



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

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

April 26, 2006

Re: Bilateral Compliance Agreement
Clark County
Northwestern Elementary/Middle
School
Non-Community Water System
PWSID#: 1233312

Kevin Lacey, Superintendent
Northwestern Local School District
5610 Troy Road
Springfield, Ohio 45502

Dear Mr. Lacey:

As Northwestern Local School District (Northwestern) is aware, in accordance with OAC Rule 3745-81-11 (B), the new maximum contaminant level (MCL) for Arsenic is 10µg/L (effective January 1, 2006).

According to our records, Northwestern collected arsenic samples at Northwestern Elementary/Middle School on March 21, 2002 at the level of 11.6 µg/L, February 14, 2005 at the level of 26 µg/L and on February 13, 2006 at the level of 10.9 µg/L. Although Northwestern Elementary/Middle School is currently not in violation of these new rules, the historical data indicates the public water system will likely exceed the MCL for Arsenic by the end of 2006.

The Agency is aware that Northwestern has proactively negotiated an Agreement with the Village of North Hampton (North Hampton) to provide water service to your campus as your method of achieving compliance with the new Arsenic MCL. Ohio EPA recognizes Northwestern's efforts as an integral part of providing central water service to other areas of German Township and Clark County.

To document Northwestern's commitment to comply with the safe drinking water laws and to prevent possible legal action and civil penalties ⁽¹⁾ the Ohio Environmental Protection Agency (EPA) request Northwestern's concurrence with the following at Northwestern Elementary/Middle School:

- 1) Monitor for arsenic with one sample per calendar quarter in accordance with Ohio Administrative Code (OAC) Rule 3745-81-23(E)(2)(a).
- 2) Comply with the monitoring and reporting requirements in accordance with the 2006 chemical monitoring schedule.
- 3) On or before March 1, 2007, complete water line connection to the North Hampton Water System in accordance with Director's plan approval.

Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director


- 4) On or before May 1, 2007, Northwestern shall properly abandon and seal the existing drinking water well in accordance with OAC Rule 3745-9-10.
- 5) In the event Northwestern Elementary/Middle School exceeds the arsenic MCL, Northwestern shall provide an alternative source of water for human consumption within 30 days of the exceedence for the 2006-2007 school year or until connection with North Hampton is complete. Northwestern will either provide piping from the Northwestern High School public water system's treatment room to the Northwestern Elementary/Middle School or require North Hampton to provide the necessary piping from North Hampton's partially completed expansion directly to the Northwestern Elementary/Middle School.
- 6) In the event Northwestern exceeds the arsenic MCL, issue public notice in accordance with OAC Rule 3745-81-32. Send the public notice and verification form to Ohio Environmental Protection Agency (EPA), Division of Drinking and Ground Waters (DDAGW), Attn: Kathy Pinto, 122 South Front Street, Columbus, Ohio 43216.

Sincerely,



Michael G. Baker, Chief
Division of Drinking and Ground Waters

If it is your intent to comply with the safe drinking water laws and regulations in the manner specified, please sign this document and return it to the attention of Larry Reeder at Ohio EPA, DDAGW, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049, by May 5, 2006. Your signature is not considered an admission of guilt, only an indication of your intention to address the violations noted. Ohio EPA reserves its right to seek civil penalties pursuant to Revised Code 6109.33 for the violations described in this letter. If you have any questions concerning this letter, please call Larry Reeder at (614) 644-2752



Kevin Lacey, Superintendent
Northwestern Local School District

4/27/06

Date

Note: (1) Owners or operators of public water systems that fail to comply with Ohio's safe drinking water laws and regulations are subject to civil penalties of up to \$25,000 per day per violation under Ohio Revised Code Section 6109.33.