

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Mr. John Drumm, Jr.
dba Homestead Manor Mobile Home Park
PO Box 313
Garrettsville, Ohio 44231

Director's Final Findings
and Orders

Respondent

JURISDICTION

Pursuant to Ohio Revised Code (ORC) Chapter 6111 and Section 3745.01, the Director of the Environmental Protection Agency hereby makes the following Findings and issues the following Orders:

PARTIES BOUND

These Director's Final Findings and Orders (Orders) shall apply to and be binding upon John Drumm, Jr., (Respondent) his assigns and successors in interest. No change in ownership of the Homestead Manor Mobile Home Park or its associated wastewater treatment facility (facility) will in any way alter Respondent's responsibilities under these Orders. Respondent's obligations under these Orders may be altered only by the written approval of the Director of Ohio EPA.

FINDINGS

1. Respondent owns and operates the facility located at 10376 Brosius Road, Garrettsville, Portage County, Ohio 44231.
2. The facility discharges pollutants to an unnamed tributary of Eagle Creek. Eagle Creek and its tributaries constitute "waters of the state" as defined by Ohio Revised Code (ORC) Section 6111.01.
3. Respondent does not currently hold an effective Ohio EPA NPDES permit.
4. The discharge of sewage to waters of the state without authorization from Ohio EPA constitutes a violation of ORC Section 6111.04 and 6111.07.

PERSON ID: _____
 PLACE ID: _____
 DOCUMENT ID: 26135
 ORGANIZATION ID: 6627
 REVENUE ID: 206397

5. Respondent submitted an NPDES permit application with revised detailed plans on October 3, 1996. Ohio EPA has not issued an NPDES permit pursuant to Respondent's application due to the current physical status of the facility. Given the present status of the facility Respondent would not be able to meet the limits of the NPDES permit, and would be immediately and consistently out of compliance with its terms.
6. On at least the following dates, Ohio EPA notified Respondent of violations of Ohio environmental regulations in written correspondence: December 13, 1990; June 19, 1992; November 9, 1992; April 20, 1993; May 25, 1995; February 6, 1996; September 9, 1996; December 2, 1996; February 20, 1997; and January 12, 1998.
7. On November 27, 1996, Ohio EPA Northeast District Office conducted an inspection of the facility, during which they documented significant construction had occurred prior to receiving an Ohio EPA approved Permit to Install (PTI). The November 12, 1997 inspection documented that construction of the treatment system was nearly complete.
8. On January 12, 1998, the Director of Ohio EPA issued a proposed denial of Respondent's Permit to Install (PTI) application for a sewage facility modification (expansion) for the Homestead Manor Mobile Home Village (PTI No. 02-8398).
9. On January 20, 1998, Respondent filed a request for an adjudication hearing regarding the Director's proposed denial, however, he filed a "Notice of Withdrawal of Appeal" withdrawing this request on March 16, 1998. On July 8, 1999, the PTI was denied as a final action.
10. On October 12, 2000, detailed plans were approved by Ohio EPA under Permit to Install Application No. 02-13157
11. 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 expected 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 Chapters 6111 of the Revised Code.

ORDERS

1. Respondent shall comply with the schedule established below and the conditions set forth therein:
 - a. Within six months of the effective date of these Orders, Respondent shall submit to the Northeast District Office of Ohio EPA, an Operation and Maintenance (O&M) Manual for the wastewater treatment plant (WWTP). The O&M Manual shall include detailed descriptions of the operations and maintenance practices necessary for the maximum performance of the WWTP and consistent compliance with the NPDES permit, when said permit is issued. The O&M Manual shall also include a description of the critical spare parts and manpower requirements for the operation and maintenance of the WWTP.
 - b. Within eighteen (18) months of the effective date of these Orders, Respondent shall complete the construction approved in the "as built" detailed plans for the WWTP.
 - c. Within twenty (20) months of the effective date of these Orders, Respondent shall attain operational level of the WWTP.
 - d. Respondent shall notify the Northeast District Office of Ohio EPA within seven (7) days of attaining operational level of the WWTP.
2. Until the date the WWTP has attained operational level as specified in Order 1.c., Respondent shall sample and analyze for the effluent limitations contained in Attachment I, which is attached hereto and incorporated herein by reference as if fully rewritten, and shall report such sampling and analysis to the Northeast District Office of Ohio EPA pursuant to the schedule set forth in the Attachment.
3. These Orders do not constitute authorization or approval of any construction of any physical structure of facilities, or the modification of any existing treatment works or sewer system. Any such construction or modification is subject to the plan approval and permit to install requirements of R.C. §§ 6111.44 and 6111.45 and OAC Chapter 3745-31.
4. Within thirty (30) days from the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of five thousand dollars (\$5000) in settlement of Ohio EPA's claims for civil penalties which may be assessed for noncompliance pursuant to R.C. Chapter 6111. Payment shall be made by tendering a certified

check for said amount to Ohio EPA, Department 631, Columbus, Ohio 43265-0631, made payable to "Treasurer, State of Ohio." A copy of this check shall be submitted to the Ohio EPA district office identified in Order No. 5

5. All documents, applications, and notifications required under these Orders, unless specified otherwise, shall be submitted to:

Ohio EPA
Northeast District Office
2110 E.. Aurora Road
Twinsburg, OH 44087

Attn. DSW Enforcement Group Leader

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. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to Respondent's operation of its Facility.

RESERVATION OF RIGHTS

These Orders do not prevent Ohio EPA from enforcing the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with these Orders. These Orders do not prevent Ohio EPA from exercising its authority to require Respondent to perform additional activities pursuant to Chapter 6111 of the Ohio Revised Code or any other applicable law in the future. These Orders do not restrict the right of Respondent to raise any administrative, legal or equitable claim or defense for any additional activities that Ohio EPA may seek to require of Respondent. These Orders do not limit the authority of Ohio EPA to seek relief for violations not cited in these Orders.

TERMINATION

The Respondent's obligations under these Orders shall be satisfied and terminated when the Respondent demonstrates in writing and certifies to the satisfaction of the Ohio EPA that it has satisfied all its obligations under these Orders and, subsequent to the completion of the final requirement of these Orders, that it has complied with all

conditions of its effective NPDES permit, including effluent limitations and monitoring and reporting requirements, for a period of 12 consecutive months and the Chief of Ohio EPA's Division of Surface Water acknowledges the termination of these orders in writing.

This certification shall be submitted by the Respondent to the Northeast District Office (attention: DSW Enforcement Unit Supervisor) and shall be signed by a responsible official of the Respondent. A responsible official is as defined in OAC Rule 3745-33-03(D)(1) for a corporation, OAC Rule 3745-33-03(D)(2) for a partnership, OAC Rule 3745-33-03(D)(3) for a sole proprietorship, and OAC Rule 3745-33-03(D)(4) for a municipal, state, or other public facility. The certification shall contain the following attestation:

"I certify under the penalty of law that I have personally examined and are familiar with the information contained in or accompanying this certification, and based on inquiry of those individuals immediately responsible for obtaining the information, I believe the information contained in or accompanying this certification is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment."

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 agrees to comply with these Orders, Respondent agrees that these Orders are lawful and reasonable, and Respondent agrees that the times provided for compliance herein are reasonable. Compliance with these Orders shall be a full accord and satisfaction of Respondent's liability for the violations specifically cited herein. Ohio EPA specifically does not waive its right to pursue actions and civil penalties as set forth in the Reservation of Rights paragraph of these Orders.

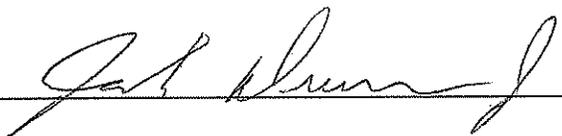
Respondent hereby waives the right to appeal the issuance, terms and service of these Orders, and it hereby waives any and all rights it might have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that in the event that 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 agrees to continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated, or modified.

Each undersigned representative of a signatory to these Orders certifies that he or she is fully authorized to enter into the terms and conditions of these Orders and to legally bind such signatory to this document.

IT IS SO AGREED:

**Mr. John Drumm, Jr.
dba Homestead Manor Mobile Home Park**

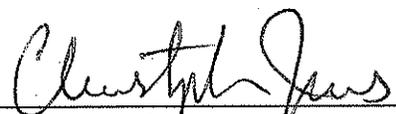
By: 

Date: 1/04/01

Title: OWNER

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency


Christopher Jones
Director

Date: 2-02-01