OHIO E.P.A.

FEB 14 2008

ENTERED DIRECTOR'S JOURNAL

Effective Date FEB 14 2008

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:
MHP Holdings – Northbrooke Mobile Home Park, Ltd. :

1008 Marshall Avenue
Cincinnati, Ohio 45225 :

Respondent,

DIRECTOR'S FINAL FINDINGS AND ORDERS

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

By: Amy Hicks Date: 2-14-08

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to MHP Holdings– Northbrooke Mobile Home Park, Ltd. (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Chapter 6109 and § 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent's public water system 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 6109 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA (Director) has determined the following findings:

1. Respondent owns and operates a "public water system" (PWS) which is also a "community water system" (CWS) as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.

2. Respondent's PWS (PWS ID# 7501012) is located at 2805 Wapakoneta Avenue, Sidney (Shelby County), Ohio, 45385.

3. Respondent's PWS obtains its drinking water from a "ground water" source as defined by OAC Rule 3745-81-01 and the PWS serves a population of one hundred fifty (150) persons.

4. In accordance with OAC Rule 3745-81-23(B)(1), PWSs which are ground water systems shall monitor for nitrate annually.

5. On December 6, 2002, the Director issued a chemical contaminant monitoring schedule to Respondent (2003 monitoring schedule) for the compliance period that began on January 1, 2003 and ended on December 31, 2003.

6. In accordance with OAC Rule 3745-81-23(B)(1) and Respondent's 2003 monitoring schedule, Respondent was required to monitor for nitrate during the July 1 through December 31, 2003 monitoring period.

7. In violation of OAC Rule 3745-81-23(B)(1) and the 2003 chemical contaminant monitoring schedule, Respondent failed to monitor for nitrate during the July 1 through December 31, 2003 monitoring period. Respondent returned to compliance on August 5, 2004.

8. In accordance with OAC Rule 3745-81-11(B), effective January 1, 2006, the maximum contaminant level (MCL) for arsenic is 0.010 milligrams per liter (mg/L).

9. In accordance with OAC Rule 3745-81-23(H)(2), for PWSs that conduct monitoring at a frequency greater than annual, compliance with the MCL for arsenic is determined by a running annual average (RAA) at each sampling point. The PWS will not be considered in violation of the MCL until it has completed one year of quarterly sampling. If, however, any one sample result would cause the RAA to exceed the MCL, then the PWS is out of compliance immediately.

10. On February 1, 2006, April 3, 2006, July 5 2006, and October 2, 2006, Respondent collected arsenic samples from its PWS with results of 0.016 mg/L, 0.011 mg/L, 0.013 mg/L, and 0.013 mg/L, respectively.

11. In violation of OAC Rule 3745-81-11(B) as determined by OAC Rule 3745-81-23(H)(2), Respondent exceeded the MCL for arsenic during the October through December 2006 monitoring period. Respondent's current RAA is 0.013 mg/L.

12. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS shall provide public notification for drinking water violations.

13. In violation of OAC Rule 3745-81-32, Respondent failed to issue a public notification for failing to monitor for nitrate during the July 1 through December 31, 2003 monitoring

period. On September 17, 2007 the Respondent issued a public notice concerning its failure to perform the nitrate monitoring for the July 1 through December 31, 2003 monitoring period.

14. Each violation cited above represents a separate violation of ORC § 6109.31.

V. ORDERS

1. Respondent shall comply with all current and future contaminant monitoring schedules issued by Ohio EPA.

2. Respondent shall comply with arsenic monitoring and reporting requirements, in accordance with OAC Rule 3745-81-23.

3. Respondent shall issue public notices for any future arsenic MCL violations in accordance with OAC Rule 3745-81-32.

4. Within four (4) months of the effective date of these Orders, Respondent shall complete one of the following activities:

   a. Hire an engineer and submit plans to Ohio EPA for arsenic removal treatment at its PWS in accordance with the best available technology recommendations in OAC Rule 3745-81-11(E) **OR**;

   b. Submit plans to Ohio EPA for the connection of its PWS to an alternative water source and elimination of all cross-connections between the existing well and the PWS.

5. Within four (4) months of Ohio EPA's plan approval, Respondent shall commence installation/construction of the selected treatment for arsenic removal or complete the connection to an alternative water source.

6. Within nine (9) months of plan approval, Respondent shall complete installation and commence operation of the treatment for arsenic removal at its PWS or complete the connection to an alternative water source.

7. Within seven (7) days after the deadlines provided in Order Nos. 5 and 6 above, Respondent shall send written notification of compliance with the requirements of each of the Orders to Ohio EPA, Southwest District Office, Division of Drinking and Ground Waters, DOCC, 401 East Fifth Street, Dayton, Ohio 45402.

8. Unless Respondent has completed the connection of its PWS to an alternative water source within nine (9) months of Ohio EPA's plan approval, within twelve (12) months of completion of the installation and commencement of operation of the arsenic treatment system, Respondent shall achieve compliance with the arsenic MCL.

9. Within thirty (30) days of receipt of notification, Respondent shall respond in writing to address any comments or deficiencies noted by Ohio EPA on any plan or other documentation submitted by Respondent.

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 Division of Drinking and Ground Waters 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.

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 PWS.

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

Except as specifically required by an individual Order, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio EPA, Southwest District Office
Division of Drinking and Ground Waters
401 East Fifth Street
Dayton, Ohio 45402

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA reserves its rights to seek civil or administrative penalties against Respondent for violations specifically cited in these Orders. Ohio EPA and Respondent each reserve all other 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. Except for the right to seek civil or administrative penalties against Respondent for violations specifically cited in these Orders, which right Ohio EPA does not waive, 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

Chris Korleski, Director

FEB 14 2008
Date

IT IS SO AGREED:

MHP Holdings– Northbrooke Mobile Home Park, Ltd.

Signature

01.09.08
Date

Manager
Printed or Type Name and Title

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