

OHIO E.P.A.

APR 19 2001

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Westwood Homes, Inc.
302 Edgewater Pines Road
Warren, Ohio 44481

Director's Final
Findings and Orders

JURISDICTION

Pursuant to Ohio Revised Code ("RC") Chapter 6111 and RC § 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 Director's Final Findings and Orders ("Orders") shall apply to and be binding upon Westwood Homes, Inc. ("Respondent"), its assigns and successors in interest. No change in ownership of Westwood Homes Mobile Home Park ("Homes") or Westwood Communities Mobile Home Park ("Communities"), or their respective wastewater treatment facilities, shall 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 302 Edgewater Pines Road, Warren, Trumbull County, Ohio.
2. The wastewater treatment facilities at Communities and Homes, together said wastewater treatment facilities are referred to as "Facility," combines the respective effluents prior to discharge from a single point source to the Mahoning River.
3. The Mahoning River constitutes "waters of the state" as defined by R.C. § 6111.01.

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OHIO EPA NEDO

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

Donna A. ... Date 4/19/01

4. Respondent held effective State of Ohio NPDES Permit Nos. 3PV00075*AD (OH0112097) and 3PV00068*AD (OH0102822), for the Communities and Homes, respectively, (together said permits are referred to as "original NPDES permits") for the aforementioned discharge. Said permits became effective on February 1, 1993, expiring on January 27, 1998, with compliance required with final effluent limits by the permits' effective date.
5. Renewal applications for said permits were received on August 13, 1997. The original NPDES permits were not renewed by Ohio EPA due to outstanding compliance issues.
6. At present, Respondent is operating under the terms and conditions of the expired original NPDES permits.
7. Since Respondent is operating the Facility as a single entity, with the discharge to the Mahoning River through a single point source, both permit renewal applications must be consolidated by a single modification application, with a single State of Ohio NPDES permit to be issued for the Facility.
8. On numerous occasions since March 6, 1993, as partially set forth in Attachment I, Respondent or its predecessor has violated the final effluent limits of its original NPDES permits, with each violation constituting a separate violation of R.C. §§ 6111.04 and 6111.07. Attachment I is hereby incorporated into these Orders as if fully written herein.
9. On at least the following dates, Ohio EPA notified Respondent by written correspondence of violations of its original NPDES permits: March 16, 1994, May 8, 1995, July 25, 1995, April 1, 1996, October 21, 1997, August 3, 1999, June 22, 2000, and December 18, 2000.
10. Respondent is not currently in compliance with the final effluent limits of its original NPDES permits, in violation of said permits and R.C. §§ 6111.04 and 6111.07.
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 R.C. Chapters 6111.

ORDERS

1. Within six (6) months after the effective date of these Orders, Respondent shall submit a General Plan for sewage treatment improvements or other methods of meeting compliance with the original NPDES permits. The General Plan shall, at a minimum:
 - a. Evaluate, address and document alternatives for meeting final effluent limits of the original NPDES permits. These alternatives shall include, at a minimum, the individual upgrade of Homes' treatment systems; consolidation of the Communities and Homes treatment systems; and/or connection to sanitary sewers;
 - b. Proposed relocation of collection and treatment facilities, if deemed appropriate, and;
 - c. Cost estimates for the required improvements and cost effective analysis of the alternatives.

2. Respondent shall:
 - a. Within two (2) months of the effective date of these Orders, submit an application for the modification and consolidation of NPDES permit Nos. 3PV00075 and 3PV00068.
 - b.. Within twelve (12) months of the effective date of these Orders, submit to the Northeast District Office, Ohio EPA, an Operation and Maintenance (O&M) Manual for the entire Facility. The O&M manual shall include detailed descriptions of operations and maintenance practices necessary for maximum performance of the Facility and consistent compliance with the original NPDES permits, any renewal permit which may have been issued, and/or Attachment II described below, whichever is applicable. The O&M Manual shall also include a description of critical spare parts and manpower requirements for the Facility.

3. If a permit to install is required by Ohio EPA pursuant to Order No. 1, Respondent shall:
 - a. Within twelve (12) months of the effective date of these Orders, submit a complete approvable permit to install application, including detailed plans.
 - b. Within six (6) months after approval of the permit to install application, initiate construction of the improvements approved therein.

- c. Within twelve (12) months of the approval of the permit to install application, complete construction of said improvements.
 - d. Within fourteen (14) months of the approval of the permit to install application, attain operational level of the Facility, and meet final effluent limitations of the original NPDES permits, any renewal permit which may have been issued pursuant to the compliance schedule contained in the renewal permit, or Attachment II described below, whichever is applicable.
 - e. Within seven days after the deadline given in Orders 3b, 3c, and 3d, submit written notification to the Ohio EPA Northeast District Office of compliance said Orders.
4. If a permit to install is not required by Ohio EPA pursuant to Order No. 1, Respondent shall within fourteen (14) months of the effective date of these Orders attain operational level of the Facility, and meet final effluent limitations of the original NPDES permits, any renewal permit which may have been issued pursuant to the compliance schedule contained in the renewal permit, or Attachment II described below, whichever is applicable.
 5. Until the date the Facility has attained operation level as specified in Order 3d or 4, whichever is applicable, Respondent shall comply with the effluent limitations and monitoring requirements contained in Attachment II. Attachment II is hereby incorporated into these Orders as if fully written herein. For those limitations and requirements not contained in Attachment II, Respondent shall comply with the original NPDES permits referred to in Finding No. 4.
 6. Respondent shall report any noncompliance with the Order No. 5 in accordance with Part II, Paragraph 12 of the original NPDES permits referred to in Finding No. 4.
 7. 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 plan approval and permit to install requirements of R.C. §§ 6111.44 and 6111.45 and Ohio Administrative Code Chapter 3745-31.
 8. These Orders do not modify NPDES Permits Nos. 3PV00075 or 3PV00068.
 9. Respondent shall pay to Ohio EPA the amount of ten thousand dollars (\$10,000) in settlement of Ohio EPA claims for civil penalties for violations alleged in these Orders or occurring up to the effective date of these Orders provided said violations occurring up to the effective date of these Orders were properly reported

pursuant to Part II, Paragraph 12 of the original NPDES permits referred to in Finding No. 4 or the monthly operating reports (Ohio EPA form 4500), which may be assessed pursuant to R.C. Chapter 6111. This payment shall be made by tendering a certified check made payable to "Treasurer, State of Ohio" for the full amount within 30 days after the effective date of these Orders to the following address:

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

A copy of this check shall be submitted to the Ohio EPA district office identified in Order No. 10.

10. Unless otherwise specified, Respondent shall submit all documents required by these to the Ohio EPA Northeast District Office at the following address:

Ohio Environmental Protection Agency
Northeast District Office
2110 E. Aurora Road
Twinsburg, Ohio 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:
Respondent

By: Kollene T. Swegan

Date: 3/23/01

Title: TREAS.

IT IS SO ORDERED AND AGREED:
Ohio Environmental Protection Agency

Christopher Jones

Date: 4-15-01

Christopher Jones
Director

Attachment I

WESTWOOD COMMUNITIES MOBILE HOME PARK

-Violations of NPDES permit -not all encompassing-

PARAMETER	VIOLATION TYPE	YEAR	MONTHS VIOLATING
Suspended Solids	30-Day Avg	1993	April, May, Nov, Dec
Suspended Solids	7-Day Max	1993	March, April, May, July, Nov, Dec
Dissolved Oxygen	Weekly	1993	March, April, May, June, July, Aug, Sept, Oct, Nov, Dec
CBOD ₅	30-Day Avg	1993	May, June, Dec
CBOD ₅	7-Day Max	1993	March, May, June, Dec
Ammonia	30-Day Avg	1993	March, May, June, July, Sept
Fecal Coliform	Monthly	1993	May, July, Aug
Suspended Solids	30-Day Avg	1994	Jan, Feb, March, Dec
Suspended Solids	7-Day Max	1994	Jan, Feb, March, April, Sept, Nov, Dec
Dissolved Oxygen	Weekly	1994	Jan, Feb, March, April, May, June, July, Aug, Sept, Oct, Nov, Dec
CBOD ₅	30-Day Avg	1994	Feb
CBOD ₅	7-Day Max	1994	Feb
Ammonia	30-Day Avg	1994	Sept
Ammonia	7-Day Max	1994	Sept
Fecal Coliform	Monthly	1994	June, July, Aug, Sept, Oct
Suspended Solids	30-Day Avg	1995	April
Suspended Solids	7-Day Max	1995	Feb, April
Dissolved Oxygen	Weekly	1995	Jan, Feb, Mar, April, June, Aug, Sept, Dec
CBOD ₅	30-Day Avg	1995	April, Dec

CBOD ₅	7-Day Max	1995	April, Dec
Ammonia	30-Day Avg	1995	April
Ammonia	7-Day Max	1995	Feb, April, July
Fecal Coliform	Monthly	1995	May, June, July
Suspended Solids	30-Day Avg	1996	March, April, Oct
Suspended Solids	7-Day Max	1996	March, April, Nov
Dissolved Oxygen	Weekly	1996	Jan, Feb, March, April, May, June, July, Aug, Sept
CBOD ₅	30-Day Avg	1996	March
CBOD ₅	7-Day Max	1996	March
Fecal Coliform	Monthly	1996	May, July
Suspended Solids	30-Day Avg	1997	Feb
Suspended Solids	7-Day Max	1997	Feb
Dissolved Oxygen	Weekly	1997	Feb, May, June, July, Aug
CBOD ₅	30-Day Avg	1997	Feb
CBOD ₅	7-Day Max	1997	Feb, June
Ammonia	30-Day Avg	1997	Feb
Ammonia	7-Day Max	1997	Feb
Fecal Coliform	Monthly	1997	May
Dissolved Oxygen	Weekly	1998	May, June, July, Aug, Sept, Oct, Dec
Ammonia	30-Day Avg	1998	June, July
Ammonia	7-Day Max	1998	June, July
Fecal Coliform	Monthly	1998	May
Dissolved Oxygen	Weekly	1999	Feb

WESTWOOD HOMES MOBILE HOME PARK

-Violations of NPDES permit -not all encompassing-

PARAMETER	VIOLATION TYPE	YEAR	MONTHS VIOLATING
Suspended Solids	30-Day Avg	1993	March, April, May, Sept, Nov, Dec
Suspended Solids	7-Day Max	1993	March, April, May, Sept, Nov, Dec
Dissolved Oxygen	Weekly	1993	March, April, May, June, July, Aug, Sept, Oct, Nov, Dec
CBOD ₅	30-Day Avg	1993	April, May
CBOD ₅	7-Day Max	1993	April, Sept, Dec
Ammonia	30-Day Avg	1993	July, Aug, Sept, Oct, Nov
Ammonia	7-Day Max	1993	May, July, Aug, Sept, Oct, Nov
Fecal Coliform	Monthly	1993	May, June, Sept, Oct
Suspended Solids	30-Day Avg	1994	Jan, Feb, March, April, May, June, July, Aug, Sept, Oct, Nov, Dec
Suspended Solids	7-Day Max	1994	Jan, Feb, March, April, May, June, July
Dissolved Oxygen	Weekly	1994	Jan, Feb, April, May, June, July, Aug, Sept, Oct, Nov
CBOD ₅	30-Day Avg	1994	Jan, Feb, March, April, May, Aug, Nov
CBOD ₅	7-Day Max	1994	Jan, Feb, April, May, Aug, Oct
Ammonia	30-Day Avg	1994	Feb, May, June, July, Aug, Sept, Oct,
Ammonia	7-Day Max	1994	Feb, March, May, June, July, Aug, Sept, Oct, Nov
Fecal Coliform	Monthly	1994	May, June, July, Aug, Sept, Oct
Suspended Solids	30-Day Avg	1995	Jan, Feb, March, April, May, June, July, Aug, Sept, Oct, Nov, Dec
Suspended Solids	7-Day Max	1995	March, April, May, June, July, Aug, Sept, Oct, Nov, Dec

Dissolved Oxygen	Weekly	1995	March, May, June, July, Aug, Sept, Oct, Nov, Dec
CBOD ₅	30-Day Avg	1995	Jan, Feb, March, April, Nov, Dec
CBOD ₅	7-Day Max	1995	Feb, March, May, June, Nov, Dec
Ammonia	30-Day Avg	1995	June, July, Aug, Oct, Nov, Dec
Ammonia	7-Day Max	1995	June, July, Aug, Sept, Oct, Nov, Dec
Fecal Coliform	Monthly	1995	June, July, Aug, Sept
Suspended Solids	30-Day Avg	1996	Jan, Feb, March, April, May, June, July, Aug, Sept, Oct, Nov, Dec
Suspended Solids	7-Day Max	1996	Jan, Feb, March, April, May, June, July, Aug, Sept, Oct, Nov, Dec
Dissolved Oxygen	Weekly	1996	Jan, Feb, March, April, May, June, July, Aug, Sept, Oct, Nov, Dec
CBOD ₅	30-Day Avg	1996	Jan, Feb, March, April, May, June, July, Aug, Sept, Oct, Nov, Dec
CBOD ₅	7-Day Max	1996	Jan, Feb, March, April, May, June, July, Aug, Sept, Nov, Dec
Ammonia	30-Day Avg	1996	Jan, Feb, March, May, Aug, Sept, Dec
Ammonia	7-Day Max	1996	Feb, March, May, June, Aug, Sept, Dec
Fecal Coliform	Monthly	1996	May, June, July, Oct
Suspended Solids	30-Day Avg	1997	Jan, Feb, April, May, June, July, Sept, Oct, Nov, Dec
Suspended Solids	7-Day Max	1997	Jan, Feb, March, April, May, June, July, Sept, Oct, Nov, Dec
Dissolved Oxygen	Weekly	1997	April, May, June, July, Aug, Sept, Oct,
CBOD ₅	30-Day Avg	1997	Jan, Feb, April, May, Oct, Nov, Dec
CBOD ₅	7-Day Max	1997	Jan, Feb, April, May, June, July, Sept, Oct, Dec
Ammonia	30-Day Avg	1997	Jan, Feb, March, May, June, July, Aug, Sept, Oct, Dec
Ammonia	7-Day Max	1997	Jan, Feb, March, June, July, Aug, Sept

Fecal Coliform	Monthly	1997	June, Aug, Sept, Oct
Suspended Solids	30-Day Avg	1998	Jan, Feb, March, April, May, July, Aug, Oct, Nov, Dec
Suspended Solids	7-Day Max	1998	Jan, Feb, March, April, May, July, Aug, Oct, Nov, Dec
Dissolved Oxygen	Weekly	1998	Feb, April, May, June, July, Aug, Sept, Oct, Nov, Dec
CBOD ₅	30-Day Avg	1998	Jan, Feb, March, April, July, Aug, Oct, Dec
CBOD ₅	7-Day Max	1998	Jan, Feb, April, May, July, Aug, Oct, Nov, Dec
Ammonia	30-Day Avg	1998	Jan, Feb, March, May, June, July, Aug, Sept, Oct, Dec
Ammonia	7-Day Max	1998	March, May, June, July, Aug, Sept, Oct, Dec
Fecal Coliform	Monthly	1998	May, June, July
Residual Chlorine	Maximum	1998	June, Aug, Sept, Oct
Suspended Solids	30-Day Avg	1999	Jan, Feb, March, April, May, June
Suspended Solids	7-Day Max	1999	Jan, Feb, March, April, May, June
Dissolved Oxygen	Weekly	1999	Feb, May, June
CBOD ₅	30-Day Avg	1999	Jan, Feb, March, May, June
CBOD ₅	7-Day Max	1999	Feb, March, May, June
Ammonia	30-Day Avg	1999	Jan, Feb, March, May, June
Ammonia	7-Day Max	1999	Jan, Feb, March, May, June
Residual Chlorine	Maximum	1999	May

FACILITY NAME: WESTWOOD HOMES MHP

REPORT PERIOD: 7/99-12/99

Our review indicates violations of the terms and conditions of your NPDES permit. The specific instances of noncompliance are as follows: Note list is not all encompassing.

Outfall	Date	Parameter	ViolationType	Permit Limit	Reported
001	12/15/99	SS	7 DAY MAX.	18 MG/L	21
	12/22/99				50
	12/29/99				22
001	7/99	NH3	30 DAY AVG.	1.5S/2.25W	9.4
	8/99				4.54
	9/99				10.6
	10/99				4.0
	11/99				4.86
	12/99				8.1
001	7/9/99	NH3	7 DAY MAX AVG.	2.25S/6.75W	6.11
	7/20/99				12.7
	8/3/99				4.42
	8/20/99				4.65
	9/2/99				7.44
	9/14/99				9.4
	9/28/99				15.1
	10/12/99				7.45
	12/7/99				4.63
	12/22/99				11.5
001	7/99	CBOD5	30 DAY CONC.	10 MG/L	13.1
	9/99				15.1
	11/99				11.1
	12/99				10.14
001	7/27/99	CBOD5	7 DAY MAX.	15 MG/L	43

FACILITY NAME: WESTWOOD HOMES MHP

REPORT PERIOD: 7/99-12/99

Our review indicates violations of the terms and conditions of your NPDES permit. The specific instances of noncompliance are as follows: Note list is not all encompassing.

Outfall	Date	Parameter	Violation Type	Permit Limit	Reported
001	9/14/99	CBOD5	7 DAY MAX.	15 MG/L	18
	9/21/99				20
	9/28/99				21
	10/5/99				18
	11/24/99				16
	12/22/99				18
001	7/9/99	DO	MIN. ANYTIME	>5.0W/>6.0S	2.3
	7/16/99				3.1
	7/20/99				1.6
	7/27/99				1.9
	8/3/99				3.7
	8/12/99				2.5
	8/20/99				3.1
	8/24/99				2.1
	9/2/99				3.0
	9/8/99				1.4
	9/14/99				1.1
	9/21/99				1.8
	10/5/99				4.1
	10/12/99				3.7
	10/20/99				4.6
	10/26/99				4.2
	11/9/99				3.7
	11/16/99				4.1

Attachment II

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS for Outfall 3PV00059001

<u>EFFLUENT CHARACTERISTIC</u>		<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING</u>		
Concentration	Loading*	<u>REQUIREMENTS</u>		Reporting		
Code	UNITS PARAMETER	30 day	7 day	Meas. 30 day	7 day	Sample Freq.
	Type					
00010	°C Water Temperature	--	--	DAILY	--	GRAB
00083	UNITS Color, Severity (1)	--	--	DAILY	--	EST.
00530	mg/l Total Suspended Solids (Summer)	30	--	1/WEEK	--	COMP
00610	mg/l Nitrogen, Ammonia (NH ₃)	18	--	1/2WEEKS	--	COMP
01330	UNITS Odor, Severity (1)	--	--	DAILY	--	EST
01350	UNITS Turbidity, Severity (1)	--	--	DAILY	--	EST
31616	#/100ml Fecal Coliform (Summer Only)	1000	--	1/MONTH	--	GRAB
50050	MGD Flow Rate	--	--	Daily	--	Continuous
80082	mg/l CBOD ₅	25	--	1/WEEK	--	COMP

2. 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.
3. The Dissolved Oxygen (Reporting Code 00300) shall be monitored 1/WEEK by GRAB sample.
4. If the entity uses chlorine for disinfection, the Chlorine Residual shall be maintained at a level not to exceed 0.5 mg/l and shall be monitored daily by grab sample. (Summer only)**

* The average effluent loading limitations are established using the following flow value: 0.045 MGD.

** See Part II, Items H,I in the permit mentioned in Finding No. 3.

(1) See Part II, Item E in the permit mentioned in Finding No. 3.