

A. Cerway

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Jane Womer
Raymond Womer
7 Dogwood Dr.
Beloit, OH 44609-9292

and

Alan While
1447 Roseland Drive
Macedonia, OH 44056

Respondent

Director's Final Findings
and Orders

*I hereby state to be a true and accurate copy of the
official document as filed in the records of the Ohio
Environmental Protection Agency
10/17/06*

OHIO E.P.A.
OCT 17 2006
ENTERED DIRECTOR'S JOURNAL

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Jane Womer and Raymond Womer, and Alan While, jointly and severally, (together referred to as "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, jointly and severally, and their heirs, assigns and successors in interest liable under Ohio law.

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, who resides at 7 Dogwood Dr., Beloit, OH 44609-9292, and 1447 Roseland Drive, Macedonia, OH 44056, respectively, owned and operated the Sunrise Mobile Home Park and its associated wastewater treatment plant

("WWTP"), located at 1099 James Drive, Wellsville, Columbiana County, Ohio, until June, 2005, whereupon Respondent sold the Mobile Home Park and associate WWTP to JAFTAK Realty LLC, 6393 Oak Tree Blvd, No. 110, Independence, OH 44131. Sunrise Mobile Home Park and its associated WWTP are hereinafter collectively referred to as "Facility."

2. The WWTP, serving approximately 52 mobile homes, consists of a trash trap, extended aeration, clarifiers, tertiary treatment and disinfection to treat wastewater. An aerated holding tank also serves the WWTP and aids in controlling solids.
3. The WWTP discharged sewage, industrial waste, and/or other wastes to Yellow Creek, a waters of the state.
4. Respondent held an Ohio National Pollutant Discharge Elimination System (NPDES) permit, No. 3PV00094*AD, which authorized the above described discharge. The NPDES permit expired on January 1, 2005, with a renewal application, received in July, 2004.
5. The WWTP was designed to treat and discharge at outfall number 3PV00094001, 10,000 gallons per day (GPD) of wastewater flow. The average flow per day is approximately 5,434 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. Each day of violation represents a separate violation.
8. On June 17, 2002, July 10, 2002, and January 20, 2005, Ohio EPA inspected the WWTP. The June 17, 2002 inspection revealed the WWTP was in poor operating condition and was discharging inadequately treated sewage to Yellow Creek. The July 10, 2002, and January 20, 2005 inspections documented that while beneficial improvements were made to the WWTP, noncompliance with the final effluent limits of NPDES permit continued.
9. During the June 17, 2002 inspection, Ohio EPA documented that a bypass line had been intentionally installed at the WWTP, diverting flow around the sand filters and disinfection system. This caused violations of ORC § 6111.07 and the NPDES permit.

10. Ohio EPA mailed inspection letters to Respondent dated July 8, 2002, July 15, 2002, and February 22, 2005 detailing the results of the inspections including the deficiencies regarding compliance.
11. As documented in the inspection letter dated July 15, 2002, Respondent eliminated the bypass line.
12. 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 from December 2002 through April 2005. 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.
13. 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 pay the amount of ten thousand dollars (\$10,000.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6111. These Orders set forth the manner in which such penalty shall be paid. Within ninety (90) days of the effective date of these Orders, Respondent shall make payment to Ohio EPA, by submittal of an official check made payable to "Treasurer, State of Ohio," for two thousand dollars (\$2,000.00) and thereafter payment of two thousand dollars (\$2,000.00) every ninety (90) days until eight thousand dollars (\$8,000.00) is paid. The official checks shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent and the facility, 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 Northeast District Office in accordance with Section X of these Orders.

2. In lieu of paying the remaining two thousand dollars (\$2,000.00) of the civil penalty Respondent shall within ninety (90) days of the effective date of these Orders pay five hundred dollars (\$500.00) and thereafter five hundred dollars (\$500.00) every ninety (90) days until two thousand dollars (\$2,000.00) has been paid. Said monies are to fund a Supplemental Environmental Project (SEP), the Ohio EPA's Clean

Diesel School Bus Fund (Fund 5CD). Respondent shall tender official checks 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, to:

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

A copy of the 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"

3. Should Respondent fail to fund the SEP within the required timeframe set forth in Order No. 2, Respondent shall immediately pay to Ohio EPA the remaining two thousand dollars (\$2,000.00) of the civil penalty in accordance with the procedures in Order No. 1.

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
Division of Surface Water
Northeast District Office,
2110 East Aurora Road
Twinsburg, Ohio 44087
Attn: Enforcement Coordinator

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



Joseph P. Kondelik
Director

Date 10/12/06

IT IS SO AGREED:

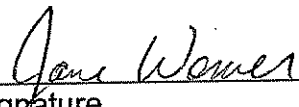


Signature

Date 10/15/06

ALAN WHITE

Printed or Typed Name



Signature

Date 10/15/06

JANE WOMER

Printed or Typed Name

Raymond Womer /gw.
Signature

10/5/06
Date

Raymond Womer
Printed or Typed Name

ATTACHMENT I

NPDES 3PV00094*AD
 Effluent Limitation Violations

Parameter	Limit	Result	Date
Total Suspended Solids	12.0	13.0	2/1/2002
Nitrogen, Ammonia	3.0	22.1	2/1/2002
CBOD	10.0	52.0	2/1/2002
CBOD	0.4	1.2	2/1/2002
Nitrogen, Ammonia	0.1	0.5	2/1/2002
Nitrogen, Ammonia	4.5	22.1	2/15/2002
Nitrogen, Ammonia	0.2	0.5	2/15/2002
CBOD	0.6	1.2	2/15/2002
CBOD	15.0	52.0	2/15/2002
Total Suspended Solids	12.0	13.0	3/1/2002
Nitrogen, Ammonia	0.1	0.5	3/1/2002
CBOD	0.4	1.2	3/1/2002
CBOD	10.0	52.0	3/1/2002
Nitrogen, Ammonia	3.0	22.1	3/1/2002
Dissolved Oxygen	5.0	4.0	3/8/2002
Dissolved Oxygen	5.0	4.0	3/15/2002
Nitrogen, Ammonia	4.5	22.1	3/15/2002
CBOD	15.0	52.0	3/15/2002
CBOD	0.6	1.2	3/15/2002
Nitrogen, Ammonia	0.2	0.5	3/15/2002
Total Suspended Solids	12.0	37.0	4/1/2002
CBOD	0.4	1.0	4/1/2002
CBOD	10.0	31.9	4/1/2002
Total Suspended Solids	0.5	1.2	4/1/2002
Nitrogen, Ammonia	0.1	1.2	4/1/2002
Nitrogen, Ammonia	3.0	43.0	4/1/2002
Nitrogen, Ammonia	4.5	49.0	4/8/2002
Nitrogen, Ammonia	0.2	1.2	4/8/2002
Total Suspended Solids	18.0	63.0	4/22/2002
Total Suspended Solids	0.7	2.1	4/22/2002
CBOD	15.0	50.0	4/22/2002
CBOD	0.6	1.7	4/22/2002
Nitrogen, Ammonia	0.2	1.2	4/22/2002
Nitrogen, Ammonia	4.5	37.0	4/22/2002
Dissolved Oxygen	5.0	4.3	4/25/2002
Total Suspended Solids	12.0	18.0	5/1/2002
Nitrogen, Ammonia	1.0	22.0	5/1/2002
Total Suspended Solids	0.5	0.5	5/1/2002

Sunrise Mobile Home Park
 Director's Final Findings and Orders
 Page 9

Nitrogen, Ammonia	0.0	0.6	5/1/2002
Nitrogen, Ammonia	1.5	22.0	5/22/2002
Nitrogen, Ammonia	0.1	0.6	5/22/2002
Nitrogen, Ammonia	1.0	1.1	7/1/2002
Nitrogen, Ammonia	1.0	33.0	10/1/2002
Nitrogen, Ammonia	0.0	0.7	10/1/2002
Nitrogen, Ammonia	3.0	36.0	11/1/2002
Nitrogen, Ammonia	0.1	0.7	11/1/2002
Nitrogen, Ammonia	4.5	36.0	11/22/2002
Nitrogen, Ammonia	0.2	0.7	11/22/2002
Nitrogen, Ammonia	3.0	29.0	12/1/2002
Total Suspended Solids	12.0	17.0	12/1/2002
Nitrogen, Ammonia	0.1	0.6	12/1/2002
CBOD	0.4	0.5	12/1/2002
CBOD	10.0	21.0	12/1/2002
Nitrogen, Ammonia	3.0	37.0	1/1/2003
Total Suspended Solids	0.5	0.9	1/1/2003
Total Suspended Solids	12.0	42.0	1/1/2003
Nitrogen, Ammonia	0.1	0.8	1/1/2003
Nitrogen, Ammonia	3.0	36.8	2/1/2003
Nitrogen, Ammonia	0.1	0.7	2/1/2003
CBOD	10.0	36.4	2/1/2003
CBOD	0.4	0.7	2/1/2003
Total Suspended Solids	12.0	17.0	2/1/2003
Nitrogen, Ammonia	4.5	36.8	2/22/2003
CBOD	15.0	36.4	2/22/2003
CBOD	0.6	0.7	2/22/2003
Nitrogen, Ammonia	0.2	0.7	2/22/2003
Nitrogen, Ammonia	3.0	38.9	4/1/2003
Nitrogen, Ammonia	0.1	0.9	4/1/2003
Nitrogen, Ammonia	4.5	38.9	4/8/2003
Nitrogen, Ammonia	0.2	0.9	4/8/2003
Total Suspended Solids	0.5	0.5	5/1/2003
Total Suspended Solids	12.0	23.0	5/1/2003
Total Suspended Solids	18.0	23.0	5/1/2003
Nitrogen, Ammonia	0.0	0.2	5/1/2003
Nitrogen, Ammonia	0.1	0.2	5/1/2003
Nitrogen, Ammonia	1.0	6.8	5/1/2003
Nitrogen, Ammonia	1.5	6.8	5/1/2003
Nitrogen, Ammonia	1.0	2.9	7/1/2003
Nitrogen, Ammonia	0.0	0.0	7/1/2003
Nitrogen, Ammonia	1.5	2.9	7/8/2003
Nitrogen, Ammonia	1.0	1.8	9/1/2003

Sunrise Mobile Home Park
 Director's Final Findings and Orders
 Page 10

Nitrogen, Ammonia	1.5	1.8	9/1/2003
Fecal Coliform	1000.0	1700.0	9/1/2003
Total Suspended Solids	12.0	14.0	10/1/2003
Nitrogen, Ammonia	1.0	2.8	10/1/2003
Nitrogen, Ammonia	1.5	2.8	10/1/2003
Nitrogen, Ammonia	0.0	0.1	10/1/2003
pH	6.5	6.0	10/24/2003
Nitrogen, Ammonia	3.0	7.8	11/1/2003
Nitrogen, Ammonia	0.1	0.2	11/1/2003
Nitrogen, Ammonia	4.5	7.8	11/8/2003
Nitrogen, Ammonia	0.2	0.2	11/8/2003
pH	6.5	6.0	12/19/2003
pH	6.5	6.0	12/26/2003
Total Suspended Solids	12.0	16.0	3/1/2004
Nitrogen, Ammonia	3.0	17.4	3/1/2004
Nitrogen, Ammonia	4.5	17.4	3/1/2004
Nitrogen, Ammonia	0.1	0.4	3/1/2004
Nitrogen, Ammonia	0.2	0.4	3/1/2004
CBOD	10.0	36.0	3/1/2004
CBOD	15.0	36.0	3/1/2004
CBOD	0.4	0.8	3/1/2004
CBOD	0.6	0.8	3/1/2004
pH	6.5	6.3	3/5/2004
Nitrogen, Ammonia	3.0	36.9	4/1/2004
Nitrogen, Ammonia	0.1	0.9	4/1/2004
pH	6.5	6.0	4/2/2004
Nitrogen, Ammonia	4.5	36.9	4/15/2004
Nitrogen, Ammonia	0.2	0.9	4/15/2004
Nitrogen, Ammonia	1.0	54.6	5/1/2004
Nitrogen, Ammonia	0.0	1.2	5/1/2004
Chlorine, Total Residual	0.0	0.2	5/5/2004
Chlorine, Total Residual	0.0	0.0	5/5/2004
Nitrogen, Ammonia	1.5	54.6	5/8/2004
Nitrogen, Ammonia	0.1	1.2	5/8/2004
Chlorine, Total Residual	0.0	0.1	5/13/2004
Chlorine, Total Residual	0.0	0.0	5/13/2004
Chlorine, Total Residual	0.0	0.1	5/19/2004
Chlorine, Total Residual	0.0	0.0	5/19/2004
Chlorine, Total Residual	0.0	0.1	5/28/2004
Chlorine, Total Residual	0.0	0.0	5/28/2004
Nitrogen, Ammonia	1.0	3.6	6/1/2004
Nitrogen, Ammonia	0.0	0.1	6/1/2004
Chlorine, Total Residual	0.0	0.1	6/3/2004

Sunrise Mobile Home Park
 Director's Final Findings and Orders
 Page 11

Chlorine, Total Residual	0.0	0.0	6/3/2004
Nitrogen, Ammonia	1.5	3.6	6/8/2004
Nitrogen, Ammonia	0.1	0.1	6/8/2004
pH	6.5	6.0	6/11/2004
Chlorine, Total Residual	0.0	0.1	6/18/2004
Chlorine, Total Residual	0.0	0.0	6/18/2004
Chlorine, Total Residual	0.0	0.1	6/22/2004
Chlorine, Total Residual	0.0	0.0	6/22/2004
Chlorine, Total Residual	0.0	0.2	6/30/2004
Chlorine, Total Residual	0.0	0.0	6/30/2004
Nitrogen, Ammonia	1.0	3.9	7/1/2004
Nitrogen, Ammonia	0.0	0.0	7/1/2004
Fecal Coliform	1000.0	20000.0	7/1/2004
Nitrogen, Ammonia	1.5	3.9	7/8/2004
Fecal Coliform	2000.0	20000.0	7/8/2004
pH	6.5	6.4	7/13/2004
Dissolved Oxygen	5.0	4.7	7/13/2004
Nitrogen, Ammonia	1.0	3.3	8/1/2004
Nitrogen, Ammonia	1.5	3.3	8/1/2004
Nitrogen, Ammonia	0.0	0.1	8/1/2004
Nitrogen, Ammonia	0.1	0.1	8/1/2004
pH	6.5	6.0	8/25/2004
Total Suspended Solids	12.0	16.0	9/1/2004
Nitrogen, Ammonia	0.0	0.2	9/1/2004
Nitrogen, Ammonia	1.0	10.8	9/1/2004
Nitrogen, Ammonia	1.5	10.8	9/15/2004
Nitrogen, Ammonia	0.1	0.2	9/15/2004
Chlorine, Total Residual	0.0	0.2	9/17/2004
Chlorine, Total Residual	0.0	0.0	9/17/2004
Total Suspended Solids	12.0	28.0	10/1/2004
Fecal Coliform	1000.0	8400.0	10/1/2004
CBOD	10.0	16.0	10/1/2004
Total Suspended Solids	0.5	0.5	10/1/2004
Nitrogen, Ammonia	1.0	7.0	10/1/2004
Nitrogen, Ammonia	0.0	0.1	10/1/2004
Total Suspended Solids	18.0	28.0	10/15/2004
Nitrogen, Ammonia	1.5	7.0	10/15/2004
Fecal Coliform	2000.0	8400.0	10/15/2004
CBOD	15.0	16.0	10/15/2004
Nitrogen, Ammonia	0.1	0.1	10/15/2004
pH	6.5	6.0	11/4/2004
pH	6.5	6.0	11/26/2004
Nitrogen, Ammonia	3.0	7.6	12/1/2004