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BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

By: *[Signature]*
Date: *11/22/06*

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.

Director's Findings and Orders

ENTERED DIRECTOR'S JOURNAL

NOV 22 2006

OHIO E.P.A.

In the Matter of:

Paul R. Chaney
d.b.a Cherry Point Mobile Home Park
3680 South Charleston Pike
Springfield, OH 45502

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Respondent

PREAMBLE

It is agreed by the Parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Paul R. Chaney, d.b.a Cherry Point Mobile Home Park, ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("R.C.") §§ 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 Site (as hereinafter defined) 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 R.C. Chapter 6111. and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has made the following findings:

1. Respondent is the owner of the Cherry Point Mobile Home Park, ("Site"), located at 580 South Bird Road, Springfield Township, Clark County, Ohio. The Site contains approximately 23 mobile homes and is served by two sewage disposal systems, all of which are leaching wells.
2. The leaching wells discharge "sewage" and/or "other wastes", as those terms are defined in R. C. § 6111.01, to an unnamed tributary of the North Fork of the Little Miami River, which constitutes "waters of the state" as defined in R.C. § 6111.01.

3. Respondent holds a valid, unexpired Ohio National Pollutant Discharge Elimination System ("NPDES") Permit 1PV00111*AD (effective September 1, 2002) for the discharges described above. The NPDES Permit will expire on February 28, 2007, with no renewal requested.
4. An NPDES permit may be renewed upon application for renewal and upon a finding by the Director that the permit holder is making satisfactory progress toward the achievement of all applicable standards and has complied with the terms and conditions of the existing permit.
5. As found below, Respondent is not making satisfactory progress toward the achievement of all applicable standard, nor has Respondent complied with the terms and conditions of the existing permit.
6. NPDES Permit 1PV00111*AD contains a schedule of compliance that allowed for a 3 year period for sewer and plant improvements, with compliance for the attainment of final effluent limitations to be accomplished on April 1, 2005.
7. Respondent has not complied with the schedule of compliance set forth in Finding No. 6, above, and has consistently violated the final effluent limits of Ohio NPDES Permit 1PV00111*AD for both the concentration and load of ammonia, TSS and CBOD. Respondent also violated permit monitoring and frequency requirements.
8. Ohio EPA conducted an inspection of the Site on September 27 and 28, 2005, and noted the presence of sewage fungus and black and brown solids, and midge larvae in the receiving stream. Sewage odors and visual signs of degradation of the stream were also evident.
9. R.C. § 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.
10. R.C. § 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.
11. R.C. § 6111.07(A) provides that no person shall violate or fail to perform any duty imposed by R. C. §§ 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.
12. In an August 31, 2006 telephone conversation with Ohio EPA and subsequent conversations, Respondent stated that he will close the park.

13. 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 R.C. Chapter 6111.

ORDERS

1. In accordance with the schedules and requirement set forth herein, Respondent is hereby ordered to either:
 - a. Properly abandon the Site's WWTPs and sewerage systems, or
 - b. Install a sanitary sewer extension to tie-in to the City of Springfield's sanitary sewer collection system or install a WWTP to achieve compliance with the final effluent limits in Ohio NPDES Permit 1PV00111*AD in accordance with plans approved in advance by the Director.
2. Respondent shall notify Ohio EPA, in writing, no later than thirty (30) days of the effective date of these Orders, as to which option will be implemented. The notification shall be sent to

Ohio Environmental Protection Agency
Southwest District Office
401 E. Fifth Street
Dayton, OH 45402
Fax Number (937) 286-6249
Attention: Sandra Leibfritz or her successor

3. Abandonment: If Respondent chooses to implement the option set forth in Order 1.a, abandonment of the Site's WWTPs and sewerage systems, said abandonment shall be in accordance with all federal, state and local rules and requirements, including but not limited to those imposed by the Clark County Combined Health District, and the provisions of these Orders. Respondent shall complete the abandonment in the accordance with the following schedule:
 - a. Within thirty (30) days of the effective date of these Orders, Respondent shall submit for approval, in accordance with OAC Rule 3745-34-07, a written closure plan to Ohio EPA, Division of Drinking and Ground Waters, Underground Injection Control Unit, at the address listed in Section X of these Orders. The closure plan shall describe procedures for removing the dry wells, septic tanks, and associated piping, and shall at a minimum include:

- (i) Procedures for disposing or managing any soil, gravel, sludge, liquids or other materials removed from or adjacent to the wells in accordance with all applicable federal, state or local rules and requirements;
 - (ii) Procedures for notifying Ohio EPA of the intent to close the dry wells at least thirty (30) days prior to plugging and abandoning the wells;
 - (iii) Procedures for closing the dry wells including removing the casing of the dry wells and the specifications of the material that may be used as backfill during closure; and
 - (iv) An estimate of the cost to close the dry wells per the procedures listed within the plan.
 - (b) Respondent shall cease discharge to waters of the state from the Site's WWTP and sewerage systems within ninety (90) days of the effective date of these Orders.
 - (c) In accordance with the approved closure plan, Respondent shall permanently plug and abandon the dry wells and all associated structures, such as septic tanks and piping, within one-hundred twenty (120) days of the effective date of these Orders.
4. Connection / Installation: If Respondent chooses to implement the option set forth in Order 1.b, connection to the City of Springfield sanitary sewer collection system or installation of a WWTP to achieve compliance with the final effluent limits in NPDES permit 1PV00111*AD, Respondent shall complete connection/installation in accordance with OAC Chapters 3745-39 and 3745-42 and ORC Chapter 6111. Respondent shall do the following as expeditiously as practicable, but not later than the milestone dates set forth below:
- a. Within ninety (90) days of the effective date of these Orders, Respondent shall submit to Ohio EPA, a complete and approvable Permit-to-Install application and detail plans ("PTI") for either the construction of a sanitary sewer extension to the City of Springfield's sanitary sewer collection system or installation of a WWTP to achieve compliance with the final effluent limits in NPDES Permit 1PV00111*AD;
 - b. Within one hundred eighty (180) days of the effective date of these Orders, Respondent shall initiate construction in accordance with the approved PTI issued by the Director;
 - c. Within three hundred thirty (330) days of the effective date of these Orders, Respondent shall complete construction in accordance with the approved PTI issued by the Director; and

- d. Within three hundred sixty (360) days of the effective date of these Orders, Respondent shall attain compliance with the final effluent limits in NPDES Permit 1PV00111*AD or tie-in to the City of Springfield's sanitary sewer collection system and cease discharge to waters of the state in accordance with the approved PTI issued by the Director.
5. Respondent shall pay to the Ohio EPA the amount of four thousand five hundred dollars (\$4,500.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to R.C. Chapter 6111. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" for the entire amount, with the official check submitted to Brenda Case, or her successor, together with a letter identifying Respondent and the Site, at the following address:

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

A photocopy of the check shall be submitted to Ohio EPA, Southwest District Office.

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

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

Documents required to be sent to the Ohio EPA Division of Drinking and Ground Waters shall be addressed to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Drinking and Ground Waters
122 South Front Street (P.O. Box 1049)
Columbus, Ohio 43215 (43216-1049)
Attn: Val Orr, UIC Unit

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.

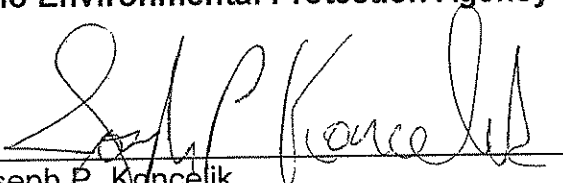
XIII. EFFECTIVE DATE

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.

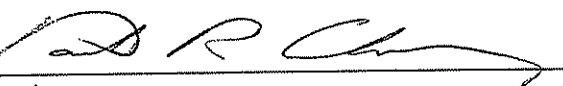
IT IS SO ORDERED AND AGREED:
Ohio Environmental Protection Agency



Joseph P. Koncelik
Director

11/21/06
Date

IT IS SO AGREED:
Paul R. Chaney, d.b.a. Cherry Point Mobile Home Park



Signature

11-8-06
Date

PAUL R. CHANEY
Printed or Typed Name

OWNER
Title