

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO EPA

APR 15 2009

In the Matter of:

ENTERED DIRECTOR'S JOURNAL

Arthur and Judith Frank  
dba Huron Valley Trailer Park  
1826 South Main Street  
Akron, Ohio 44301

: 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



Date: 4-15-09

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Arthur and Judith Frank, dba Huron Valley Trailer 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, heirs and successors in interest liable under Ohio law. No change in the ownership or operation of the Huron Valley Trailer Park ("Trailer Park") or its wastewater treatment plant ("WWTP") 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 adopted thereunder.

IV. FINDINGS

The Director of Ohio EPA has made the following findings:

1. Respondent owns and operates the Trailer Park, located in New Haven Township, Huron County, with its associated 10,000 gallon per day package WWTP.
2. During inspections of the Trailer Park and WWTP on June 16, 1998, November 26, 2001, July 17, 2002, June 7, 2005, and October 31, 2006, Ohio EPA documented discharges of pollution from Respondent's WWTP to a field drainage tile which extended south into Marsh Run, to the West Branch of the Huron River, which are waters of the state.

3. The term "pollution" includes, but is not limited to, the placing of "sewage" and "other wastes" in any "waters of the state."
4. 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 National Pollution Discharge Elimination System ("NPDES") permit issued by the Director.
5. 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.
6. The discharges described above are not authorized by or in accordance with, a valid, unexpired permit issued by the Director, and therefore violate ORC §§ 6111.04 and 6111.07.
7. In letters dated June 25, 1998, December 4, 2001, July 22, 2002, June 15, 2005 and November 29, 2006, Ohio EPA requested that Respondent submit an NPDES permit application for the WWTP.
8. On October 22, 2008, Respondent submitted the requested NPDES permit application.
9. On October 29, 2008, Ohio EPA conducted an inspection of the WWTP, observed the following and make the included recommendations and information:
  - a. At the time of the inspection the WWTP was operating. No samples were taken to verify proper operation.
  - b. The contents of the aeration tanks were of a brown color and there appeared to be a large amount of solids present. The aeration rate was very weak. The sound of leaking air was detected coming from the blower unit. It was recommended that these problems be investigated and corrected to ensure that the aeration tank receives an adequate amount of air to treat the wastewater.
  - c. The sludge blanket level in the clarifier was high and there was a significant amount of sludge behind the clarifier baffle wall. The water flowing over the effluent weir was a light grey color and contained light solids.

- d. The sludge return was returning clear water to the aeration tank, indicative that the sludge was not being returned from the clarifier. It was recommended that the walls of the clarifier be gently scraped downward to direct the sludge towards the return pump. In addition, the clarifier effluent weir should be cleaned of the sludge build up.
  - e. The overall condition of the WWTP appeared "fair" to "poor" due to the fact the concrete tanks were cracking, with pieces falling off. In addition, the metal grating is rusty and in poor condition. It was recommended that immediate steps be taken to address these potential safety hazard issues.
  - f. The NPDES permit (currently being drafted) will set forth a schedule of compliance to complete upgrades to the WWTP, so that current treatment standards can be met. At a minimum the upgrades would include the installation of surface sand filters and disinfection facilities. A complete evaluation of the treatment plant by a qualified engineer or operator will need to be conducted to determine if other upgrades will be necessary to meet NPDES permit limits.
10. 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

Respondent shall attain compliance with ORC Chapter 6111., the rules adopted thereunder and the final effluent limitations of the NPDES permit to be issued, as expeditiously as practicable, but not later than the dates set forth in the following schedule:

1. a. Submit a complete and approvable permit to install application, together with detail plans, for WWTP improvements and upgrades as soon as possible, but not later than four (4) months after the effective date of the NPDES permit. At a minimum, WWTP improvements shall include the installation of surface sand filters and disinfection facilities. An evaluation of the existing WWTP shall be conducted to determine if flow equalization is needed and to ensure that all existing treatment components are properly sized to meet final effluent limits;
- b. Commence construction as soon as possible, but not later than nine (9) months after the effective date of the NPDES permit;

- c. Notify the Ohio EPA Northwest District Office within seven (7) days of construction initiation;
  - d. Complete construction and attain compliance with final effluent limits as soon as possible, but not later than twelve (12) months after the effective date of the NPDES permit; and
  - e. Notify the Ohio EPA Northwest District Office within seven (7) days of construction completion.
2. In settlement of Ohio EPA's claims for civil penalties which may be assessed pursuant to ORC Chapter 6111., Respondent shall pay the amount of ten thousand dollars (\$10,000.00) and satisfy the civil penalty in accordance with the following schedule:
- a. Within thirty (30) days of the effective date of these Orders, Respondent shall make payment to Ohio EPA, by submittal of an official check payable to "Treasurer, State of Ohio," in the amount of one thousand dollars (\$1,000.00) of the total amount, which check shall be submitted to Brenda Case, or her successor, together with a letter identifying Respondent and the Trailer Park, at the following address:

Ohio EPA  
Office of Fiscal Administration  
P.O. Box 1049  
Columbus, Ohio 43216-1049

A photocopy of the check shall be sent to Ohio EPA, Northwest District Office, in accordance with Section X of these Orders.

- b. In lieu of paying two thousand dollars (\$2,000.00) of the civil penalty, Respondent shall within thirty (30) days of the effective date of these Orders, fund a supplemental environmental project ("SEP") by making a contribution in this amount to the Ohio EPA Clean Diesel School Bus Program. Specifically, Respondent shall tender an official check in the amount of two thousand dollars (\$2,000.00), payable to "Treasurer, State of Ohio," together with a cover letter identifying Respondent and the Trailer Park and referencing the Ohio EPA Clean Diesel School Bus Program to Brenda Case, or her successor at the following address:

Ohio EPA  
Office of Fiscal Administration  
P.O. Box 1049  
Columbus, Ohio 43216-1049

A copy of each check shall be sent to Mark Mann, Environmental Manager, Stormwater and Enforcement Sections, or his successor, at the following address:

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

- c. Should Respondent fail to fund the SEP within the required timeframe set forth in Order No. 2.b., Respondent shall immediately pay to Ohio EPA two thousand dollars (\$2,000.00) of the civil penalty in accordance with the procedures in Order No. 2.a.
- d. Respondent shall pay the remaining seven thousand dollars (\$7,000.00) of the civil penalty in accordance with the following schedule, in accordance with the procedure set forth in Order No 2. a.:
  - i. By May, 17, 2009, make payment to Ohio EPA by official check, made payable to "Treasurer, State of Ohio," for one thousand dollars (\$1,000.00);
  - ii. By August 15, 2009, make payment to Ohio EPA by official check, made payable to "Treasurer, State of Ohio," for one thousand dollars (\$1,000.00);
  - iii. By November, 13, 2009, make payment to Ohio EPA by official check, made payable to "Treasurer, State of Ohio," for one thousand dollars (\$1,000.00);
  - iv. By February 11, 2010, make payment to Ohio EPA by official check, made payable to "Treasurer, State of Ohio," for one thousand dollars (\$1,000.00);
  - v. By May 12, 2010, make payment to Ohio EPA by official check, made payable to "Treasurer, State of Ohio," for one thousand dollars (\$1,000.00);
  - vi. By August 10, 2010, make payment to Ohio EPA by official check, made payable to "Treasurer, State of Ohio," for one thousand dollars (\$1,000.00); and

- vii. By November 10, 2010, make payment to Ohio EPA by official check, made payable to "Treasurer, State of Ohio," for one thousand dollars (\$1,000.00).

#### **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 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 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.

#### **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 specified, 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  
P. O. Box 466  
Bowling Green, Ohio 43402

#### **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**

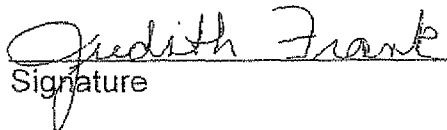
Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**IT IS SO ORDERED AND AGREED:  
Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Chris Korleski  
Director

4/2/09  
Date

**IT IS SO AGREED:  
Huron Valley Trailer Park**

  
\_\_\_\_\_  
Signature

2-20-09  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

JUDITH FRANK  
\_\_\_\_\_  
Printed or Typed Name(s)

Co-OWNER  
\_\_\_\_\_  
Title