

OHIO E.P.A.

APR -3 2003

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

David L. Cook,
Cook Investments of Summit County, LTD, &
Westgate Terrace, LLC
1826 South Main Street
Akron, Ohio 44301

Director's Final Findings
and Orders

Respondents

JURISDICTION

Pursuant to Ohio Revised Code ("ORC") Sections 6111.03 and 3745.01, the Director of the Ohio Environmental Protection Agency ("Ohio EPA") hereby makes the following Findings and issues the following Orders:

PARTIES BOUND

These Orders shall apply to and be binding upon David L. Cook, Cook Investments of Summit County, LTD, and Westgate Terrace, LLC, hereinafter "Respondents", and their assigns and successors in interest liable under Ohio law. No change in ownership or operation relating to Respondents' Facilities, as hereinafter defined, shall in any way alter Respondents' obligations under these Orders. Respondents' obligations under these Orders may be altered only by the written action of the Director of the Ohio EPA.

FINDINGS OF FACT

- 1 Respondents, individually or collectively, own and operate Westgate Terrace Mobile Home Park and Riverfront Estates Mobile Home Park and their associated wastewater treatment plants (WWTP). Westgate Terrace Mobile Home Park and Riverfront Estates Mobile Home Park and their WWTPs are hereinafter collectively referred to as the "Facilities".
2. Westgate Terrace Mobile Home Park is located at 5971 National Road, State Route 40, Zanesville, Ohio 43701, Muskingum County. Riverfront Estates Mobile Home Park is located at 23601 State Route 93, Fresno, Ohio 43824, Coshocton County.

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

By: Donna L. Clements Apr 3, 03
Date

3. The Westgate Terrace Facility discharges "sewage", "industrial waste", and/or "other wastes", as those terms are defined in ORC Section 6111.01, to an unnamed tributary to Timber Run. Timber Run then flows into the Licking River. The unnamed tributary, Timber Run and the Licking River constitute "waters of the state" as defined by ORC Section 6111.01.
4. The Riverfront Estate Facility discharges "sewage", "industrial waste", and/or "other wastes", as those terms are defined in ORC Section 6111.01, to the Tuscarawas River. The Tuscarawas River constitutes "waters of the state" as defined by ORC Section 6111.01.
5. Respondent David L. Cook applied for an NPDES permit for the wastewater discharge at Westgate Terrace Mobile Home Park. A draft NPDES permit NO. OPV00016*AD was public noticed on September 10, 2002 and was issued final February 10, 2003.
6. Ohio EPA issued a Permit to Install (PTI) (06-6235) for the connection of the Riverfront Estates Facility to the Village of West Lafayette's sewer system on July 25, 2000. Respondent requested a timely extension of the PTI which was approved by Ohio EPA. Sewers are available as of the effective date of these Orders and Respondents have commenced construction in accordance with the PTI.
7. 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 Sections 6111.44 and 6111.45 and OAC Chapter 3745-31.
8. Compliance with ORC Chapter 6111 is not contingent upon the availability or receipt of financial assistance.
9. The Director has given consideration to and based his determination on evidence relating to the technical feasibility and the economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders and their relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purpose of ORC Chapter 6111.

ORDERS

- 1 Respondents shall do the following as expeditiously as practicable, but not later than the milestone dates of the following compliance schedule for the Westgate Terrace Facility:
 - a. Within ninety (90) days of the effective date of these Orders, Respondents shall submit a detailed, written plan to eliminate the remaining inflow and infiltration (I/I) problems within the current wastewater treatment plant at the Westgate Terrace Facility;
 - b. Within 120 days of the effective date of these Orders, Respondents shall submit to the Ohio EPA, Southeast District Office ("SEDO"), a complete PTI application with approvable detail plans and an antidegradation addendum for an upgrade of the wastewater treatment plant necessary to address the I/I problems identified pursuant to Order No. 1a.
 - c. Within 270 days of the effective date of these Orders, Respondents shall initiate construction in accordance with the approved PTI; and
 - d. Within 300 days of the effective date of these Orders, Respondents shall complete construction in accordance with the approved PTI, for upgrades to the wastewater treatment and disposal systems.

2. Respondents shall do the following as expeditiously as practicable, but not later than the milestone dates of the following compliance schedule for the Riverfront Estates Facility:
 - a. Beginning immediately from the effective date of these Orders and lasting until the Riverfront Facility is properly abandoned, Respondents shall comply with the effluent limitations and monitoring requirements in Attachment 1. Monitoring data shall be reported on Ohio EPA Form 4500 and submitted to Ohio EPA on a monthly basis. Individual reports for each month must be received by the Ohio EPA, SEDO (Attn: DSW Enforcement Supervisor) no later than the 15th day of the following month;

- b. Within ninety (90) days of effective date of these Orders, Respondents shall complete construction in accordance with the approved PTI to tie the Riverfront Facility into the Village of West Lafayette's sewer system and properly abandon the Riverfront Estates WWTP.
3. Within thirty (30) days, Respondents shall hire a wastewater treatment plant operator to operate and maintain their current wastewater treatment and disposal systems. This operator shall hold at least a class I operator's license. The certified operator shall properly operate, maintain and repair the WWTP and/or supervise the operation and maintenance/repair of the WWTP if all or part of the routine operation and maintenance/repair will be performed by the Respondents or an employee of the Respondents. The certified operator shall perform routine process control tests, collect samples and have them analyzed as required by the NPDES permit, make recommendations on the operation and maintenance/repair of the WWTP, file a weekly report with the Respondents regarding the status of the WWTP's operation and perform any necessary work or take any necessary action to keep the WWTP properly maintained and in good operating condition to produce the best quality effluent possible. A record of all process control tests, samples collected with analytical results, recommendations made by the certified operator, repair/maintenance performed, and the certified operator's weekly report shall be kept on file by the Respondents and shall be maintained for at least three (3) years.
4. Respondents shall pay \$15,000 to the Ohio EPA in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to Chapter 6111 of the Ohio Revised Code. Respondents shall make this payment in three separate installments of five thousand dollars (\$5,000). The first installment shall be due within thirty (30) days of the effective date of these Orders. The second installment shall be due within ninety (90) days of the effective date of these Orders. The final installment shall be made within one hundred and twenty (120) days of the effective date of these Orders. Payment shall be made by tendering certified checks made payable to "Treasurer, State of Ohio" to the following address:

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

Mr. David L. Cook
Cook Investments of Summit County, LTD
Westgate Terrace, LLC
Director's Findings and Orders
Page 5

A photocopy of the check shall be sent to Ohio EPA Southeast District Office (Attn. DSW Enforcement Supervisor) at the address listed in Order 5.

5. Within fourteen (14) days if the milestone dates in Orders 1c, 1d, 2b, and 3, Respondents shall submit written notification of compliance with said Orders, as well as a copy of each of the bills for services relating to Order 3, to:

Ohio EPA
Southeast District Office
Attn: Enforcement Group Leader
2195 Front Street
Logan, Ohio 43138

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. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to Respondents' operation of these Facilities.

RESERVATION OF RIGHTS

These Orders do not prevent Ohio EPA from enforcing the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against Respondents for noncompliance with these Orders or for violations identified in these Orders. These Orders do not prevent Ohio EPA from exercising its authority to require Respondents to perform additional activities pursuant to Chapter 6111 of the Ohio Revised Code or any other applicable law in the future. These Orders do not restrict the right of Respondents to raise any administrative, legal, or equitable claim or defense for any additional activities that Ohio EPA may seek to require of Respondents. These Orders do not limit the authority of Ohio EPA to seek relief for violations not cited in these Orders.

Mr. David L. Cook
Cook Investments of Summit County, LTD
Westgate Terrace, LLC
Director's Findings and Orders
Page 6

TERMINATION

Respondents' obligations under these Orders shall be satisfied and terminate when Respondents demonstrate in writing, and certify to the satisfaction of Ohio EPA, that all obligations under these Orders have been performed, and the Chief of Ohio EPA's Division of Surface Water acknowledges in writing the termination of these Orders.

This certification shall be submitted by Respondents to the Southeast District Office (Attention: DSW Enforcement Group Leader) and shall be signed by a responsible official of the Respondents. A responsible official is as defined in OAC Rule 3745-33-03(D)(1) for a corporation, OAC Rule 3745-33-03(D)(2) for a partnership, OAC Rule 3745-33-03(D)(3) for a sole proprietorship, and OAC Rule 3745-33-03(D)(4) for a municipal, state, or other public facility. The certification shall contain the following attestation:

"I certify under the penalty of law that I have personally examined and am familiar with the information contained in or accompanying this certification, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information contained in or accompanying this certification is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment."

WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, Respondents agree that these Orders are lawful and reasonable, that the schedules provided for compliance herein are reasonable, and Respondents agree to comply with these Orders. Ohio EPA specifically does not waive its right to pursue actions and civil penalties as set forth in the Reservation of Rights paragraph of these Orders.

Respondents hereby waive the right to appeal the issuance, terms, and service of these Orders, and Respondents hereby waive any and all rights they might have to seek judicial review of said Orders either in law or equity. -

Notwithstanding the preceding, in the event that these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondents retain the right to intervene and participate in such appeal. In such event, Respondents shall continue to comply with these Orders notwithstanding such appeal and intervention unless said Orders are stayed, vacated, or modified.

Each undersigned representative of a signatory to these Orders certifies that he or she is fully authorized to enter into the terms and conditions of these Orders and to legally bind such signatory to this document.

IT IS SO AGREED:

David L. Cook

BY: _____

Name: David Cook

Date: 03-17-03

Cook Investments of Summit County, LTD

BY: _____

Name & Title: David Cook

Date: 03-17-03

Westgate Terrace, LLC

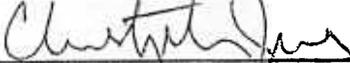
BY: _____

Name & Title: David Cook

Date: 03-17-03

IT IS SO ORDERED:

Ohio Environmental Protection Agency



Christopher Jones
Director

Date: 4-1-03

ATTACHMENT 1

RIVERFRONT ESTATES AND WESTGATE TERRACE MOBILE HOME PARKS INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

<u>EFFLUENT CHARACTERISTIC MONITORING REQUIREMENTS</u>			<u>DISCHARGE LIMITATIONS</u>					
Reporting Code	Units	Parameter	Concentration Specified Units		Loading* kg/day		Meas. Freq.	Sample Type
			30 day	7 day	30 day	7 day		
00010	°C	Water Temperature					1/Week	Grab
00083	UNITS	Color, Severity(1)					Daily	Estimate
00530	mg/l	Total Suspended Solids	30	45			1/Month	Grab
00610	mg/l	Nitrogen, Ammonia (NH ₃)					1/Month	Grab
01330	UNITS	Odor, Severity(1)					Daily	Estimate
01350	UNITS	Turbidity, Severity(1)					Daily	Estimate
31616	#/100ml	Fecal Coliform (Summer Only)					1/Month	Grab
50050	MGD	Flow Rate					Daily	Continuous
80082	mg/l	CBOD ₅	25	37			1/Month	Grab

If the entity uses chlorine for disinfection, the Chlorine Residual shall be maintained at a level not to exceed 0.5 mg/l. (Summer only)** The entity shall obtain a grab sample once every 2 weeks.