

OHIO E.P.A.

APR 30 2012

Effective Date APR 30 2012

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Freedom Valley of :
Huron County LLC :
PO Box 30 :
New London, Ohio 44851 :

Respondent,

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Freedom Valley of Huron County LLC (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Chapter 6109 and § 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent's public water system 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 6109 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA (Director) has determined the following findings:

1. Respondent owns and operates a "public water system" (PWS), which is also a "transient non-community water system" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.

2. Respondent's PWS (PWS ID# 3946412) is located at 1875 U.S. 250, New London, Ohio, 44851.
3. Respondent's PWS obtains its drinking water from a "ground water" source as defined by OAC Rule 3745-81-01 and serves a population of 57 persons.
4. On October 20, 2011, a verified complaint was received by Ohio EPA, alleging Respondent had illegally connected fourteen (14) campsites to its PWS, and concealed non-drinking water safe garden hoses in subterranean junction boxes when not in use.
5. In accordance with ORC § 3745.08, the Director must cause a prompt investigation of a verified complaint to determine whether a violation has occurred, is occurring, or will occur.
6. On October 25, 2011, Ohio EPA conducted an investigation of the verified complaint with a limited scope site visit (LSSV) of Respondent's PWS.
7. In accordance with OAC Rule 3745-91-02(A), no person shall construct or install a PWS, or make any substantial change in a PWS, until plans have been approved by the Director.
8. During the October 25, 2011 Ohio EPA LSSV, waterlines were found to be installed at twelve (12) and possibly fourteen (14) campsites without prior plan approval at campsites #54 through #67. This is a violation of OAC Rule 3745-91-02(A).
9. On November 14, 2011, Respondent confirmed via email that "the lines serving the fourteen sites were installed the winter of 2009 as part of the campground expansion."
10. On November 23, 2011, a notice of violation was sent to Respondent for installing waterlines to fourteen (14) campsites prior to obtaining approval by the Director.
11. On March 22, 2012, Respondent agreed via conference call to a temporary measure to correct deficiencies at campsites #54 through #67 prior to opening for the season.
12. Each violation cited above represents a separate violation of ORC § 6109.31.

V. ORDERS

1. Prior to opening of operations for the season, Respondent shall either correct any deficiencies noted by Ohio EPA with an acceptable temporary measure, or

completely disconnect the waterline extensions to campsites #54 through #67 from the PWS distribution.

2. Within sixty (60) days of the effective date of these Orders, in accordance with OAC Rule 3745-91-02(A), Respondent shall submit to the district office an application for Director's approval of detail plans for the permanent substantial change that was made in the PWS.
3. Within thirty (30) days of receipt or notification, Respondent shall respond, in writing, to address any comments or deficiencies noted by Ohio EPA on any detailed plans or other documentation submitted by Respondent for the permanent substantial change that was made in the PWS.
4. Within ninety (90) days of detail plan approval, Respondent shall complete corrections of deficiencies of the water line extensions, in accordance with OAC Chapter 3745-91.

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 DDAGW 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(E).

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 PWS.

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
Northwest District Office
Division of Drinking and Ground Waters
347 North Dunbridge Road
Bowling Green, Ohio 43402
Attn: Justin Bowerman

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA reserves its rights to seek civil or administrative penalties against Respondent for violations specifically cited in these Orders. Ohio EPA and Respondent each reserve all other 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, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Except for the right to seek civil or administrative penalties against Respondent for violations specifically cited in these orders, which right Ohio EPA does not waive, 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

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XIII. EFFECTIVE DATE

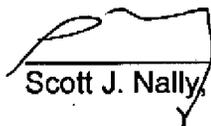
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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



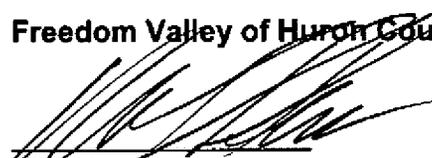
Scott J. Nally, Director

4/30/12

Date

IT IS SO AGREED:

Freedom Valley of Huron County LLC



Signature

04/12/2012

Date

Michael S Foltman, Owner

Printed or Typed Name and Title