

OHIO E.P.A.

Effective Date OCT 25 2007

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ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:
Madison County Board of MRDD :
1423 State Route 38 SE :
P.O. Box 88 :
London, OH 43140 :

DIRECTOR'S FINAL
FINDINGS AND ORDERS

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: 10-25-07

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Madison County Board of MRDD (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 Matco Industries which is also a "nontransient noncommunity water system" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.

2. Respondent's PWS (PWS ID# 4934112) is located at 1423 State Route 38 SE, London (Madison County), Ohio, 43140.
3. Respondent's PWS obtains its drinking water from a "ground water" source as defined by OAC Rule 3745-81-01 and the PWS serves a population of one hundred ninety eight (198) persons.
4. In accordance with OAC Rule 3745-81-14(B), a PWS which monitors with fewer than forty (40) total coliform samples per month is in compliance with the maximum contaminant level (MCL) for total coliforms when no more than one sample during a month is total coliform-positive.
5. In violation of OAC Rule 3745-81-14(B), Respondent exceeded the total coliform monthly MCL in May 2002, July 2005, and August 2006 when more than one sample was total coliform-positive.
6. In accordance with OAC Rule 3745-81-14(C)(2), any Escherichia coli-positive repeat sample constitutes a violation of the MCL for total coliforms. This is a violation that may pose an acute risk to human health.
7. In violation of OAC Rule 3745-81-14(C)(2), Respondent exceeded the microbiological acute MCL during the July through September 2005 and July through September 2006 monitoring periods when the results of analysis for repeat samples collected were Escherichia coli-positive.
8. In accordance with OAC Rule 3745-81-23(E)(2)(a), a PWS scheduled by the Director to monitor for arsenic in 2005 which detects arsenic above 0.008 milligram per liter (mg/L) shall collect a sample for arsenic analysis quarterly in 2006 to determine compliance with the MCL in OAC Rule 3745-81-11(B).
9. In accordance with OAC Rule 3745-81-23(E)(2)(a), Respondent has monitored for arsenic quarterly. Arsenic sample results taken by Respondent were 0.015 mg/L on March 16, 2006, 0.018 mg/L on June 26, 2006, 0.012 mg/L on September 29, 2006, 0.019 mg/L on December 15, 2006 and 0.017 on March 30, 2007.
10. In accordance with OAC Rule 3745-81-11(B), the MCL for arsenic is 0.010 mg/L.
11. In accordance with OAC Rule 3745-81-23(H)(2), compliance with the MCL for arsenic is determined by the running annual average. A PWS is not considered in violation until it has completed one year of sampling unless any one sample result would cause the running annual average to exceed the MCL.
12. In violation of OAC Rule 3745-81-11(B), as determined by OAC Rule 3745-81-23(H)(2), Respondent exceeded the arsenic MCL during the July through

September 2006, October through December 2006, January through March 2007 and April through June 2007 monitoring periods when the arsenic running annual average was greater than 0.010 mg/L. Respondent's current running annual average is 0.017 mg/L.

13. On 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 ended on December 31, 2007.
14. In accordance with OAC Rule 3745-81-23(E)(8), a PWS, which exceeds eighty percent of a MCL as calculated in paragraph (H) of this rule, shall monitor for that contaminant beginning in the next quarter after that the result was reported.
15. In violation of OAC Rule 3745-81-23(E)(8) and the Respondents 2007 monitoring schedule, Respondent failed to monitor for arsenic during the April through June 2007 monitoring period.
16. In accordance with OAC Rule 3745-07-03(B)(1)(a), the classification of a PWS may change when there are system changes that affect the quality of the source, the complexity of the treatment or the distribution system, the population served, or the potential public health hazards.
17. In accordance with OAC Rule 3745-07-03(B)(4), any PWS treating ground water to remove arsenic shall be classified as at least a Class 1 PWS.
18. In accordance with OAC Rules 3745-07-03(B)(1)(c), when the Director changes the classification of a PWS, the owner of a PWS has up to twelve months to meet the staffing requirements in OAC Rule 3745-07-03(C) for the new classification
19. 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 total coliform bacteria monitoring and MCL requirements, in accordance with OAC Rules 3745-81-21 and 3745-81-14, respectively.
2. 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.
3. From the effective date of these Orders, and for as long as Respondent operates the PWS, Respondent shall issue public notice for all arsenic MCL violations in accordance with OAC Rule 3745-81-32.

4. Respondent shall pay the amount of seven thousand two hundred dollars (\$7,200.00) in settlement of Ohio EPA's claim for civil penalties which may be assessed pursuant to ORC Chapter 6109. In lieu of paying the \$7,200.00 of civil penalty, Respondent shall perform the Supplemental Environmental Project (SEP) of completing a connection to the City of London PWS according to the following schedule:
 - a. Within ninety (90) days from the effective date of these Orders, Respondent shall submit detail plans to Ohio EPA, Central District Office (CDO), Division of Drinking and Ground Waters (DDAGW), 50 West Town Street, Columbus, Ohio 43215 for connection to the City of London PWS in accordance with OAC Chapter 3745-91.
 - b. Within two (2) 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 connection to the City of London PWS.
 - c. Within four (4) months of detail plan approval, in accordance with the detail plans approved by Ohio EPA and OAC Chapter 3745-91, Respondent shall complete installation/ construction of the connection to the City of London PWS, commence operation of the connection, and properly abandon and seal the existing drinking water well(s) in accordance with OAC Chapter 3745-9.
5. Within seven (7) days after the deadlines given in Order No. 4b. and 4c. above, Respondent shall send written notification of compliance with the requirements of each of the Orders to Ohio EPA, CDO, DDAGW, DOCC, 50 West Town Street, Columbus, Ohio, 43215.
6. 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.
7. Should Respondent fail to complete the SEP set forth in Order No. 4, Respondent shall pay to Ohio EPA the \$7,200.00 civil penalty by tendering an official check made payable to "Treasurer, State of Ohio" for seven thousand dollars. 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 Division of Drinking and Ground Waters 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.

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

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio EPA
Central District Office
Division of Drinking and Ground Waters
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Susan Hampton, DOCC

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, 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

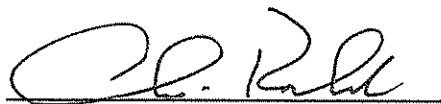
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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

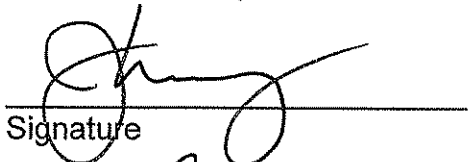


Chris Korleski, Director

10/24/07
Date

IT IS SO AGREED:

Madison County Board of MRDD


Signature

Jim Canney, Supt.
Printed or Typed Name and Title

10/17/07
Date