

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

By: *Donna Jackson* Date: 1-11-05

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY ENTERED DIRECTOR'S JOURNAL

OHIO E.P.A.

JAN 11 2005

In the matter of:

Eisea, Inc.
2015 Stone Ridge Drive
Circleville, Ohio 43113

**Director's Final Findings
and Orders**

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Eisea, Inc. (Respondent) 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 its assigns and successors in interest liable under Ohio law. No change in ownership or operation relating to Respondent's Facility, 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 ORC Chapter 6111. and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

- 1 Respondent owns and operates the Carousel Mobile Home Park and its associated wastewater treatment plant (WWTP) located at 20544 US Route 23 North, Chillicothe, Ross County, Ohio. Carousel Mobile Home Park and its WWTP are hereinafter collectively referred to as the "Facility."
2. Respondent's extended aeration WWTP, serving approximately 89 mobile homes, consists of a trash trap, aeration basin, sand filters, pump station, and a chlorinator.

3. Respondent's Facility discharges "sewage," "industrial waste," and/or "other wastes," as those terms are defined in ORC § 6111.01, to an unnamed ditch to Kinnikinnick Creek. The unnamed ditch and Kinnikinnick Creek constitute "waters of the state" as defined by ORC § 6111.01.
4. Respondent holds an effective National Pollutant Discharge Elimination System (NPDES) permit, No. OPV00008*ED, which authorizes Respondent to discharge from the Facility to waters of the state. This permit became effective June 1, 2000, and has an expiration date of May 31, 2005.
5. Respondent's WWTP was designed to treat and discharge on an average daily basis, at outfall number OPV00008 001, 18,000 gallons per day (GPD) of wastewater flow. The average flow per day at the Facility is approximately 12,000 GPD.
6. ORC § 6111.04 prohibits any person from causing pollution or causing any sewerage, industrial waste or other waste to be placed in any location where they cause pollution to waters of the state, except if such discharges occur in accordance with a NPDES permit issued by the Director.
7. ORC § 6111.07(A) prohibits any person from violating, or failing to perform, any duty imposed by ORC §§ 6111.01 to 6111.08, or violating any order, rule, or term or condition of a permit issued by the Director pursuant to those sections.
8. On May 29, 1998, September 10, 1998, April 9, 1999, September 9, 1999, March 9, 2001, May 18, 2001, April 26, 2002, May 16, 2003, and September 16, 2003, Ohio EPA inspected the Facility. These inspections revealed that the WWTP was in poor operating condition and was discharging inadequately treated sewage into waters of the state. On July 15, 2004, Ohio EPA performed another inspection at the Facility and found beneficial improvements had been made to the WWTP collection system, however, continued problems were observed at the WWTP final settling tank and sandfilters.
9. Respondent has, on at least the dates outlined in the chart attached hereto as Attachment I and incorporated by reference as if fully rewritten herein, exceeded the final effluent limitations in its NPDES permit, No. OPV00008*ED, numerous times from September 2000 through June 2004. Respondent's failure to comply with the final effluent limitations of its NPDES permit is a violation of the permit and ORC §§ 6111.04 and 6111.07.
10. On at least September 10, 1998, April 9, 1999, September 9, 1999, May 18, 2001, April 26, 2002, May 16, 2003, September 16, 2003, July 15, 2004, and July 19, 2004, Respondent violated Part III of its NPDES permit, No. OPV00008*ED, by bypassing or diverting wastewater from the WWTP. Respondent's failure to comply with this provision of its NPDES permit is a violation of the permit, ORC §§ 6111.04 and 6111.07, and OAC Rule 3745-1-04.

11. These Orders do not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Any such construction or modification is subject to the permit to install (PTI) requirements of ORC §§ 6111.44 and 6111.45 and OAC Chapter 3745-42.
12. This document does not modify NPDES permit No. OPV00008*ED or any successor permit. The purpose of this document is to correct Respondent's noncompliance with NPDES permit number OPV00008*ED, and not to alter said permit.
13. The Director recognizes that until the date specified in the schedule of compliance for WWTP improvements in the Orders below, Respondent will likely discharge pollutants in excess of those authorized in its currently effective NPDES permit, No. OPV00008*ED, or any successor permit. The purpose of the effluent limitations and monitoring requirements that are attached to these Orders as Attachment II is to assess compliance with these Orders and not to authorize discharges of pollutants in excess of the permissive discharges specified under Respondent's currently effective or successor NPDES permit. Attachment II is incorporated by reference herein as if fully rewritten.
14. Each day of violation cited above represents a separate violation of ORC §§ 6111.04 and 6111.07.
15. 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 Respondent shall achieve compliance with the final effluent limitations of its currently effective NPDES permit, No. OPV00008*ED and any successor permit, as expeditiously as practicable, but not later than the following schedule:
 - a. Within two (2) months of the effective date of these Orders, Respondent shall submit to Ohio EPA for approval a WWTP study with a plan for any WWTP improvements necessary to achieve and maintain consistent compliance with its NPDES permit and any successor permit;
 - b. Within six (6) months of the effective date of these Orders, Respondent shall submit to Ohio EPA a complete PTI application, with approvable detail plans for any necessary WWTP improvements;
 - c. Within six (6) months of the Director's issuance of a PTI, Respondent shall initiate construction of any approved WWTP improvements; and

- d. Within twelve (12) months of the Director's issuance of a PTI, Respondent shall complete construction of any approved WWTP improvements and achieve compliance with the final effluent limitations in its NPDES permit or any successor permit.
2. Upon the effective date of these Orders, pursuant to the requirements of its currently effective NPDES permit, No. OPV00008*ED, Respondent shall eliminate any unauthorized bypasses and/ or discharges from its Facility.
3. Within fourteen (14) days of each of the deadlines listed in Orders No. 1.c. and 1.d., Respondent shall submit written notification and documentation of compliance with said Orders to Ohio EPA.
4. Within fourteen (14) days of receipt of notification from Ohio EPA, Respondent shall provide Ohio EPA with a written response addressing any comments or deficiencies and/ or submit any additional information requested with regard to the any of the submittals required by Orders No. 1 and 3.
5. If WWTP improvements are necessary and pursued in accordance with Order No. 1, until the date specified in the schedule listed in Order No. 1.d. in which Respondent's WWTP is able to attain compliance with final effluent limitations in its currently effective NPDES permit, No. OPV00008*ED or any successor permit, Respondent shall properly operate and maintain its existing WWTP to achieve the best quality effluent possible. Compliance with the effluent limitations and monitoring requirements contained in Attachment II of these Orders shall constitute compliance with this Order.
6. Within thirty (30) days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$7,500.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 6111. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$7,500.00. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent. A photo copy of the check shall be sent to Ohio EPA's Southeast District Office as indicated in Section X of these Orders.

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 DSW 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)(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 operation of Respondent's 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
Southeast District Office, Division of Surface Water
2195 Front Street
Logan, Ohio 43138
Attn: Enforcement Unit Supervisor

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 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

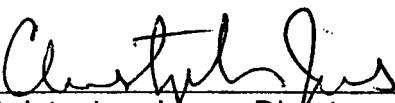
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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




Christopher Jones, Director

1-7-05
Date

IT IS SO AGREED:

Elsea, Inc.



Signature
Asa Elsea-President
Printed or Typed Name and Title

12-27-04
Date