Ohio Environmental Protection Agency

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

6/1/2016

Lake Seneca Resorts Association, Inc.
17875 Lashley Rd
Senecaville, OH 43780

RE: Director's Final Findings & Orders
NPDES
Guernsey County
0PX00003

Ladies and Gentlemen:

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

Sincerely,

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
J. Witte, SEDO/DSW
B. Fischbein, Legal
P. Simcic, Legal
P. Fallah, DEFA
Journal Room
File

Ohio EPA Invoice/Receipt

Date Printed: June 01, 2016

Revenue ID: 1092149

Please include this Revenue ID with all correspondence.

Organization ID: 61888

Information: Lake Seneca Resorts Assoc
17875 Lashley Rd
Senecaville, OH 43780-

Due Date: **July 01, 2016**

Amount Due: **$1,250.00**

Effective Date: June 01, 2016

Revenue Description: DSW- Findings and Orders-Civil Penalties (FOSW)
Program Name: Surface Water Programs
Reason: FO for Lake Seneca Resorts Assoc 0PX00003

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: 61888

Information: Lake Seneca Resorts Assoc
17875 Lashley Rd
Senecaville, OH 43780-

Due Date: **Jul 01, 2016**

Amount Due: **$1,250.00**

Secondary Type/Id: SNPDE / 0PX00003

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: 1092149
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: $_____

61888	Lake Seneca Resorts Assoc	125000	FOSW	1092149

Ohio EPA Invoice/Receipt

Date Printed: June 01, 2016

Revenue ID: 1092150

Please include this Revenue ID with all correspondence.

Organization ID: 61888

Information: Lake Seneca Resorts Assoc
17875 Lashley Rd
Senecaville, OH 43780-

Due Date: October 01, 2016

Amount Due: $1,250.00

Effective Date: June 01, 2016

Revenue Description: DSW- Findings and Orders-Civil Penalties (FOSW)
Program Name: Surface Water Programs
Reason: FO for Lake Seneca Resorts Assoc 0PX00003

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: 61888

Information: Lake Seneca Resorts Assoc
17875 Lashley Rd
Senecaville, OH 43780-

Due Date: Oct 01, 2016

Amount Due: $1,250.00

Secondary Type/Id: SNPDE / 0PX00003

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: 1092150
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: $_____

61888	Lake Seneca Resorts Assoc	125000	FOSW	1092150

Ohio EPA Invoice/Receipt

Date Printed: June 01, 2016

Revenue ID: 1092151

Please include this Revenue ID with all correspondence.

Organization ID: 61888

Information: Lake Seneca Resorts Assoc
17875 Lashley Rd
Senecaville, OH 43780-

Due Date: April 01, 2017

Amount Due: $1,250.00

Effective Date: June 01, 2016

Revenue Description: DSW- Findings and Orders-Civil Penalties (FOSW)
Program Name: Surface Water Programs
Reason: FO for Lake Seneca Resorts Assoc 0PX00003

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: 61888

Information: Lake Seneca Resorts Assoc
17875 Lashley Rd
Senecaville, OH 43780-

Due Date: Apr 01, 2017

Amount Due: $1,250.00

Secondary Type/Id: SNPDE / 0PX00003

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: 1092151
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: $_____

61888	Lake Seneca Resorts Assoc	125000	FOSW	1092151

Ohio EPA Invoice/Receipt

Date Printed: June 01, 2016

Revenue ID: 1092152

Please include this Revenue ID with all correspondence.

Organization ID: 61888

Information: Lake Seneca Resorts Assoc
17875 Lashley Rd
Senecaville, OH 43780-

Due Date: October 01, 2017

Amount Due: $1,250.00

Effective Date: June 01, 2016

Revenue Description: DSW- Findings and Orders-Civil Penalties (FOSW)
Program Name: Surface Water Programs
Reason: FO for Lake Seneca Resorts Assoc 0PX00003

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: 61888

Information: Lake Seneca Resorts Assoc
17875 Lashley Rd
Senecaville, OH 43780-

Due Date: Oct 01, 2017

Amount Due: $1,250.00

Secondary Type/Id: SNPDE / 0PX00003

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: 1092152
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: $_____

61888	Lake Seneca Resorts Assoc	125000	FOSW	1092152

OHIO E.P.A.

JUN - 1 2016

ENTERED IN THE JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter Of:

Lake Seneca Resorts Association, Inc. 17875 Lashley Road Senecaville, Ohio 43780	:	**Director's Final Findings and Orders**
Respondent	:	

2016 MAY 12 AM 9:56

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: 6-1-16

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the Lake Seneca Resorts Association, Inc. ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Chapters 6111 and 3745.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law.

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 has determined the following findings:

1. Lake Seneca Resorts Association, Inc. ("Respondent") is the owner of a campground containing approximately 500 lots, including resort houses and mobile homes, located at 17875 Lashley Road, Senecaville, Ohio in Guernsey County, Ohio ("the Site").

2. The Site operates an onsite wastewater treatment plant ("WWTP") that discharges to an unnamed tributary to Seneca Lake pursuant to National Pollutant Discharge Elimination System ("NPDES") permit number 0PX00003*FD, effective June 1, 2013. Since 2010, the Site has been in significant non-compliance ("SNC")

numerous times for violating permit limits for total suspended solids, nitrogen ammonia, $CBOD_5$, and fecal coliform.

3. At the most recent October 28, 2014 inspection, Respondent informed Ohio EPA Southeast District Office ("SEDO") that several smoke test events of the sewer system had occurred over the last several years. On December 10, 2014, Respondent submitted to SEDO the results of tests and a listing of all items that have been corrected, as well as issues that still needed to be resolved.

4. Respondent indicated that since 2006, 58 manholes had been sealed throughout the park or replaced with new ones. Additionally a number of lateral lines under individual lots were identified and repaired by the owner. For 2015, Respondent further indicated that they would replace a sewer line by the pool in March and that they would replace eight additional manholes.

5. However, on March 26, 2015, the Site's WWTP operator indicated to SEDO that during the snow melt and rainfall in March 2015, a large amount of clear water was entering the plant. Reviewing the discharge monitoring report ("DMR") statistics for flow rate, the overall highest flow rates occur during the winter months (wettest months) when most of the homes are vacant at that time of the year. Therefore, it is believed that infiltration/inflow is the largest cause of effluent violations.

6. A Notice of Violation letter detailing these violations was sent to Respondent on November 12, 2014, along with numerous self-reporting monitoring violation letters between 2008 and 2014. The facility has been inspected six occasions during 2007 to 2014 with little compliance improvement documented in these inspections.

7. The violations at the plant are caused by overloading due to infiltration/inflow and increased activity at the campground in the summer time. Repairs and maintenance to reduce infiltration/inflow in the collection system are necessary to achieve compliance.

8. Pursuant to ORC section 6111.04(A), no person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state. Such an action is prohibited under ORC section 6111.04(A) and is declared to be a public nuisance unless the person causing pollution or placing or causing to be placed wastes in a location in which they cause pollution of any waters of the state holds a valid, unexpired permit, or renewal of a permit, governing the causing or placement as provided in ORC sections 6111.01 to 6111.08 or if the person's application for renewal of such a permit is pending.

9. Pursuant to ORC section 6111.07(A), no person shall violate or fail to perform any duty imposed by ORC sections 6111.01 to 6111.08 or violate any order, rule, or term or condition of a permit issued or adopted by the Director of Ohio EPA pursuant to

those sections. Each day of violation is a separate offense.

10. Pursuant to ORC § 6111.04(C), no person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit.

11. 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 ORC §§ 6111.44 and 6111.45 and OAC Chapter 3745-42.

12. 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. Within six (6) months from the effective date of these Orders, Respondent shall perform an ongoing sewer system evaluation of the collection system, including dye-testing and camera inspection, to identify the source of infiltration/inflow. Respondent shall submit a status report every ninety (90) days to Ohio EPA on the progress of the inspection.

2. Based upon the results of the sewer system evaluation, within one (1) year from the effective date of these Orders, Respondent shall complete construction of any work to fix all problems identified by the sewer system evaluation.

3. If based upon the results of the sewer system evaluation, Respondent determines that an equalization basin is still necessary, Respondent shall submit to Ohio EPA an approvable permit to install ("PTI") within eighteen (18) months from the effective date of these Orders.

4. Upon approval of the PTI by Ohio EPA, Respondent shall complete construction of the equalization basin within six (6) months from the approval of the PTI by Ohio EPA.

5. Respondent shall pay to the Ohio EPA the amount of five thousand dollars ($5,000.00) in four equal installments in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC § 6111.09. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" for

$1,250.00 of the total amount within thirty (30) days of the effective date of these Orders. Thereafter, a check in the amount of $1,250.00 shall be due on October 1, 2016, April 1, 2017 and October 1, 2017, respectively until the full amount is paid. The official checks and a cover letter identifying the Respondent shall be submitted to Carol Butler, or her successor at:

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

A photocopy of the checks shall be sent to Ohio EPA, Southeast District Office, in accordance with 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 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 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 waste water treatment system.

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
Southeast District Office
Division of Surface Water
2195 Front Street
Logan, Ohio 43138

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

Craig W. Butler
Director

5/27/16
Date

IT IS SO AGREED:

Lake Seneca Resorts Association

Signature

5/10/16
Date

Michael F. Kvintus - TRUSTEE PRESIDENT
Richard L. Hoy - TRUSTEE V. PRESIDENT
Printed or Typed Name and Title