

OHIO E.P.A.

Effective Date JAN 15 2008

JAN 15 2008

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

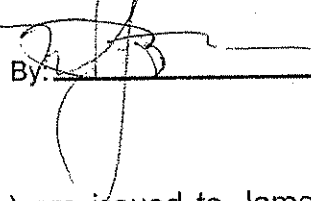
James H. Salyers :
Greentree Mobile Home Park :
9120 West Broad Street :
Galloway, Ohio 43119 :

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:  Date: 1/15/2008

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to James H. Salyers (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) at Greentree Mobile Home Park, 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# 4900512) is located at 9120 West Broad Street, Galloway (Madison County), Ohio, 43119.
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 79 persons.
4. On December 7, 2002, Respondent's PWS designation by the Director, as a Class A PWS in accordance with OAC Rule 3745-7-03, became effective.
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.
 - a) The owner of a PWS shall notify the Director of the identity of an operator of record in the event of a change in such position.
 - b) Notification shall be made on a form acceptable to the Director within three days of a change in operator of record.
6. In violation of OAC Rule 3745-7-02(A)(1), Respondent's limited class A certification expired on 12/31/2006.
7. In accordance with OAC Rule 3745-7-03(B)(4), a PWS with ground water treatment to remove any chemical contaminant (i.e. arsenic) with a maximum contaminant level (MCL) and a design flow of less than 0.5 million gallons per day shall be classified as a Class I system.
8. In accordance with OAC Rule 3745-81-23(E)(2)(a), a community PWS scheduled by the Director to monitor for arsenic in 2005 which detected arsenic above 0.008 milligrams per liter (mg/L) was required to collect a sample for arsenic analysis quarterly in 2006. These samples were required to determine compliance with the arsenic MCL in OAC Rule 3745-81-11(B).
9. On December 16, 2005, the Director issued a chemical contaminant monitoring schedule to Respondent (2006 monitoring schedule) for the compliance period that began on January 1, 2006 and ended on December 31, 2006. Pursuant to the 2006 monitoring schedule, Respondent was required to monitor for arsenic quarterly.

10. In accordance with OAC Rule 3745-81-23(E)(2)(a), and the 2006 monitoring schedule, Respondent monitored for arsenic quarterly in 2006: Arsenic samples taken by the Respondent were 0.0125 mg/L on January 8, 2006, 0.0170 mg/L on April 16, 2006, 0.0149 mg/L on May 7, 2006, 0.0051 mg/L on August 14, 2006, and 0.0090 mg/L on October 22, 2006.
11. On or about January 1, 2007, the Director issued a chemical contaminant monitoring schedule to Respondent (2007 monitoring schedule) for the compliance period that began on January 1, 2007 and ends on December 31, 2007. Pursuant to the 2007 monitoring schedule, Respondent is required to monitor for arsenic quarterly.
12. In accordance with OAC Rule 3745-81-23(E)(2)(a), and the 2007 monitoring schedule, Respondent has been monitoring for arsenic quarterly in 2007. Arsenic samples taken by the Respondent were 0.0110 mg/L on February 11, 2007, 0.0156 mg/L on April 15, 2007, and 0.0143 mg/L on July 8, 2007.
13. 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 a running annual average at each sampling point. The PWS will not be considered in violation of the MCL until it has completed one year of quarterly sampling. If a PWS fails to collect the required number of samples, compliance with the MCL (average concentration) will be based on the total number of samples collected.
14. In accordance with OAC Rule 3745-81-11(B), the MCL for arsenic is 0.010 mg/L.
15. In violation of OAC Rule 3745-81-11(B), Respondent exceeded the arsenic MCL during the October through December 2006 quarter with a running annual average of 0.011mg/L, and the July through September 2007 monitoring quarter with a running annual average of 0.0125 mg/L.
16. In accordance with OAC Rule 3745-81-23(E), all community PWSs shall monitor for the inorganic contaminants with MCLs listed in OAC Rule 3745-81-11(B). PWSs shall monitor inorganic chemicals according to a schedule provided by the Director.
17. On December 6, 2002, the Director issued a chemical contaminant monitoring schedule to Respondent (2003 monitoring schedule) for the compliance period that began on January 1, 2003 and ended on December 31, 2003.
18. In violation of OAC Rule 3745-81-23(E) and Respondent's 2003 monitoring schedule, Respondent failed to monitor for antimony, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, and thallium during July 1 through December 31, 2003 monitoring period.

19. In accordance with OAC Rule 3745-81-24(C), community PWSs that treat their water with any combination of chlorine, chloramines, chlorine dioxide and/or ozone shall monitor for total trihalomethanes (TTHM) and haloacetic acids five (HAA5) with MCLs listed in OAC Rule 37454-81-12(B). PWSs shall monitor for TTHM and HAA5 according to a schedule provided by the Director.
20. On December 10, 2004, the Director issued a chemical contaminant monitoring schedule to Respondent (2005 monitoring schedule) for the compliance period that began on January 1, 2005 and ended on December 31, 2005.
21. In violation of OAC Rule 3745-81-24(C) and Respondent's 2005 and 2006 chemical monitoring schedules, Respondent failed to monitor for TTHM and HAA5 during the monitoring periods: April 1 through June 30, 2005; July 1 through September 30, 2006; and October 1 through December 31, 2006.
22. In accordance with OAC Rule 3745-81-23(B)(1), all PWSs which are ground water systems shall monitor annually to determine compliance with the MCL for nitrate. PWSs shall monitor inorganic chemicals according to a schedule provided by the Director.
23. On December 12, 2001, the Director issued a chemical contaminant monitoring schedule to Respondent (2002 monitoring schedule) for the compliance period that began on January 1, 2002 and ended on December 31, 2002.
24. In violation of OAC Rule 3745-81-23(B)(1), and Respondent's 2002 and 2003 monitoring schedules, Respondent failed to monitor for nitrate during the monitoring periods: July 1 to December 31, 2002 and July 1 to December 31, 2003.
25. In accordance with OAC Rule 3745-81-26, community PWSs shall monitor for radionuclide contaminants according to a schedule provided by the Director.
26. In violation of OAC Rule 3745-81-26, and Respondent's 2003 monitoring schedule, Respondent failed to monitor for total alpha during the monitoring period July 1 to December 31, 2003.
27. In accordance with OAC Rule 3745-81-24(B), community and nontransient noncommunity PWSs shall monitor for synthetic organic chemicals (SOCs) with MCLs listed in OAC Rule 3745-81-12(E). PWSs shall monitor organic chemicals according to a schedule provided by the Director.
28. In violation of OAC Rule 3745-81-24, and Respondent's 2002 monitoring schedule, Respondent failed to monitor for alachlor, atrazine, and simazine during the monitoring period July 1 to September 30, 2002.

29. In accordance with Rule 3745-81-24(A), community water systems shall monitor for volatile organic chemicals (VOCs) with MCLs listed in OAC Rule 3745-81-12(D). PWSs shall monitor for VOCs according to a schedule provided by the Director.
30. In violation of OAC Rule 3745-81-24(A), and Respondent's 2003 monitoring schedule, Respondent failed to monitor for the 21 regulated VOCs during the monitoring period July 1 through December 31, 2003.
31. In accordance with OAC Rule 3745-96-01 through 3745-96-04, by July first annually, each community water system shall provide to the Director the following information:
 - 1) a copy of the report [Consumer Confidence Report (CCR)]; and
 - 2) a distribution certification, on a form acceptable to the Director, certifying that the report has been distributed to customers, a good faith effort to reach non-bill paying customers has been completed, and that the information is correct and consistent with the compliance monitoring data previously submitted to the Director.
32. In violation of OAC Rule 3745-96-01 through 3745-96-04, Respondent failed to prepare and submit the 2001 CCR and distribution certification form to Ohio EPA by July 1, 2002, and also failed to submit the 2003 CCR and distribution certification form by July 1, 2004. The 2001 CCR and distribution certification form were untimely submitted on August 26, 2003. The 2003 CCR was untimely submitted on February 9, 2005; and the 2003 CCR distribution certification form was submitted on October 31, 2007.
33. In accordance with ORC § 6109.12, every owner or operator of a PWS shall have analyses of the water made at such intervals and in such manner as may be ordered by Ohio EPA. Records of the results of such analyses shall be maintained and reported as required by Ohio EPA.
34. In accordance with OAC Rule 3745-83-01(I)(1), the owner or operator of a PWS required to monitor under paragraphs (G) and (H) of this rule shall prepare an operation report for each month of operation on forms acceptable to the Director and with OAC Rule 3745-83-01(I)(2), the operation report shall be signed by the operator in responsible charge designated in accordance with OAC Rule 3745-7-02 and submitted to the district office no later than the tenth of the month following the month for which the report was prepared.
35. In violation of ORC § 6109.12 and OAC Rule 3745-83-01, Respondent failed to submit the monthly operating report for the month of June 2005.

36. In accordance with OAC Rule 3745-81-21(A)(1)(a), a community water system serving a population less than or equal to one thousand persons shall monitor for total coliforms at a minimum monitoring frequency of 1 sample per month.
37. In violation of OAC Rule 3745-81-21(A)(1)(a), Respondent failed to comply with the monthly total coliform monitoring requirement during the months of August 2002, July 2004, October 2004, November 2004, June 2005, December 2005, and May 2007.
38. In accordance with OAC Rule 3745-81-21(B)(1), when a routine sample is determined to be total coliform-positive, the PWS shall monitor with a set of four repeat samples within twenty-four hours of being notified of the positive result.
39. In accordance with OAC Rule 3745-81-14(D), failure to monitor with repeat samples as required by OAC Rule 3745-81-21 is a MCL violation as well as a monitoring and reporting violation. Failure to monitor with the required repeat samples is a violation that may pose an acute risk to human health.
40. In violation of OAC Rules 3745-81-21(B)(1) and 3745-81-14(D), Respondent failed to monitor with a set of four repeat samples within twenty-four (24) hours of being notified of a routine total coliform-positive sample result during October 2003, and June 2006, thereby incurring acute microbiological MCL violations.
41. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS shall provide public notification for violations.
42. 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. failing to monitor for antimony, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, and thallium during July 1 through December 31, 2003 monitoring period;
 - b. failing to monitor for total trihalomethanes and haloacetic acids five during the monitoring periods July 1 through September 30, 2006, and October 1 through December 31, 2006;
 - c. failing to monitor for nitrate during the monitoring periods: July 1 to December 31, 2002 and July 1 to December 31, 2003;
 - d. failing to monitor for total alpha during the monitoring period July 1 to December 31, 2003;
 - e. failing to monitor for the 21 regulated VOCs during the monitoring period July 1 through December 31, 2003;

- f. failing to comply with the monthly total coliform monitoring requirement during the months of August 2002, July 2004, October 2004, November 2004, June 2005 and;
 - g. failing to monitor with a set of four repeat samples within twenty-four (24) hours of being notified of a routine total coliform-positive sample result during October 2003.
43. The Respondent returned to compliance for the public notice violations in Finding No. 42; by submitting copies of a public notice and public notice verification form, on November 5, 2007.
44. 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 future chemical contaminant monitoring schedules issued by the Director.
2. From the effective date of these Orders, Respondent shall comply with total coliform bacteria monitoring and MCL requirements, in accordance with OAC Rules 3745-81-21 and 3745-81-14, respectively.
3. From the effective date of these Orders, and for as long as Respondent operates the PWS, Respondent shall comply with arsenic monitoring and reporting requirements, in accordance with OAC Rule 3745-81-23.
4. From the effective date of these Orders, and for as long as Respondent operates the PWS, Respondent shall issue public notice for all MCL violations in accordance with OAC Rule 3745-81-32.
5. Respondent shall, in accordance with OAC Rule 3745-83-01, submit monthly operating reports and quarterly operating reports to Ohio EPA, CDO, DDAGW, no later than the tenth of the month following the end of the period for which the report was prepared.
6. Within six (6) months of the effective of these Orders, Respondent shall hire an engineer and submit plans for arsenic removal treatment in accordance with the best available technology recommendations in OAC Rule 3745-81-11(E).
7. Within three (3) months of detail plan approval, in accordance with detail plans approved by Ohio EPA and OAC Chapter 3745-91, Respondent shall commence installation/construction of the selected treatment for arsenic removal.
8. Prior to commencing operation of the treatment for arsenic removal, Respondent shall hire and retain at minimum a Class I certified operator, in accordance with OAC Rule 3745-7-03.

9. Within nine (9) months 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 treatment for arsenic removal.
10. Within seven (7) days after the deadlines given in Order number 7 and 9 above, Respondent shall send written notification of compliance with the requirements of each of the Orders to Ohio EPA, CDO, DDAGW, DOCC, P.O. Box 1049, Columbus, Ohio 43216-1049.
11. Within twelve (12) months of completion of the installation and commencement of operation of the arsenic treatment system, Respondent shall achieve compliance with the arsenic MCL.
12. 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.
13. Within sixty (60) days of the effective date of these Orders Respondent shall hire and retain an appropriately certified operator, in accordance with OAC Rule 3745-7-03.
14. Respondent shall pay the amount of eight thousand four hundred dollars (\$8,400.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6109. Ohio EPA hereby acknowledges receipt of an initial payment by Respondent for \$5,040.00 of the total amount received on November 28, 2007. Within ninety (90) days of the effective date of these Orders, Respondent shall pay an additional amount of three thousand three hundred sixty dollars (\$3,360.00). The payment to Ohio EPA shall be made by an official check made payable to the "Treasurer, State of Ohio". 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(D).

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 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
Central District Office
Division of Drinking and Ground Waters, DOCC
P.O. Box 1049, Columbus, OH 43216-1049

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 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, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with 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

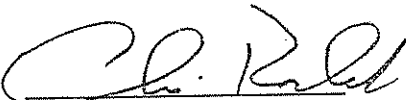
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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:

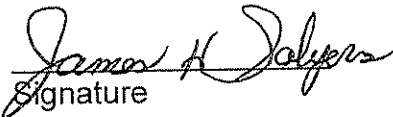
Ohio Environmental Protection Agency


Chris Korleski, Director

JAN 15 2008
Date

IT IS SO AGREED:

**James H. Salyers
Greentree Mobile Home Park**


Signature

Nov 23, 2007
Date

JAMES H. SALYERS
Printed or Typed Name and Title

