



State of Ohio Environmental Protection Agency

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DDAGW

STREET ADDRESS:

Lazarus Government Center  
122 S. Front Street  
Columbus, Ohio 43215

MAILING ADDRESS:

P.O. Box 1049  
Columbus, OH 43216-1049

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

August 7, 2006

RE: Franklin County  
Brown Elementary School  
Non Transient Non Community Water System  
PWSID#: 2530512

Dale A. McVey, Superintendent  
Hilliard City School District  
5323 Cemetery Road  
Hilliard, Ohio 43026

Certified Mail

7005 1160 0000 2565 0619

Dear Mr. McVey:

Brown Elementary School public water system (PWS) will most likely violate Ohio's safe drinking water law. In accordance with Ohio Administrative Code (OAC) Rule 3745-81-11(B), which became effective January 1, 2006, the new running annual average maximum contaminant level (MCL) for arsenic is 10 µg/L. Brown Elementary School collected arsenic samples in September 2004, July 2005, January 2006, and May 2006 with results of 11.1, 11.7, 10.5, and 15.4 µg/L respectively. Currently, Brown Elementary School is not in violation of this rule, but will most likely exceed the MCL for arsenic within the year. The Agency is aware that Brown Elementary School has been proactive in seeking resolution of this probable violation.

**Owners or operators of public water systems that fail to comply with Ohio's safe drinking water laws and regulations are subject to civil penalties of up to \$25,000 per day per violation under Ohio Revised Code Section 6109.33.**

In anticipation of your drinking water violations, to prevent possible legal action and civil penalties, and document Brown Elementary School's commitment, it is agreed that Brown Elementary School will:

1. Monitor for arsenic with one sample per calendar quarter in accordance with Ohio Administrative Code (OAC) Rule 3745-81-23(E)(2)(a).
2. Comply with the monitoring and reporting requirements in accordance with the 2006 chemical monitoring schedule and, if determined necessary, the 2007 chemical monitoring schedule.
3. By March 31, 2007, Brown Elementary School will connect to a new water source, specifically the City of Columbus Division of Water, and disconnect from the current drinking water well.
4. In the event that Brown Elementary School exceeds the arsenic MCL prior to connection with the City of Columbus Division of Water, Brown Elementary

Bob Taft, Governor  
Bruce Johnson, Lieutenant Governor  
Joseph P. Koncelik, Director

School will provide an alternative source of water for human consumption, including water used for beverage preparation, within thirty (30) days of the exceedance. This provision will then remain in effect until Brown Elementary School completes connection to the City of Columbus Division of Water.

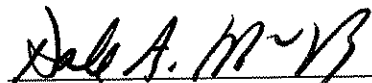
5. In the event that Brown Elementary School exceeds the arsenic MCL, public notice will be issued in accordance with OAC Rule 3745-81-32.
6. Within sixty (60) days from connection to the City of Columbus Division of Water, Brown Elementary School will complete all required Ohio EPA procedures to abandon and seal the existing drinking water well in accordance to OAC Rule 3745-9-10.

Sincerely,



Michael G. Baker, Chief  
Division of Drinking and Ground Waters

If it is your intent to comply with the safe drinking water laws and regulations in the manner specified, please sign this document and return it to the attention of Ken Baughman at Ohio EPA, DDAGW, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049, within fourteen (14) days. Your signature is not considered an admission of guilt, only an indication of your intention to address the violations noted. Ohio EPA reserves its right to seek civil penalties pursuant to Revised Code 6109.33 for the violations described in this letter. If you have any questions concerning this letter, please call Ken Baughman at (614) 644-2752.



Dale A. McVey  
Superintendent, Hilliard City School District



Date