



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

December 9, 2010

Tom Collins, Village Administrator
Village of Crooksville
98 South Buckeye Street
Crooksville, Ohio 43731

Village of Crooksville
Perry County
Community public water system
PWS ID: #6400111

CERTIFIED MAIL

9171082133393715010567

Dear Mr. Collins:

Enclosed herein are Unilateral Findings and Orders that require measures to be taken to address violations of Ohio's safe drinking water regulations at the Village of Crooksville public water system (PWS).

On April 15, 2008, the Village of Crooksville signed a Bilateral Compliance Agreement (BCA) with Ohio EPA, indicating intent to comply with Ohio's safe drinking water laws and regulations. The Village of Crooksville has failed to complete certain requirements outlined in the agreed upon BCA. In addition to not meeting requirements of the April 15, 2008 BCA, the Village of Crooksville PWS has exceeded the total trihalomethanes, and total coliform bacteria maximum contaminant levels. These requirements are found in the Ohio Administrative Code Chapter 3745-81 and Ohio Revised Code Chapter 6109.

To address these violations, I am issuing Unilateral Administrative Orders. Questions regarding the Orders can be directed to Kim Rhoads, Office of Legal Services, at 614-644-3037.

Sincerely,

Chris Korleski
Director

Enclosures

cc: Perry County Health Department

ec: Janet Barth, Unit Manager, DDAGW-SEDO
Bob Little, District Office Compliance Coordinator, DDAGW-SEDO
Kim Rhoads, Office of Legal Services

OHIO E.P.A.

Effective Date DEC - 8 2010

DEC - 8 2010

OHIO ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Village of Crooksville
98 S Buckeye Street
Crooksville, Ohio 43731

Respondent,

DIRECTOR'S FINAL
FINDINGS AND ORDERS

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.

Donna Lassiter Date: 12-8-10

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Village of Crooksville (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 there under.

IV. FINDINGS

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

1. Respondent owns and operates a "public water system" (PWS), which is also a "community water system" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID# 6400111) is located at 12500 Tunnel Hill Road, Crooksville (Perry County), Ohio, 43731.
3. Respondent's PWS obtains its drinking water from a "surface water" source as defined by OAC Rule 3745-81-01 and serves a population of 2,483 persons.

4. On July 1, 2009 Respondent's PWS was designated by the Director as a Class III 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 or each water treatment plant and distribution system within the PWS. Each operator of record shall have a valid certification of a class equal to or greater than the classification of the PWS, distribution system or water treatment plant.
6. In accordance with OAC Rule 3745-7-03(C), a Class III PWS shall have an operator of record, who is, at minimum, physically present at the PWS 5 days per week for a minimum of 40 hours per week, to perform technical operation as assigned by the owner of a PWS or their designee.
7. On April 15, 2008, Respondent signed a Bilateral Compliance Agreement (BCA) with Ohio EPA, indicating the intent to comply with Ohio's safe drinking water laws and regulations, in the manner specified by the BCA.
8. Respondent failed to meet the April 15, 2008 BCA's deadline, of no later than July 1, 2009, for completing the interconnect between Burr Oak Regional Water District and Respondent's PWS. Respondent has completed the construction of the interconnect, but the connection will not go online until the Bur Oak Regional Water District completes the construction of their new ground water plant; which is not anticipated to occur until the spring of 2011.
9. In accordance with OAC Rule 3745-81-24(C)(1), community surface water PWSs that treat their water with any combination of chlorine, chloramines, chlorine dioxide and/or ozone, and serve less than ten thousand persons shall monitor for total trihalomethanes (TTHM) and haloacetic acids five (HAA5) according to this rule.
10. In accordance with OAC Rule 3745-81-24(C)(4), surface water PWSs serving from 500 to 9,999 persons shall monitor with the minimum monitoring frequency of one TTHM and one HAA5 water sample per quarter per treatment plant or bulk supplier, at location(s) representing maximum residence times.
11. In accordance with OAC Rule 3745-81-24(C)(14), for PWSs monitoring quarterly, compliance with the maximum contaminant level (MCL) for TTHMs and HAA5 shall be based on a running annual arithmetic average (RAA), computed quarterly, of quarterly arithmetic averages of all samples taken at each sampling point. If the RAA of quarterly averages covering any consecutive four-quarter period exceeds the MCL, the PWS is in violation of the MCL.

12. In accordance with OAC Rule 3745-81-24(C)(4), Respondent has monitored for TTHM quarterly. The quarterly averages for the Respondent's TTHM samples are 0.0531 milligrams per liter (mg/L) for January through March 2008; 0.0548 mg/L for April through June 2008; 0.0709 mg/L for July through September 2008; 0.0851 mg/L for October through December 2008, 0.0870 mg/L for January through March 2009, 0.0898 mg/L for April through June 2009; 0.0936 mg/L for July through September 2009; 0.0926 mg/L for October through December 2009, 0.0956 mg/L for January through March 2010, and 0.1005 mg/L for April through June 2010.
13. In accordance with OAC Rules 3745-81-12, a surface water PWS serving fewer than ten thousand persons is in compliance with the MCL for TTHM if the RAA is not greater than 0.080 mg/L.
14. In violation of OAC Rule 3745-81-12, as determined by OAC Rule 3745-81-24(C)(14), Respondent exceeded the MCL for TTHM during the monitoring periods: October through December 2008, January through March 2009, April through June 2009, July through September 2009, October through November 2009, January through March 2010, and April through June 2010.
15. In accordance with 3745-81-21(A)(1)(b), a community water system using a surface water source, in whole or in part, serving fewer than three thousand three hundred one persons shall monitor at regular intervals for total coliforms no less than four times per month.
16. In accordance with 3745-81-14(B), a PWS which monitors with fewer than forty samples per month is in compliance with the MCL for total coliforms when no more than one sample during a month is total coliform-positive.
17. In violation of OAC Rule 3745-81-14(B), Respondent exceeded the MCL for total coliform when more than one sample during the month of August 2009 was total coliform-positive.
18. Each violation cited above represents a separate violation of ORC § 6109.31.

V. ORDERS

1. From the effective date of these Orders, Respondent shall continue to comply with the TTHM monitoring and reporting requirements, in accordance with OAC Rule 3745-81-24.
2. From the effective date of these Orders, Respondent shall comply with all current and future chemical contaminant monitoring schedules issued by the Director.

3. From the effective date of these Orders, Respondent shall comply with total coliform bacteria monitoring, in accordance with OAC Rules 3745-81-21.
4. From the effective date of these Orders, Respondent shall retain an appropriately certified operator, and shall notify the Director in the event of a change of operator of record, in writing, by submitting an Operator of Record Notification Form to the address below, in accordance with OAC Rule 3745-7-02.
5. Thirty (30) days prior to Respondent utilizing water provided through the interconnect between Burr Oak Regional Water District and Respondent's PWS, Respondent shall submit plans to Ohio EPA, SEDO, DDAGW, 2195 Front Street, Logan, Ohio, 43138, documenting how the existing water treatment plant (WTP) will be physically separated from the distribution system.
6. Respondent shall begin utilizing water provided through the interconnect between Burr Oak Regional Water District and Respondent's PWS, within thirty (30) days of Burr Oak Regional Water District having the ability to continuously provide treated ground water to Respondent from their new ground water plant.
7. Within sixty (60) days of Burr Oak Regional Water District having the ability to continuously provide treated ground water to Respondent from their new ground water plant, Respondent shall physically separate Respondent's existing WTP from the distribution system; and within one hundred eighty (180) days of ceasing operation of the existing WTP, Respondent shall properly decommission the WTP.
8. Within seven (7) days after the deadlines given in Order Nos. 6 & 7, Respondent shall send written notification of compliance with the requirements of the Orders to Ohio EPA, SEDO, DDAGW, DOCC, 2195 Front Street, Logan, Ohio, 43138.
9. Within twelve (12) months of Respondent being supplied with water from Burr Oak Regional Water District's new ground water plant, Respondent shall achieve compliance with the MCL requirements for TTHM and HAA5 in accordance with OAC Rules 3745-81-12 and 3745-81-24.
10. Within thirty (30) days of receipt 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.

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.

X. NOTICE

Except as specifically required by an individual Order, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Southeast District Office
Division of Drinking and Ground Waters
2195 Front Street
Logan, Ohio, 43138
Attn: Bob Little, DOCC

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

XI. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking

penalties against Respondent for noncompliance with these Orders and/or for the violations described herein. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to ORC Chapter 6109 or any other applicable law in the future. Nothing herein shall restrict the right of Respondent to raise any administrative, legal or equitable claim or defense with respect to such further action which Ohio EPA may seek to require of Respondent. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

XII. APPEAL RIGHTS

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC § 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's Journal.

IT IS SO ORDERED:

Ohio Environmental Protection Agency



Chris Korleski, Director

DEC - 8 2010

Date

