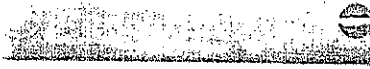


OHIO E.P.A.

JUN - 8 2009

ENTERED DIRECTOR'S JOURNAL



Effective Date JUN - 8 2009

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL  
FINDINGS AND ORDERS

Central Ohio Boys Residential :  
Academy, Ltd. :  
11173 State Route 312 :  
Bremen, Ohio 43107 :

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Central Ohio Boys Residential Academy, Ltd. (COBRA) (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Chapter 6109 and § 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent's public water system 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 the rules promulgated thereunder.

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 Mike Hassler Date: 6-8-09

#### **IV. FINDINGS**

The Director of Ohio EPA (Director) has determined the following findings:

1. Respondent owns and operates a "public water system" (PWS) as defined by ORC § 6109.01, which is also a "nontransient noncommunity water system" as defined by Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID# OH2349712) is located at 11173 State Route 312, Bremen (Fairfield County), Ohio, 43107.
3. Respondent's PWS obtains its drinking water from a "ground water" source as defined by OAC Rule 3745-81-01 and serves a population of 29 persons.
4. On August 14, 2003, Respondent's PWS was designated by the Director as a Class A PWS in accordance with OAC Rule 3745-7-03.
5. In accordance with OAC Rule 3745-7-02(A)(1), each person owning or operating a PWS shall designate one or more operator of record to oversee the technical operation of the PWS. Each operator of record shall have a valid certification of a class equal to or greater than the classification of the PWS.
6. In violation of OAC Rule 3745-7-02(A)(1), Respondent has failed to maintain a Class A or higher certified operator of record at the PWS at all times during operation of the PWS.
7. In accordance with OAC Rule 3745-7-03(B)(4), a PWS is classified as a Class I public water system when the PWS treats for arsenic to meet the arsenic MCL.
8. In accordance with OAC Rule 3745-81-11(B), the maximum contaminant level (MCL) for arsenic is 0.010 milligrams/liter (mg/L).
9. In accordance with OAC Rule 3745-81-23(H)(2), for PWSs which are conducting monitoring at a frequency greater than annual, compliance with the MCL for arsenic is determined by the running annual average (RAA). A PWS is not considered in violation until it has completed one year of quarterly sampling unless any one sample result would cause the RAA to exceed the MCL.
10. In violation of OAC Rule 3745-81-11(B), as determined by OAC Rule 3745-81-23(H)(2), Respondent exceeded the arsenic MCL with a RAA greater than 0.010 mg/L during the July 1 through September 30, 2007, January 1 through March 31,

2008, and October 1 through December 31, 2008 monitoring periods. Respondent's RAA calculated through the October 1 through December 31, 2008 monitoring period is 0.011 mg/L.

11. In accordance with OAC Rule 3745-81-23(E), all nontransient noncommunity PWSs shall monitor for inorganic chemicals with MCLs listed in OAC Rule 3745-81-11(B). PWSs shall monitor inorganic chemicals according to a schedule provided by the Director.
12. On December 16, 2005, the Director issued Respondent Chemical Monitoring Schedules for the compliance period that began January 1, 2006 and ended December 31, 2006 (2006 Monitoring Schedules).
13. In violation of OAC Rule 3745-81-23(E) and the 2006 Monitoring Schedules, Respondent failed to monitor for arsenic during the January 1 through March 31, 2006 monitoring period.
14. In accordance with OAC Rule 3745-81-24(B), nontransient noncommunity PWSs shall monitor for synthetic organic chemicals (SOCs) with MCLs listed in OAC Rule 3745-81-12(E). PWSs shall monitor SOC's according to a monitoring schedule provided by the Director.
15. On or about January 1, 2004, the Director issued Respondent Chemical Monitoring Schedules for the compliance period that began January 1, 2004 and ended December 31, 2004 (2004 Monitoring Schedules).
16. In violation of OAC Rule 3745-81-24(B) and the 2004 Monitoring Schedules, Respondent failed to monitor for the SOC compounds of alachlor, atrazine, and simazine for the July 1 through September 30, 2004 monitoring period. Respondent untimely sampled for SOC's on December 7, 2004.
17. In accordance with OAC Rule 3745-81-80, nontransient noncommunity PWSs shall monitor tap water in the distribution system for lead and copper in accordance with OAC Rule 3745-81-86.
18. In violation of OAC Rule 3745-81-80, Respondent failed to monitor tap water in the distribution system for lead and copper in accordance with OAC Rule 3745-81-86 during the June 1 through September 30, 2005 monitoring period.
19. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notice for the following violations:

- a. Arsenic MCL violation for the January 1 through March 31, 2008 monitoring period; and
  - b. Lead and copper tap water monitoring violation for the June 1 through September 30, 2005 monitoring period.
20. Each violation cited above represents a separate violation of ORC § 6109.31.

#### **V. ORDERS**

1. From the effective date of these Orders, Respondent shall comply with all current and subsequent contaminant monitoring schedules issued by the Ohio EPA.
2. Within fourteen (14) days of the effective date of these Orders, Respondent shall post public notice in accordance with OAC Rule 3745-81-32 for the violations listed in Finding #19. Respondent shall provide copies of all public notices and verification forms within ten (10) days of posting to Ohio EPA at the address listed in Section X.
3. From the effective date of these Orders, and for as long as Respondent operates the PWS, Respondent shall issue public notice for all arsenic MCL violations in accordance with OAC Rule 3745-81-32.
4. From the effective date of these Orders, and for as long as Respondent operates the PWS, Respondent shall post public notice in accordance with OAC Rule 3745-81-32 for all violations.
5. Within ninety (90) days of the effective date of these Orders, Respondent shall submit detail plans to Ohio EPA for arsenic removal treatment in accordance with OAC Chapter 3745-91, unless a pilot study or demonstration study is required for the preferred treatment system.
6. In the event that the preferred treatment system requires a pilot study or demonstration study, within sixty (60) days of the effective date of these Orders, Respondent shall submit a pilot study or demonstration protocol for the arsenic treatment option to Ohio EPA for review and approval.
7. Within thirty (30) days of Ohio EPA approval of the pilot or demonstration study protocol, Respondent shall commence with the approved study.

8. Within sixty (60) days of completion of the pilot or demonstration study, Respondent shall submit a report for review and approval, in which the data collected, results of data analysis, and the conclusions and recommendation are presented in an acceptable format, to Ohio EPA, Central Office, Division of Drinking and Ground Waters, Engineering, P.O. Box 1049, Columbus, Ohio 43216-1049.
9. Within ninety (90) days after pilot or demonstration study approval, Respondent shall submit detail plans to Ohio EPA for arsenic removal treatment in accordance with OAC Chapter 3745-91.
10. Within thirty (30) days of notification, Respondent shall respond in writing to address any comments or deficiencies noted by Ohio EPA on any plan or other documentation submitted by Respondent.
11. Within ninety (90) days of detail plan approval, in accordance with the detail plans approved by Ohio EPA and OAC Chapter 3745-91, Respondent shall complete installation and commence operation of the arsenic removal system.
12. Within seven (7) days after the deadline given in Order #11 above, Respondent shall send written notification of compliance with the Order to Ohio EPA.
13. Upon completion of the installation of the arsenic removal system, Respondent shall hire and retain the services of a Class I or higher operator, in accordance with OAC Rule 3745-7-03.
14. Within twelve (12) months of the completion of the arsenic removal system, Respondent shall achieve compliance with the arsenic MCL.

## **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 Chief of Ohio EPA's DDAGW 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 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(E).

#### **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.

#### **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  
Division of Drinking and Ground Waters  
Lazarus Government Building  
P.O. Box 1049  
Columbus, Ohio 43216-1049

Attn: Kenneth Baughman

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

### **XI. RESERVATION OF RIGHTS**

Ohio EPA reserves its rights to seek civil or administrative penalties against Respondent for violations specifically cited in these Orders. Ohio EPA and Respondent each reserve all other 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, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Except for the right to seek civil or administrative penalties against Respondent for violation specifically cited in these Orders, which right Ohio EPA does not waive, 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**



Chris Korleski, Director

JUN 8 2008

Date

**IT IS SO AGREED:**

**Central Ohio Boys Residential Academy, Ltd.**



Signature

5.26.09

Date

LARRY L. CUNNINGHAM

Printed or Typed Name and Title