

OHIO E.P.A.
MAR -8 2005
ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

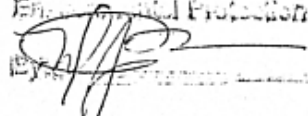
In the Matter of: : Case No. 04-WS-001
: :
: :
BYESVILLE, VILLAGE OF, : DIRECTOR'S FINAL
: : FINDINGS AND ORDER
Respondent. : :

Pursuant to Chapter 6109., and sections 119.09 *et seq.* of the Ohio Revised Code, and the rules of the Ohio Environmental Protection Agency, the Director of Environmental Protection hereby makes the following Findings and issues the following Order:

FINDINGS

1. On February 4, 2004, the Director of the Ohio Environmental Protection Agency (Director) issued a proposed order designating certain wells at the Village of Byesville-Plant 1 Community Water System, PWS ID: 3001212, as surface water sources.
2. On February 18, 2004, the Village of Byesville filed a request for an adjudication hearing regarding the Director's February 4, 2004 proposed designation.
3. Following the filing of the request for an adjudication hearing, the parties engaged in settlement discussions.
4. On December 29, 2004, counsel for Respondent filed a letter withdrawing the Respondent's request for adjudication in Ohio EPA Case No. 04-WS-001.
5. No adjudication hearing has been held in this matter.
6. Because the Respondent Village of Byesville has withdrawn its request for an adjudication hearing in Ohio EPA Case No. 04-WS-001, there remain no unresolved

1 I certify this to be a true and accurate copy of the
official comments filed by the records of the Ohio
Environmental Protection Agency.


Date: 8 MARCH 2005


issues of fact or law requiring the convening of an adjudication hearing in said case. Therefore, Ohio EPA Case No. 04-WS-001 is moot and should be dismissed.

7. The Hearing Officer assigned to this case has issued a Report and Recommendation recommending that this case be dismissed.
8. No objection to the Hearing Officer's Report and Recommendation has been filed.
9. The recommendation of the Hearing Officer is lawful and reasonable and is hereby adopted.

ORDER

1. Ohio EPA Case No. 04-WS-001 is hereby dismissed, effective immediately.

IT IS SO ORDERED:



JOSEPH P. KONCELIK
Director

MAR 8 2005

Date



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

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

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

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

CERTIFIED MAIL

Re: Guernsey County
Village of Byesville-Plant 1
Community Water System
PWS ID: 3001212
STU ID: 3054705

Redesignation of Water Sources
Surface Water

OHIO E.P.A.
MAR - 8 2005
REGISTERED DIRECTOR'S JOURNAL

Effective Date: MAR 8 2005

Village of Byesville
221 Main Street
PO Box 8
Byesville, Ohio 43723

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.

ON 03 08 MAR 2005

Dear Owner:

In accordance with Rule 3745-81-76(D) of the Ohio Administrative Code (OAC), and based on additional information indicating that redesignation is appropriate, your water sources are hereby redesignated as set forth below. The designations herein supersede all previous designations. This final action was previously issued as a proposed action on February 4, 2004; your request for an adjudication hearing which was filed on February 18, 2004 has been voluntarily dismissed.

For the purpose of the surface water treatment rules contained in Chapter 3745-81 of the OAC, the Division of Drinking and Ground Waters (DDAGW) has conducted a survey and evaluation of the raw water source(s) of your public water system (PWS). The survey and evaluation covered well construction, sanitary well isolation, and history of bacterial contamination and waterborne disease outbreaks. As a result of this evaluation and the subsequent engineering review of your water sources' susceptibility to biological contamination, the DDAGW has recommended that the Director of the Ohio Environmental Protection Agency (Ohio EPA), in accordance with Rule 3745-81-76 of the OAC, designate at least one of your water sources as surface water. Ground water and surface water are defined in paragraphs (JJ) and (SSS), respectively, of Rule 3745-81-01 of the OAC.

This letter is your final notice of the Director's Finding which formalizes the designation of at least one of your water sources as a surface water, under Rule 3745-81-76 of the OAC. Your sources indicated on Attachment A as "Y" meet the definition in 3745-81-01(SSS)(2) of the OAC for ground water under the direct influence of surface water, and are hereby designated as surface water. Your sources indicated as "G" meet the definition in 3745-81-01(JJ) for ground water and are hereby designated as ground water.

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

Based on this Finding, your PWS must therefore comply with the applicable Rules of the OAC, which are detailed below. The water source designation worksheet and other information on which this evaluation is based are available for your review at either your Ohio EPA district office or at the Ohio EPA's DDAGW office in Columbus.

Rules 3745-81-71, 3745-81-72, 3745-81-73, 3745-81-74, 3745-81-75, and 3745-81-76 of the OAC require that within 18 months of the effective date of this final action your PWS provide filtration treatment and disinfection which will reliably achieve 99.9 percent (3 log) removal or inactivation of *Giardia lamblia* and 99.99 percent (4 log) removal or inactivation of viruses. Surface water systems are also required to provide 99 percent (2 log) removal of *Cryptosporidium*. Removal refers to physical removal through clarification and filtration; inactivation refers to disinfection through chlorination or other means.

In addition, surface water treatment plants must also produce finished water turbidities no greater than 0.3 NTU (1 NTU for slow sand filters) in at least 95 percent of their samples.

To get a copy of the surface water treatment rules, send a request to Ohio EPA, Legal Records Section, P.O. Box 1049, Columbus, Ohio 43216-1049; be sure to include the mailing address of your PWS.

The requirements of all of the surface water treatment rules become enforceable for your PWS within 18 months of the effective date of this final action. The 18 months will allow your PWS time to prepare to meet the requirements in these Rules of the OAC.

Your options for achieving compliance include, but are not limited to:

- a. installation of approved filtration treatment and disinfection which complies with Rule 3745-81-73 of the OAC;
- b. eliminating the construction and isolation defects of your existing well(s) so that it (they) may be re-evaluated and redesignated as ground water;
- c. abandonment of those wells designated as surface water and installation of adequate approved ground water sources; or
- d. abandonment of your surface water source(s) and purchasing water from an approved PWS.

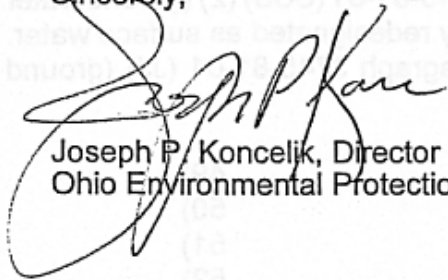
Whatever option your PWS chooses must be operational within 18 months of the effective date of this final action. You are requested to respond in writing to your district office within forty-five (45) calendar days following the effective date of this final action as to how your PWS intends to comply with the above-referenced Rules of the OAC. Your response should list the proposed steps you intend to take to ensure compliance and the dates by which those steps are to be completed.

Plans for any proposed changes to your PWS must be approved by the Director of Ohio EPA in accordance with Section 6109.07 of the Ohio Revised Code before the start of construction. Your district office representative will work with you and your consultants in developing approvable plans.

The Ohio EPA intends to vigorously enforce the surface water treatment requirements of the state's drinking water rules. Any questions you may have regarding treatment may be directed to your Ohio EPA district representative at the Southeast District Office at 740-385-8501.

This is a final action of the Director and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be filed with ERAC within thirty (30) days after notice of the Director's action. A copy of the appeal must be served upon the Director of the Ohio EPA within three (3) days of filing at ERAC. The ERAC's address is: Environmental Review Appeals Commission, 309 South Fourth Street, Room 222, Columbus, Ohio 43215.

Sincerely,



Joseph P. Koncelik, Director
Ohio Environmental Protection Agency

cc: Journal Room
Southeast District Office, DDAGW
Rotary File

Well 1-G (1)
Well 6-Y (2)
Well 8-G (3)
Well 10-Y (4)
Well 11-Y (5)
Well 12-Y (6)
Well 14-Y (7)
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Attachment A

Re: Guernsey County
Village of Byesville-Plant 1
Community Water System
PWS ID: 3001212
STU ID: 3054705

Redesignation of Water Sources
Surface Water

Effective Date:

Village of Byesville
221 Main Street
PO Box 8
Byesville, Ohio 43723

The Director of the Ohio Environmental Protection Agency has redesignated at least one of your water sources as a surface water, under Rule 3745-81-76 of the OAC. Your sources that are indicated as "Y" meet the definition of Paragraph 3745-81-01 (SSS) (2) (ground water under the direct influence of surface water) and are hereby redesignated as surface water. Your sources indicated as "G" meet the definition of Paragraph 3745-81-01 (JJ) (ground water) and are hereby designated as ground water.

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|--------------|-----|-----|
| 1) Well 1-G | 25) | 49) |
| 2) Well 6-Y | 26) | 50) |
| 3) Well 9-G | 27) | 51) |
| 4) Well 10-Y | 28) | 52) |
| 5) Well 11-Y | 29) | 53) |
| 6) Well 12-Y | 30) | 54) |
| 7) Well 14-Y | 31) | 55) |
| 8) | 32) | 56) |
| 9) | 33) | 57) |
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| 11) | 35) | 59) |
| 12) | 36) | 60) |
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| 14) | 38) | 62) |
| 15) | 39) | 63) |
| 16) | 40) | 64) |
| 17) | 41) | 65) |
| 18) | 42) | 66) |
| 19) | 43) | 67) |
| 20) | 44) | 68) |
| 21) | 45) | 69) |
| 22) | 46) | 70) |
| 23) | 47) | |
| 24) | 48) | |