

OHIO E.P.A.

JUN - 4 2013

Effective Date JUN - 4 2013

ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL  
FINDINGS AND ORDERS

Richard Seckler :  
2913 North Island Circle :  
Port Clinton, Ohio 43452 :

Respondent, :

RE: Beachview Trailer Court :  
4061 NE Catawba Road :  
Port Clinton, Ohio 43452; and :

North Shore Estates MHP :  
8175 North Shore Boulevard :  
Lakeside-Marblehead, Ohio :  
43440 :

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: [Signature] Date: 6-4-13

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Findings and Orders (Orders) are issued to Richard Seckler (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 the Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent's public water systems shall in any way alter the 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 "public water systems" (PWSs) at Beachview Trailer Court and North Shore Estates Mobile Home Park (MHP), which are "transient water systems" which obtain their drinking water from "ground water" sources as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS, Beachview Trailer Court (PWS ID# OH6203812) serves a population of 44 people and is located at 4016 NE Catawba Road, Port Clinton (Ottawa County), Ohio, 43452.
3. Respondent's PWS, North Shore Estates MHP (PWS ID# OH6202512) serves a population of 88 people and is located at 8175 North Shore Boulevard Lakeside-Marblehead, Ohio 43440.
4. On March 15, 2012, Respondent was notified by Ohio EPA of deficiencies and requirements observed during the February 16, 2012 sanitary survey conducted at North Shore Estates MHP PWS. These deficiencies included the following:
  - a. The seal on "Well #1" was corroded and not tightly secure, half of the well casing seal was easily removed by hand, and a screened atmospheric vent was missing in violation of OAC Rule 3745-9-05(P) and (T); and
5. On April 5, 2012, Respondent was notified by Ohio EPA of deficiencies and requirements observed during the March 7, 2012 sanitary survey conducted at Beachview Trailer Court PWS. Those deficiencies included the following:
  - a. The top of the casing on "Well #2" was observed to be at or below ground level during the onsite sanitary survey, and the location of this well was easily accessible for automobile parking in violation of OAC Rule 3745-9-04(A)(7) and OAC Rule 3745-9-05 (O) and (U); and
  - b. The PWS failed to provide well caps that meet the requirements identified in OAC Rule 3745-9-05 (P) and (T).
6. In accordance with OAC Rule 3745-81-60(D), a PWS shall respond to the Director in writing, within thirty days following receipt of a sanitary survey letter, indicating

how and on what schedule the PWS will address any deficiencies noted in the survey.

7. In violation of OAC Rule 3745-81-60(D), Respondent failed to notify the Director in writing and within thirty days of receipt of the March 15, 2012 sanitary survey letter, indicating how and on what schedule the North Shore Estates MHP deficiencies noted in the survey letter would be addressed by Respondent. Respondent was notified of this violation on July 10, 2012.
8. In violation of OAC Rule 3745-81-60(D), Respondent failed to notify the Director in writing and within thirty days of receipt of the April 5, 2012 sanitary survey letter, indicating how and on what schedule the Beachview Trailer Court deficiencies noted in the survey letter would be addressed by Respondent. Respondent was notified of this violation on July 10, 2012.
9. In accordance with OAC Rule 3745-84-02(A), no person shall operate or maintain a PWS in the state of Ohio without a PWS license issued by the Director.
10. In accordance with OAC Rule 3745-84-01(C), in effect from August 3, 2004 through March 31, 2009, a person holding a PWS license or a PWS license renewal issued by the Director shall submit a completed application for license renewal to the Director not less than thirty days prior to the expiration date of the license or license renewal and along with the appropriate fee.
11. In accordance with OAC Rule 3745-84-03(B), effective since April 1, 2009, a person holding a PWS license or a PWS license renewal issued by the Director under ORC § 6109.21, who is proposing to continue operating the public water system, shall submit a pre-application, an application and the appropriate fee, as set forth in OAC Rule 3745-84-05.
12. In violation of OAC Rules 3745-84-02(A), 3745-84-01(C) and 3745-84-03(B), Respondent failed to submit an application and fee payment for Respondent's 2008, 2009, 2010, 2011 and 2012 licenses to operate (LTOs) for Beachview Trailer Court PWS and failed to submit an application and fee payment for Respondent's 2008, 2009, 2010, 2011 and 2012 LTOs for North Shore Estates MHP PWS.
13. Each violation cited above represents a separate violation of ORC § 6109.31.

## **V. ORDERS**

1. From the effective date of these Orders, Respondent shall monitor both PWSs in accordance with OAC Chapter 3745-81 and monitoring schedules issued by the Director.

2. From the effective date of these Orders, Respondent shall timely apply for and obtain LTOs for each year the PWSs are in operation.
3. Within thirty (30) days of the effective date of these Orders, Respondent shall pay the past due 2013 LTO fee of \$123.20 for North Shore Estates MHP to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus Ohio, 43216-1049. A 2013 LTO will only be required for Beachview Trailer Court in the event Respondent does not complete the tie-in to Ottawa County Regional Water District prior to commencing operations at the PWS.
4. Within thirty (30) days of the effective date of these Orders, Respondent shall submit verification to Ohio EPA, at the address identified in Section X, that payment or arrangement of a payment plan has been made with the Attorney General's Office, Collections Enforcement Section, 150 E. Gay Street, 21<sup>st</sup> Floor, Columbus, Ohio 43214, for the unpaid 2008 to 2012 Beachview Trailer Court PWS LTO fees (Ohio EPA Revenue ID's: 629373, 683014, 731518, 781646, 838164); and for the unpaid 2008 to 2012 North Shore Estates MHP PWS License to Operate fees (Ohio EPA Revenue ID's: 630976, 684549, 733015, 783112, 839625).
5. Respondent shall pay the amount of six thousand eight hundred dollars (\$6,800.00) in settlement of Ohio EPA's claim for civil penalties which may be assessed pursuant to ORC Chapter 6109. Payment to Ohio EPA shall be made by official check payable to "Treasurer, State of Ohio" for six thousand eight hundred dollars (\$6,800.00). The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying the Respondent to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049.
6. In lieu of paying the six thousand eight hundred dollars (\$6,800.00) civil penalty, within one hundred and twenty day (120) days of the effective date of these Orders, Respondent shall complete a Supplemental Environmental Project (SEP) of connecting both PWSs to the Ottawa County Regional Water District (PWS ID# OH6205011); and permanently abandoning and sealing existing well(s) in accordance with OAC Rule 3745-9-10 or cease using water from existing well(s) for human consumption as defined by OAC 3745-81-01(Y)(Y). Within seven (7) days of connecting to the Ottawa County Regional Water District and sealing of the existing well(s) or cessation of use of water from the wells for human consumption, Respondent shall notify Ohio EPA in writing at the address listed in Section X of these Orders.
7. Should Respondent fail to complete the SEP within the required timeframe set forth in Order No.6, Respondent shall pay to Ohio EPA the six thousand eight hundred dollars (\$6,800) civil penalty in accordance with the procedure in Order No. 5 and comply with Order No. 8.

8. Within one hundred and twenty (120) days of the effective date of these Orders, should Respondent fail to complete the SEP in Order No. 6, Respondent shall complete the following requirements from the Notice of Violations for both PWSs, dated July 10, 2012:
- a. Respondent shall submit updated bacterial sample siting plans for both PWSs to Ohio EPA, Division of Drinking and Ground Waters (DDAGW), for approval at the address listed in Section X of these Orders, in accordance with OAC Rule 3745-81-21(A). Ohio EPA approved copies of bacterial sample siting plans shall be available onsite at each PWS.
  - b. In accordance with OAC Rules 3745-9-07 and 3745-9-10, Respondent shall properly abandon all wells not in use.
  - c. In accordance with OAC Rule 3745-9-05(P) and (T), Respondent shall ensure each well at both PWSs have well caps or seals that meet the requirements identified in OAC Rule 3745-9-05(P) and (T), including an atmospheric vent which has noncorroding mesh screen of fifteen to thirty mesh, pointed downward, and does not terminate less than twelve inches above the ground surface, well house floor or concrete apron surface. The well cap or seal must fit securely to the top of the well casing.
  - d. For well #2 located at Beachview Trailer Court PWS, Respondent shall extend the top of the well casing to at least twelve (12) inches above grade; and the extension must be a threaded or welded connection and not a bolted flange with rubber gaskets in accordance with OAC Rule 3745-9-05(N) and (O). The Respondent also shall install protective barriers around the well to guard against vehicular collisions in accordance with OAC Rule 3745-9-04(A)(7).
  - e. Respondent shall submit verification of completion of Order No. 8b, No. 8c and No. 8d for both PWSs, in accordance with OAC Rules 3745-9-04, 3745-9-05, 3745-9-07, and 3745-9-10, to Ohio EPA, DDAGW at the address listed in Section X of these Orders.

## **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 DDAGW 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**

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Division of Drinking and Ground Waters  
Northwest District Office  
347 N. Dunbridge Road  
Bowling Green, Ohio 43402  
Attn: Justin Bowerman

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**

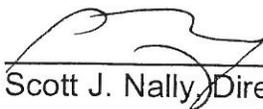
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

## **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.

**IT IS SO ORDERED AND AGREED:**

**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Scott J. Nally, Director

**JUN - 4 2013**  
\_\_\_\_\_  
Date

**IT IS SO AGREED:**

**Richard Seckler**

  
\_\_\_\_\_  
Signature

**5-10-13**  
\_\_\_\_\_  
Date