

JUL 31 2012

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

In the matter of:

Ashford-Mansfield LLC,
d.b.a. Clear Fork Mobile Home Park
1260 S.R. 97
Bellville, OH 44813

Director's Final Findings
and Orders

Respondent

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.

PREAMBLE

It is agreed by the parties hereto as follows:

By: Dmy Lessler Date: 7/31/12

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Ashford-Mansfield LLC, d.b.a. Clear Fork Mobile Home Park ("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 its successors in interest liable under Ohio law. No change in the ownership of the 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 has made the following findings:

1. Ashford-Mansfield LLC is a New York limited liability company which owns and operates the Clear Fork Mobile Home Park ("Clear Fork MHP"), located at 1260 S.R. 77, Bellville, Richland County, Ohio 44813 ("Facility").
2. The Clear Fork Mobile Home Park has approximately 175 lots, served by a sanitary sewer system that flows to one of two 15,000 gallon per day wastewater

treatment plants ("WWTPs"). One of the WWTPs serves the eastern side of the Facility and the other WWTP serves the western side of the Facility. Each WWTP consists of a trash trap, a 15,000 gallon per day aeration package plant, one aeration blower, and a discharge to a leaching lagoon.

3. Permits for installation of the WWTPs were issued in 1969 and 1971 by the Ohio Department of Health. The permits required tertiary treatment lagoons to be constructed after the aeration plants, discharging to a field tile which flowed to the Clear Fork of the Mohican River. At this time the Facility was owned by Mr. and Mrs. Duane Kunkle.
4. The discharge from the tertiary lagoons to the tile field was never constructed. Instead, the wastewater leaches from the bottom of the lagoons into the ground.
5. A National Pollutant Discharge Elimination System ("NPDES") permit, number 2PY00024*AD, was issued, effective June 1, 2006, to the previous owner of the Facility, Ashford Management Group, Inc. The permit contained a compliance schedule for construction of upgrades to meet effluent limitations, and initial and final effluent limitations. Ashford Management Group, Inc. failed to comply with the schedule and the final effluent limitations.
6. A renewal NPDES permit, number 2PY00024*BD was issued to Ashford-Mansfield LLC d.b.a. Clear Fork MHP, effective August 1, 2011. This permit contains the same compliance schedule for upgrading the WWTPs and final effluent limitations which the Facility is unable to meet.
7. Ohio EPA inspected the WWTPs on February 16, 2006, July 13, 2006, October 26, 2006, June 12, 2007, August 9, 2007, February 28, 2008, August 7, 2008, April 22, 2009, August 6, 2009, February 24, 2010, September 30, 2010, and April 14, 2011. These inspections were followed by letters or notices of violation ("NOVs") dated March 15, 2006, July 31, 2006, November 14, 2006, June 20, 2007, August 24, 2007, March 19, 2008, August 15, 2008, May 18, 2009, August 17, 2009, April 5, 2010, November 12, 2010, and May 19, 2011. Additional NOVs were sent on September 30, 2009, November 2, 2009, December 2, 2009, and October 14, 2010. These letters and NOVs described violations at the Facility, including that the WWTPs were not being properly operated and maintained and/or that the Facility had failed to comply with the schedule to upgrade the WWTPs in the NPDES permit and/or failed to comply with the requirements for reporting and/or with effluent limitations in the NPDES permit.
8. Pursuant to ORC § 6111.07(A), no person shall violate or fail to perform any duty imposed by ORC §§ 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.

9. Respondent has failed to comply with the schedule to upgrade the WWTPs in the NPDES permit in violation of ORC § 6111.07.
10. Respondent has, on at least the dates listed in the chart attached hereto as Attachment I and incorporated by reference as if fully rewritten herein, either exceeded final effluent limitations in its NPDES permit from January 2011 through February 2012, and/or violated reporting and sampling frequency requirements from January 2011 through February 2012. Respondent's failure to comply with the final effluent limitations and reporting and sampling frequency requirements in its NPDES permit violated the permit and ORC § 6111.07. Each day of violation cited on Attachment I constitutes a separate offense.
11. On November 7, 2011, Ohio EPA received a letter from Respondent proposing upgrades to the WWTPs and a schedule for constructing the upgrades. Ohio EPA found the proposed upgrades acceptable, but modified the proposed schedule in part.
12. By May 1, 2012, Respondent submitted a permit to install ("PTI") application and detailed plans for the required upgrades to the WWTPs, an effluent pump station and a sewer force main and discharge to the Clear Fork of the Mohican River. The PTI application included plans for cleaning out and abandoning the lagoons to which the WWTPs currently discharge. On May 21, 2012, Ohio EPA provided comments on and requests for revisions to the PTI application and detailed plans.
13. 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") and plan approval requirements of Ohio Administrative Code ("OAC") Chapter 3745-42 and ORC § 6111.44.
14. Compliance with ORC Chapter 6111 is not contingent upon the availability or receipt of financial assistance.
15. 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 submit revisions to the PTI application in response to Ohio EPA's comments and requests for revisions within fourteen (14) days of the effective date of these Orders. Revisions shall be submitted to Ohio EPA in accordance with Section X. of these Orders.
2. Respondent shall initiate discussions with appropriate property owners to obtain necessary easements for a sewer force main to the Clear Fork of the Mohican River in sufficient time to have easements in place by no later than May 1, 2013.
3. By no later than September 1, 2013, Respondent shall commence construction of the upgrades to the WWTPs, the effluent pump station, and the sewer force main in accordance with the approved PTI.
4. By no later than June 30, 2014, Respondent shall complete construction of the upgrades to the WWTPs, the effluent pump station and the sewer force main and discharge to the Clear Fork of the Mohican River in accordance with the approved PTI.
5. Respondent shall submit to Ohio EPA, in accordance with Section X. of these Orders, written reports on Respondent's progress in obtaining financing for construction of the required upgrades to the WWTP, the effluent pump station, and/or the sewer force main. The first report shall be submitted by October 15, 2012 for the months of July, August, and September 2012, and on a quarterly basis thereafter by the 15th of the month following each quarter.
6. If Respondent obtains funds prior to July 2013, Respondent shall commence construction of the required upgrades to the WWTP, the effluent pump station, and the sewer force main within sixty (60) days of closing on the funds. Construction shall be completed within ten (10) months of commencing construction.
7. Within two hundred seventy (270) days of completing construction of the upgrades to the WWTPs, the effluent pump station and the sewer force main, Respondent shall clean out and abandon the lagoons in accordance with the approved PTI.

- a. If Respondent intends to land apply the sludge material from within the lagoons, Respondent shall obtain appropriate authorization for the land application of the sludge by submitting an NPDES permit modification application to Ohio EPA, in accordance with Section X. of these Orders, at least ninety (90) days prior to the planned starting date of lagoon closure activities.
 - b. Disposal of the sludge from within the lagoons shall be in accordance with OAC Chapter 3745-40 and Respondent's modified NPDES permit.
8. Respondent shall notify Ohio EPA in writing, in accordance with Section X. of these Orders, within fifteen (15) days of commencing construction in accordance with Order No. 3 or Order No. 6, completion of construction in accordance with Order No. 4 or Order No. 6, completion of the requirements in Order No. 7, and when it has obtained the necessary easements for the sewer force main.
9. Respondent shall operate the WWTPs at the Facility in compliance with all terms and conditions of the NPDES permit for the Facility and all modifications and renewals thereof.

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 the Respondent. For purposes of these Orders, a responsible official is defined in OAC Rule 3745-33-03(E)(1) for a corporation, OAC Rule 3745-33-03(E)(2) for a partnership, OAC Rule 3745-33-03(E)(3) for a sole proprietorship, and OAC Rule 3745-33-03(E)(4) for a municipal, state, or other public facility.

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.

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 or the Facility.

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 stated herein, 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
Attention: DSW Enforcement Unit Supervisor
347 North Dunbridge Road
Bowling Green, Ohio 43402

and to:

Ohio EPA
Division of Surface Water
Attn: Manager, Stormwater and Enforcement Section
50 West Town Street, Suite 700 [P.O. Box 1049]
Columbus, Ohio 43215 [43216-1049]

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



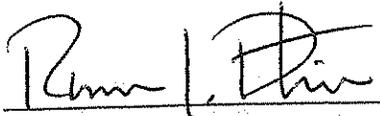
Scott Nally
Director

7/30/12

Date

IT IS SO AGREED:

**Ashford-Mansfield LLC,
d.b.a. Clear Fork Mobile Home Park**

 MEMBER

Signature

JUNE 20, 2012

Date

RUSSELL J. PETRALIA

Printed or Typed Name

MEMBER

Title

ATTACHMENT I

Get New Data		Clear Fork MHP NPDES permit limit violations January 2011 through February 2012						
Permit No	Reporting Period	Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
2PY00024*AD	March 2011	001	00530	Total Suspended Solids	30D Conc	12	14.	3/1/2011
2PY00024*AD	March 2011	001	00300	Dissolved Oxygen	1D Conc	5.0	4.78	3/23/2011
2PY00024*AD	April 2011	001	00530	Total Suspended Solids	30D Conc	12	35.	4/1/2011
2PY00024*AD	April 2011	001	00610	Nitrogen, Ammonia (NH3)	30D Conc	3.0	40.4	4/1/2011
2PY00024*AD	April 2011	001	80082	CBOD 5 day	30D Conc	10	114.	4/1/2011
2PY00024*AD	April 2011	001	00530	Total Suspended Solids	1D Conc	18	35.	4/11/2011
2PY00024*AD	April 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	4.5	40.4	4/11/2011
2PY00024*AD	April 2011	001	80082	CBOD 5 day	1D Conc	15	114.	4/11/2011
2PY00024*AD	April 2011	001	00300	Dissolved Oxygen	1D Conc	5.0	3.7	4/11/2011
2PY00024*AD	April 2011	001	00300	Dissolved Oxygen	1D Conc	5.0	4.57	4/18/2011
2PY00024*AD	May 2011	001	00530	Total Suspended Solids	30D Conc	12	45.	5/1/2011
2PY00024*AD	May 2011	001	00530	Total Suspended Solids	30D Qty	1.37	2.55488	5/1/2011
2PY00024*AD	May 2011	001	00610	Nitrogen, Ammonia (NH3)	30D Conc	1.0	11.6	5/1/2011
2PY00024*AD	May 2011	001	00610	Nitrogen, Ammonia (NH3)	30D Qty	0.114	.65859	5/1/2011
2PY00024*AD	May 2011	001	31616	Fecal Coliform	30D Conc	1000	22700.	5/1/2011
2PY00024*AD	May 2011	001	80082	CBOD 5 day	30D Conc	10	47.	5/1/2011
2PY00024*AD	May 2011	001	80082	CBOD 5 day	30D Qty	1.14	2.66843	5/1/2011
2PY00024*AD	May 2011	001	00300	Dissolved Oxygen	1D Conc	5.0	3.78	5/2/2011
2PY00024*AD	May 2011	001	00300	Dissolved Oxygen	1D Conc	5.0	3.61	5/18/2011
2PY00024*AD	May 2011	001	00530	Total Suspended Solids	1D Conc	18	45.	5/23/2011
2PY00024*AD	May 2011	001	00530	Total Suspended Solids	1D Qty	2.05	2.55488	5/23/2011
2PY00024*AD	May 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	1.5	11.6	5/23/2011
2PY00024*AD	May 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Qty	0.171	.65859	5/23/2011
2PY00024*AD	May 2011	001	31616	Fecal Coliform	1D Conc	2000	22700.	5/23/2011
2PY00024*AD	May 2011	001	80082	CBOD 5 day	1D Conc	15	47.	5/23/2011
2PY00024*AD	May 2011	001	80082	CBOD 5 day	1D Qty	1.71	2.66843	5/23/2011
2PY00024*AD	May 2011	001	00300	Dissolved Oxygen	1D Conc	5.0	3.73	5/23/2011
2PY00024*AD	June 2011	001	00610	Nitrogen, Ammonia (NH3)	30D Conc	1.0	5.32	6/1/2011
2PY00024*AD	June 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	1.5	5.32	6/20/2011
2PY00024*AD	July 2011	001	00610	Nitrogen, Ammonia (NH3)	30D Conc	1.0	11.4	7/1/2011
2PY00024*AD	July 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	1.5	11.4	7/11/2011
2PY00024*AD	July 2011	001	00300	Dissolved Oxygen	1D Conc	5.0	3.73	7/11/2011
2PY00024*AD	July 2011	001	00300	Dissolved Oxygen	1D Conc	5.0	3.76	7/19/2011
2PY00024*AD	July 2011	001	00300	Dissolved Oxygen	1D Conc	5.0	3.87	7/26/2011
2PY00024*BD	August 2011	001	00610	Nitrogen, Ammonia (NH3)	30D Conc	1.0	13.15	8/1/2011
2PY00024*BD	August 2011	001	00300	Dissolved Oxygen	1D Conc	5.0	2.98	8/3/2011
2PY00024*BD	August 2011	001	00300	Dissolved Oxygen	1D Conc	5.0	3.18	8/8/2011
2PY00024*BD	August 2011	001	00610	Nitrogen, Ammonia (NH3)	7D Conc	1.5	12.6	8/15/2011
2PY00024*BD	August 2011	001	00300	Dissolved Oxygen	1D Conc	5.0	3.57	8/15/2011
2PY00024*BD	August 2011	001	00610	Nitrogen, Ammonia (NH3)	7D Conc	1.5	13.7	8/22/2011
2PY00024*BD	August 2011	001	00300	Dissolved Oxygen	1D Conc	5.0	3.58	8/23/2011
2PY00024*BD	September 2011	001	00610	Nitrogen, Ammonia (NH3)	30D Conc	1.0	9.405	9/1/2011
2PY00024*BD	September 2011	001	31648	E. coli	30D Conc	126	11600.	9/1/2011
2PY00024*BD	September 2011	001	00610	Nitrogen, Ammonia (NH3)	7D Conc	1.5	12.3	9/8/2011
2PY00024*BD	September 2011	001	00610	Nitrogen, Ammonia (NH3)	7D Conc	1.5	6.51	9/15/2011
2PY00024*BD	September 2011	001	31648	E. coli	7D Conc	284	11600.	9/15/2011
2PY00024*BD	September 2011	001	00300	Dissolved Oxygen	1D Conc	5.0	4.79	9/20/2011
2PY00024*BD	September 2011	001	31648	E. coli	30D Conc	126	21300.	10/1/2011
2PY00024*BD	October 2011	001	00300	Dissolved Oxygen	1D Conc	5.0	3.65	10/10/2011
2PY00024*BD	October 2011	001	31648	E. coli	7D Conc	284	21300.	10/15/2011
2PY00024*BD	October 2011	001	00300	Dissolved Oxygen	1D Conc	5.0	4.15	10/18/2011
2PY00024*BD	October 2011	001	00300	Dissolved Oxygen	1D Conc	5.0	4.13	10/24/2011
2PY00024*BD	November 2011	001	00530	Total Suspended Solids	30D Conc	12.0	197.	11/1/2011
2PY00024*BD	November 2011	001	00530	Total Suspended Solids	7D Conc	18.0	394.	11/1/2011
2PY00024*BD	November 2011	001	00530	Total Suspended Solids	7D Qty	2.05	2.23694	11/1/2011
2PY00024*BD	November 2011	001	80082	CBOD 5 day	30D Conc	10.0	63.	11/1/2011
2PY00024*BD	November 2011	001	80082	CBOD 5 day	7D Conc	15.0	124.	11/1/2011
2PY00024*BD	November 2011	001	00300	Dissolved Oxygen	1D Conc	5.0	3.75	11/2/2011
2PY00024*BD	November 2011	001	00300	Dissolved Oxygen	1D Conc	5.0	3.78	11/9/2011

