

OHIO E.P.A.

Effective Date AUG 6 2007

AUG -6 2007

ENTERED DIRECTOR'S JOURNAL
BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Maverick Innovative :
Solutions, LLC :
532 County Road 1600 :
Ashland, Ohio 44805 :

Respondent,

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Maverick Innovative Solutions, LLC (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) which is a "nontransient noncommunity water system" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.

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:  Date: 8-6-07

2. Respondent's PWS (PWS ID:0337412), is located at 532 County Road (Ashland County), Ohio.
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 thirty five (35) persons.
4. In accordance with OAC Rule 3745-81-21(A)(2)(a), a noncommunity water system using only ground water or purchased water and serving not more than one thousand persons shall monitor with at least one sample each calendar quarter that the noncommunity water system provides water to the public.
5. In violation of OAC Rules 3745-81-21(A)(2)(a), Respondent failed to monitor routinely for total coliform with one sample during the April through June 2005 monitoring period.
6. In accordance with OAC Rule 3745-81-11(B), effective January 1, 2006 the maximum contaminant level (MCL) for arsenic is 0.010 milligrams per liter (mg/L) for all nontransient noncommunity PWSs.
7. In accordance with OAC Rule 3745-81-23(H)(2), PWSs which conduct monitoring at a frequency greater than annual, compliance with the MCL for arsenic is determined by a running annual average (RAA) 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, however, any one sample result would cause the RAA to exceed the MCL, then the PWS is out of compliance immediately.
8. In violation of OAC Rules 3745-81-11(B) and 3745-81-23(H)(2), Respondent exceeded the MCL for arsenic during the July through September 2006, October through December 2006, and January through March 2007 monitoring periods. Currently, Respondent's RAA is 0.016 mg/L.
9. On April 14, 2005, Respondent notified the Ohio EPA in a letter that they had purchased the company from the previous owner (Automatic Welding and Manufacturing Company).
10. In accordance with OAC Rule 3745-91-02(A), no person shall begin construction or installation of a PWS, or make a substantial change in a PWS, until plans have been approved by the Director.
11. In violation of OAC Rule 3745-91-02(A), a substantial change was made to the PWS when an ion exchange softener was installed in 2000 without Director's plan approval.

Approved by: _____
Date: _____
Ohio Department of Public Safety
Environmental Protection Agency

12. In accordance with OAC Rule 3745-95-04(B)(2), an approved backflow prevention device shall be installed on each service line to a consumer's PWS serving premises where an actual or potential hazard to a PWS exists.
13. In violation of OAC Rule 3745-95-04(B)(2), a backflow prevention device was not installed where the process water line splits from the potable water line.
14. On October 13, 2005, Northwest District Office (NWDO) conducted a Limited Scope Site Visit (LSSV) to discuss the treatment alternatives for arsenic removal. The LSSV report indicated that a backflow prevention device was required on the process water line.
15. In the March 29, 2006 Sanitary Survey letter to Respondent, NWDO required that as-built plans for the ion exchange softener be submitted to Ohio EPA for review and approval, along with plans for a backflow prevention device to be installed on the process water line.
16. On December 13, 2006, Respondent's consultant submitted plans for point of use (POU) arsenic removal treatment and for the existing ion exchange softener. However, plans for the backflow prevention device were not included. NWDO provided comments on the POU arsenic treatment plan on January 7, 2007.
17. Each of the violations 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, Respondent shall comply with arsenic monitoring requirements, in accordance with OAC Rule 3745-81-23.
3. Within thirty (30) days of the effective date of these Orders, Respondent shall submit plans for installation of a backflow prevention device on the process water line along with a response to the comment letter sent January 7, 2007 from NWDO, in accordance with OAC Chapters 3745-91 and 3745-95.
4. Within sixty (60) days of the effective date of these Orders, Respondent shall submit protocol, if applicable, of arsenic removal treatment to exhibit consistent and reliable treatment of the arsenic to below the arsenic MCL.
5. Within one hundred forty (140) days of the approval of the study for arsenic removal treatment, Respondent shall complete the demonstration and submit a report of the demonstration study for approval to Ohio EPA that demonstrates the

arsenic treatment can consistently and reliably remove arsenic to below the arsenic MCL.

6. Within sixty (60) days of the approval of the demonstration study report for the arsenic removal treatment, Respondent shall submit detail plans to the Ohio EPA for the effective removal of arsenic to comply with the arsenic MCL specified in OAC Rule 3745-81-11(B). Detail plans are to be submitted in accordance with OAC Rule 3745-81-19(B) and include the results of the arsenic treatment demonstration study to demonstrate consistent and reliable treatment of arsenic to below the arsenic MCL.
7. Within sixty (60) days of detail plan approval, in accordance with Director's plan approval and OAC Chapter 3745-81, Respondent shall permanently install the arsenic removal treatment.
8. Within five (5) months of Director's plan approval, should the current treatment installed fail to reduce arsenic below the MCL for Respondent, in accordance with ORC § 6109.07(A) and OAC Chapter 3745-91, Respondent shall submit approvable demonstration study protocol, if applicable, or detail plans to Ohio EPA, NWDO, DDAGW for either an alternative treatment to reduce or connection to an alternative water source that complies with all requirements of ORC Chapter 6109. and rules adopted thereunder.
9. Within twelve (12) months of initiation of operations of the treatment to remove arsenic, Respondent shall be in compliance with the arsenic MCL in accordance with OAC Rule 3745-81-11(B) as determined by OAC Rule 3745-81-23(H)(2).
10. Within thirty (30) days of notification, Respondent shall respond in writing to address any comments or deficiencies noted by Ohio EPA on any demonstration study protocol, plan, or other documentation submitted by Respondent.
11. Respondent shall retain a certified Class 1 Operator of Record for the required minimum staffing time until the arsenic removal treatment is installed. After the arsenic removal treatment is installed, pursuant to OAC Rule 3745-7-03(B)(4), a PWS with ground water treatment to remove any chemical contaminant with a MCL (arsenic, nitrate, etc.) shall be classified as a Class I PWS and must have an Operator of Record with a valid certification of at least equal or greater than a Class I.
12. Within thirty (30) days of notification, Respondent shall notify the public, in accordance with OAC Rule 3745-81-32, for exceedances of the arsenic MCL. Send the public notice and verification form to Ohio EPA, Central Office, DDAGW, Attn: Emily Cushman, P.O. Box 1049, 43216.
13. Within thirty (30) days of the effective date of these Orders, Respondent shall pay the amount of two thousand four hundred dollars (\$2,400.00) in settlement of

Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6109. Payment shall be made by an official check made payable to "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 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 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 Respondent's operations or the PWS at Maverick Innovative Solutions, LLC.

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 the Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders (with the exception of the penalty) shall be addressed to:

Ohio Environmental Protection Agency
Northwest District Office
Division of Drinking and Ground Waters
347 North Dunbridge Road
Bowling Green, Ohio 43402
Att: JoAnn Sabo, District Office Compliance Coordinator

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



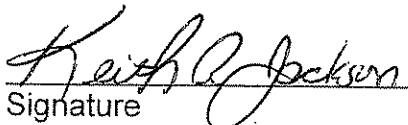
Chris Korleski, Director



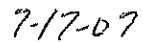
Date

IT IS SO AGREED:

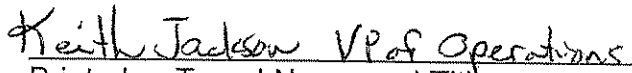
Maverick Innovative Solutions, LLC



Signature



Date



Printed or Typed Name and Title

