



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

January 24, 2022

Brian C. Rockensuess
Commissioner

Via Certified Mail No.:
7017 0190 0000 9497 1300

Ronald Davis and Judy Davis, Owners
Maple Leaf Mobile Home Park
1863 Lilac Road
Plymouth, IN 46563

Dear Mr. and Ms. Davis:

Re: Notice of Violation and
Proposed Agreed Order
Indiana Department of
Environmental Management

v.

Ronald Davis and Judy Davis d.b.a.
Maple Leaf Mobile Park Home
PWSID No. IN5250008
Case No. 2021-28388-D
Plymouth, Marshall County

This is to advise that the Indiana Department of Environmental Management (IDEM) has conducted an investigation of Ronald Davis and Judy Davis d.b.a. Maple Leaf Mobile Home Park. As a result of that investigation, IDEM has made a preliminary determination that violations exist. Pursuant to Indiana Code 13-30-3-3, enclosed please find a Notice of Violation and a proposed Agreed Order, setting forth IDEM's specific findings of violation and the actions necessary to resolve them.

You may request a settlement conference to discuss the allegations and the necessary corrective actions, which may include a compliance schedule.

To resolve this matter as provided for in the enclosed Agreed Order, sign and return the entire document to me at the following address:

Office of Water Quality – IGCN 1255
Indiana Department Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251

The enclosed proposed Agreed Order is subject to the final approval of IDEM. No Agreed Order is binding on IDEM until the Agreed Order has been approved and adopted by the appropriate IDEM official. IDEM retains the right to withdraw from the

Cover Letter: Case No. 2021-28388-D
Ronald Davis and Judy Davis d.b.a.
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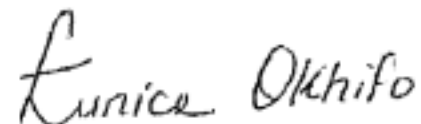
proposed Agreed Order if IDEM becomes aware of facts or considerations that indicate that the Agreed Order is unfair, inappropriate, or inconsistent with state law or the Safe Drinking Water Act.

IDEM is not required to extend the offer of entry into an Agreed Order for more than 60 days. You may enter into an Agreed Order without admitting that the violations occurred. If an Agreed Order is not entered into, IDEM may proceed to issue a unilateral Notice and Order of the Commissioner requiring compliance with the environmental laws, rules, and/or permits, including payment of a civil penalty.

Please be advised the local health department has been notified of these violations.

Please contact me at 317-232-8432 or eokhifo@idem.in.gov within 15 days. At that time, we can discuss any questions or set up a settlement conference.

Sincerely,



Eunice Okhifo, Case Manager
Water Enforcement Section
Office of Water Quality

Enclosures

cc: Marshall County Health Department
Indiana State Department of Health, Mobile Home Community Inspection and
Licensing Program
<http://www.in.gov/idem>

Ronald & Judy Davis – Mailing Contact



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NOTICE OF VIOLATION

Via Certified Mail No.:
7017 0190 0000 9497 1300

Ronald Davis and Judy Davis, Owners
Maple Leaf Mobile Home Park
1863 Lilac Road
Plymouth, IN 46563

Case No. 2021-28388-D

Pursuant to Indiana Code (IC) 13-30-3-3, the Indiana Department of Environmental Management (IDEM) issues this Notice of Violation. Based on an investigation, IDEM has reason to believe that Ronald Davis and Judy Davis d.b.a. Maple Leaf Mobile Home Park (Respondents), have violated environmental rules. The violations are based on the following:

1. Respondents own and/or operate a community public water system (PWS) with PWSID No. IN5250008, serving 51 persons. The PWS is located at 3919, Michigan Rd., Plymouth, Marshall County, Indiana (the Site).
2. A community water system (CWS) as defined by 327 Indiana Administrative Code (IAC) 8-2-1(12) is a PWS that serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.
3. 327 Indiana Administrative Code (IAC) 8-2-2 states that each PWS shall comply with all provisions of this rule and 327 IAC 8-2.1.
4. Pursuant to 327 IAC 8-4.1-9 and 327 IAC 8-4.1-16(a)(2)(C), to have Phase II of a Wellhead protection program (WHPP) approved by IDEM, a community public water supply system (CPWSS) must submit all required WHPP II materials within ten (10) years after IDEM approval of Phase I material for a small CPWSS.

IDEM records indicate that on October 25, 2004, IDEM formally reviewed and approved Respondents' Phase I WHPP for its CPWSS. The records further indicate that Respondents did not submit a Phase II WHPP on October 25, 2014, as indicated in the Phase I approval letter. Respondents submitted the Phase II WHPP on November 21, 2014. However, IDEM determined the Phase II WHPP was deficient in meeting some of the rule requirements and requested additional materials. IDEM sent letters to Respondents requesting materials in August, September, October and November 2017, May 2018 and July 2021. To date,



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IDEM has not received the requested materials to complete the Phase II WHPP. Respondents failed to submit a complete Phase II WHPP, in violation of 327 IAC 8-4.1-9 and 327 IAC 8-4.1-16(a)(2)(C).

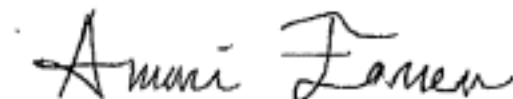
In accordance with IC 13-30-3-3, the Commissioner herein provides notice that violations may exist and offers an opportunity to enter into an Agreed Order providing for the actions required to correct the violations and, as necessary and appropriate, for the payment of a civil penalty. The Commissioner is not required to extend this offer for more than 60 days.

As provided in IC 13-30-3-3, an alleged violator may enter into an Agreed Order without admitting that the violations occurred. IDEM encourages settlement by Agreed Order, thereby resulting in quicker correction of the environmental violations and avoidance of extensive litigation. Timely settlement by Agreed Order may result in a reduced civil penalty. Also, settlement discussions will allow the opportunity to present any mitigating factors that may be relevant to the violations.

If an Agreed Order is not entered into within 60 days of receipt of this Notice of Violation, the Commissioner may issue a Notice and Order under IC 13-30-3-4 containing the actions that must be taken to correct the violations and requiring the payment of an appropriate civil penalty. Pursuant to IC 13-30-4-1, the Commissioner may assess penalties of up to \$25,000 per day for each violation.

Please contact Eunice Okhifo, Case Manager, at 317-232-8432 or eokhifo@idem.in.gov, within 15 days after receipt of this Notice to discuss resolution of this matter.

For the Commissioner:



Date: **January 24, 2022**

Amari Farren, Chief
Enforcement Section
Office of Water Quality

cc: Marshall County Health Department
Indiana State Department of Health, Mobile Home Community Inspection and
Licensing Program
<http://www.in.gov/idem>

Ronald Davis and Judy Davis – Mailing Contact