

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

In the matter of:

Scenic Hills Estates, LLC
P. O. Box 1023
20444 State Route 93 South
Logan, Ohio 43138

Director's Final Findings
and Orders

Respondent

JURISDICTION

Pursuant to Ohio Revised Code ("ORC") Sections 6111.03 and 3745.01, the Director of the Ohio Environmental Protection Agency ("Ohio EPA") hereby makes the following Findings and issues the following Orders:

PARTIES BOUND

These Orders shall apply to and be binding upon Scenic Hills Estates, LLC., (hereinafter "Respondent" or "Scenic Hills Estates Mobile Home Park"), 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. Respondent's obligations under these Orders may be altered only by the written action of the Director of the Ohio EPA.

FINDINGS OF FACT

1. Respondent owns and operates Scenic Hills Estates Mobile Home Park and its associated wastewater treatment plant (WWTP). The WWTP consists of an extended aeration treatment plant with an off-lot discharge. Scenic Hills Estates Mobile Home Park and its WWTP are hereinafter collectively referred to as the "Facility".
2. Scenic Hills Estates Mobile Home Park is located on 20444 State Route 93 South, Washington Township, Hocking County, Ohio and contains approximately twenty-six (26) mobile homes.

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

[Signature] Date 5/13/05

3. The Scenic Hills Estates Mobile Home Park WWTP discharges "sewage", "industrial waste", and/or "other wastes", as those terms are defined in ORC Section 6111.01, to an unnamed tributary of Claylick Run. The unnamed tributary and Claylick Run constitute "waters of the state" as defined by ORC Section 6111.01.
4. On April 20, 1993, July 15, 1994, April 21, 1995, April 18, 1997, June 20, 2000, June 6, 2001 and July 5, 2001, Ohio EPA inspected Scenic Hills Estates Mobile Home Park's WWTP. These inspections revealed that the WWTP was discharging partially treated sewage to waters of the state without a permit.
5. Neither Respondent, nor the individual residents of Scenic Hills Estates Mobile Home Park holds a National Pollutant Discharge Elimination System (NPDES) permit for the aforementioned discharge in violation of ORC Sections 6111.04 and 6111.07(A). ORC Section 6111.04 prohibits the discharge of sewage, industrial waste, or other wastes to waters of the state except in accordance with a valid, unexpired permit from Ohio EPA. ORC Section 6111.07(A) prohibits the violation of ORC Section 6111.04.
6. Respondent was notified by Ohio EPA of its obligation to submit an NPDES permit application for the aforementioned discharge at the WWTP by a letter dated July 3, 2000.
7. To date, Ohio EPA has not received an NPDES permit application for the wastewater discharge for the WWTP at Scenic Hills Estates Mobile Home Park.
8. The following Orders do not constitute authorization or approval of the construction of any physical structure or facility, or the modification of any existing treatment works or sewer system. Any such construction or modification is subject to the PTI requirements of OAC Chapter 3745-42.
9. Compliance with ORC Chapter 6111 is not contingent upon the availability or receipt of financial assistance.
10. These Findings and Orders do not constitute an NPDES Permit.
11. The Director has given consideration to and based his determination on evidence relating to the technical feasibility and the economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders and their relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purpose of ORC Chapter 6111.

ORDERS

1. Respondent shall either attain compliance with ORC Chapter 6111 at the Scenic Hills Mobile Home Park as expeditiously as practicable, by implementing improvements to the Scenic Hills WWTP in accordance with the dates contained in the schedule set forth in Order No. 2 and complying with Orders No 3, 4, 5, 6, & 7, or Respondent shall decommission the WWTP upon the decision to close the Scenic Hills Mobile Home Park in accordance with the schedule in Order No. 8.
2. If Respondent chooses to continue operating the Scenic Hills Mobile Home Park, Respondent shall attain compliance with ORC Chapter 6111 as expeditiously as practicable, by implementing improvements to the Scenic Hills WWTP in accordance with the following schedule:
 - a. Submit to Ohio EPA a complete PTI application and approvable detail plans for plant and sewer system improvements as soon as possible but not later ninety days (90) days after the effective date of these Findings and Orders. The PTI shall, at a minimum; provide for the installation of:
 - i. Aerated Sludge Holding Tank;
 - ii. Chlorination/Dechlorination; and
 - iii. Flow Metering or Pump Timer
 - b. Respondent shall respond to any comment letters sent by Ohio EPA identifying deficiencies in the PTI application or detail plans within thirty (30) days of receipt;
 - c. Commence construction as soon as possible but not later than thirty (30) days receiving approval from Ohio EPA of the PTI mentioned in Paragraph No. 2. a., above; and
 - d. Complete construction as soon as possible but not later than 180 days after receiving approval from Ohio EPA of the PTI mentioned in Paragraph No. 2. a., above.
3. Within seven (7) days of the milestones specified in Orders No. 2c and No. 2d, Respondent shall submit to Ohio EPA, written notification of the status of compliance with such Order.
4. Beginning on the effective date of these Orders, Respondent shall properly operate and maintain the existing wastewater treatment works to achieve the best quality effluent reasonably possible and shall comply with the effluent

limitations and monitoring requirements contained in Attachment I of these Findings & Orders. Respondent shall continue to comply with the effluent limitations and monitoring requirements contained in Attachment I until such time as the effluent limitations and monitoring requirements contained in Attachment II become effective. Attachment I and Attachment II are incorporated into these Findings & Orders by reference as if fully stated herein.

5. Upon completion of the construction activities required by the PTI in Order No. 2, Respondent shall comply with the effluent limitations and monitoring requirements contained in Attachment II of these Findings and Orders until an NPDES permit is in effect for the discharge.
6. Within twelve months after receiving approval from Ohio EPA of the PTI mentioned in Paragraph 2. a., above, Respondent shall either submit an application for an individual NPDES Permit or may submit a Notice of Intent (NOI) for a General NPDES Permit No. OHS000002 (Sanitary Wastewater Systems Designed to treat an average Flow of 25,000 Gallons per Day or Less). If Respondent chooses to submit an NOI for coverage under General NPDES Permit No. OHS000002, the Director in deciding whether to grant coverage shall, at a minimum, consider at least three months of monitoring data obtained pursuant to Order No. 5.
7. Within 90 days of the effective date of these Findings and Orders, Respondent shall place and maintain the operation of Scenic Hills Mobile Home Park under the responsible charge of, at a minimum, a certified class I waste water treatment plant operator in accordance with Ohio law. The certified operator shall spend a minimum of four (4) hours per week at the Scenic Hills Mobile Home Park WWTP and also inspect the collection system. The responsibilities of the certified operator shall be to properly operate, maintain and repair the WWTP and/or supervise the operation and maintenance/repair of the WWTP if all or part of the routine operation and maintenance/repair will be performed by the Respondent or an employee of the Respondent. The certified operator shall perform routine process control tests, collect samples and have them analyzed as required by the NPDES permit, make recommendations on the operation and maintenance/repair of the WWTP, file a weekly report with the Respondent regarding the status of the WWTP's operation and perform any necessary work or take any necessary action to keep the WWTP properly maintained and in good operating condition to produce the best quality effluent possible. A record of all process control tests, samples collected with analytical results, recommendations made by the certified operator, repair/maintenance performed, and the certified operator's weekly report shall be kept on file by the Respondent and shall be maintained for at least three (3) years. Except as otherwise required by a future NPDES permit, Respondent may, after thirty (30) days after the termination of these Orders, cease its obligations under this Order to

maintain the above records for the Scenic Hills Mobile Home Park and may dispose or otherwise destroy such records.

8. If Respondent should decide to close the Scenic Hills Mobile Home Park, Respondent shall decommission the WWTP in accordance in the following manner and in accordance with the schedule below:
 - a. Within ninety (90) days of the effective date of these Orders, Respondent shall inform Ohio EPA in writing of the intention to decommission the WWTP;
 - b. Within one hundred and twenty (120) days of the effective date of these Orders, Respondent shall render the WWTP inoperable by doing the following:
 - i. Remove all sludge/wastewater from the WWTP for proper disposal in accordance with all applicable laws;
 - ii. Destroy the integrity of the tank bottom and cave in the tank walls; and
 - iii. Backfill voids with clean hard fill.
 - c. Within seven (7) days of completing the work required by Order No. 8.b, inform Ohio EPA in writing.
9. Respondent shall pay to Ohio EPA ten thousand dollars (\$10,000.00) in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to Chapter 6111 of the Ohio Revised Code. Respondent shall pay to the Ohio EPA this penalty in four installments of two thousand, five hundred dollars (\$2,500.00). The first installment shall be due within 90 days of the effective date of these Orders. The second installment shall be due within 180 days of the effective date of these Orders. The third installment shall be due within 270 days of the effective date of these Orders. The final installment shall be due within 365 days of the effective date of these Orders. These payments shall be made by tendering a check payable to the "**Treasurer, State of Ohio**" for the amount due to the following address:

Office of Fiscal Administration
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

A photo copy of the check shall be sent to Ohio EPA's Southeast District Office at:

Ohio Environmental Protection Agency
Southeast District Office
2195 Front Street
Logan, OH 43138

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.

RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in the Waiver section of these Orders.

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.

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 shall notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and may seek termination of these Orders 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 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.

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.

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:

Scenic Hills Estates, LLC

By: William Fuller Date: 4-14-05

William Fuller, member of
Scenic Hills Estates, LLC

IT IS SO ORDERED:

Ohio Environmental Protection Agency

Joseph P. Kondelik Date: 4-27-05
Joseph P. Kondelik
Director

ATTACHMENT I

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS for WWTP outfall:

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
			Concentration		Loading*		Meas. Freq.	Sample Type
Reporting Code	Units	Parameter	Specified	Units	30 day	7 day		
00010	°C	Temperature	-	-	-	-	Daily	Grab
00083	Units	Color, Severity (1)	-	-	-	-	Daily	Estimate
00530	mg/l	Total Suspended Solids	30	45	-	-	1 / week	Composite
00552	mg/l	Oil and Grease	-	-	-	-	1/quarter	grab
00610	mg/l	Nitrogen, Ammonia (NH ₃)						
		(Summer)	2.0	3.0	-	-	2 / month	Composite
		(Winter)	5.0	7.5	-	-	2 / month	Composite
01330	Units	Odor, Severity (1)	-	-	-	-	Daily	Estimate
01350	Units	Turbidity, Severity (1)	-	-	-	-	Daily	Estimate
31616	#/100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	1 / week	Grab
50060	MGD	Flow	-	-	-	-	Daily	Estimate
80082	mg/l	CBOD ₅	30	45	-	-	1 / week	Composite

1. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored 1 / week by grab sample.
2. If Respondent uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.5 mg/l and shall be monitored 1 / week by grab sample.**
3. The Dissolved Oxygen (Reporting Code 00300) shall be maintained at a level of not less than 5.0 mg/l and shall be monitored 1 / week by grab sample.

* The average effluent loading limitations are established using the following flow value: (not applicable).

** See Part II, Item H of NPDES permit (not applicable).

- (1) If severity units are required for turbidity, odor, or color, use the following table to determine the value between 0 and 4 that is reported.

Reported Value*	Severity Description	Turbidity	Odor	Color
0	None	Clear	None	Colorless
1	Mild			
2	Moderate	Light Solids	Musty	Grey
3	Serious			
4	Extreme	Heavy Solids	Septic	Black

* Interpolate between the descriptive phrases.

4. The effluent shall, at all times, be free of substances:
 - A. In amounts that will settle to form putrescent, or otherwise objectionable, sludge deposits; or that will adversely affect aquatic life or water fowl;
 - B. Of an oily, greasy, or surface-active nature, and of other floating debris, in amounts that will form noticeable accumulations of scum, foam or sheen;
 - C. In amounts that will alter the natural color or odor of the receiving water to such degree as to create a nuisance;
 - D. In amounts that either singly or in combination with other substances are toxic to human, animal, or aquatic life;
 - E. In amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growths become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;
 - F. In amounts that will impair designated instream or downstream water uses.

ATTACHMENT II

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS for WWTP outfall:

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
			Concentration		Loading*		Meas. Freq.	Sample Type
Reporting Code	Units	Parameter	Specified 30 day	Units 7 day	kg/day 30 day	kg/day 7 day		
00010	°C	Temperature	-	-	-	-	Daily	Grab
00083	Units	Color, Severity (1)	-	-	-	-	Daily	Estimate
00530	mg/l	Total Suspended Solids	12	18	-	-	1 / week	Composite
00552	mg/l	Oil and Grease	-	-	-	-	1/quarter	grab
00610	mg/l	Nitrogen, Ammonia (NH ₃)						
		(Summer)	1.0	1.5	-	-	2 / month	Composite
		(Winter)	3.0	4.5	-	-	2 / month	Composite
01330	Units	Odor, Severity (1)	-	-	-	-	Daily	Estimate
01350	Units	Turbidity, Severity (1)	-	-	-	-	Daily	Estimate
31616	#/100ml	Fecal Coliform (Summer Only)	1000	2000	-	-	1 / week	Grab
50060	MGD	Flow	-	-	-	-	Daily	Estimate
80082	mg/l	CBOD ₅	10	15	-	-	1 / week	Composite

1. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored 1 / week by grab sample.
2. If Respondent uses chlorine for disinfection, the Chlorine Residual (Reporting Code 50060) shall be maintained at a level not to exceed 0.019 mg/l and shall be monitored 1 / week by grab sample.**
3. The Dissolved Oxygen (Reporting Code 00300) shall be maintained at a level of not less than 6.0 mg/l and shall be monitored 1 / week by grab sample.

* The average effluent loading limitations are established using the following flow value: (not applicable).
 ** See Part II, Item H of NPDES permit (not applicable).

- (1) If severity units are required for turbidity, odor, or color, use the following table to determine the value between 0 and 4 that is reported.

Reported Value*	Severity Description	Turbidity	Odor	Color
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 - B. Of an oily, greasy, or surface-active nature, and of other floating debris, in amounts that will form noticeable accumulations of scum, foam or sheen;
 - C. In amounts that will alter the natural color or odor of the receiving water to such degree as to create a nuisance;
 - D. In amounts that either singly or in combination with other substances are toxic to human, animal, or aquatic life;
 - E. In amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growths become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;
 - F. In amounts that will impair designated instream or downstream water uses.