

3. Included in this portfolio is the Worthington Arms Mobile Home Park, located at 5277 Columbus Pike, Lewis Center, Delaware County, Ohio ("Facility").
4. The Facility is served by a wastewater treatment plant ("WWTP") that discharges pollutants via NPDES Permit No. 4PV00093*HD to an unnamed tributary to the Olentangy River.
5. The unnamed tributary and the Olentangy River are "waters of the state" as defined by ORC Section 6111.01.
6. The WWTP has an average daily design flow of 39,000 gallons/day and consists of a manual bar screen with trash trap, flow equalization basin, extended aeration, clarification, fixed media clarification, tertiary dosing tank, tertiary sand filters, and UV disinfection.
7. ORC Section 6111.04(A) prohibits any person from causing pollution or causing any sewage, 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 valid, unexpired NPDES permit issued by the Director or if an application for renewal of such permit is pending.
8. ORC § 6111.04(C) states, "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 without first receiving a permit from the director to do so".
9. Part III.3.A of Respondent's NPDES permit states: "At all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of this permit".
10. 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.
11. As set forth in more detail in Attachment 1, from January 1, 2019, through June 1, 2023, Respondent violated effluent limitations in its NPDES permit 120 times for pollutants/limits including CBOD, Total Suspended Solids, E. coli, Nitrogen, Ammonia (NH₃), and Dissolved Oxygen. Additionally, Respondent failed, on numerous occasions, to take samples required by its NPDES permit. Each effluent limit violation listed in Attachment 1 is a violation of ORC §§ 6111.04(C) and 6111.07(A). Each sampling violation is a violation of §6111.07(A). Because of the number/magnitude of these violations, Respondent is considered to be in

Significant Noncompliance (SNC) for Total Suspended Solids, Nitrogen, Ammonia (NH₃), and CBOD.

12. The sewer collection system suffers from excessive inflow and infiltration (I/I). Flows at the WWTP frequently exceed the design flow at the plant, often exceeding 100,000 gallons/day.
13. These excessive flows have resulted in numerous uncontrolled bypasses of partially treated wastewater when excessive flows overwhelm the WWTP's treatment components, primarily from the sand filters but also the EQ tank, aeration tank, clarifiers, and sludge holding facility. Since March 1, 2021, Respondent has reported forty-one instances of bypass. However, the number magnitude of these events is even greater in that some of these bypass events continued over multiple days. Each bypass event is a violation of Part III.11.C.1 of the NPDES permit and a violation of ORC Sections 6111.04(A) and 6111.07.
14. Excessive I/I has caused solids to wash onto tertiary sand filters. The loss of biomass contributes to poor biological treatment leading to effluent violations and creates operational issues with the sand filters. Among other things, the build-up of solids on the sand filters inhibits water from properly filtering through the sand filters and can contribute to SSOs during high flow events.
15. Because of these conditions, Respondent has, on numerous occasions, taken the sand filters offline and bypassed this treatment component which is also a bypass in violation of Part III.11.C.1 of the NPDES permit and a violation of ORC Section 6111.07.
16. Ohio EPA has conducted multiple inspections and issued three Notice of Violation (NOV) letters dated June 4, 2021, June 4, 2022 and December 14, 2022 in an attempt to address the noncompliance. During the December 2, 2022 inspection, sludge deposition, greasy sheen, white foam, and scum were observed at the outfall. Additionally, the receiving waters appeared to be black in color. This is a violation of ORC 6111.07(A) and Part III of Respondent's NPDES Permit.
17. Respondent has undertaken some remedial work to line the sewer collection system to reduce I/I and more remedial work is planned for future implementation. Phase I of this effort addressed 1/3 of the collection system and was completed in April of 2022. The final phase of pipe rehabilitation began on or around April 13, 2023 and is progressing.
18. Respondent began working with Ohio EPA's compliance assistance unit in 2022 which provided a series of operational recommendations to improve plant compliance. Respondent indicated in a July 8, 2022 letter that it began

implementing these recommendations and expected them to be fully implemented by the end of 2022.

19. While Respondent has taken some steps to address violations noted, these Orders are necessary to further address these violations and ensure consistent compliance with Ohio's water pollution law and regulations.
20. The Director has given consideration to, and based her 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. Within thirty (30) days of the effective date of these Orders, Respondent shall submit to Ohio EPA in accordance with Section X of these Orders a copy of the contract with its Certified Operator which outlines responsibilities of said operator.
2. Within thirty (30) days from the effective date of these Orders, Respondent shall submit to Ohio EPA in accordance with Section X of these Orders, for review and revision and concurrence, a plan, with schedule milestones, to address the following:
 - a. Consistent compliance with permit effluent limits;
 - b. Consistent proper operation and maintenance of all treatment components including but including but not limited to sand filters, aeration tank, clarifiers, and fixed media filter and a staffing plan to ensure all daily monitoring required under the permit is conducted and documented.
 - c. The milestones shall include dates for submitting a Permit to Install (PTI), initiation of construction, completion of construction, and meeting final effluent limits.
3. Within thirty (30) days from the effective date of these Orders, Respondent shall submit to Ohio EPA in accordance with Section X of these Orders, for review and revision and concurrence, a plan, with schedule milestones, to eliminate excessive Inflow/Infiltration (I/I) from the sewer collection system. The goal of the plan is to ensure that excessive amounts of clean storm/ground water are eliminated from the collection system such that there are no sanitary sewer overflows from the collection system or bypasses of untreated wastewater from the treatment plant

including overflows from the sand filters or diversions around any treatment component at the waste water treatment plant. The milestones shall include dates for submitting a Permit to Install (PTI), initiation of construction, completion of construction.

4. Respondent shall submit revisions/corrections to address any deficiencies to plans submitted under Orders 2 and 3 within thirty (30) days of notification by letter from Ohio EPA of any deficiencies.
5. Upon Ohio EPA's approval of plans required by Orders 2 and 3, Respondent shall implement the plans and achieve compliance with ORC Chapter 6111 and the rules adopted thereunder in accordance with the approved schedules in the plans.
6. Respondent shall pay \$23,155.50 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 6111. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio". The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying 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 Larry Reeder, Environmental Manager, Enforcement Section, or his successor, at the following address:

Division of Surface Water
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

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).

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. NOTICE

Unless otherwise provided, all documents required to be submitted by Respondent shall be addressed to:

Ohio Environmental Protection Agency
Division of Surface Water, CDO
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Enforcement Supervisor

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

Anne M Vogel

Anne M. Vogel, Director

10/19/2023

Date

IT IS SO AGREED:

UMH Properties, Inc.

Craig Koster

Signature

10/3/23

Date

Craig Koster

Printed or Typed Name

General Counsel

Title