

OHIO E.P.A.

JAN -4 2013

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Westland Development Limited Corporation : Director's Final Findings
5700 Dry Fork Road : and Orders
Cleves, OH 45002 :

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Finding and Orders ("Orders") are issued to the Westland Development Limited Corporation ("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.

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 there under.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent owns and operates a wastewater treatment plant ("WWTP") located at the Dry Fork Mobile Home Park (MHP), 5700 Dry Fork Road, Cleves, Ohio 45002. Wastewater is discharged from the WWTP to Dry Fork of the Whitewater River. Dry Fork and the Whitewater River are waters of the state as that term is defined in ORC Section 6111.01.

2. Pursuant to ORC Section 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.
3. 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.
4. Respondent held a National Pollutant Discharge Elimination System ("NPDES") permit, number 1PY00001*BD, for the discharges from the WWTP that expired on October 31, 2011.
5. Ohio Administrative Code (OAC) Rule 3745-33-04(C)(1) requires permit holders to submit a renewal application at least 180 days prior to the expiration of the permit. Doing so allows a permit to remain in effect until a permit is renewed. Respondent did not submit a renewal application until November 15, 2011, two weeks after the permit expired. As such, Respondent discharged pollutants without a permit until the permit was renewed on October 1, 2012 in violation of ORC Section 6111.04(A)(1).
6. Respondent violated terms and conditions of its NPDES permit on numerous occasions as cited in Attachment I. Each violation cited in Attachment I constitutes a separate violation of ORC Sections 6111.04 and 6111.07. Attachment I is hereby incorporated into these Findings and Orders as if fully stated herein.
7. Respondent failed to submit required Monthly Operating Reports in a timely manner on numerous occasions in violation of its NPDES permit and ORC Section 6111.07.
8. The Ohio EPA has sent Respondent at least five (5) Notice of Violations ("NOVs") in an effort to address the compliance issues at the WWTP.
9. This document does not modify NPDES Permit No. 1PY00001*BD. The purpose of this document is to correct a condition of noncompliance with NPDES Permit No. 1PY00001*BD and not to alter said permit.
10. 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 Ohio Administrative Code ("OAC") Chapter 3745-42.

11. Compliance with the ORC Chapter 6111 is not contingent upon the availability or receipt of financial assistance.
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

The Director hereby issues the following Orders:

1. Respondent shall immediately operate the WWTP in accordance with and comply with all terms and conditions of its NPDES Permit No. 1PY00001*CD including but not limited to timely submissions of all Discharge Monitoring Reports and Noncompliance Notifications.
2. Respondent shall immediately achieve compliance with the final effluent limitations of its NPDES permit.
3. Respondent shall be assessed a penalty in the amount of five thousand nine hundred and fifty dollars (\$5,950.00) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 6111. Respondent shall pay \$4,950.00 of the civil penalty in accordance with the following schedule:
 - a. By January 1, 2013 make payment to Ohio EPA by an official check made payable to "Treasurer, State of Ohio" for \$825.00;
 - b. By July 1, 2013 make payment to Ohio EPA by an official check made payable to "Treasurer, State of Ohio" for \$825.00;
 - c. By January 1, 2014 make payment to Ohio EPA by an official check made payable to "Treasurer, State of Ohio" for \$825.00;
 - d. By July 1, 2014 make payment to Ohio EPA by an official check made payable to "Treasurer, State of Ohio" for \$825.00;
 - e. By January 1, 2015 make payment to Ohio EPA by an official check made payable to "Treasurer, State of Ohio" for \$825.00;
 - f. By July 1, 2015 make payment to Ohio EPA by an official check made payable to "Treasurer, State of Ohio" for \$825.00;

The official checks shall be submitted to Carol Butler, or her successor, together with a letter identify the Respondent, to:

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

A copy of the check shall be sent to Mark Mann, Environmental Manager, Storm Water and Enforcement Section, or his successor, at the following address:

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

4. In lieu of paying the remaining \$1,000.00 of the civil penalty, Respondent agrees to serve as a Co-Chair of the 2013 Whitewater Township Clean Up Day. In conjunction with these efforts, Respondent will commit a minimum of one employee for an 8 hour day to gather debris and other garbage from Dry Fork's point of discharge of the Dry Fork wastewater treatment plant. Within one year of the effective date of these Orders, Respondent shall submit a report to Ohio EPA detailing the environmental improvements realized during the 2013 Whitewater Township Clean Up Day.

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(F)(1) for a corporation, OAC Rule 3745-33-03(F)(2) for a partnership, OAC Rule 3745-33-03(F)(3) for a sole proprietorship, and OAC Rule 3745-33-03(F)(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 site.

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. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XI of these Orders.

XI. 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.

XII. EFFECTIVE DATE


The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIII. 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



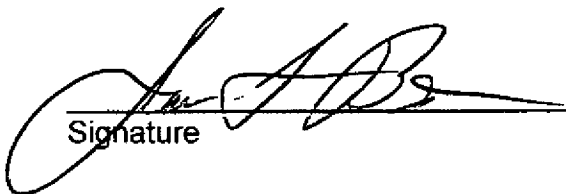
Scott J. Nally
Director

1/3/13

Date

IT IS SO AGREED:

Westland Development Limited Corporation



Signature

12-15-12

Date

JAMES L. BRETT, PRESIDENT

Printed or Typed Name

PRESIDENT

Title

Attachment I

Permit No.	Reporting Period	Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
1PY00001*	March 2007	001	00610	Nitrogen, / 7D Conc		4.5	7.3	3/1/2007
1PY00001*	May 2007	001	00300	Dissolved 1D Conc		6.0	1.	5/14/2007
1PY00001*	May 2007	001	31616	Fecal Colif 7D Conc		2000	10000.	5/15/2007
1PY00001*	July 2007	001	31616	Fecal Colif 7D Conc		2000	7800.	7/15/2007
1PY00001*	August 2007	001	31616	Fecal Colif 7D Conc		2000	4650.	8/15/2007
1PY00001*	January 2008	001	00610	Nitrogen, / 30D Conc		3.0	9.15	1/1/2008
1PY00001*	January 2008	001	00610	Nitrogen, / 7D Conc		4.5	9.1	1/1/2008
1PY00001*	January 2008	001	00610	Nitrogen, / 30D Qty		0.35	.49955	1/1/2008
1PY00001*	January 2008	001	00610	Nitrogen, / 7D Qty		0.53	.53284	1/1/2008
1PY00001*	January 2008	001	00610	Nitrogen, / 7D Conc		4.5	9.2	1/8/2008
1PY00001*	May 2008	001	00610	Nitrogen, / 30D Conc		1.0	3.45	5/1/2008
1PY00001*	May 2008	001	00610	Nitrogen, / 30D Qty		0.12	.18774	5/1/2008
1PY00001*	May 2008	001	00610	Nitrogen, / 7D Conc		1.5	4.9	5/8/2008
1PY00001*	May 2008	001	00610	Nitrogen, / 7D Qty		0.18	.29637	5/8/2008
1PY00001*	May 2008	001	00610	Nitrogen, / 7D Conc		1.5	2.	5/22/2008
1PY00001*	June 2008	001	00610	Nitrogen, / 30D Conc		1.0	9.1	6/1/2008
1PY00001*	June 2008	001	00610	Nitrogen, / 7D Conc		1.5	9.1	6/1/2008
1PY00001*	July 2008	001	00610	Nitrogen, / 30D Conc		1.0	4.7	7/1/2008
1PY00001*	July 2008	001	00610	Nitrogen, / 7D Conc		1.5	8.5	7/1/2008
1PY00001*	July 2008	001	00610	Nitrogen, / 30D Qty		0.12	.18085	7/1/2008
1PY00001*	July 2008	001	00610	Nitrogen, / 7D Qty		0.18	.33363	7/1/2008
1PY00001*	July 2008	001	31616	Fecal Colif 30D Conc		1000	3111.26	7/1/2008
1PY00001*	July 2008	001	00610	Nitrogen, / 7D Conc		1.5	5.	7/8/2008
1PY00001*	July 2008	001	00610	Nitrogen, / 7D Qty		0.18	.18811	7/8/2008
1PY00001*	July 2008	001	31616	Fecal Colif 7D Conc		2000	2200.	7/8/2008
1PY00001*	July 2008	001	31616	Fecal Colif 7D Conc		2000	4400.	7/22/2008
1PY00001*	September 2008	001	00610	Nitrogen, / 30D Conc		1.0	1.7	9/1/2008
1PY00001*	September 2008	001	00610	Nitrogen, / 7D Conc		1.5	3.3	9/22/2008
1PY00001*	May 2009	001	00610	Nitrogen, / 30D Conc		1.0	19.1	5/1/2009
1PY00001*	May 2009	001	00610	Nitrogen, / 7D Conc		1.5	19.1	5/1/2009
1PY00001*	May 2009	001	00610	Nitrogen, / 30D Qty		0.12	.6116	5/1/2009
1PY00001*	May 2009	001	00610	Nitrogen, / 7D Qty		0.18	.6116	5/1/2009
1PY00001*	May 2009	001	31616	Fecal Colif 30D Conc		1000	4582.57	5/1/2009
1PY00001*	May 2009	001	31616	Fecal Colif 7D Conc		2000	2100.	5/1/2009
1PY00001*	May 2009	001	31616	Fecal Colif 7D Conc		2000	10000.	5/15/2009
1PY00001*	June 2009	001	00610	Nitrogen, / 30D Conc		1.0	10.05	6/1/2009
1PY00001*	June 2009	001	00610	Nitrogen, / 7D Conc		1.5	14.3	6/1/2009
1PY00001*	June 2009	001	00610	Nitrogen, / 30D Qty		0.12	.53042	6/1/2009
1PY00001*	June 2009	001	00610	Nitrogen, / 7D Qty		0.18	.74801	6/1/2009
1PY00001*	June 2009	001	80082	CBOD 5 c 30D Conc		10	11.25	6/1/2009
1PY00001*	June 2009	001	00610	Nitrogen, / 7D Conc		1.5	5.8	6/15/2009
1PY00001*	June 2009	001	00610	Nitrogen, / 7D Qty		0.18	.31283	6/15/2009
1PY00001*	July 2009	001	00610	Nitrogen, / 30D Conc		1.0	6.5	7/1/2009
1PY00001*	July 2009	001	00610	Nitrogen, / 7D Conc		1.5	12.9	7/1/2009
1PY00001*	July 2009	001	00610	Nitrogen, / 30D Qty		0.12	.23024	7/1/2009

1PY00001* July 2009	001	00610	Nitrogen, / 7D Qty	0.18	45555	7/1/2009
1PY00001* July 2009	001	31616	Fecal Coll# 30D Conc	1000	1000.	7/1/2009
1PY00001* August 200	001	31616	Fecal Coll# 30D Conc	1000	3800.	8/1/2009
1PY00001* August 200	001	31616	Fecal Coll# 7D Conc	2000	3800.	8/1/2009
1PY00001* December	001	80082	CBOD 5 c 7D Qty	1.8	1.83133	12/8/2009
1PY00001* February 21	001	80082	CBOD 5 c 30D Qty	1.2	1.21333	2/1/2010
1PY00001* February 21	001	80082	CBOD 5 c 7D Qty	1.8	2.32172	2/15/2010
1PY00001* May 2010	001	00610	Nitrogen, / 30D Conc	1.0	1.15	5/1/2010
1PY00001* May 2010	001	00610	Nitrogen, / 7D Conc	1.5	1.8	5/15/2010
1PY00001* July 2010	001	00610	Nitrogen, / 7D Conc	1.5	1.6	7/22/2010
1PY00001* May 2011	001	00610	Nitrogen, / 30D Conc	1.0	1.55	5/1/2011
1PY00001* May 2011	001	00610	Nitrogen, / 7D Conc	1.5	3.1	5/15/2011
1PY00001* October 20	001	00610	Nitrogen, / 30D Conc	1.0	1.05	10/1/2011