



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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

March 28, 2008

National Hot Rod Association
National Trail Raceway
2197 Refugee Rd SW
Hebron, Ohio 43025
Attn: J R Layton

Certified Mail
9171082133393109730538

RE: Director's Administrative Orders;

Dear Mr. Layton:

Please find enclosed journalized Director's Final Findings and Orders with regard to the above-referenced matter for your records. Thank you for your assistance and cooperation in resolving this case.

Please contact me at (614) 644-2752 if you have any additional questions. Thank you for assistance and cooperation.

Sincerely,

Kenneth Baughman
Environmental Specialist

Enclosures

cc: Kim Rhoads, Office of Legal Services
Beth Messer, Manager, DDAGW-CO
Scott Foltz, Manager, DDAGW-CDO
Susan Hampton, DOCC, DDAGW-CDO
Raymond Shesky, Environmental Specialist, DDAGW-CDO
Carol Hestor, Chief, PIC
Licking County Board of Health

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



OHIO E.P.A.

MAR 27 2008

ENTERED DIRECTOR'S JOURNAL

Effective Date MAR 27 2008

OHIO E.P.A.

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

National Hot Rod Association :
2035 Financial Way :
Glendora, California 91740 :
:
Re: National Trail Raceway :
2650 National Road SW :
Hebron, Ohio 43025 :

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: [Signature] Date: 3-27-08

Respondent,

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the National Hot Rod Association (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 two "public water systems" (PWSs) as defined by ORC § 6109.01, which are also "transient noncommunity water systems" as defined by Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWSs, National Trail Raceway Grandstand (PWS ID# OH4561812) and National Trail Raceway Tower (PWS ID# OH4561612), are located at 2650 National Road SW, Hebron (Licking County), Ohio, 43025, and serve populations of 500 and 300 persons, respectively.
3. As of December 21, 2006, Respondent's PWSs were designated as Class A PWSs in accordance with OAC Rule 3745-7-03.
4. Effective December 22, 2000, Respondent's PWSs sources, as defined by OAC Rule 3745-81-01, were classified as "ground water under the influence of surface water" until the PWS could achieve four (4) consecutive quarters of total coliform-negative raw water samples.
5. In accordance with OAC Rule 3745-81-73, a PWS that uses a surface water source, in whole or part, shall provide treatment consisting of both disinfection and filtration treatment.
6. In violation of OAC Rule 3745-81-73, Respondent failed to provide adequate treatment for a surface water source during the monitoring periods of January 2003, February 2003, March 2003, April 2003, May 2003, and June 2003 for PWS ID# OH4561812, and during the monitoring periods of December 2002, January 2003, and March 2003 for PWS ID# OH4561612.
7. Effective December 22, 2003, Respondent's PWSs each completed the four consecutive quarters of total coliform-negative raw water sampling in 2003 and were reclassified as obtaining their drinking water from a "ground water" source.
8. In accordance with OAC Rule 3745-81-23(B), all PWSs shall monitor to determine compliance with the maximum contaminant level (MCL) for nitrate.
9. In violation with OAC Rule 3745-81-23(B), Respondent failed to monitor for nitrate during the monitoring periods of October 2002, May 2003, June 2003, July through December 2005, and June through October 2006 for PWS ID# OH4561812, and during the monitoring periods of July through December 2005, and June through

October 2006 for PWS ID# OH4561612.

10. In accordance with OAC Rule 3745-81-23(C), all PWSs shall monitor to determine compliance with the MCL for nitrite.
11. In violation with OAC Rule 3745-81-23(C), Respondent failed to monitor for nitrite during the July through December 2005 monitoring period for PWS ID# OH4561812 and during the July through December 2005 monitoring period for PWS ID# OH4561612.
12. In accordance with OAC Rule 3745-81-21(A)(2)(c), a noncommunity water system using a surface water source, in whole or part, serving a population of fewer than four thousand one hundred one persons shall monitor for total coliform at least four times per month for any month the noncommunity water system serves water to the public.
13. In violation of OAC Rules 3745-81-21(A)(2)(c), Respondent failed to monitor for total coliform at least four times during the monitoring periods of October 2002 and May 2003 for PWS ID# OH4561812.
14. 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.
15. In violation of OAC Rule 3745-81-21(B)(1), Respondent failed to collect the four required repeat samples for total coliform during the August 2005 monitoring period for PWS ID# OH4561812, and during the July 2004 monitoring period for PWS ID# OH4561612.
16. In accordance with OAC Rule 3745-81-14(B), a PWS which monitors with fewer than forty samples per month is in compliance with the MCL for total coliform when no more than one sample during a month is total coliform-positive.
17. In violation of OAC Rule 3745-81-14(B), Respondent exceeded the MCL for total coliform by having more than one total coliform-positive sample during the July 2003 monitoring period for PWS ID# OH4561612.
18. 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 total coliform 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.

19. In violation of OAC Rule 3745-81-14(D), Respondent exceeded the MCL for total coliform during the August 2005 monitoring period for PWS ID# OH4561812 and during the July 2004 monitoring period for PWS ID# OH4561612.
20. In accordance with OAC Rule 3745-81-21(B)(6), when a PWS monitoring with fewer than five samples per month has one or more total coliform-positive samples, the PWS shall monitor with at least five samples during the next month that the PWS provides water to the public.
21. In violation of OAC Rule 3745-81-21(B)(6), Respondent failed to collect five samples in the month following a total coliform-positive result for the September 2005 monitoring period for PWS ID# OH4561812 and during the August 2003, and August 2004 monitoring periods for PWS ID# OH4561612.
22. In accordance with OAC Rule 3745-81-21(A)(2)(a), a noncommunity water system using only ground water and serving not more than one thousand persons shall monitor for total coliform bacteria with at least one sample each quarter that the noncommunity water system provides water to the public.
23. In violation of OAC Rule 3745-81-21(A)(2)(a), Respondent failed to monitor for total coliform bacteria during the April through June 2005, July through September 2006, and April through June 2007 monitoring periods for PWS ID# OH4561812 and during the April through June 2005, July through September 2006, and April through June 2007 monitoring periods for PWS ID# OH4561612.
24. 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.
25. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notice for the following.

For PWS ID# OH4561812

- a. Nitrate monitoring violations for October 2002, May 2003, June 2003, July through December 2005, and June through October 2006.
- b. Nitrite monitoring violation for July through December 2005.
- c. Total coliform bacteria monitoring violations for October 2002 and May 2003 in accordance with OAC Rule 3745-81-21(A)(2)(c).
- d. Total coliform bacteria monitoring violation for failing to collect four repeat samples during August 2005.
- e. Total coliform bacteria MCL violation for August 2005.
- f. Total coliform bacteria monitoring violation for failing to collect five samples in the month following a total coliform-positive result for September 2005.

- g. Total coliform bacteria monitoring violations for April through June 2005, July through September 2006, and April through June 2007, in accordance with OAC Rule 3745-81-21(A)(2)(a).

For PWS ID# OH4561612

- a. Nitrate monitoring violations for July through December 2005, and June through October 2006.
 - b. Nitrite monitoring violation for July through December 2005.
 - c. Total coliform bacteria monitoring violation for failing to collect four repeat samples during July 2004.
 - d. Total coliform bacteria MCL violation for July 2003 and July 2004.
 - e. Total coliform bacteria monitoring violation for failing to collect five samples in the month following a total coliform-positive result for August 2003 and August 2004.
 - f. Total coliform bacteria monitoring violations for April through June 2005, July through September 2006, and April through June 2007, in accordance with OAC Rule 3745-81-21(A)(2)(a).
26. On May 11, 2007, Ohio EPA informed Respondent that Respondent had failed to provide documentation that an appropriately certified operator (Class A or higher) was acting as the operator of record for either PWS.
 27. Each violation cited above represents a separate violation of ORC § 6109.31.

V. ORDERS

1. For each PWS identified in these Orders, Respondent shall comply with all current and subsequent chemical monitoring schedules issued by the Director.
2. For each PWS identified in these Orders, Respondent shall monitor for total coliform bacteria with a minimum of one routine sample per calendar quarter from the distribution system, when Respondent is open for the season, and promptly perform any required repeat monitoring, in accordance with OAC Rule 3745-81-21.
3. For each PWS identified in these Orders, Respondent shall comply with the MCL requirements for total coliform bacteria, in accordance with OAC Rule 3745-81-14. In the event that Respondent fails to comply with this rule, Respondent shall investigate and submit a plan of action to correct identified problems to Ohio EPA for approval within ninety (90) days of a total coliform bacteria MCL exceedance.
4. Within fifteen (15) days from the effective date of these Orders, if the Respondent is open for the season, or within fifteen (15) days from the opening date of

Respondent's season, whichever is sooner, Respondent shall arrange to have samples collected and tested for the contaminants nitrate and nitrite at each PWS identified in these Orders.

5. Within thirty (30) days from the effective date of these Orders, if the Respondent is open for the season, or on the opening date of Respondent's season, whichever is sooner, Respondent shall retain the services of an Ohio EPA certified PWS operator with at least a Class A certification to be the designated operator of record responsible for the technical operation of each PWS identified in these Orders.
6. Within fifteen (15) days from the effective date of these Orders, if the Respondent is open for the season and has at least two weeks remaining in the season, or on the opening date of Respondent's season, whichever is sooner, Respondent shall post public notice at each PWS identified in these Orders, in accordance with OAC Rule 3745-81-32, for the violations listed in Finding #25 corresponding to each PWS's violations. Respondent shall provide Ohio EPA with copies of all public notices and verification forms to Ohio EPA at the address listed in the Notice Section 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(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

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 43216-1049
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 reserves its rights to seek civil or administrative penalties against Respondent for violations specifically cited in these Orders. 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, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Except for the right to seek civil or administrative penalties against Respondent for violations specifically cited in these Orders, which right Ohio EPA does not waive, 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

MAR 27 2008
Date

IT IS SO AGREED:

National Trail Raceway


Signature

2-28-08
Date

JAMES R LAYTON GENERAL MANAGER
Printed or Typed Name and Title

