

OHIO E.P.A.

SEP -3 2004

BEFORE THE

ENTERED DIRECTOR'S JOURNAL
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Country Parks, Inc.
P.O. Box 1033
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 Country Parks, Inc., hereinafter "Respondent", and its assigns and successors in interest liable under Ohio law. No change in ownership or operation relating to Respondent's Facilities, 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 Country Mobile Home Park and Lake Logan Mobile Home Park and their associated wastewater treatment plants (WWTPs). The WWTPs consist of extended aeration treatment plants with off-lot discharges. Country Mobile Home Park and Lake Logan Mobile Home Park and their WWTPs are hereinafter collectively referred to as the "Facilities".
2. Country Mobile Home Park is located on Township Road 243, Bedford Township, Meigs County, Ohio and contains approximately fifty (50) mobile homes.

I certify this to be a true and correct copy of the
official document of the Director of the Ohio
Environmental Protection Agency.

By *[Signature]* Date 9/2/04

3. Lake Logan Mobile Home Park is located at 30555 Lake Logan Road, Logan, Hocking County, Ohio and contains approximately thirty-seven (37) mobile homes.
4. The Country 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 to the Shade River. The unnamed tributary and the Shade River constitute "waters of the state" as defined by ORC Section 6111.01.
5. Lake Logan Mobile Home Park WWTP discharges "sewage", "industrial waste", and/or "other wastes", as those terms are defined in ORC Section 6111.01, to a storm culvert which flows into the Hocking River. The Hocking River constitutes "waters of the state" as defined by ORC Section 6111.01.
6. On August 3, 1995, May 5, 1998, November 4, 1998, October 20, 1999, June 6, 2001, July 5, 2001, August 2, 2001, and February 6, 2002, Ohio EPA inspected Country Mobile Home Park. These inspections revealed that the WWTP was discharging partially treated sewage to waters of the state without a permit.
7. On June 20, 2000, June 6, 2001, and July 5, 2001, Ohio EPA inspected Lake Logan Mobile Home Park. These inspections revealed that the WWTP was discharging partially treated sewage into waters of the state without a permit.
8. Neither Respondent, nor the individual residents of Country Mobile Home Park or Lake Logan Mobile Home Park holds a National Pollutant Discharge Elimination System (NPDES) permit for the aforementioned discharges 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.
9. Respondent was notified by Ohio EPA of its obligation to submit an NPDES permit application for the aforementioned discharge at Country Mobile Home Park by letters dated June 9, 1998, November 1, 1999, June 30, 2000, and October 3, 2001. Respondent was notified by Ohio EPA of its obligation to submit an NPDES permit application for the aforementioned discharge at Lake Logan Mobile Home Park by a letter dated July 3, 2000.
10. The following 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 PTI requirements of OAC Chapter 3745-42.

11. Compliance with ORC Chapter 6111 is not contingent upon the availability or receipt of financial assistance.
12. These Findings and Orders do not constitute an NPDES Permit.
13. 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 attain compliance with ORC Chapter 6111 at the Country Mobile Home Park as expeditiously as practicable, but not later than the dates contained in 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 seventy-five (75) days after the effective date of these Findings and Orders. The PTI shall provide for the installation of:
 - Aerated Sludge Holding Tank
 - ii. Chlorination/Dechlorination
 - 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. 1. 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. 1. a., above.
2. Within seven (7) days of the milestones specified in Orders No. 1c and No. 1d Respondent shall submit to Ohio EPA, written notification of the status of compliance with such Order.

3. Beginning on the effective date of these Orders, Respondent shall properly operate and maintain both of its 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.
4. Upon completion of the construction activities required by the PTI in Order No. 1a, 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.
5. Within twelve months after receiving approval from Ohio EPA of the PTI mentioned in Paragraph 1. 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. OHS00001 (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. OHS00001, 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. 4.
6. Respondent shall pay to Ohio EPA five thousand, five hundred dollars (\$5,500.00) in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to Chapter 6111 of the Ohio Revised Code. This payment shall be made by tendering a check payable to the "**Treasurer, State of Ohio**" for the full amount within ninety (90) days after the effective date of these Findings and Orders 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

7. Respondent shall submit all documents required under these Orders to Ohio EPA's Southeast District Office, Division of Surface Water, (Attn: Group Leader) at the address set forth above in Order No. 6.
8. Within 90 days of the effective date of these Findings and Orders, Respondent shall place and maintain the operation of Country 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 Country 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 WWTPs' 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 Country Mobile Home Park and may dispose or otherwise destroy such records.
9. Within thirty (30) days of the effective date of these Orders, Respondent shall submit a letter to Ohio EPA's Southeast District Office stating that the Lake Logan WWTP was properly abandoned and dismantled.

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:

Country Parks, Inc.

By: William Fuller Pres Date: 8-5-04

IT IS SO ORDERED:

Ohio Environmental Protection Agency

Christopher Jones Date: 9-2-04
Christopher Jones
Director

ATTACHMENT I

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS for WWTP outfall:

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS			
Reporting Code	Units	Parameter	Concentration		Loading*		Meas. Freq.	Sample Type
			Specified	Units	kg/day	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			
Reporting Code	Units	Parameter	Concentration		Loading*			
			Specified Units		kg/day			
			30 day	7 day	30 day	7 day	Meas. Freq.	Sample Type
00010	°C	Temperature					Daily	
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
			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	
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
0	None	Clear	None	Colorless
1	Mild			
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* 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.