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Phase 0 EdocMgt DAY FORWARD BARCODE (4-17-2012) Created on: May 03, 2013

Department:

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Program:

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Office Location:

Medium:

\*CO\*

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CO

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Doc Type:

Doc Subtype:

\*DFFO\*

\*ENFORCEMENT\*

DFFO

Enforcement

Facility County:

Facility ID:

\*45\*

\*13008\*

45 - LICKING

13-008

Date:

\*20130506\*

5/6/2013

Facility/Site/Location/Regulated Entity Name:

\*MARNE\_MANOR\_LLC\*

Marne Manor LLC

Your input is 15 characters long (Max 40).

Facility Address 1:

\*12483\_MARNE\_ROAD\*

12483 Marne Road

Your input is 16 characters long (Max 40).

Facility Address 2:

\*NULL\*

Your input is 0 characters long (Max 40).

Facility City:

\*NEWARK\*

Newark

Facility State:

Facility ZIP: (00000 or 00000-0000)

\*OH\*

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OH

Mailing Name:

\*NULL\*

Your input is 0 characters long (Max 40).

Mailing Address 1:

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Project Name:

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OHIO E.P.A.

MAY -6 2013

ENTERED DIRECTOR'S JOURNAL

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the matter of:

<b>Marne Manor LLC</b>	:	<b>Director's Expedited</b>
<b>P.O. Box 4102</b>	:	<b>Settlement Agreement and Orders</b>
<b>Newark, Ohio 43058-4102</b>	:	
	:	
	:	
<b>Respondent</b>	:	

**I. JURISDICTION**

This Expedited Settlement Agreement and Order (ESA) is issued to Marne Manor LLC ("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. FINDINGS**

1. Respondent owns and operates a wastewater treatment plant ("WWTP") at Marne Manor Mobile Home Park which is located at 12483 Marne Rd., Newark, Ohio 43058.
2. Respondent holds a valid, unexpired National Pollutant Discharge Elimination System ("NPDES") permit, number 4PV00119\*BD, for the discharges from the WWTP.
3. Respondent discharges to "waters of the state" as defined by ORC Section 6111.01
4. This document does not modify NPDES Permit Number 4PV00119. The purpose of this document is to correct a condition of noncompliance with NPDES Permit Number 4PV00119 and not to alter said permit.
5. Ohio Administrative Code ("OAC") Rule 3745-42-08 requires the minimum isolation distance from an occupied building to an uncovered sand filter to be two hundred (200) feet. The director may increase a required isolation distance or require mitigative measures such as additional freeboard, landscape mounds, fencing, trees or other means to reduce the impacts.

6. 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.
7. The NPDES permit Part III. A. 3 requires that 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 the permit.
8. On October 11, 2012, Ohio EPA sent the Respondent a Notice of Violation Letter ("NOV") in an effort to resolve the following violations:
  - a. The influent splitter box is open to the air allowing unrestricted contact. Sand filters are accessible by anyone and WWTP effluent may be contacted by individuals either in the filter media or uncovered splitter boxes. The potential for vandalism or individuals playing in the sand threaten proper treatment. The sand filters are within two hundred (200) feet of occupied buildings and they pose a health risk.
  - b. The owner has not installed signage identifying the outfall to Bowling Green Run in accordance with the requirements in Part II.N of the NPDES permit.
9. On January 25, 2013, Ohio EPA sent the Respondent a second NOV in an effort to address the failure to restrict access to the sand filters and install signage identifying the outfall. Attachment I is Respondent's NOV letters. Attachment I is hereby incorporated into these Findings and Orders as if fully stated herein.
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.
11. In consideration of Respondent's size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record, this ESA is an appropriate mechanism to resolve the noncompliance detailed in the Findings of this ESA.

### III. ORDERS

1. Within sixty (60) days from the date of the Director's letter inviting Respondent to sign this ESA, Respondent shall fence in the WWTP and install signage identifying the outfall to Bowling Green Run.
2. Within sixty (60) days from the date of the Director's letter inviting Respondent to sign this ESA, Respondent shall pay to the Ohio EPA the amount of one thousand dollars (\$ 1,000) in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to Chapter 6111.09 of the Ohio Revised Code. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" to the following address: Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent and the location of the noncompliance detailed in the Findings of this ESA

A photocopy of the check shall be sent to Ohio EPA at the address listed below:

Ohio Environmental Protection Agency  
Central District Office  
50 West Town Street  
P.O. Box 1049  
Columbus, Ohio 43216  
Attn: Division of Surface Water Enforcement Supervisor

### IV. TERMINATION

Respondent's obligations under this ESA shall terminate upon Ohio EPA's receipt of the civil penalty payment required by this ESA and completion of Order number 1.

### V. RESERVATION OF RIGHTS AND WAIVER

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived herein.

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 this ESA, Respondent consents to the issuance of this ESA and agrees to comply with this ESA. Compliance with this ESA shall be a full accord and satisfaction of Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of this ESA and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of this ESA either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if this ESA is 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 comply with this ESA notwithstanding such appeal and intervention unless this ESA is stayed, vacated, or modified.

**VI. EFFECTIVE DATE**

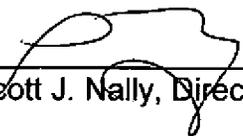
The effective date of this ESA is the date this ESA is entered into the Ohio EPA Director's journal.

**VII. SIGNATORY AUTHORITY**

Each undersigned representative or party to this ESA certifies that he or she is fully authorized to enter into this ESA and to legally bind such party to this ESA.

**IT IS SO ORDERED AND AGREED:**

**Ohio Environmental Protection Agency**

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

4/29/13  
Date

**IT IS SO AGREED:**

**Marne Manor LLC**

  
\_\_\_\_\_  
Signature  
**JAMES R. HESTER**  
\_\_\_\_\_  
Printed or Typed Name  
**DRAWING MANAGER**  
\_\_\_\_\_  
Title

04/11/2012  
Date

## Attachment I



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

October 11, 2012

Mr. James R. Hoekstra  
Managing Member  
Mame Manor LLC  
P.O. Box 4102  
Newark, Ohio 43058-4102

Re: Mame Manor LLC  
NPDES Permit 4PV00119/ OH0136123  
Compliance Evaluation Inspection  
Notice of Violation  
Licking County

Dear Mr. Hoekstra:

On October 3, 2012, a compliance evaluation inspection was conducted at the Mame Manor MHP WWTP. Present for the inspection were Tammi Gall, the contract operator for Mame Manor WWTP and myself of the Ohio EPA, Central District Office, Division of Surface Water.

The purpose of the inspection was to evaluate compliance with the terms and conditions of your NPDES permit and to evaluate the operation and maintenance of the plant. The findings of the inspection are listed below and in the enclosed Notice of Violation.

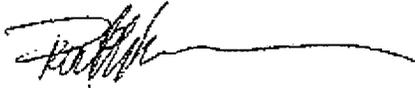
- *The WWTP is not secure (Figure 1). Tank gratings can be easily removed and rusted gratings pose a safety concern. The influent splitter box is open to the air allowing unrestricted contact. Sand filters are accessible by anyone and undisinfected WWTP effluent may be contacted by curious individuals either in the filter media or uncovered splitter boxes. The owner shall install appropriate infrastructure to limit access to only authorized persons. This may include such things as locking bars over the tank gratings, splitter box covers and fencing for the sand filters or just a security fence around the entire WWTP. These security features shall be installed no later than December 31, 2012, with photographic proof of installation sent to Paul Vandermeer via e-mail.*
- *Trash trap is pumped out annually in November. The operator will forward a copy of the invoice to Paul Vandermeer via e-mail within 30 days of the pumping of the trap.*

Mr. James R. Hoekstra  
Managing Member  
Mame Manor LLC  
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- *Maintenance is satisfactory with the exception of the badly rusted gratings (Figure 2). The owner shall replace these gratings with new or refurbished ones by the end of December 2012.*
- *The owner shall install signage identifying the outfall to Bowling Green Run in accordance with the requirements in Part II.N of the NPDES permit. This should have been accomplished by March 1, 2011 but has yet to be completed. Signage shall be installed by no later than December 31, 2012 and documented to Paul Vandermeer via e-mail by that time.*

If you have any questions or comments concerning the enclosed inspection report, please contact me at (614) 728-3854 or e-mail at paul.vandermeer@epa.ohio.gov.

Sincerely,



Paul L. Vandermeer  
Environmental Specialist  
Compliance and Enforcement Unit  
Division of Surface Water  
Central District Office

c: Ms. Tammi Gall, Operator

ec: Paul L. Vandermeer

PLV:msr Mame Manor

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**Figure 1.** WWTP is unsecured. Operator has noted that children have been seen playing in the sand filters. The sand filter splitter box (yellow arrow) and open filter beds allow for unrestricted access to undisinfected effluent. All of these circumstances pose a health or physical safety threat. The WWTP must be properly secured to prevent such unauthorized access.

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John E. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Herzig, Director

Certified Mail #91 7108 2133 3932 1838 6954

January 25, 2013

Mr. James R. Hoekstra, Managing Member  
Mame Manor LLC  
P.O. Box 4102  
Newark, OH 43058-4102

**2<sup>nd</sup> NOTICE OF VIOLATION**

Re: **Mame Manor LLC**  
**NPDES Permit 4PV00119/ OH0136123**  
**Compliance Evaluation Inspection**  
**2<sup>nd</sup> Notice of Violation**  
**Licking County**

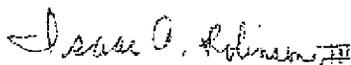
Dear Mr. Hoekstra:

A compliance evaluation inspection was conducted at the Mame Manor MHP WWTP on October 3, 2012. Subsequently, a Notice of Violation (NOV) letter was issued to you on October 11, 2012, listing several action items and a deadline for action on these items of December 31, 2012 (a copy of the first NOV is attached). My staff inspector, Paul Vandermeer, has spoken several times with your contract operator, Tammi Gall, regarding the items listed in the October Notice of Violation. She has mentioned that the only item that has been addressed was the refinishing of the gratings used to cover the tanks at the WWTP. None of the other items have yet been addressed and are past due. These include the installation of security measures to preclude unauthorized access to the WWTP which potentially threaten proper operation and installation of outfall signage. Mr. Vandermeer has also left a telephone message on Monday, January 7, 2013, to remind you of the need to comply with the stipulations in the NOV. Mr. Vandermeer has yet to receive a response to the phone message.

Mr. James R. Hoekstra, Managing Member  
Marne Manor LLC  
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I respectfully request that you contact Mr. Vandermeer immediately and indicate to him exactly when you will begin addressing each of the outstanding items in the October, 2012 Notice of Violation. Failure to comply with these NOV's in a timely manner will result in the initiation of enforcement action which may include a monetary penalty. You may contact Paul Vandermeer at (614) 728-3854 or e-mail at paul.vandermeer@epa.ohio.gov.

Sincerely,



Isaac Robinson, Chief  
Central District Office  
Ohio Environmental Protection Agency

c: File Copy; Ms. Tammi Gall, Operator

cc: Paul L. Vandermeer

ISP/whm Marne Manor MHP working

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