



4. The NPDES permit required the installation of upgrades to the WWTP, pursuant to the following schedule:
  - a. Submit detail plans for plant and sewer system improvements as soon as possible, but not later than 12 month after the effective date of the permit;
  - b. Commence construction as soon as possible, but not later than 24 months after the effective date of the permit;
  - c. Complete construction as soon as possible, but not later than 36 months after the effective date of the permit; and
  - d. Attain operational level of the treatment works and meet final effluent limitations as soon as possible, but not later than 36 months after the effective date of the permit.

#### ***Relevant Ohio Water Pollution Control Laws***

5. ORC § 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.
6. ORC § 6111.04(C) prohibits any person to whom an NPDES permit has been issued from placing or discharging or causing to be placed or discharged in any waters of 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.
7. 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.
8. ORC § 6111.09 provides that any person who violates ORC § 6111.07 shall pay a civil penalty of not more than ten thousand dollars per day of violations.

#### ***Previous Director's Orders***

9. On July 3, 2006, the Director transmitted proposed Final Findings and Orders to Respondent which found that Respondent was discharging sewage from the MHP without an NPDES permit, a violation of ORC § 6111.07(A).

10. Subsequent to the transmittal, Respondent submitted an application for an NPDES permit and was issued NPDES permit No. 2PY00038\*AD, effective April 1, 2007.
11. On January 31, 2008, the Director issued Final Findings and Orders that required, among other things, that Respondent comply with the terms and conditions of the NPDES permit and all renewals thereof and assessed a civil penalty of \$6,250.

***NPDES Permit Renewal Application***

12. Ohio Administrative Code ("OAC") Rule 3745-33-04(C)(1) provides that an NPDES permit holder who wishes to continue to discharge after the expiration date of its permit must file for permit reissuance at least 180 days prior to the permit's expiration.
13. Respondent timely filed a NPDES permit renewal application on September 21, 2011.

***NPDES Permit Violations***

14. Respondent did not comply with the compliance schedule set forth in the NPDES permit for the installation of WWTP upgrades, in that Respondent did not timely submit a permit to install application and did not commence or complete construction of the upgrades, or obtain operational level pursuant to said schedule.
15. From the period of April, 2010 to December 2011, the WWTP exceeded its NPDES permit effluent limits as set forth in Attachment A, which is incorporated by reference herein, as if full rewritten herewith.
16. From the period of April 2010 to September 2010, the WWTP has been in significant noncompliance for the following parameters:

Parameter	Maximum % of Exceedances	Number Months Significant Exceedances	Number Months Exceedances
Nitrogen, Ammonia (NH3)	351.1	3	3
Fecal Coliform	2860	2	2

17. From the period of October 2010 to March 2011, the WWTP has been in significant noncompliance for the following parameter:

Parameter	Maximum % of Exceedances	Number Months Significant Exceedances	Number Months Exceedances
Nitrogen, Ammonia (NH3)	2790	2	2

18. In an April 27, 2011 inspection, memorialized in a May 12, 2011 letter, Respondent was informed that the WWTP was not in good working order, nor operated as efficiently as possible, in that the aeration tank was not running, solids were built up on the sand filter and needed to be removed, and that a bypass line for the sand filters was observed and needed to be removed.
19. Premised on the above Findings, Respondent has, and is continuing to, violate its NPDES permit and ORC § 6111.07.

### ***Considerations***

20. The people of the state of Ohio and the waters of the state will benefit from the resolution of Respondent's noncompliance with Ohio's Water Pollution Control Laws and rules adopted thereunder, and the NPDES permit.
21. 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 permit to install and plan approval requirements of ORC §§ 6111.44(A) and 6111.45 and OAC Chapter 3745-42.
22. Since the transmittal of proposed Director's Final Findings and Orders on March 16, 2012, Respondent has worked with Ohio EPA to seek improvement of the operation of the WWTP.
23. Pursuant to review of Respondent's financial records, the Director has determined that it was appropriate to remove a civil penalty settlement amount.
24. 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 purpose of ORC Chapter 6111.

### **V. ORDERS**

1. Respondent shall abate the violations at the WWTP by taking the following actions as expeditiously as practicable, but not later than the dates established in the schedule set forth below:

- a. On or before June 1, 2013, Respondent shall submit to Ohio EPA in accordance with Section X of these Orders, for approval, a complete and approvable general plan signed by a qualified professional engineer, setting forth the manner with which Respondent will abate the violations and achieve and maintain compliance with the applicable NPDES permit.
  - b. On or before September 1, 2013, Respondent shall submit to Ohio EPA in accordance with Section X of these Orders, for approval, a complete and approvable permit to install application, with detail plans, for upgrades and improvements to the WWTP.
  - c. On or before January 1, 2014, Respondent shall complete any necessary construction pursuant to the approved permit to install application and detail plans and achieve and maintain compliance with the applicable NPDES permit.
2. Respondent shall submit corrections/revisions to address any deficiencies in the general plan and/or permit to install application and/or detail plans to Ohio EPA in accordance with Section X. of these Orders, within thirty (30) days of receipt of written notification from Ohio EPA of any correction/deficiencies, unless an earlier time is indicated or additional time is requested and allowed.

## **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 acknowledge, 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 MHP.

### **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, rules 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 specifically stated herein, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Northwest District Office  
347 North Dunbridge Road  
Bowling Green, Ohio 43402  
Attn: Enforcement Supervisor, Division of Surface Water

### **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.

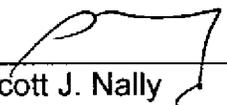
**XIII. EFFECTIVE DATE**

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

**XIV. SIGNATORY AUTHORITY**

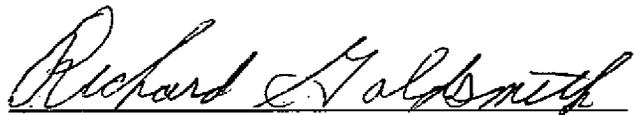
Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

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

  
\_\_\_\_\_  
Scott J. Nally  
Director

1/11/13  
\_\_\_\_\_  
Date

**IT IS SO AGREED:  
Richard Goldsmith  
dba Camelot South Estates MHP**

  
\_\_\_\_\_  
Signature

12-27-12  
\_\_\_\_\_  
Date

Richard Goldsmith  
\_\_\_\_\_  
Printed or Typed Name

## ATTACHMENT A

Reporting Per	Station	Reporting Code	Parameter	Limit Type	Value	Violation Date	
May 2010	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	1.5	1.64	5/5/2010
May 2010	001	00610	Nitrogen, Ammonia (NH3)	30D Conc	1.0	1.64	5/1/2010
May 2010	001	00610	Nitrogen, Ammonia (NH3)	30D Qty	0.0474	0.06207	5/1/2010
May 2010	001	31616	Fecal Coliform	1D Conc	2000	29600	5/5/2010
May 2010	001	31616	Fecal Coliform	30D Conc	1000	29600	5/1/2010
May 2010	001	00300	Dissolved Oxygen	1D Conc	6.0	3	5/19/2010
May 2010	001	00300	Dissolved Oxygen	1D Conc	6.0	3	5/25/2010
August 2010	001	31616	Fecal Coliform	30D Conc	1000	1000	8/1/2010
October 2010	001	00530	Total Suspended Solids	1D Conc	18	20	10/14/2010
October 2010	001	00530	Total Suspended Solids	1D Conc	18	44	10/27/2010
October 2010	001	00530	Total Suspended Solids	30D Conc	12	32	10/1/2010
October 2010	001	00530	Total Suspended Solids	1D Qty	0.852	1.6654	10/27/2010
October 2010	001	00530	Total Suspended Solids	30D Qty	0.568	1.2112	10/1/2010
October 2010	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	1.5	28.9	10/27/2010
October 2010	001	00610	Nitrogen, Ammonia (NH3)	30D Conc	1.0	28.9	10/1/2010
October 2010	001	00610	Nitrogen, Ammonia (NH3)	1D Qty	0.071	1.09387	10/27/2010
October 2010	001	00610	Nitrogen, Ammonia (NH3)	30D Qty	0.0474	1.09387	10/1/2010
October 2010	001	80082	CBOD 5 day	1D Conc	15	20	10/14/2010
October 2010	001	80082	CBOD 5 day	1D Conc	15	24	10/27/2010
October 2010	001	80082	CBOD 5 day	30D Conc	10	22	10/1/2010
October 2010	001	80082	CBOD 5 day	1D Qty	0.71	757	10/14/2010
October 2010	001	80082	CBOD 5 day	1D Qty	0.71	8084	10/27/2010
October 2010	001	80082	CBOD 5 day	30D Qty	0.474	8327	10/1/2010
November 2010	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	4.5	39.2	11/3/2010
November 2010	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	4.5	37.7	11/12/2010
November 2010	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	4.5	36.5	11/17/2010
November 2010	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	4.5	18.6	11/24/2010
November 2010	001	00610	Nitrogen, Ammonia (NH3)	30D Conc	3.0	33	11/1/2010
November 2010	001	00610	Nitrogen, Ammonia (NH3)	1D Qty	0.213	1.48372	11/3/2010
November 2010	001	00610	Nitrogen, Ammonia (NH3)	1D Qty	0.213	1.42695	11/12/2010
November 2010	001	00610	Nitrogen, Ammonia (NH3)	1D Qty	0.213	1.38153	11/17/2010
November 2010	001	00610	Nitrogen, Ammonia (NH3)	1D Qty	0.213	70401	11/24/2010
November 2010	001	00610	Nitrogen, Ammonia (NH3)	30D Qty	0.142	1.24905	11/1/2010
April 2010	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	4.5	20.3	4/1/2010
April 2010	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	4.5	5.63	4/9/2010
April 2010	001	00610	Nitrogen, Ammonia (NH3)	30D Conc	3.0	12.965	4/1/2010
April 2010	001	00610	Nitrogen, Ammonia (NH3)	1D Qty	0.213	78836	4/1/2010
April 2010	001	00610	Nitrogen, Ammonia (NH3)	1D Qty	0.213	2131	4/9/2010
April 2010	001	00610	Nitrogen, Ammonia (NH3)	30D Qty	0.142	48073	4/1/2010
June 2010	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	1.5	4.66	6/2/2010
June 2010	001	00610	Nitrogen, Ammonia (NH3)	30D Conc	1.0	2.502	6/1/2010
June 2010	001	00610	Nitrogen, Ammonia (NH3)	1D Qty	0.071	1.7638	6/2/2010
June 2010	001	00610	Nitrogen, Ammonia (NH3)	30D Qty	0.0474	0.947	6/1/2010
June 2010	001	31616	Fecal Coliform	1D Conc	2000	9900	6/18/2010
June 2010	001	00300	Dissolved Oxygen	1D Conc	6.0	3.3	6/2/2010
June 2010	001	00300	Dissolved Oxygen	1D Conc	6.0	2.5	6/9/2010
June 2010	001	00300	Dissolved Oxygen	1D Conc	6.0	4.6	6/16/2010
January 2010	001	00400	pH	1D Conc	6.5	4.7	1/6/2010
December 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	4.5	5.62	12/12/2011
December 2011	001	00610	Nitrogen, Ammonia (NH3)	30D Conc	3.0	3.59	12/1/2011
July 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	1.5	9.36	7/5/2011
July 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	1.5	22.6	7/12/2011
July 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	1.5	18.3	7/20/2011
July 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	1.5	27.4	7/27/2011
July 2011	001	00610	Nitrogen, Ammonia (NH3)	30D Conc	1.0	19.415	7/1/2011
July 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Qty	0.071	35428	7/5/2011
July 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Qty	0.071	85541	7/12/2011
July 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Qty	0.071	69266	7/20/2011
July 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Qty	0.071	1.03709	7/27/2011
July 2011	001	00610	Nitrogen, Ammonia (NH3)	30D Qty	0.0474	73486	7/1/2011
July 2011	001	00300	Dissolved Oxygen	1D Conc	6.0	3.4	7/5/2011
July 2011	001	00300	Dissolved Oxygen	1D Conc	6.0	3.9	7/12/2011
July 2011	001	00300	Dissolved Oxygen	1D Conc	6.0	2.9	7/20/2011
July 2011	001	00300	Dissolved Oxygen	1D Conc	6.0	2.5	7/27/2011
June 2011	001	00530	Total Suspended Solids	1D Conc	18	32	6/8/2011
June 2011	001	00530	Total Suspended Solids	30D Conc	12	16.3333	6/1/2011
June 2011	001	00530	Total Suspended Solids	1D Qty	0.852	1.2112	6/8/2011
June 2011	001	00530	Total Suspended Solids	30D Qty	0.568	61822	6/1/2011
June 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	1.5	2.34	6/1/2011
June 2011	001	00610	Nitrogen, Ammonia (NH3)	30D Conc	1.0	1.321	6/1/2011
June 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Qty	0.071	0.8857	6/1/2011
June 2011	001	00610	Nitrogen, Ammonia (NH3)	30D Qty	0.0474	0.05	6/1/2011
August 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	1.5	19.4	8/10/2011
August 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	1.5	11.2	8/17/2011
August 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	1.5	13	8/24/2011
August 2011	001	00610	Nitrogen, Ammonia (NH3)	30D Conc	1.0	14.5333	8/1/2011
August 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Qty	0.071	73429	8/10/2011
August 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Qty	0.071	42392	8/17/2011
August 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Qty	0.071	49205	8/24/2011
August 2011	001	00610	Nitrogen, Ammonia (NH3)	30D Qty	0.0474	55009	8/1/2011
September 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	1.5	16.3	9/1/2011
September 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	1.5	16.9	9/8/2011
September 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Conc	1.5	2.66	9/15/2011
September 2011	001	00610	Nitrogen, Ammonia (NH3)	30D Conc	1.0	8.9736	9/1/2011
September 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Qty	0.071	61696	9/1/2011
September 2011	001	00510	Nitrogen, Ammonia (NH3)	1D Qty	0.071	63967	9/8/2011
September 2011	001	00610	Nitrogen, Ammonia (NH3)	1D Qty	0.071	10068	9/15/2011
September 2011	001	00610	Nitrogen, Ammonia (NH3)	30D Qty	0.0474	33965	9/1/2011