



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

3/18/2016

HAP III LP dba Poplar Village MHP
12400 W. Axline Rd
Fostoria, OH 44830

RE: Director's Final Findings & Orders
NPDES
Seneca County
2PY00032

Ladies and Gentlemen:

Transmitted herewith is one copy of the Director's Final Findings & Orders in the referenced matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin J. Fowler", is written over a light blue horizontal line.

Kevin J. Fowler, Supervisor
Permit Processing Unit
Division of Surface Water

KJF/dks

Enclosure

CERTIFIED MAIL

cc: M. Mann, DSW
R. DeMuth, DSW
B. Schuch, DSW
L. Reeder, DSW
J. Martin, DSW
Fiscal
Compliance Section
M. McCarron, PIC
H. Griesmer, PIC
T. Poffenbarger, NWDO/DSW
B. Fischbein, Legal
M. Horvitz, Legal
P. Fallah, DEFA
Journal Room
File

Ohio EPA Invoice/Receipt

Date Printed: March 18, 2016

Revenue ID: 1083800

Please include this Revenue ID with all correspondence.

Organization ID: 110131

Information: HAP III LP

5504 Honey Dew Terrace
Austin, TX 78738-

Due Date: April 01, 2016

Amount Due: \$3,000.00

Effective Date: March 18, 2016

Revenue Description: DSW- Findings and Orders-Civil Penalties (FOSW)

Program Name: Surface Water Programs

Reason: FO for Poplar Village MHP 2PY00032

For some Revenues, Interest and/or Penalties may be charged for late payment.

Next Interest Date (if applicable):

Next Penalty Date (if applicable):

Remittance Advice

Detach Here - Please Return This Portion With Your Payment

Organization ID: 110131

Information: HAP III LP

5504 Honey Dew Terrace
Austin, TX 78738-

Due Date: Apr 01, 2016

Amount Due: \$3,000.00

Secondary Type/Id: SNPDE / 2PY00032

Revenue Type: FOSW

Amount Enclosed: \$ _____

Many Ohio EPA fee invoices are payable online. For online credit card or ACH payment, go to <https://eBiz.epa.ohio.gov>, login or create an account and from the "Available Services" window choose "Pay Ohio EPA Fees Online".

Please write this number on your check. Revenue ID: 1083800
Make check or money order payable to "Treasurer, State of Ohio"

Remit to: Ohio Environmental Protection Agency - OFA
Department L-2711
Columbus, OH 43260-2711

For Ohio EPA use only

Check ID: _____

Check Date: _____

Check Number: _____

Check Amount: \$ _____

110131	HAP III LP	300000	FOSW	1083800
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MAR 18 2016

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

2016 FEB 24 PM 2:00

LEGAL OFFICE

In the Matter of : Modified Director's Final Findings and Orders

HAP III LP :
dba Poplar Village MHP LP :
12400 W Axline Rd :
Fostoria, Ohio 44830 :

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.

Respondent,

PREAMBLE

It is agreed by the parties hereto as follows:

By:  Date: 3/18/16

I. JURISDICTION

These Modified Director's Final Findings and Orders (Orders) are issued to HAP III LP, dba Poplar Village MHP LP, (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 6111.03 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 Facility described in Finding No. 1 of these Orders 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 6111 and the rules promulgated thereunder.

IV. FINDINGS

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

1. Respondent owns and operates the Poplar Village Mobile Home Park located at 12400 West Axline Street, Fostoria, Seneca County, Ohio 44830 ("Facility"). The Facility is licensed for 99 lots, but is not fully occupied.

2. Respondent agreed to Director's Final Findings and Orders which were issued to Respondent on October 24, 2013 ("October 24, 2013 Findings and Orders") to address violations of ORC Chapter 6111 that occurred as a result of Respondent's noncompliance with the conditions of its National Pollutant Discharge Elimination system (NPDES) permit. The Findings set forth in the October 24, 2013 Findings and Orders are incorporated herein by reference.
3. To date, at least the following Orders in the October 24, 2013 Findings and Orders have not been met:

Order 1.c.	Minimum staffing requirements were not being met from October 24, 2013 until April 2015.
Order 1.d.	Recordkeeping and reporting requirements were not being met from October 24, 2013 until April 2015.
Order 2.a.	Sewer System Evaluation Survey (SESS) was not submitted within 180 days (by April 24, 2014).
Order 2.c.	PTI application for sewer system improvements, if necessary, was not submitted within 240 days (by June 24, 2014).
Order 2.f.	Construction of sanitary sewer collection system improvements was not completed within 12 months (due 10/24/2014 for credit towards Supplemental Environmental Project).
Order 2.g.	Construction of sanitary sewer collection system improvements was not completed within 18 months (by April 24, 2015).

4. A Permit to Install ("PTI") application was submitted on November 4, 2013 and approved November 29, 2013 for the replacement of sixteen manholes. Respondent indicated that this work would need to be completed prior to the sewers being cleaned and televised for the SESS and the infiltration and inflow (I/I) analysis.
5. A Notice of Violation ("NOV") dated December 17, 2013 was sent to Respondent by Ohio EPA stating that the Facility was in significant noncompliance for Total Suspended Solids and Nitrogen Ammonia (NH₃) from April 2013 through September 2013.
6. An NOV dated March 27, 2014 was sent to Respondent by Ohio EPA stating that the Facility was in significant noncompliance for Total Suspended Solids and Nitrogen Ammonia (NH₃) from July 2013 through December 2013.
7. An NOV dated May 20, 2014 was sent to Respondent by Ohio EPA stating that the Facility was in significant noncompliance for Total Suspended Solids and Nitrogen Ammonia (NH₃) from October 2013 through January 2014.
8. An NOV dated June 26, 2014 sent to Respondent by Ohio EPA described violations found during inspections conducted on June 17th, 18th, and 20th, 2014. The entire WWTP was observed to be black and septic on June 17th and 18th. The influent pumps and aeration blowers and motors were not operating. The NOV

emphasized that a review of the operator of record logbook from January through mid-June of 2014 indicated that minimum staffing requirements for a Class 1 operator were not being met. The NOV also noted that Respondent was not in compliance with the schedule in the October 24, 2013 Findings and Orders.

9. On July 8, 2014, Ohio EPA received an email from Respondent's operator, with a letter dated July 1, 2014 attached, in response to the June 26, 2014 NOV. Among other things, the letter claimed that the operator was not required to meet minimum staffing requirements in Ohio Administrative Code (OAC) 3745-7-04.
10. Ohio EPA inspected the Facility on August 19, 2014. An NOV was sent to Respondent on September 29, 2014. The NOV stated that: the WWTP was operating at the time, but two blowers and a pump were not operational and a sand filter bed was ponded with solids and septic water; a review of discharge monitoring reports for June through August 2014 revealed several violations of the effluent limitations in Respondent's NPDES permit; and Respondent has not met several milestones in the October 24, 2013 Findings and Orders. The NOV requested specific dates for when these items would be submitted to Ohio EPA.
11. Respondent failed to submit a PTI application for sanitary sewer collection system improvements within two hundred forty (240) days from the effective date of the October 24, 2013 Findings and Orders as required by Order No. 2.c. of the October 24, 2013 Findings and Orders.
12. Respondent submitted a PTI application for sanitary sewer collection system improvements on February 17, 2015. The PTI was issued and effective on February 27, 2015.
13. Respondent failed to complete construction of sanitary sewer collection system improvements within twelve (12) months of the effective date of the October 24, 2013 Findings and Orders, i.e., by October 24, 2014, as required by Order No. 2.f. of the October 24, 2013 Findings and Orders.
14. Pursuant to Orders Nos. 2.g., 6 and 7 of the October 24, 2013 Findings and Orders, Respondent has failed to meet the terms of the Supplemental Environmental Project agreed to in the October 24, 2013 Findings and Orders and must immediately pay to Ohio EPA the remaining three thousand dollars (\$3,000.00) of the civil penalty as agreed.
15. Respondent failed to complete construction of sanitary sewer collection system improvements within eighteen (18) months of the effective date of the October 24, 2013 Findings and Orders, i.e., by April 15, 2015, as required by Order No. 2.g. of the October 24, 2013 Findings and Orders.
16. During April 2015, Respondent contracted with a new certified operator who has corrected the violations of Ohio Administrative Code Chapter 3745-7 with respect to the WWTP Operator at the Facility.

17. Respondent's new certified operator has identified repairs and improvements to the WWTP that are necessary for safety or to achieve compliance with Respondent's NPDES permit and ORC Chapter 6111.
18. During June 2015, Respondent installed the following at the WWTP: new concrete blower pads; a baffle around the weir; and two new blower packages designed for 19,000 gallons per day.
19. Since June 2015, Respondent has completed the following at the WWTP:
 - a. Installed new influent grinder pumps;
 - b. Installed new duplex electrical control panel for influent grinder pumps;
 - c. Installed new skimmer;
 - d. Cleaned trash trap and evaluated for proper influent and effluent baffles, installed new grating over the trash trap/influent pumps that is of the type designed for WWTP environments and operator access;
 - e. Replaced the piping and valving within the sand filter dosing station with a conventional installation; evaluated the pumps within the dosing station to ensure they were of the correct flow rate;
 - f. Submitted detailed plans and a PTI application for an equalization tank and a sludge holding tank; and
 - g. Evaluated the pumps within the chlorine lift station and took steps to ensure they are of the correct flow rate for the contact tank sizing and flow through the tablet feeders.
20. The Director has agreed to modify Orders Nos. 2.g. and 4 in the October 24, 2013 Findings and Orders to provide additional time to complete the construction of the sanitary sewer collection system improvements and to incorporate the repairs and improvements to the WWTP. None of the other orders in the October 24, 2013 Findings and Orders are modified or changed in any way by these Orders.
21. Respondent completed construction of sanitary sewer collection improvements during November 2015.
22. 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 ("PTI") requirements of ORC §§ 6111.44 and 6111.45 and OAC Chapter 3745-42.

23. Compliance with ORC Chapter 6111 is not contingent upon the availability or receipt of financial assistance.
24. 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 purposes of ORC Chapter 6111.

V. ORDERS

1. Respondent shall take the following actions to achieve compliance with its NPDES permit:
 - a. In accordance with an approved PTI, begin installation of a new equalization tank with blower and pumps, transfer piping and electrical by no later than May 1, 2016.
 - b. Begin operation of the equalization tank by no later than July 1, 2016.
 - c. Install new sludge holding tank by no later than July 1, 2016.
 - d. By no later than June 1, 2016, Respondent shall complete rehabilitation of the west sand filter bed. The presence of an impermeable liner shall be confirmed in the presence of Ohio EPA Northwest District Office representatives. If a liner is present, the media within the filter shall be amended in accordance with Ohio EPA guidance on media characteristics. If an impermeable liner is not present, Respondent shall remove all existing media within the filter, install an impermeable liner and new collection piping, and replace all of the media within the west sand filter in accordance with Ohio EPA guidance.
 - e. By no later than June 1, 2017, Respondent shall complete rehabilitation of the east sand filter bed. The presence of an impermeable liner shall be confirmed in the presence of Ohio EPA Northwest District Office representatives. If a liner is present, the media within the filter shall be amended in accordance with Ohio EPA guidance on media characteristics. If an impermeable liner is not present, Respondent shall remove all existing media within the filter, install an impermeable liner and new collection piping, and replace all of the media within the east sand filter in accordance with Ohio EPA guidance.
 - f. Within seven (7) days of completion of each requirement in Orders Nos. 1.a. through 1.e., notify Ohio EPA in accordance with Section X. of these Orders of the completion of that requirement.
2. Respondent shall achieve compliance with its NPDES permit by no later than July 1, 2016. Respondent's renewed NPDES permit will require a Class A certified

operator, which will supersede the requirement for a Class 1 certified operator in Order No. 1 in the October 24, 2013 Findings and Orders upon the effective date of the renewed NPDES permit, No. 2PY00032*CD.

3. Respondent shall immediately pay to Ohio EPA the remaining three thousand dollars (\$3,000.00) of the civil penalty agreed to in the October 24, 2013 Findings and Orders by tendering an official check made payable to "Treasurer, State of Ohio" for three thousand dollars (\$3,000.00). The official check shall be submitted within fourteen (14) days of the effective date of these Orders to Carol Butler, or her successor, together with a letter identifying the Respondent to:

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

A photocopy of the check shall be sent to Mark Mann, Compliance and Enforcement Manager, or his successor, at the following address:

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

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 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.

This 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(E).

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 Respondent's Facility.

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 the Facility.

IX. MODIFICATIONS

These Orders may be modified by the 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
Northwest District Office
Division of Surface Water
Attn: DSW Enforcement Unit Supervisor
347 North Dunbridge Road
Bowling Green, OH 43402

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 those 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

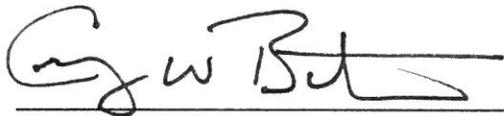
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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



Craig W. Butler
Director

3/16/16

Date

IT IS SO AGREED:

HAP III LP d.b.a. Poplar Village MHP LP



Signature

2-18-16

Date

R Hinds

Print Name

pres HAP III Mgmt LLE GP for HAP III LP

Title