

OHIO E.P.A.

AUG 11 2011

Effective Date AUG 11 2011

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

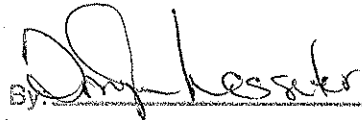
DIRECTOR'S FINAL  
FINDINGS AND ORDERS

New Life Tabernacle :  
Pentecostal Missionary Church :  
5585 Summit Road SW :  
Pataskala, Ohio 43062 :  
Attn: George A. Ware, Sr.

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

By:  Date: 8-11-11

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to New Life Tabernacle Pentecostal Missionary Church (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), which is also a "transient noncommunity water system" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.

2. Respondent's PWS (PWS ID#OH4556512) is located at 5585 Summit Road SW, Pataskala, (Licking County), Ohio, 43062.
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 approximately 125 persons.
4. The Director issued Respondent PWS chemical contaminant monitoring schedules for the following compliance periods:
  - a. The 2006 monitoring schedule was issued on December 16, 2005 for the compliance period that began on January 1, 2006 and ended on December 31, 2006;
  - b. The 2007 monitoring schedule was issued on or about January 1, 2007 for the compliance period that began on January 1, 2007 and ended on December 31, 2007;
  - c. The 2008 monitoring schedule was issued on or about January 1, 2008 for the compliance period that began on January 1, 2008 and ended on December 31, 2008;
  - d. The 2009 monitoring schedule was issued on or about January 1, 2009 for the compliance period that began on January 1, 2009 and ended on December 31, 2009; and,
  - e. The 2010 monitoring schedule was issued on or about January 1, 2010 for the compliance period that began on January 1, 2010 and ended on December 31, 2010.
5. In accordance with OAC Rule 3745-81-23(B), all PWSs which are ground water systems shall monitor annually to determine compliance with the maximum contaminant level (MCL) for nitrate. PWSs shall monitor inorganic chemicals according to a schedule provided by the Director.
6. In violation of OAC Rule 3745-81-23(B), and the 2006, 2007 2009 and 2010 monitoring schedules, Respondent failed to monitor for nitrate during the July 1 to December 31, 2006; July 1 to December 31, 2007; and the July 1 to December 31, 2009 monitoring periods. Additionally, Respondent untimely sampled for nitrate March 20, 2008, outside of the required July 1 to December 31, 2008 monitoring period.
7. In accordance with OAC Rule 3745-81-21(A)(2)(a), a non-community water system using only ground water or purchased water and serving not more than one thousand persons shall monitor for total coliform at a minimum monitoring frequency of one sample per quarter.

8. In violation of OAC Rule 3745-81-21(A)(2)(a), Respondent failed to monitor for total coliform during the following monitoring periods: January 1 to March 31, 2006; July 1 to September 30, 2006; October 1 to December 31, 2006; April 1 to June 30, 2007; July 1 to September 30, 2007; July 1 to September 30, 2008; October 1 to December 31, 2008; April 1 to June 30, 2009; October 1 to December 31, 2009; January 1 to March 31, 2010; April 1 to June 30, 2010; and, October 1 to December 31, 2010.
9. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS shall provide public notification for violations and submit copies of the required public notice and verification forms to the Director.
10. In violation of OAC Rule 3745-81-32, Respondent failed to timely issue public notification and submit a copy of the required public notice and verification form for the violations listed below. Respondent has returned to compliance by subsequently public noticing for these violations.
  - a. Failing to monitor for nitrate during the July 1 to December 31, 2006; July 1 to December 31, 2007; and the July 1 to December 31, 2009 monitoring periods; and,
  - b. Failing to monitor for total coliform bacteria for during the January 1 to March 31, 2006; July 1 to September 30, 2006; October 1 to December 31, 2006; April 1 to June 30, 2007; July 1 to September 30, 2007; July 1 to September 30, 2008; October 1 to December 31, 2008; April 1 to June 30, 2009; October 1 to December 31, 2009; January 1 to March 31, 2010; April 1 to June 30, 2010; and, October 1 to December 31, 2010 monitoring periods.
11. In accordance with OAC Rule 3745-91-08(G)(1), no person shall make any substantial change in a PWS that is not in accordance with plans approved by the Director.
12. In violation of OAC Rule 3745-91-08(G)(1), on October 19, 2010, Ohio EPA became aware that the Respondent had made a substantial change in the PWS by installing a chlorinator and another treatment component without first obtaining Director's prior plan approval.
13. On October 19, 2010, Ohio EPA performed a sanitary survey at Respondent's PWS and observed multiple significant regulatory deficiencies.
14. In accordance with OAC Rule 3745-9-05(O)(2), the finished grade around a well casing shall be sloped for surface water runoff away from the well.
15. In violation of OAC Rule 3745-9-05(O)(2), Respondent failed to have the finished grade around the well casing sloped to ensure surface water runoff away from the

- well and the finished grade has a visible depression around the well casing; on June 28, 2011, Ohio EPA verified that Respondent has corrected this deficiency.
16. In accordance with OAC Rule 3745-9-05(P), a well shall have a well cap or seal to prevent the entrance of water, dirt, animals, insects or other foreign matter. The well cap or seal shall fit securely to the top of the well casing, be secured with screws or other appropriate connections, and vent to the atmosphere. Electrical conduit connections on the well cap or seal shall be threaded and sealed to prevent the entrance of insects and water. A well cap for a PWS well shall conform with "Water System Council Pitless Adapter Standard PAS-97, Performance Standards for Sanitary Water Well Caps" (1997), or with an alternative standard acceptable to the Director.
  17. In violation of OAC Rule 3745-9-05(P), Respondent's electrical conduit connection on the well cap failed to be properly threaded and sealed to prevent the entrance of water, dirt, animals, insects or other foreign matter; on June 28, 2011, Ohio EPA verified that Respondent has corrected this deficiency.
  18. In accordance with OAC Rule 3745-9-05(U), the casing and top of well shall be protected against contamination or inadvertent damage.
  19. In violation of OAC Rule 3745-9-05(U), Respondent failed to protect the casing and top of the well against contamination or inadvertent damage as the well is located within the lawn without any protective barriers.
  20. Each violation cited above represents a separate violation of ORC § 6109.31.
  21. On October 19, 2010, Ohio EPA met with Respondent's representative, Cynthia Walker, to deliver and discuss a Bilateral Compliance Agreement (BCA) to resolve past PWS violations. Respondent did not sign the BCA, however, Respondent indicated that the required public notice and verification form that were provided would be posted and mailed to Ohio EPA.
  22. On November 4, 2010, Ohio EPA mailed a revised BCA to Respondent requesting that within fourteen days the agreement be signed and returned to Ohio EPA along with copies of the public notice and verification form.
  23. On November 22, 2010, Ohio EPA contacted Respondent's representative, Ms. Walker; she stated that the signed BCA and the public notice and verification form would be returned to Ohio EPA that day.
  24. On December 1, 2010, Ohio EPA sent Respondent a letter summarizing all of the attempts to bring the PWS into compliance and requested a response within one week; Respondent failed to provide a response to Ohio EPA.

## V. ORDERS

1. From the effective date of these Orders, Respondent shall comply with all current and future 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, Respondent shall continue sampling the raw water tap for total coliform bacteria once per month for a period of twelve consecutive months in order to confirm the bacteriological quality of the water.
4. Within sixty (60) days of the effective date of these Orders, Respondent shall correct the significant deficiency in Finding No. 19 and protect the casing and top of the well against contamination or inadvertent damage as the well is located within the lawn without any protective barriers.
5. Respondent shall pay the amount of eleven thousand four hundred dollars (\$11,400.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6109. Payment to Ohio EPA shall be made by an official check, made payable to the "Treasurer, State of Ohio" and 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
6. In lieu of paying eleven thousand four hundred dollars (\$11,400.00) in settlement of Ohio EPA's claim for civil penalties, Respondent shall complete a Supplemental Environmental Project (SEP) of connecting to the Southwest Licking Community Water and Sewer District water line within ninety (90) days of the availability of the water line and properly abandoning the existing PWS well.
7. Should Respondent fail to complete the SEP within the required timeframe set forth in Order No. 6, Respondent shall pay to Ohio EPA the \$11,400.00 civil penalty in accordance with the procedures in Order No. 5.
8. Should Respondent fail to complete the SEP within the required timeframe set forth in Order No. 6, Respondent shall immediately submit detail plans (three copies) to Ohio EPA for the chlorinator and iron reduction system that was installed without plan approval, in accordance with OAC Chapter 3745-91.

9. Within thirty (30) days of receipt of notification, Respondent shall respond in writing to address any comments or deficiencies noted by Ohio EPA on the detail plans or other documentation submitted by Respondent pursuant to these Orders.
10. Within thirty (30) days of detail plan approval, Respondent shall make any required changes to the system in accordance with detail plans approved by Ohio EPA and OAC Chapter 3745-91.

#### **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.

#### **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 noted otherwise in specific orders, 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 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:**

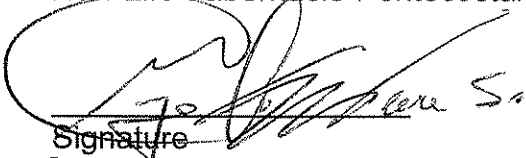
**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Scott J. Nally, Director

**AUG 11 2011**  
\_\_\_\_\_  
Date

**IT IS SO AGREED:**

New Life Tabernacle Pentecostal Missionary Church

  
\_\_\_\_\_  
Signature

**7/20/11**  
\_\_\_\_\_  
Date

**George A. Ware Sr., Senior Pastor**  
\_\_\_\_\_  
Printed or Typed Name and Title