

OHIO E.P.A.

JAN 31 2011

Effective Date JAN 31 2011

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

East Liberty Lakes :
770 State Route 292 :
Zanesfield, Ohio 43360 :

c/o: Dan Neill
6822 Liberty Road
Powell, Ohio 43065

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: [Signature] Date: 1-31-11

Respondent,

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to East Liberty Lakes (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) as defined by

ORC § 6109.01, which is also a "transient non-community" water system as defined by Ohio Administrative Code (OAC) Rule 3745-81-01.

2. Respondent's PWS (PWS ID# OH4651612) is located at 770 State Route 292, Zanesfield (Logan County), Ohio, 43360.
3. Respondent's PWS obtains its drinking water from a "groundwater" source as defined by OAC Rule 3745-81-01 and serves a population of approximately 100 persons.
4. In accordance with OAC Rule 3745-81-21(A)(2)(a), a non-community PWS using only ground water and serving not more than one thousand persons shall monitor with at least one sample each calendar quarter the PWS provides water to the public.
5. In accordance with OAC Rule 3745-81-14(B), a PWS which monitors with fewer than forty samples per month is in compliance with the maximum contaminant level (MCL) for total coliforms when no more than one sample during the month is total coliform-positive.
6. In violation of OAC Rule 3745-81-14(B), Respondent exceeded the MCL for total coliforms for compliance periods October to December 2008, July to September 2009, and July to September 2010.
7. In accordance with OAC Rule 3745-81-21(B)(1), a PWS shall monitor with a set of four repeat samples within twenty-four hours of being notified of a total coliform-positive routine sample.
8. In violation of OAC Rule 3745-81-21(B)(1), Respondent failed to monitor with a set of four repeat samples within twenty-four hours of being notified of positive results for total coliform bacteria during the April to June 2009, and the July to September 2010 monitoring period.
9. In accordance with OAC Rule 3745-81-21(B)(7), when a PWS monitoring with fewer than five routine samples per month has one or more total coliform-positive sample, the PWS shall monitor with at least five routine samples during the next month that the PWS provides water to the public.
10. In violation of OAC Rule 3745-81-21(B)(7), Respondent failed to collect five routine samples during the next month following a total coliform-positive sample in September 2009.

11. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS shall provide public notification for violations and submit copies of the required public notice and verification forms to Ohio EPA.
12. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification and submit copies of the required public notice and verification form for:
 - a. exceeding the monthly MCL for total coliforms in October to December 2008; in July to September 2009; and in July to September 2010.
 - b. failing to collect five routine total coliform samples the month following a total coliform-positive sample in September 2010.
13. In accordance with ORC § 6109.31, no person shall violate this chapter or any rule adopted under it. Each violation cited above represents a separate violation of ORC § 6109.31.
14. In accordance with OAC Rule 3745-84-02(A), except as provided in ORC § 6109.21, no person shall operate or maintain a PWS in the state of Ohio without a PWS license issued by the Director.
15. In accordance with OAC Rule 3745-84-03, Respondent submitted an application and application fee for a 2011 license to operate (LTO) on January 04, 2011.
16. In accordance with OAC Rule 3745-84-06(A), the Director may condition a LTO at any time to require corrections of violations of ORC Chapter 6109 and the administrative rules adopted thereunder.

V. ORDERS

1. From the effective date of these Orders, the 2011 LTO for Respondent's PWS is issued with the conditions listed in Orders # 2 through # 6, for the period of January 30, 2011 to January 30, 2012, in accordance with OAC Rule 3745-84-06.
2. From the effective date of these Orders, Respondent shall prominently display the conditioned LTO at the PWS so as to be clearly visible to the general public and any person entering the facility in accordance with OAC Rule 3745-84-04(D)(2).

3. From the effective date of these Orders, Respondent shall comply with total coliform bacteria routine and repeat monitoring requirements, in accordance with OAC Rules 3745-81-21(A)(2)(a), (B)(1), and (B)(7).
4. From the effective date of these Orders, Respondent shall comply with requirements of OAC Rule 3745-81-14(E), including, but not limited, to determining and eliminating the source of total coliform contamination.
5. From the effective date of these Orders, Respondent shall comply with all public notification requirements in OAC Rule 3745-81-32.
6. From the effective date of these Orders, Respondent shall comply with all current and future monitoring schedules for the PWS issued by the Director.

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

Attn: Mark Sheahan

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, made payable to "Treasurer, State of Ohio," 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



Scott J. Nally, Director

JAN 31 2011

Date



State of Ohio Environmental Protection Agency

CONDITIONAL LICENSE TO OPERATE OR MAINTAIN A PUBLIC WATER SYSTEM

THE OHIO EPA, PURSUANT TO SECTION 6109.21 OF THE OHIO REVISED CODE, HEREBY ISSUES THIS
LICENSE TO OPERATE OR MAINTAIN A PUBLIC WATER SYSTEM TO


EAST LIBERTY LAKES
PWS ID: OH4651612

THE LICENSEE IS OBLIGATED TO ENSURE THAT THE PUBLIC WATER SYSTEM IS OPERATED AND
MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 6109 OF THE OHIO REVISED
CODE, ALL OTHER APPLICABLE STATUTES AND THE ADMINISTRATIVE RULES ADOPTED THEREUNDER.

THIS LICENSE WILL EXPIRE ON JANUARY 30, 2012

APPLICATION FOR RENEWAL IS REQUIRED TO BE SUBMITTED TO THE OHIO EPA AT LEAST THIRTY
DAYS PRIOR TO THIS DATE.

EFFECTIVE DATE: **JANUARY 30, 2011**
EXPIRATION DATE: **JANUARY 30, 2012**
LICENSE NUMBER: **4651612-782193-2011**


Scott J. Nally, Director

East Liberty Lakes Orders

From the effective date [which is January 31, 2011] of the Ohio EPA Director's Final Findings and Orders, the license to operate (LTO) for East Liberty Lakes public water system (PWS) is issued with the conditions listed below.

1. East Liberty Lakes PWS shall prominently display the conditioned LTO at the PWS so as to be clearly visible to the general public and any person entering the facility in accordance with OAC Rule 3745-84-04(D)(2).
2. East Liberty Lakes PWS shall comply with total coliform bacteria routine and repeat monitoring requirements, in accordance with OAC Rules 3745-81-21(A)(2)(a), (B)(1), and (B)(7).
3. East Liberty Lakes PWS shall comply with requirements of OAC Rule 3745-81-14(E), including, but not limited, to determining and eliminating the source of total coliform contamination.
4. East Liberty Lakes PWS shall comply with all public notification requirements in OAC Rule 3745-81-32.
5. East Liberty Lakes PWS shall comply with all current and future monitoring schedules for the PWS issued by the Director.