

Effective Date JAN 05 2011

2011 JAN -5 A 11:00

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY


In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Hawley-Zonkers, Inc. :
1923 State Route 60 :
Ashland, Ohio 44805 :

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.

Respondent,

By:  Date: 1/5/11

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Hawley-Zonkers, Inc. (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# 0342212) is located at 1923 State Route 60, (Ashland County), Ashland, Ohio, 44805.

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 700 persons.
4. On February 12, 2009, the Director issued Unilateral Findings and Orders (February 12, 2009 F&Os) to Respondent for violations of OAC Rules 3745-81-14(B) and (D); 3745-81-21(A) and (B); 3745-81-23(B) and (C); 3745-7-02(A)(1); and, 3745-9-05(O).
5. On December 11, 2009, the Director issued Unilateral Findings and Orders (December 11, 2009 F&Os) to Respondent for violations of OAC Rules 3745-81-21(A)(2)(a); 3745-7-02(A)(1); and, for violations of the February 12, 2009 F&Os. The December 11, 2009 F&Os conditioned the 2010 license to operate (LTO) Respondent's PWS.
6. In accordance with OAC Rule 3745-81-21(A)(2)(a), a non-community water system using groundwater and serving not more than one thousand (1000) persons shall monitor with at least one total coliform bacteria sample each quarter that the water system provides water to the public.
7. In violation of OAC Rule 3745-81-21(A)(2)(a) and both the February 12, 2009 F&Os and the December 11, 2009 F&Os, Respondent failed to monitor for total coliform bacteria during the July 1 to September 30, 2009 monitoring period and the April 1 to June 30, 2010 monitoring period.
8. 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 these violations.
9. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notice for the total coliform bacteria monitoring violation for the April 1 to June 30, 2010 monitoring period.
10. In accordance with OAC Rule 3745-7-02(A)(1), Respondent is required to maintain an operator of record with a certification equal or greater than Class A.
11. In violation of OAC Rule 3745-7-02(A)(1) and both the February 12, 2009 F&Os and the December 11, 2009 F&Os, Respondent has failed to hire a Class A operator of record.
12. Each violation cited above represents a separate violation of ORC § 6109.31.
13. 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.

14. In accordance with OAC Rule 3745-84-03, Respondent submitted an application and fee for a 2011 LTO renewal on December 15, 2010.
15. 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. In conditioning a LTO, the Director shall act in accordance with the provisions of ORC Chapters 119, 3745 and 6109.

V. ORDERS

1. From the effective date of these Orders, the 2011 LTO renewal for Respondent's PWS is issued with the conditions listed in Orders No. 2 through 6, for the period of January 31, 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, in accordance with OAC Rule 3745-84-04(D).
3. From the effective date of these Orders, Respondent shall comply with total coliform bacteria routine and repeat monitoring requirements, in accordance with OAC Rule 3745-81-21.
4. Within fourteen (14) days of the effective date of these Orders, Respondent shall issue public notice, in accordance with OAC Rule 3745-81-32, for the violation listed in Finding No. 9. Respondent shall provide Ohio EPA with copies of all public notice and verification forms at the address listed in Section X of these Orders.
5. Respondent shall comply with its contaminant monitoring schedule for the 2011 calendar year and all subsequent monitoring schedules issued by the Director.
6. Within thirty (30) days of the effective date of these Orders, Respondent shall hire or retain an Operator of Record with a certification equal to or greater than a Class A, in accordance with OAC Rule 3745-7-02 and shall provide Ohio EPA documentation by submitting a completed **Ohio EPA Operator of Record (ORC) Notification Form** (attached) to the address listed in Section X of these Orders.

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: Julie Gillenwater

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

JAN 05 2011

Date

**Environmental
Protection Agency**

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

January 6, 2011

CERTIFIED MAIL
9171082133393715010734

Tina M. Hawley
1923 State Route 60
Ashland, Ohio 44805

Re: Ashland County
Hawley-Zonkers, Inc.
Transient Non-community
PWS I.D. # OH0342212

Re: Conditioned License to Operate a Public Water System

Dear Ms. Hawley:

Attached is the 2011 license to operate a public water system for Hawley-Zonkers, Inc. In accordance with Ohio Revised Code (ORC) § 6109.21 and Ohio Administrative Code (OAC) Rule 3745-84-06, the Director of Ohio EPA has issued a license with conditions due to violations of the drinking water regulations at the public water system. The accompanying Findings and Orders describe the violations and the corrective actions needed to return to the public water system to compliance.

In accordance with OAC Rule 3745-84-04, the Director has issued a yellow conditioned license to operate a public water system. You are required to prominently display this yellow, conditioned license where it is clearly visible to the general public. If the requirements of this license are complied with, the public water system may be eligible for a green, unconditioned license for 2012.

Should Hawley-Zonkers, Inc. fail to comply with the conditions of this license, the Director may suspend or revoke the license to operate. Revocation of the license will prohibit the operation of the public water system. A public water system with a revoked license is prohibited from producing water for human consumption, which includes, but is not limited to, drinking, food preparation, dishwashing and hand washing.

In addition, owners or operators that fail to comply with Ohio's safe drinking water laws are subject to civil penalties of up to \$25,000.00 per day per violation under ORC § 6109.33. Operating with a suspended or revoked license may jeopardize other licenses you may hold, such as food service, liquor or campground operations.

If you have any questions, please contact me at 614-644-2752.

Sincerely,


Julie Gillenwater
Enforcement Coordinator
Division of Drinking & Ground Waters

Enclosures

cc: JoAnn Sabo, DDAGW, NWDO
Ashland Local Health Department
Gary Jones, Chief, Division of Liquor Control



Ohio Environmental Protection Agency
 Division of Drinking and Ground Waters
 Operator Certification Unit

Operator of Record (ORC) Notification Form

Ohio Environmental Protection Agency
 Division of Drinking and Ground Waters
 Operator Certification Unit
 50 West Town St, Suite 700
 P.O. Box 1049
 Columbus, OH 43216-1049

Phone: (614) 644-2752
 1- 866 - 411-OPCT (6728)
 Fax: (614) 644-2909
 email: opcert@epa.state.oh.us
 website: www.epa.state.oh.us/ddagw/opcert.html

I. SYSTEM INFORMATION

Name of System: _____ Phone Number: _____

PWS ID/NPDES Permit #: _____ STU # _____ Classification: _____

 Name of Facility Owner or Permittee, Title (Print) Facility Owner or Permittee (Signature)

II. SYSTEM TYPE (Check only one of the following. Use additional sheets if necessary.)

Public Water System (PWS)	Distribution System	Treatment Works	Collection System

III. OPERATOR OF RECORD INFORMATION

Add Additional(A), New (N) or Remove(R)	Name of Operator of Record	Certification Number & Expiration Date	I verify that I am the onsite certified operator responsible for the technical operation of the above referenced facility. (Signature of certified operator)*

* A signature by an operator of record who is being removed is not required.
 (Attach additional sheets if necessary.)

Amount of time an ORC spends onsite at the Facility: _____

For Internal Use Only	
Reviewed by:	Date of SDWIS update:
Date of Compliance Status Letter:	



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

HAWLEY-ZONKERS INC

PWS ID: OH0342212

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: **0342212-782490-2011**

Chris Kozel

Director

Hawley-Zonkers, Inc., Public Water System (PWS) – Orders
January 5, 2011

1. From the effective date of the Director's Final Findings and Orders issue January 5, 2011 (Orders), the 2011 License to Operate (LTO) renewal for Respondent's PWS is issued with the conditions listed in Orders No. 2 through 6, for the period of January 31, 2011 to January 30, 2012, in accordance with Ohio Administrative Code (OAC) Rule 3745-84-06.
2. From the effective date of these Orders, Respondent shall prominently display the conditioned LTO, in accordance with OAC Rule 3745-84-04(D).
3. From the effective date of these Orders, Respondent shall comply with total coliform bacteria routine and repeat monitoring requirements, in accordance with OAC Rule 3745-81-21.
4. Within fourteen (14) days of the effective date of these Orders, Respondent shall issue public notice, in accordance with OAC Rule 3745-81-32, for the total coliform bacteria monitoring violation for the April 1 to June 30, 2010 monitoring period. Respondent shall provide Ohio EPA with copies of all public notice and verification forms at the address listed in Section X of these Orders.
5. Respondent shall comply with its contaminant monitoring schedule for the 2011 calendar year and all subsequent monitoring schedules issued by the Director.
6. Within thirty (30) days of the effective date of these Orders, Respondent shall hire or retain an Operator of Record with a certification equal to or greater than a Class A, in accordance with OAC Rule 3745-7-02 and shall provide Ohio EPA documentation by submitting a completed **Ohio EPA Operator of Record (ORC) Notification** to the address listed in Section X of these Orders.