05-030

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

JAFTAK Realty LLC **6393 Oak Tree Blvd, No. 110** **Independence, OH 44131** **Respondent**	: : : : :	**Director's Final Findings and Orders**

OHIO E.P.A.
JAN 31 2007
ENTERED DIRECTOR'S JOURNAL

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to JAFTAK Realty LLC ("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 assigns and successors in interest liable under Ohio law. No change in the composition of Respondent or the ownership or operation of the Facility defined below 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 determined the following findings:

1. Respondent, a domestic limited liability company registered in the State of Ohio, owns and operates the Sunrise Mobile Home Park and its associated wastewater treatment plant ("WWTP"), located at 1099 James Drive, Wellsville, Columbiana County, Ohio. Sunrise Mobile Home Park and its WWTP are hereinafter collectively referred to as "Facility."

2. The WWTP, serving approximately 52 mobile homes, consists of a trash trap, followed by a 10,000 GPD extended aeration treatment plant, dosing chamber, surface sand filter, and chlorination/ dechloration facilities.

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: 1/31/07

3. The WWTP discharges sewage, industrial waste and/or other wastes to Yellow Creek, a waters of the state.

4. Respondent is operating under an Ohio National Pollutant Discharge Elimination System ("NPDES") permit, No. 3PV00094*AD, which authorizes the above described discharge. The NPDES permit expired on January 1, 2005, with a renewal application, received in July, 2004, pending. Respondent has submitted an NPDES permit transfer request, which is pending.

5. The WWTP was designed to treat and discharge at outfall number 3PV00094001, 10,000 GPD of wastewater flow. The average flow per day is approximately 5,434 GPD.

6. Respondent assumed control of the Facility in October, 2005. Attachment I, which is attached hereto, incorporated by reference herewith, as is fully rewritten herein, identifies the effluent limitation violations from September 1, 2005 to the most recent recording.

7. On September 19, 2006, Ohio EPA conducted an inspection of the WWTP and observed that: the:

   a. Trash trap appeared satisfactory;

   b. Aeration tank had a good color and was receiving adequate air;

   c. Skimmer and sludge return were both operating;

   d. Settling tank had some minor pin floc and a little sludge around the weir, otherwise it appeared to be producing a satisfactory secondary effluent, and

   e. Dosing chamber, surface sand filters and the chlorine contact tank were operating satisfactorily and well maintained.

8. In an October 26, 2006 letter, Ohio EPA informed Respondent regarding reporting requirements and that the current level of operation must be maintained for six continuous months to return the Facility to compliance.

9. ORC § 6111.04 prohibits any person from causing pollution or causing any sewerage, industrial waste or other waste to be placed in any location where they cause pollution to waters of the state, except if such discharges occur in accordance with a NPDES permit issued by the Director.

10. ORC § 6111.07(A) prohibits any person from violating, or failing to perform, any duty imposed by ORC §§ 6111.01 to 6111.08, or violating any order, rule, or term or condition of a permit issued by the Director pursuant to those sections. Each day of violation represents a separate violation.

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

12. These Orders do not modify the NPDES permit or any successor permit. The purpose of these Orders is to address the noncompliance with the NPDES permit.

13. 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 comply with the terms and conditions of the NPDES permit, including, but not limited to, compliance with the effluent limitations established therein.

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 DSW 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(D)(1) for a corporation.

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 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.

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 Surface Water
Northeast District Office,
2110 East Aurora Road
Twinsburg, Ohio 44087
Attn: Enforcement Coordinator

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

Director

1-31-07
Date

IT IS SO AGREED:
JAFTAK Realty LLC

Signature

1-22-2007
Date

John A. Flask
Printed or Typed Name

Managing Member
Title

ATTACHMENT I

NPDES 3PV00094*AD
Effluent Limitation Violations

Parameter	Limit	Result	Date
Nitrogen, Ammonia	1	1.3	9/1/2005
Total Suspended Solids	12	27	10/1/2005
Total Suspended Solids	18	27	10/1/2005
Total Suspended Solids	0.45	0.61317	10/1/2005
Nitrogen, Ammonia	3	18.4	11/1/2005
Nitrogen, Ammonia	0.11	0.3134	11/1/2005
Nitrogen, Ammonia	4.5	18.4	11/8/2005
Nitrogen, Ammonia	0.17	0.3134	11/8/2005
Total Suspended Solids	12	16	1/1/2006
Nitrogen, Ammonia	3	37.2	1/1/2006
Nitrogen, Ammonia	0.11	0.59137	1/1/2006
CBOD	10	20	1/1/2006
Nitrogen, Ammonia	4.5	37.2	1/22/2006
Nitrogen, Ammonia	0.17	0.59137	1/22/2006
CBOD	15	20	1/22/2006
Nitrogen, Ammonia	3	10.9	2/1/2006
Nitrogen, Ammonia	0.11	0.20628	2/1/2006
Nitrogen, Ammonia	4.5	10.9	2/15/2006
Nitrogen, Ammonia	0.17	0.20628	2/15/2006
Nitrogen, Ammonia	3	20.1	3/1/2006
Nitrogen, Ammonia	0.11	0.38039	3/1/2006
Nitrogen, Ammonia	4.5	20.1	3/22/2006
Nitrogen, Ammonia	0.17	0.38039	3/22/2006
Total Suspended Solids	12	14	4/1/2006
Nitrogen, Ammonia	3	24.6	4/1/2006
Nitrogen, Ammonia	0.11	0.57729	4/1/2006
Nitrogen, Ammonia	4.5	24.6	4/15/2006
Nitrogen, Ammonia	0.17	0.57729	4/15/2006
Nitrogen, Ammonia	1	1.6	6/1/2006
Nitrogen, Ammonia	1.5	1.6	6/15/2006
Nitrogen, Ammonia	1	20.2	7/1/2006
Nitrogen, Ammonia	0.04	0.36699	7/1/2006
Nitrogen, Ammonia	1.5	20.2	7/15/2006
Nitrogen, Ammonia	0.06	0.36699	7/15/2006
Nitrogen, Ammonia	3	18.5	12/1/2006
Nitrogen, Ammonia	0.11	0.33611	12/1/2006
Nitrogen, Ammonia	4.5	18.5	12/15/2006
Nitrogen, Ammonia	0.17	0.33611	12/15/2006