

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

FEB -3 2014

In the Matter of:

ENTERED DIRECTOR'S JOURNAL

**Greenlawn Trailer Sales and Investment Company  
dba Enchanted Acres  
555 Greenlawn Avenue  
Columbus, OH 43223**

**Respondent**

**Director's Final Findings  
and Orders**

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

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

By: John Cassler Date: 2-3-14

These Director's Final Findings and Orders ("Orders") are issued to Greenlawn Trailer Sales and Investment Company, dba Enchanted Acres, ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Revised Code ("R.C.") 6111.03(H) 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 the composition of Respondent, the ownership or operation of the Enchanted Acres Mobile Home Park ("facility"), or its wastewater treatment plant ("WWTP"), identified below, 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 R.C. Chapter 6111 and the rules adopted thereunder.

**IV. FINDINGS**

The Director of Ohio EPA has determined the following findings:

1. Respondent, an active Ohio corporation for profit, entity number 335664, is doing business as Enchanted Acres, an active registered trade name, entity number 2017816.
2. Enchanted Acres is a mobile home park located at 4510 Parsons Avenue, Hamilton Township, Franklin County, situated on land owned by Respondent.

3. The facility is served by a WWTP, with treatment consisting of influent pumping, flow equalization, extended aeration, clarification, tertiary filtration, disinfection, de-chlorination, and aerobic digestion/liquid sludge holding.
4. The WWTP discharges to an unnamed tributary of the Scioto River, a water of the state, under Ohio National Pollutant Discharge Elimination System ("NPDES") permit No. 4PH00005\*GD, ("permit"), which became effective September 1, 2010 and expires August 31, 2015.
5. From January 2010 to December 2012, the WWTP exceeded its design flow of 0.10 MGD on 152 days or approximately 14% of the reported days, with the reported amounts indicated:

| Date       | Flow (MGD) | Date      | Flow (MGD) | Date       | Flow (MGD) | Date      | Flow (MGD) |
|------------|------------|-----------|------------|------------|------------|-----------|------------|
| 1/19/2010  | 0.102      | 4/20/2011 | 0.273      | 6/25/2011  | 0.169      | 1/13/2012 | 0.101      |
| 1/22/2010  | 0.137      | 4/22/2011 | 0.115      | 6/28/2011  | 0.133      | 1/18/2012 | 0.121      |
| 1/31/2010  | 0.101      | 4/24/2011 | 0.237      | 7/12/2011  | 0.151      | 1/20/2012 | 0.106      |
| 2/22/2010  | 0.132      | 4/25/2011 | 0.107      | 7/24/2011  | 0.115      | 1/24/2012 | 0.124      |
| 3/14/2010  | 0.1554     | 4/26/2011 | 0.164      | 7/30/2011  | 0.105      | 1/25/2012 | 0.105      |
| 3/15/2010  | 0.1203     | 4/27/2011 | 0.149      | 8/25/2011  | 0.154      | 1/27/2012 | 0.292      |
| 3/26/2010  | 0.134      | 4/28/2011 | 0.162      | 9/12/2011  | 0.111      | 1/28/2012 | 0.27       |
| 3/29/2010  | 0.1136     | 4/29/2011 | 0.151      | 9/26/2011  | 0.115      | 1/29/2012 | 0.167      |
| 5/3/2010   | 0.1208     | 4/30/2011 | 0.156      | 10/20/2011 | 0.197      | 1/30/2012 | 0.117      |
| 6/27/2010  | 0.157      | 5/1/2011  | 0.142      | 10/21/2011 | 0.125      | 1/31/2012 | 0.126      |
| 6/28/2010  | 0.133      | 5/3/2011  | 0.143      | 10/23/2011 | 0.202      | 2/1/2012  | 0.119      |
| 7/11/2010  | 0.105      | 5/4/2011  | 0.314      | 11/15/2011 | 0.124      | 2/2/2012  | 0.107      |
| 7/13/2010  | 0.103      | 5/5/2011  | 0.209      | 11/16/2011 | 0.104      | 2/3/2012  | 0.107      |
| 7/15/2010  | 0.108      | 5/6/2011  | 0.171      | 11/23/2011 | 0.183      | 2/4/2012  | 0.111      |
| 9/1/2010   | 0.187      | 5/7/2011  | 0.153      | 11/29/2011 | 0.123      | 2/5/2012  | 0.143      |
| 9/19/2010  | 0.121      | 5/8/2011  | 0.193      | 11/30/2011 | 0.16       | 2/17/2012 | 0.142      |
| 11/14/2010 | 0.115      | 5/10/2011 | 0.127      | 12/1/2011  | 0.12       | 3/1/2012  | 0.111      |
| 11/25/2010 | 0.123      | 5/11/2011 | 0.118      | 12/2/2011  | 0.106      | 3/3/2012  | 0.124      |
| 12/1/2010  | 0.169      | 5/12/2011 | 0.111      | 12/3/2011  | 0.114      | 3/7/2012  | 0.109      |
| 2/19/2011  | 0.104      | 5/13/2011 | 0.16       | 12/4/2011  | 0.109      | 3/9/2012  | 0.198      |
| 2/22/2011  | 0.217      | 5/15/2011 | 0.119      | 12/6/2011  | 0.316      | 3/13/2012 | 0.148      |
| 2/23/2011  | 0.12       | 5/18/2011 | 0.132      | 12/7/2011  | 0.189      | 3/16/2012 | 0.159      |
| 2/25/2011  | 0.267      | 5/19/2011 | 0.116      | 12/8/2011  | 0.133      | 3/19/2012 | 0.116      |

|           |       |           |       |            |       |            |       |
|-----------|-------|-----------|-------|------------|-------|------------|-------|
| 2/28/2011 | 0.138 | 5/20/2011 | 0.121 | 12/9/2011  | 0.111 | 3/20/2012  | 0.125 |
| 3/5/2011  | 0.219 | 5/21/2011 | 0.147 | 12/10/2011 | 0.119 | 3/21/2012  | 0.106 |
| 3/6/2011  | 0.189 | 5/22/2011 | 0.129 | 12/11/2011 | 0.111 | 3/22/2012  | 0.106 |
| 3/7/2011  | 0.123 | 5/24/2011 | 0.203 | 12/17/2011 | 0.107 | 3/23/2012  | 0.106 |
| 3/8/2011  | 0.107 | 5/25/2011 | 0.139 | 12/18/2011 | 0.106 | 3/24/2012  | 0.125 |
| 3/10/2011 | 0.249 | 5/26/2011 | 0.118 | 12/22/2011 | 0.134 | 3/29/2012  | 0.121 |
| 3/11/2011 | 0.204 | 5/27/2011 | 0.133 | 12/23/2011 | 0.218 | 4/3/2012   | 0.119 |
| 3/12/2011 | 0.139 | 5/28/2011 | 0.14  | 12/24/2011 | 0.104 | 4/10/2012  | 0.106 |
| 3/13/2011 | 0.132 | 5/29/2011 | 0.126 | 12/25/2011 | 0.149 | 5/5/2012   | 0.111 |
| 3/20/2011 | 0.113 | 6/4/2011  | 0.113 | 12/28/2011 | 0.124 | 5/8/2012   | 0.124 |
| 3/22/2011 | 0.113 | 6/5/2011  | 0.138 | 12/29/2011 | 0.11  | 7/23/2012  | 0.101 |
| 3/23/2011 | 0.171 | 6/12/2011 | 0.148 | 12/30/2011 | 0.103 | 9/24/2012  | 0.112 |
| 4/5/2011  | 0.154 | 6/13/2011 | 0.16  | 12/31/2011 | 0.134 | 10/29/2012 | 0.122 |
| 4/12/2011 | 0.172 | 6/14/2011 | 0.103 | 1/1/2012   | 0.119 | 12/9/2012  | 0.102 |
| 4/17/2011 | 0.119 | 6/18/2011 | 0.105 | 1/6/2012   | 0.15  | 12/10/2012 | 0.123 |

**Violations of Ohio Water Pollution Control Laws  
 Regulatory Statutes**

6. R.C. 6111.04(C) prohibits any person to whom a permit has been issued from placing or discharging or causing to be placed or discharged in any waters of state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit without first receiving a permit from the Director to do so.
7. R.C. 6111.07(A) prohibits any person from violating, or failing to perform, any duty imposed by R.C. 6111.01 to 6111.08, or violating any order, rule, or term or condition of a permit issued by the Director pursuant to those sections. Each day of violation is a separate offense.
8. R.C. 6111.09 provides that any person who violates R.C. 6111.07 shall pay a civil penalty of not more than ten thousand dollars per day of violations.

**NPDES Permit Violations  
 Effluent Limit Exceedances**

9. From January 2010 to June 1, 2013, the WWTP reported the following effluent limit violations:

| Reporting Period | Reporting Code | Parameter              | Limit Type | Limit | Reported Value | Violation Date |
|------------------|----------------|------------------------|------------|-------|----------------|----------------|
| January 2010     | 00530          | Total Suspended Solids | 7D Conc    | 18    | 21.            | 1/1/2010       |
| January 2010     | 00530          | Total Suspended Solids | 7D Conc    | 18    | 19.            | 1/8/2010       |
| January 2010     | 00530          | Total Suspended Solids | 30D Conc   | 12    | 12.5714        | 1/1/2010       |
| January 2010     | 80082          | CBOD 5 day             | 7D Conc    | 15    | 18.5           | 1/1/2010       |
| January 2010     | 80082          | CBOD 5 day             | 7D Conc    | 15    | 19.            | 1/8/2010       |
| January 2010     | 80082          | CBOD 5 day             | 30D Conc   | 10    | 13.8571        | 1/1/2010       |
| February 2010    | 00530          | Total Suspended Solids | 7D Conc    | 18    | 18.5           | 2/1/2010       |
| February 2010    | 00530          | Total Suspended Solids | 30D Conc   | 12    | 14.25          | 2/1/2010       |
| February 2010    | 80082          | CBOD 5 day             | 7D Conc    | 15    | 15.5           | 2/1/2010       |
| February 2010    | 80082          | CBOD 5 day             | 7D Conc    | 15    | 17.5           | 2/15/2010      |
| February 2010    | 80082          | CBOD 5 day             | 30D Conc   | 10    | 15.            | 2/1/2010       |
| February 2010    | 80082          | CBOD 5 day             | 30D Qty    | 3.8   | 3.9927         | 2/1/2010       |
| March 2010       | 80082          | CBOD 5 day             | 7D Conc    | 15    | 19.            | 3/1/2010       |
| May 2010         | 00400          | pH                     | 1D Conc    | 9.0   | 9.1            | 5/5/2010       |
| August 2010      | 50060          | Chlorine, Total Residu | 1D Conc    | 0.038 | .07            | 8/29/2010      |
| August 2010      | 80082          | CBOD 5 day             | 7D Conc    | 15    | 17.            | 8/15/2010      |
| September 2010   | 50060          | Chlorine, Total Residu | 1D Conc    | 0.038 | .05            | 9/12/2010      |
| October 2010     | 50060          | Chlorine, Total Residu | 1D Conc    | 0.038 | .05            | 10/17/2010     |
| June 2011        | 31648          | E. coli                | 7D Conc    | 284   | 10000.         | 6/22/2011      |
| September 2011   | 50060          | Chlorine, Total Residu | 1D Conc    | 0.038 | 3.             | 9/19/2011      |
| September 2011   | 31648          | E. coli                | 7D Conc    | 284   | 2900.          | 9/1/2011       |
| September 2011   | 31648          | E. coli                | 30D Conc   | 126   | 314.534        | 9/1/2011       |
| July 2012        | 31648          | E. coli                | 7D Conc    | 284   | 350.           | 7/1/2012       |
| September 2012   | 00530          | Total Suspended Solids | 7D Conc    | 18    | 18.5           | 9/8/2012       |
| September 2012   | 31648          | E. coli                | 7D Conc    | 284   | 2600.          | 9/1/2012       |
| September 2012   | 31648          | E. coli                | 7D Conc    | 284   | 950.           | 9/8/2012       |
| September 2012   | 31648          | E. coli                | 30D Conc   | 126   | 138.738        | 9/1/2012       |
| October 2012     | 31648          | E. coli                | 7D Conc    | 284   | 450.           | 10/22/2012     |
| June 2012        | 31648          | E. coli                |            |       | AK             | 6/21/2012      |

10. Based on the above Respondent has violated R.C. 6111.07.

**NPDES Permit Violations  
 Compliance Schedules**

11. The NPDES permit contains a compliance schedule that required the submittal of:
- a. An Infiltration and Inflow Reduction Plan by March 1, 2011; and
  - b. A permit to install application and detailed plans by September 1, 2011 for the construction identified in the Infiltration and Inflow Reduction Plan to reduce the infiltration and inflow within the collection system and for upgrades to the WWTP.

12. Respondent has not complied with the above referenced compliance schedule.
13. Based on the above Respondent has and continues to violate R.C. 6111.07.

### ***Director Considerations***

14. 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 calculated 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 purpose of R.C. Chapter 6111.
15. 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 permit to install and plan approval requirements of R.C. 6111.44(A) and 6111.45 and OAC Chapter 3745-42.

### **V. ORDERS**

1. Respondent shall reduce infiltration and inflow ("I/I") and return the WWTP to compliance with its NPDES permit and as that permit may be modified and renewed, as expeditiously as practicable, but not later than the dates established in the following schedule:
  - a. Within one (1) year of the effective date of these Orders Respondent shall:
    - i. Reline the existing sanitary sewer from the pump station to Parsons Road and minimize the documented sources of I/I and maintenance issues in that segment; and
    - ii. Perform rehabilitation work on operating equipment that is above the water level plus replace pumps and the like that are accessible without tank dewatering;
  - b. Within two (2) years of the effective date of these Orders Respondent shall perform rehabilitation work that is below water level that will necessitate the dewatering of tanks as well as structural steel repair/replacement of walkway and the like;
  - c. Within three (3) years of the effective date of these Orders Respondent shall spot repair and reline the existing sanitary sewer issues that were

documented in the 2013 Cleaning and TV inspection work done in the park proper itself;

- d. Within four (4) years of the effective date of these Orders Respondent shall clean and TV inspect selected parts of the sanitary sewer system that were determined to be problematic based on the flows measured in 2013; and
  - e. Within five (5) years of the effective date of these Orders Respondent shall perform additional spot repair and reline the existing sanitary sewer issues that were documented in the year 4 cleaning and TV inspection work done in the park proper itself.
2. Respondent shall pay the amount of four thousand four hundred forty-eight dollars (\$4,448.00) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to R.C. Chapter 6111. Within thirty (30) days of the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" in that amount and the check submitted to Carol Butler, or her successor, together with a letter identifying Respondent, to:

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

A copy of the check shall be sent to Ohio EPA in accordance with Section X of these Orders and to Mark Mann, Environmental Manager, Storm Water and Enforcement Section, or his successor, at the following address:

Ohio EPA  
Division of Surface Water  
P.O. Box 1049  
Columbus, Ohio 43216-1049

## **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrate 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 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 defined in OAC 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 activities occurring on or at the facility or WWTP.

#### **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**

Unless otherwise specifically stated herein, all documents required to be submitted by Respondents pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Central District Office  
50 West Town St, Suite 700  
Columbus, Ohio 43216  
ATTN: Enforcement Supervisor, Division of Surface Water

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

### **XI. RESERVATION OF RIGHTS**

Ohio EPA and Respondent each reserve all 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. 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.

*(signatory page follows)*

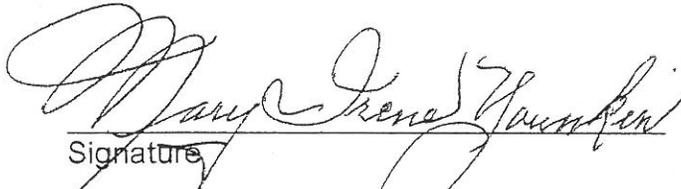
**IT IS SO ORDERED AND AGREED:  
Ohio Environmental Protection Agency**



Craig W. Butler  
Interim Director

1/21/14  
Date

**IT IS SO AGREED:  
Greenlawn Trailer Sales and Investment Company  
dba Enchanted Acres**



Signature

MARY IRENE YOUNKIN  
Printed or Typed Name

VICE PRESIDENT  
Title

1-21-14  
Date

