

OHIO E.P.A.

MAY -9 2011

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Karl and Charlotte Brown : Director's Final Findings
1355 Wildcat Road : and Orders
Greenville, Ohio 45331 :

Respondents

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Karl and Charlotte Brown ("Respondents") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("R.C.") §§ 6111.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondents and 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 R.C. Chapter 6111 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondents are the current owners of the Wildcat Woods Campground, located at 1355 Wildcat Road, Greenville, in Darke County, Ohio (the "Site"). Respondents acquired the property from the former owners, Todd & Chrystina Brown on September 21, 2010.
2. The Site discharges to the North Fork of Kraut Creek. The North Fork of Kraut Creek constitutes "waters of the state" as defined in R.C. 6111.01.

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: Amy Cassiter Date: 5-9-11

3. The Site's current wastewater treatment system consists of a 2500 gallon septic tank and grinder pump that leads to a 150 square foot waste stabilization lagoon.
4. An NPDES permit for the Site (1PX00058*AD) was previously issued to the former owner of the Site on June 13, 2006. The permit contained a Schedule of Compliance that required the previous owners to complete improvements to the wastewater treatment plant by July 1, 2009. No permit to install for wastewater improvements for the Site was ever received by Ohio EPA.
5. Pursuant to R.C. § 6111.07(A), no person shall violate or fail to perform any duty imposed by R.C. §§ 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.
6. 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 R.C. Chapter 6111.

V. ORDERS

1. Within 10 days of the effective date of these Orders, Respondent shall modify the existing wastewater treatment system at the Site into a temporary holding system. Respondent shall plug the lagoon outlet, verify the integrity of the existing septic tank, and install a high water alarm at the lagoon outlet which is activated when the lagoon reaches 75% of its storage capacity.
2. Thereafter, Respondent shall cease all wastewater discharges to waters of the state from the Site's current wastewater treatment system and no further discharges shall occur unless authorized by an effective NPDES permit.
3. Within 60 days of the effective date of these Orders, Respondents shall submit a complete and approvable permit to install ("PTI") along with detail plans for a wastewater treatment plant system at the Site.
4. Within 30 days of the approval of the PTI by Ohio EPA, Respondents shall initiate construction of the wastewater treatment plant system in accordance with the approved PTI.
5. Within 150 days of the approval of the PTI, Respondents shall complete construction of the wastewater treatment plant system in accordance with the approved PTI.

6. Upon completion of the new wastewater treatment system, Respondent shall within 9 months from the effective date of these Orders, properly abandon the existing wastewater treatment system by doing the following:
- (a) Pumping and hauling the entire contents of the tank for recycling, treatment or disposal at a facility that has been permitted by the applicable regulatory authority;
 - (b) Cleaning the holding tank and related areas as necessary
 - (c) Decommissioning the in-ground holding tank by filling the holding tank with clean sand, soil, or other inert material or remove the holding tank from the ground.
 - (d) Filling in the onsite lagoon after removing all lagoon contents down to the clay liner/natural soils.

VI. TERMINATION

Respondents' obligations under these Orders shall terminate when Respondents certify in writing and demonstrate to the satisfaction of Ohio EPA that Respondents have 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 Respondents of the obligations that have not been performed, in which case Respondents 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 Respondents to Ohio EPA and shall be signed by Respondents pursuant to Ohio Administrative Code 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 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 Respondents.

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 Respondents pursuant to these Orders for the Site shall be addressed to:

Ohio Environmental Protection Agency
Southwest District Office
Division of Surface Water
Attn: DSW Enforcement Unit Supervisor
401 East Fifth Street
Dayton, Ohio 45402

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Surface Water
Attn: Manager, Stormwater and Enforcement Section
50 W. Town Street [P.O. Box 1049]
Columbus, Ohio 43215 [43216-1049]

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

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondents 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, Respondents 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.

Respondents hereby waive the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondents hereby waive any and all rights Respondents may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondents agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondents retain the right to intervene and participate in such appeal. In such an event, Respondents shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

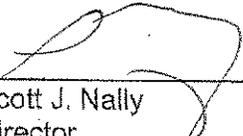
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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

5/5/11

Date

IT IS SO AGREED:

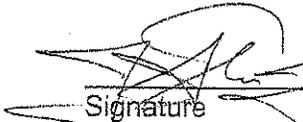
Karl Brown


Signature for Karl Brown
J. Steven Justice
Printed or Typed Name

4/21/2011

Date

Charlotte Brown


Signature Charlotte Brown
J. Steven Justice
Printed or Typed Name

4/21/2011

Date