



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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

July 14, 2010

Board of Trustees
Faith Chapel Assembly of God
2600 US Rt. 40, P.O. Box 63
West Jefferson, Ohio 43162

CERTIFIED MAIL

9171082133393715008113

RE: Faith Chapel Assembly of God
Madison County
Transient non-community public water system
PWS ID: #OH4944312

Dear Trustees:

I have enclosed a certified copy of the journalized, agreed upon Final Findings and Orders. This document is a final action of the Director and will be public noticed as required by Rule 3745-47-07(A) of the Ohio Administrative Code. The effective date of these orders is July 14, 2010.

If you have any questions concerning compliance with these Findings and Orders, please give me a call at (614) 644-2752.

Sincerely,

Tanushree Courlas
Environmental Specialist
Division of Drinking and Ground Waters

Enclosures

cc: Madison County Health Department
Carol Hester, PIC

ec: Susan Hampton, District Office Compliance Coordinator, DDAGW-CDO
Beth Messer, Environmental Manager, DDAGW-CO
Kim Rhoads, Office of Legal Services
Tanushree Courlas, DDAGW-CO

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

OHIO E.P.A.

JUL 14 2010

Effective Date JUL 14 2010

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Faith Chapel Assembly of God :
2600 US Rt. 40 :
London, OH 43140 :

Respondent,

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.

PREAMBLE

It is agreed by the parties hereto as follows:

By [Signature] Date: 7-14-10

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Faith Chapel Assembly of God (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.

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. Prior to June 11, 2007, Respondent owned and operated a "non-transient non-community water system" as defined by OAC Rule 3745-81-01.

2. Respondent's PWS (PWS ID# OH4944312) is located at 2600 US Rt. 40, London (Madison County), Ohio, 43162, obtains its drinking water from a "ground water" source as defined by OAC Rule 3745-81-01, and serves a population of 130 persons.
3. In accordance with OAC Rule 3745-81-21(A)(2)(a), a non-community water system using ground water and serving not more than one thousand (1000) persons shall monitor with at least one total coliform bacteria sample each quarter.
4. In violation of OAC Rule 3745-81-21(A)(2)(a), Respondent failed to collect at least one total coliform bacteria sample during the monitoring periods of July 1 through September 30, 2005, July 1 through September 30, 2006, April 1 through June 30, 2007, October 1 through December 31, 2007, April 1 through June 30, 2008, July 1 through September 30, 2008, October 1 through December 31, 2008, April 1 through June 30, 2009, July 1 through September 30, 2009, and October 1 through December 31, 2009.
5. In December 2004, 2005, 2006, 2007 and 2008, the Director issued chemical contaminant monitoring schedules to Respondent (2005, 2006, 2007, 2008, and 2009 monitoring schedules) for the compliance periods of January 1 through December 31, 2005, January 1 through December 31, 2006, January 1 through December 31, 2007, January 1 through December 31, 2008, and January 1 through December 31, 2009.
6. In accordance with OAC Rule 3745-81-23, PWSs shall monitor to determine compliance with the MCL for nitrate according to a schedule provided by the Director.
7. In accordance with OAC Rule 3745-81-23 and Respondent's 2007, 2008, and 2009 monitoring schedules, Respondent was required to monitor for nitrate during the June 1 through October 31, 2007, June 1 through October 31, 2008, and June 1 through October 31, 2009 monitoring periods.
8. In violation of OAC Rule 3745-81-23 and Respondent's 2007, 2008, and 2009 monitoring schedules, Respondent failed to monitor for nitrate during the June 1 through October 31, 2007, June 1 through October 31, 2008, and June 1 through October 31, 2009 monitoring periods.
9. In accordance with OAC Rule 3745-81-23 and Respondent's 2006 monitoring schedule, Respondent was required to monitor for inorganic chemicals (IOCs) during the June 1 through October 31, 2006 monitoring period.

10. In violation of OAC Rule 3745-81-23 and Respondent's 2006 monitoring schedule, Respondent failed to monitor for IOCs during the June 1 through October 31, 2006 monitoring period.
11. In accordance with OAC Rule 3745-81-24(B) and Respondent's 2005 monitoring schedule, Respondent was required to monitor for synthetic organic chemicals (SOCs) during the July 1 through September 30, 2005 monitoring period.
12. In violation with OAC Rule 3745-81-24(B) and Respondent's 2005 monitoring schedule, Respondent failed to monitor for SOCs during the July 1 through September 30, 2005 monitoring period.
13. In accordance with OAC Rule 3745-81-86(C), PWSs conducting reduced monitoring for lead and copper shall collect at least one sample from the number of sites in the table in this paragraph (5 sampling sites) during each monitoring period specified in OAC Rule 3745-81-86(D)(4).
14. In violation of OAC 3745-81-86(C), Respondent failed to perform lead and copper monitoring during July 1 through December 31, 2005, January 1 through June 30, 2006, and July 1 through December 31, 2006 monitoring periods.
15. In accordance with OAC 3745-9-05(P), a well shall have a well cap or seal to prevent the entrance of water, dirt, animals, insects, or other foreign matter.
16. In violation of OAC 3745-9-05(P), Respondent failed to install a well cap that is water tight, fits securely to the casing, and seals the electrical conduit into the well cap since at least the July 11, 2005 sanitary survey.
17. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS having violations shall notify the persons served by the PWS of violations.
18. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notice for the following violations:
 - a. Total Coliform monitoring violations for the monitoring periods of July 1 through September 30, 2006, April 1 through June 30, 2007, October 1 through December 31, 2007, April 1 through June 30, 2008, July 1 through September 30, 2008, October 1 through December 31, 2008, April 1 through June 30, 2009, July 1 through September 30, 2009, and October 1 through December 31, 2009;
 - b. Nitrate monitoring violations for the monitoring periods of June 1 through October 31, 2007, June 1 through October 31, 2008, and June 1 through October 31, 2009;

- c. Lead and copper monitoring violations during the July 1 through December 31, 2005, January 1 through June 30, 2006, and July 1 through December 31, 2006 monitoring periods;
 - d. IOC monitoring violation for the monitoring period of June 1 through October 31, 2006; and
 - e. SOC monitoring violation for the monitoring period of July 1 through December 31, 2005.
19. Each violation cited above represents a separate violation of ORC § 6109.31.
 20. To settle Ohio EPA's claim for civil penalties for the above-referenced violations, the assessment of a penalty pursuant to ORC Chapter 6109, in the amount of nine thousand nine hundred dollars (\$9,900.00), was proposed by the Director on May 19, 2010.
 21. Ohio EPA has reviewed Respondent's unaudited financial documentation and determined that Respondent does not have the ability to pay the \$9,900.00 penalty assessed, but rather has the ability to pay \$700.00 in penalties pursuant to ORC Chapter 6109 for the above-referenced violations.

V. ORDERS

1. Respondent shall comply with all current and subsequent monitoring schedules issued by the Director, in accordance with OAC Rule 3745-81-23.
2. Respondent shall comply with total coliform bacteria MCL and total coliform bacteria monitoring requirements, in accordance with OAC Rule 3745-81-14 and OAC Rule 3745-81-21, respectively.
3. Respondent shall issue public notice for any PWS violations in accordance with OAC Rule 3745-81-32.
4. Within thirty (30) days from the effective date of these Orders, Respondent shall provide public notice to all persons served by the Respondent's PWS, in accordance with OAC Rule 3745-81-32, for violations listed in Finding #18. Respondent shall provide copies of all public notices and verification forms within ten (10) days of delivery to Ohio EPA at the address listed in Section X of these Orders.
5. Within thirty (30) days from the effective date of these Orders, Respondent shall install a well cap that is water tight, fits securely to the casing, and seals the electrical

conduit into the well cap, in accordance with OAC Rule 3745-9-05(P). Within forty-five (45) days of the effective date of these Orders, Respondent shall send a report confirming proper installation of the new well cap to the address in Section X of these Orders.

6. Respondent shall pay the amount of seven hundred dollars (\$700.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6109.
7. In lieu of paying the seven hundred dollars (\$700.00) of the civil penalty, Respondent shall within thirty (30) days of the effective date of these Orders, complete the Supplemental Environmental Project (SEP) or enter an agreement for a minimum of one year with a certified laboratory to collect, analyze, and report required samples during required monitoring periods.
8. Within thirty (30) days of the effective date of these Orders, Respondent shall provide documentation, including but not limited to a copy of the contract and receipts of payment, evidencing implementation and/ or completion of the (SEP) outlined in Order No. 7 at a sum total cost expended of not less than \$700.00
9. Should Respondent fail to complete the SEP within the required timeframe set forth in Order #7, Respondent shall pay Ohio EPA seven hundred dollars (\$700.00) of the civil penalty. Payment to Ohio EPA shall be made by official check made payable to "Treasurer, State of Ohio" for seven hundred dollars (\$700.00). The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to: Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio, 43216-1049.

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

Except as required by a specific order, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Central District Office
Division of Drinking and Ground Waters
P.O. Box 1049
Columbus, Ohio 43216
Attn: Susan Hampton

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

XI. RESERVATION OF RIGHTS

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 and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders. 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



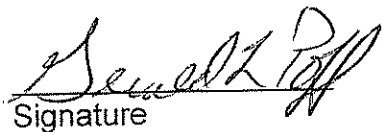
Chris Korleski, Director

JUL 14 2010

Date

IT IS SO AGREED:

Faith Chapel Assembly of God:



Signature

7/1/10

Date

GERALD L POFF
Printed or Typed Name and Title