Effective Date AUG 1 9 2004

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:
Hillco Capital Investment
Company, LLC,
d.b.a. Whispering Pines Mobile
Home Park
10117 US Route 62
Orient, Ohio 43146

Respondent,

DIRECTOR'S FINAL
FINDINGS AND ORDERS

OHIO E.P.A.
AUG 19 2004
ENTERED DIRECTOR'S JOURNAL

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Hillco Capital Investment Company, 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., § 6111.03, and § 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and heirs and successors in interest liable under Ohio law. No change in ownership of the Whispering Pines Mobile Home Park, formerly known as Dot-Mar Mobile Home Park, 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 6111. and the rules promulgated thereunder.

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.
By: [signature] Date 8-19-04

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

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

2. Respondent's PWS (PWS ID# 6500712) is located at 10117 US Route 62, Orient, Pickaway County, Ohio, 43146.

3. Respondent became owner and operator of Whispering Pines Mobile Home Park on June 1, 2004.

4. OAC Rule 3745-81-21(A)(1)(a), requires each CWS using only ground water and serving a population of not more than one thousand persons to collect a minimum of one sample for total coliform analysis during each month that the water system serves water to the public.

5. OAC Rule 3745-85-01 requires each CWS to prepare and maintain a written contingency plan for providing safe drinking water to its service area under emergency conditions.

6. OAC Rule 3745-96-01(E) requires each CWS to deliver a consumer confidence report (CCR) to its customers and meet the requirements of OAC Rule 3745-96-04(B) by July 1st annually. Each CCR shall contain data collected during, or prior to, the previous calendar year as prescribed in OAC Rule 3745-96-02(D)(3).

7. OAC Rule 3745-96-04(C)(1) and (2) requires by July 1st annually, each CWS to provide to the Director a copy of the CCR and a distribution certification, on a form acceptable to the Director, certifying that the CCR has been distributed to customers, a good faith effort to reach non-bill paying customers has been completed, and that the information is correct and consistent with the compliance monitoring data previously submitted to the Director.

8. OAC Rule 3745-83-01(E)(1)(a), requires the operator of a CWS system to prepare an operation report for each month of operation on forms provided by the Director.

9. OAC Rule 3745-83-01(B)(2), requires each CWS to maintain a minimum chlorine residual of at least two-tenths milligram per liter free chlorine, or one milligram per liter combined chlorine measured at representative points throughout the distribution system.

10. OAC Rule 3745-81-86(D)(4)(d), requires a PWS that monitors for lead and copper annually or less frequently to conduct tap water monitoring during the June through September monitoring period.

11. OAC Rule 3745-81-23 requires community and nontransient noncommunity PWSs to monitor for inorganic chemicals according to a schedule provided by the director.

12. OAC Rule 3745-81-24 requires community and nontransient noncommunity PWSs to monitor for organic chemicals according to a schedule provided by the Director.

13. ORC § 6111.04(A)(1), states that no person shall cause pollution or place or cause to be placed any sewage, industrial waste, or other wastes in a location where they cause pollution of any waters of the state, and any such action shall be declared a public nuisance, unless the Director has issued a valid and unexpired permit, or renewal thereof, as provided in ORC §§ 6111.01 to 6111.08, or an application for renewal permit is pending.

14. ORC § 6111.07(A), states that no person shall violate or fail to perform any duty imposed by ORC §§ 6111.01 to 6111.08 or violate any order, rule, or term or condition of a permit issued or adopted by the Director.

15. The Big Darby Creek constitutes "waters of the state" as defined in ORC § 6111.01(H).

16. Respondent's wastewater treatment plant (WWTP) discharges "sewage" as that term is defined in ORC § 6111.01(B).

17. The term "pollution," as defined in ORC § 6111.01(A), includes, but is not limited to, the placing of "sewage" in any "waters of the state."

18. On October 1, 1995, the Director issued National Pollutant Discharge Elimination System Permit (NPDES) permit No. 4PV00100*AD, effective until September 26, 2000, to Dot-Mar Mobile Home Park.

19. On September 1, 2003, the Director issued NPDES permit No. 4PV00100*BD to Dot-Mar Mobile Home Park; this NPDES permit was transferred from Dot-Mar Mobile Home Park to Respondent effective May 31, 2004.

V. ORDERS

1. From the effective date of these Orders, and for as long as Respondent operates a PWS, Respondent shall comply with total coliform bacteria monitoring requirements in accordance with OAC Rule 3745-81-21.

2. Respondent shall prepare and maintain a written contingency plan for providing safe drinking water to its service area under emergency conditions in accordance with OAC Rule 3745-85-01.

3. Within thirty (30) days of the effective date of these Orders, Respondent shall deliver a consumer confidence report (CCR) to its customers in accordance with OAC Rule 3745-96-01(E).

4. Within thirty (30) days of the effective date of these Orders, Respondent shall provide to the Director a copy of the CCR and a distribution certification, on a form acceptable to the Director, certifying that the CCR has been distributed to customers, a good faith effort to reach non-bill paying customers has been completed, and that the information is correct and consistent with the compliance monitoring data previously submitted to the Director, in accordance with OAC Rule 3745-96-01(E).

5. For as long as Respondent owns and operates the PWS, Respondent's operator shall submit monthly operating reports (Ohio EPA form 5002, and additional forms if specified by Ohio EPA) to Ohio EPA, Central District Office (CDO), Division of Drinking and Ground Waters (DDAGW), no later than the tenth of the month following the month for which the report was prepared, in accordance with OAC Rule 3745-83-01(E)(1)(A).

6. Respondent shall maintain chlorine residual of at least two-tenths milligram per liter free chlorine, or one milligram per liter combined chlorine measured at representative points throughout the distribution system in accordance with OAC Rule 3745-83-01(B)(2).

7. Respondent shall monitor for lead and copper between June 1 through September 30, 2004, and submit monitoring reports to CDO, DDAGW by October 10, 2004 in accordance with OAC Rule 3745-81-86.

8. Respondent shall comply with its chemical contaminant monitoring schedule for the calendar year 2004 and all subsequent monitoring schedules issued by Ohio EPA.

9. On or before January 15, 2005, Respondent shall submit to Ohio EPA, CDO, DSW, a Permit to Install (PTI) application with approved detailed plans to upgrade the WWTP and achieve compliance with Respondent's NPDES permit final effluent limitations.

10. On or before March 15, 2005, Respondent shall begin construction of the WWTP upgrade pursuant to the PTI issued by the Director and the detailed plans.

11. On or before May 15, 2005, Respondent shall complete construction of the WWTP upgrade pursuant to the PTI issued by the Director and have attained compliance with Respondent's NPDES permit final effluent limitations.

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 Chiefs of Ohio EPA's DDAGW and DSW 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 Respondent. For purposes of these Orders, a responsible official is as defined in OAC Rule 3745-33-03(D)(1) for a corporation.

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 or WWTP.

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
Central District Office
Division of Drinking and Ground Waters
3232 Alum Creek Drive
Columbus, Ohio 43207-3461
Attn: Bridgette Marchio

or

Ohio Environmental Protection Agency
Central District Office
Division of Surface Water
3232 Alum Creek Drive
Columbus, Ohio 43207-3461
Attn: Sheree Gossett-Johnson

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

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

Christopher Jones
Director

AUG 19 2004
Date

IT IS SO AGREED:

Hillco Capital Investment Company, LLC

Kathy A. Hill
Signature

8-4-04
Date

Kathy A. Hill, member, Hillco Capital Investment Co., LLC
Printed or Typed Name and Title