8/2003
January 2004	Total Suspended Solids	30D Qty	1.5	5.40612	1/1/2004
January 2004	Total Suspended Solids	7D Qty	2.3	5.40612	1/1/2004
April 2004	Dissolved Oxygen	1D Conc	5.0	2.7	4/20/2004
May 2004	Fecal Coliform	30D Conc	1000	10000.	5/1/2004
May 2004	Fecal Coliform	7D Conc	2000	10000.	5/22/2004
June 2004	Fecal Coliform	30D Conc	1000	5100.	6/1/2004
June 2004	Fecal Coliform	7D Conc	2000	5100.	6/1/2004
July 2004	Dissolved Oxygen	1D Conc	5.0	2.9	7/7/2004
July 2004	Dissolved Oxygen	1D Conc	5.0	3.9	7/12/2004
August 2004	Fecal Coliform	30D Conc	1000	2800.	8/1/2004
August 2004	Fecal Coliform	7D Conc	2000	2800.	8/15/2004
August 2004	Dissolved Oxygen	1D Conc	5.0	2.	8/2/2004
August 2004	Dissolved Oxygen	1D Conc	5.0	1.6	8/16/2004
October 2004	Fecal Coliform	30D Conc	1000	1700.	10/1/2004
June 2005	Total Suspended Solids	30D Conc	30.0	95.	6/1/2005
June 2005	Total Suspended Solids	7D Conc	45.0	95.	6/1/2005
June 2005	Total Suspended Solids	30D Qty	1.5	2.39801	6/1/2005
June 2005	Total Suspended Solids	7D Qty	2.3	2.39801	6/1/2005
August 2005	Fecal Coliform	30D Conc	1000	4000.	8/1/2005
August 2005	Fecal Coliform	7D Conc	2000	4000.	8/1/2005
October 2005	Fecal Coliform	30D Conc	1000	AK	10/3/2005
October 2005	Fecal Coliform	7D Conc	2000	AK	10/3/2005
October 2005	Dissolved Oxygen	1D Conc	5.0	4.	10/3/2005
April 2006	Total Suspended Solids	30D Conc	30.0	423.	4/1/2006
April 2006	Total Suspended Solids	7D Conc	45.0	423.	4/1/2006
April 2006	Total Suspended Solids	30D Qty	1.5	4.91364	4/1/2006
April 2006	Total Suspended Solids	7D Qty	2.3	4.91364	4/1/2006
May 2006	Fecal Coliform	30D Conc	1000	AK	5/8/2006
May 2006	Fecal Coliform	7D Conc	2000	AK	5/8/2006
June 2006	Fecal Coliform	30D Conc	1000	7100.	6/1/2006
June 2006	Fecal Coliform	7D Conc	2000	7100.	6/15/2006
July 2006	Fecal Coliform	30D Conc	1000	AK	7/10/2006
July 2006	Fecal Coliform	7D Conc	2000	AK	7/10/2006
August 2006	Fecal Coliform	30D Conc	1000	7400.	8/1/2006
August 2006	Fecal Coliform	7D Conc	2000	7400.	8/1/2006

September 2006	Fecal Coliform	30D Conc	1000	AK	9/11/2006
September 2006	Fecal Coliform	7D Conc	2000	AK	9/11/2006
May 2007	Total Suspended Solids	30D Conc	30.0	95.	5/1/2007
May 2007	Total Suspended Solids	7D Conc	45.0	95.	5/1/2007
May 2007	Total Suspended Solids	30D Qty	1.5	3.85428	5/1/2007
May 2007	Total Suspended Solids	7D Qty	2.3	3.85428	5/1/2007
May 2007	Fecal Coliform	30D Conc	1000	8000.	5/1/2007
May 2007	Fecal Coliform	7D Conc	2000	8000.	5/15/2007
June 2007	Fecal Coliform	30D Conc	1000	5400.	6/1/2007
June 2007	Fecal Coliform	7D Conc	2000	5400.	6/15/2007
July 2007	Fecal Coliform	30D Conc	1000	AK	7/23/2007
July 2007	Fecal Coliform	7D Conc	2000	AK	7/23/2007
July 2007	Total Suspended Solids	30D Conc	30.0	38.	7/1/2007
August 2007	Fecal Coliform	7D Conc	2000	AK	8/23/2007
August 2007	Fecal Coliform	30D Conc	1000	AK	8/23/2007
October 2007	Fecal Coliform	30D Conc	1000	3100.	10/1/2007
October 2007	Fecal Coliform	7D Conc	2000	3100.	10/15/2007
January 2008	Nitrogen, Ammonia (NH3)	30D Conc	3.0	4.5	1/1/2008
January 2008	Nitrogen, Ammonia (NH3)	30D Qty	0.15	.17245	1/1/2008
February 2008	Nitrogen, Ammonia (NH3)	30D Conc	3.0	9.6	2/1/2008
February 2008	Nitrogen, Ammonia (NH3)	7D Conc	4.5	9.6	2/1/2008
February 2008	Nitrogen, Ammonia (NH3)	30D Qty	0.15	.75837	2/1/2008
February 2008	Nitrogen, Ammonia (NH3)	7D Qty	0.2	.75837	2/1/2008
February 2008	CBOD 5 day	30D Qty	0.5	.68727	2/1/2008
March 2008	Total Suspended Solids	30D Conc	12.0	15.	3/1/2008
March 2008	Total Suspended Solids	30D Qty	0.6	1.38423	3/1/2008
March 2008	Total Suspended Solids	7D Qty	0.9	1.38423	3/1/2008
May 2008	Nitrogen, Ammonia (NH3)	30D Conc	1.0	3.	5/1/2008
May 2008	Nitrogen, Ammonia (NH3)	7D Conc	1.5	3.	5/15/2008
May 2008	Nitrogen, Ammonia (NH3)	30D Qty	0.05	.09382	5/1/2008
May 2008	Nitrogen, Ammonia (NH3)	7D Qty	0.08	.09382	5/15/2008
May 2008	CBOD 5 day	30D Conc	10.0	11.1	5/1/2008
June 2008	Total Suspended Solids	30D Conc	12.0	68.	6/1/2008
June 2008	Total Suspended Solids	7D Conc	18.0	68.	6/1/2008
June 2008	Total Suspended Solids	30D Qty	0.6	2.11952	6/1/2008
June 2008	Total Suspended Solids	7D Qty	0.9	2.11952	6/1/2008
June 2008	Nitrogen, Ammonia (NH3)	30D Conc	1.0	6.	6/1/2008
June 2008	Nitrogen, Ammonia (NH3)	7D Conc	1.5	6.	6/1/2008
June 2008	Nitrogen, Ammonia (NH3)	30D Qty	0.05	.18702	6/1/2008
June 2008	Nitrogen, Ammonia (NH3)	7D Qty	0.08	.18702	6/1/2008
June 2008	Fecal Coliform	30D Conc	1000	2160.	6/1/2008
June 2008	Fecal Coliform	7D Conc	2000	2160.	6/1/2008
June 2008	CBOD 5 day	30D Conc	10.0	11.4	6/1/2008
August 2008	Total Suspended Solids	30D Conc	12.0	18.	8/1/2008
August 2008	Nitrogen, Ammonia (NH3)	30D Conc	1.0	1.5	8/1/2008
September 2008	Fecal Coliform	30D Conc	1000	1600.	9/1/2008
December 2008	Total Suspended Solids	7D Qty	0.9	1.73477	12/22/2008
December 2008	Nitrogen, Ammonia (NH3)	30D Conc	3.0	5.25	12/1/2008
December 2008	Nitrogen, Ammonia (NH3)	7D Conc	4.5	8.2	12/1/2008
January 2009	Total Suspended Solids	7D Qty	0.9	1.5742	1/15/2009

January 2009	CBOD 5 day	7D Qty	0.8	1.14692	1/15/2009
February 2009	Nitrogen, Ammonia (NH3)	30D Conc	3.0	9.1	2/1/2009
February 2009	Nitrogen, Ammonia (NH3)	7D Conc	4.5	9.1	2/1/2009