

OHIO E.P.A.

FEB -2 2011

ENTERED DIRECTOR'S JOURNAL

Effective Date: FEB 02 2011

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

Respondent,

In the Matter of:

Paul and Joan Bogenrife
P.O. Box 296
West Jefferson, Ohio 43162

Re: Picket Fences Mobile
Home Community

DIRECTOR'S FINAL
FINDINGS AND ORDERS

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.

I. JURISDICTION

 Date: 2-2-11

These Director's Final Findings and Orders (Orders) are issued to Paul and Jean Bogenrife (Respondents) 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 Respondents and successors in interest liable under Ohio law. No change in ownership of the public water system (PWS) shall in any way alter Respondents' 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. Respondents own and operate a PWS, as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01, at Picket Fences Mobile Home Community.
2. Respondents' PWS (PWS ID: 4901512) serves a population of approximately 27 persons and is located at 4800 State Route 40, West Jefferson (Madison County), Ohio, 43162.

3. Respondents' PWS is a "community water system" as defined by OAC Rule 3745-81-01 and has been designated as using a ground water source in accordance with OAC Rule 3745-81-76.
4. In accordance with OAC Rule 3745-7-03, Respondents' PWS was designated by the Director as a Class A PWS, effective October 3, 2002.
5. In accordance with OAC Rule 3745-7-02, each person owning or operating a PWS shall designate one or more operator of record to oversee the technical operation of the PWS. Each operator of record shall have a valid certification of a class equal to or greater than the classification of the PWS, distribution system or water treatment plant.
6. In violation of OAC Rule 3745-7-02, Respondents failed to designate an operator of record with at least a Class A certification to oversee the PWS from October 3, 2002 to June 28, 2010.
7. In accordance with OAC Rule 3745-81-21(A)(1)(a), a community water system using ground water and serving not more than one thousand (1000) persons shall monitor with at least one total coliform bacteria sample each month that the water system provides water to the public.
8. In violation of OAC Rule 3745-81-21(A)(1)(a), Respondents failed to conduct routine monitoring for total coliform bacteria during the August 2008, September 2008, October 2008, November 2008, December 2008, February 2009, August 2009, September 2009, October 2009, November 2009 and December 2009 monitoring periods.
9. In accordance with OAC Rule 3745-81-21(B)(7), when a PWS monitoring with fewer than five routine samples per month has one or more total coliform-positive samples, the PWS shall monitor with at least five routine samples during the next month that the PWS provides water to the public.
10. In violation of OAC Rule 3745-81-21(B)(7), Respondents failed to monitor with at least five routine samples during the month of June 2009 following a total coliform-positive sample during May 2009.
11. In accordance with OAC Rule 3745-81-11(B), community water systems shall comply with the maximum contaminant level (MCL) of 0.010 milligrams per liter (mg/L) for arsenic. Compliance with the arsenic MCL is calculated quarterly according to OAC Rule 3745-81-23(H).
12. In violation of OAC Rule 3745-81-11(B), as determined by OAC Rule 3745-81-23(H)(2), Respondents' PWS exceeded the arsenic MCL during the January 1 to March 31, 2007, April 1 to June 30, 2007, July 1 to September 30, 2007, and October

1 to December 31, 2007 monitoring periods when the arsenic running annual average was greater than 0.010 mg/L.

13. On or about January 1, 2008, the Director issued a chemical contaminant monitoring schedule to Respondents for the compliance period that began on January 1, 2008 and ended on December 31, 2008 (2008 monitoring schedule). On or about January 1, 2009, the Director issued a chemical contaminant monitoring schedule to Respondents for the compliance period that began on January 1, 2009 and ended on December 31, 2009 (2009 monitoring schedule). Respondents' 2008 and 2009 monitoring schedules required Respondents to monitor for arsenic with one sample each calendar quarter.
14. In accordance with OAC Rule 3745-81-23(E), community water systems shall monitor for the inorganic contaminants with MCLs listed in OAC Rule 3745-81-11(B). PWSs shall monitor inorganic chemicals according to a schedule provided by the Director.
15. In violation of OAC Rule 3745-81-23(E) and the 2008 and 2009 monitoring schedules, Respondents failed to monitor for arsenic during the October 1 to December 31, 2008, January 1 to March 31, 2009 and the April 1 to June 30, 2009 monitoring periods.
16. In accordance with OAC Rule 3745-81-24(C), community PWSs that treat their water with any combination of chlorine, chloramines, chlorine dioxide and/or ozone shall monitor for total trihalomethanes (TTHM) and haloacetic acid-five (HAA5).
17. Respondents' 2008 monitoring schedule required Respondents to monitor for TTHM and HAA5 between July 1, 2008 and September 30, 2008.
18. In violation of OAC Rule 3745-81-24(C) and the 2008 monitoring schedule, Respondents failed to monitor for TTHM and HAA5 during the July 1 to September 30, 2008 monitoring period. Respondents returned to compliance by collecting TTHM and HAA5 samples on December 15, 2010.
19. Respondents' 2009 monitoring schedule required Respondents to monitor for antimony, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium and thallium with one sample between June 1, 2009 and October 31, 2009.
20. In violation of OAC Rule 3745-81-23(E) and the 2009 monitoring schedule, Respondents failed to monitor for antimony, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium and thallium with one sample between June 1, 2009 and October 31, 2009.
21. In accordance with Rule 3745-81-24(A), community water systems using ground water shall monitor for the volatile organic chemicals with MCLs listed in OAC Rule 3745-81-12(D) with one sample at each respective sampling point during each

compliance period. PWSs shall monitor organic chemicals according to a schedule provided by the Director.

22. Respondents' 2009 monitoring schedule required Respondents to monitor for volatile organic chemicals with one sample between June 1, 2009 and October 31, 2009.
23. In violation OAC Rule 3745-81-24(A) and the 2009 monitoring schedule, Respondents failed to monitor for volatile organic chemicals with one sample between June 1, 2009 and October 31, 2009.
24. In accordance with OAC Rule 3745-96-02, each community water system shall provide to its customers an annual report (consumer confidence report) that contains the information specified in OAC Rules 3745-96-02 and 3745-96-03. In accordance with OAC Rule 3745-96-04, each community water system shall mail or otherwise directly deliver one copy of the report by July first annually.
25. In violation of OAC Rules 3745-96-02 and 3745-96-04, Respondents failed to provide to its customers an annual consumer confidence report that contains the information specified in OAC Rules 3745-96-02 and 3745-96-03 for calendar year 2009.
26. In accordance with OAC Rule 3745-83-01(G), all community PWSs are required to monitor for free chlorine and combined chlorine at least once every day that water is available to the public at each entry point to the distribution system and a representative point in the distribution system.
27. In accordance with OAC Rule 3745-83-01(I)(1), in addition to any other reporting requirement of OAC Chapter 3745-81, the owner or operator of a PWS required to monitor under paragraphs (G) and (H) of this rule shall prepare an operation report for each month of operation on forms acceptable to the Director (monthly operating report).
28. In violation of OAC Rule 3745-83-01(I)(1), Respondents failed to submit a monthly operating report for the months of May 2008, September 2009 and November 2009. In addition, operating reports were not submitted for the July 1 to September 30, 2008, October 1 to December 31, 2008, January 1 to March 31, 2009 and April 1 to June 30, 2009 operation periods.
29. In accordance with OAC Rule 3745-83-01(C)(1), all community PWSs shall maintain a minimum chlorine residual of at least two-tenths mg/L free chlorine, or one mg/L combined chlorine measured at representative points throughout the distribution system.
30. In violation of OAC Rule 3745-83-01(C)(1), Respondents failed to maintain a minimum chlorine residual of at least two-tenths mg/L free chlorine, or one mg/L combined chlorine measured at representative points throughout the distribution

system on May 1, 2008, February 2, 2009 and July 1, 2009, as measured by Ohio EPA inspectors during site visits at Respondents' PWS on those dates.

31. In accordance with OAC Rule 3748-81-60, Ohio EPA conducted a sanitary survey of Respondents' PWS on September 2, 2009. Ohio EPA's findings from the sanitary survey were communicated to the Respondents in a letter dated October 16, 2009. The findings included a list of significant deficiencies in the operation and oversight of the PWS for which corrective action was required.
32. In accordance with OAC Rule 3748-81-60(D), a PWS shall respond to the Director in writing, within forty-five days following receipt of a sanitary survey letter, indicating how and on what schedule the PWS will address any significant deficiencies noted in the survey.
33. In violation of Rule 3748-81-60(D), Respondents failed to respond in writing indicating how and on what schedule they would address the significant deficiencies noted in the October 16, 2009 sanitary survey letter.
34. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS shall provide public notice using specified manners and schedules to persons served by that PWS for violations.
35. Each of the violations cited above represents a separate violation of ORC § 6109.31
36. In accordance with OAC Rule 3745-84-02(A), except as provided in ORC §6109.21, no person shall operate or maintain a PWS in the state of Ohio without a PWS license issued by the Director.
37. In accordance with OAC Rule 3745-84-03, Respondents submitted an application and application fee for a license to operate (LTO) renewal on January 6, 2011.
38. In accordance with OAC Rule 3745-84-06(A), the Director may condition a LTO at any time to require corrections of violations of ORC Chapter 6109 and the administrative rules adopted thereunder.

V. ORDERS

1. From the effective date of these Orders, the LTO renewal for Respondents' PWS is issued with the conditions listed in Orders # 2 through 14, for the period of January 31, 2011 to January 30, 2012, in accordance with OAC Rule 3745-84-06.
2. From the effective date of these Orders, Respondent shall prominently display the conditioned LTO at the office of the PWS and notify its customers of the status of its license in the consumer confidence report in accordance with OAC Chapter 3745-96.

3. From the effective date of these Orders, Respondents shall maintain one or more operator of record having a valid certification of a Class A or higher to oversee the technical operation of the PWS, in accordance with OAC Rule 3745-7-02. Respondents shall submit a copy of the service agreement with the operator of record to Central Office, Division of Drinking and Ground Waters, at the address noted in Section X of these Orders. In accordance with OAC Rule 3745-7-03(C), Respondents shall ensure that applicable staffing requirements for a Class A PWS are met unless the classification of the PWS changes.
4. From the effective date of these Orders, in accordance with OAC Rule 3745-81-21(A)(1)(a), Respondents shall monitor with at least one routine total coliform bacteria sample each month that the water system provides water to the public. Respondents shall conduct any additional total coliform monitoring required by OAC Rule 3745-81-21 as a result of having a total coliform-positive sample result.
5. From the effective date of these Orders, Respondents shall conduct monitoring for arsenic on a monthly basis for twelve consecutive months. Respondents shall conduct monitoring for arsenic thereafter in accordance with a schedule issued by the Director.
6. From the effective date of these Orders, Respondents shall conduct monitoring for chemical contaminants other than arsenic in accordance with the schedule issued by the Director with an effective date of January 1, 2011.
7. In the event of an additional violation of the MCL for arsenic by Respondents' PWS, Respondents shall, within sixty (60) days of being notified of the violation, submit detail plans for a treatment system to remove arsenic in accordance with OAC Chapter 3745-9, including a schedule for construction and implementation of the treatment system, to:

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

8. From the effective date of these Orders, Respondents shall maintain a minimum chlorine residual of at least two-tenths mg/L free chlorine, or one mg/L combined chlorine measured at representative points throughout the distribution system in accordance with OAC Rule 3745-83-01(C)(1).
9. From the effective date of these Orders, Respondents shall monitor for free chlorine and combined chlorine at least once every day that water is available to the public at

the entry point to the distribution system and a representative point in the distribution system in accordance with OAC Rule 3745-83-01(G).

10. From the effective date of these Orders, Respondents shall prepare a monthly operating report in accordance with OAC Rule 3745-83-01 for each month of operation on forms acceptable to the Director. The monthly operating report shall be signed by the operator in responsible charge designated in accordance with OAC Rule 3745-7-02 and submitted to the Central District Office at the address noted in Order Number 7 of these Orders no later than the tenth of the month following the month for which the report was prepared.
11. Within fourteen (14) days of the effective date of these Orders, Respondents shall submit a response in writing to address the significant deficiencies identified at the PWS by the September 2, 2009 Ohio EPA sanitary survey. In accordance with OAC Rule 3745-81-60(D), the response shall indicate how and on what schedule the Respondents will address the significant deficiencies.
12. Within thirty (30) days of receipt of notification, Respondents shall respond in writing to address any comments or deficiencies noted by Ohio EPA on any plan or other documentation submitted by Respondents.
13. From the effective date of these Orders, Respondent shall public notice for violations using specified manners and schedules to persons served by that PWS, in accordance with OAC Rule 3745-81-32.
14. Respondents shall pay Ohio EPA the amount of two thousand five hundred dollars (\$2,500.00) in administrative penalties that may be assessed pursuant to ORC Chapter 6109. Within thirty (30) days after the effective date of these Orders, payment shall be made by an official check made payable to "Treasurer, State of Ohio" for two thousand five hundred dollars (\$2,500.00). The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondents at:

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 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(E).

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.

X. NOTICE

Except as specifically required by an individual Order, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Division of Drinking and Ground Waters
Lazarus Government Building
P.O. Box 1049
Columbus, Ohio 43216-1049

Attn: Mark Sheahan

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with these Orders and/or for the violations described herein. Nothing contained herein shall be construed to prevent Ohio

EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to ORC Chapter 6109 or any other applicable law in the future. Nothing herein shall restrict the right of Respondent to raise any administrative, legal or equitable claim or defense with respect to such further action which Ohio EPA may seek to require of Respondent. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

XII. APPEAL RIGHTS

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC § 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio," which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215

XIII. EFFECTIVE DATE

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

IT IS SO ORDERED:

Ohio Environmental Protection Agency



Scott J. Nally, Director



Date



State of Ohio Environmental Protection Agency

**CONDITIONAL LICENSE TO OPERATE OR MAINTAIN
A PUBLIC WATER SYSTEM**

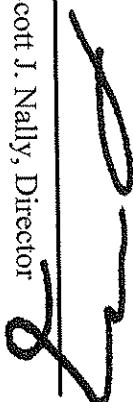
THE OHIO EPA, PURSUANT TO SECTION 6109.21 OF THE OHIO REVISED CODE, HEREBY ISSUES THIS
LICENSE TO OPERATE OR MAINTAIN A PUBLIC WATER SYSTEM TO

PICKET FENCES MOBILE HOME COMMUNITY
PWS ID: OH4901512

THE LICENSEE IS OBLIGATED TO ENSURE THAT THE PUBLIC WATER SYSTEM IS OPERATED AND
MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 6109 OF THE OHIO REVISED
CODE, ALL OTHER APPLICABLE STATUTES AND THE ADMINISTRATIVE RULES ADOPTED THEREUNDER.

THIS LICENSE WILL EXPIRE ON JANUARY 30, 2012
APPLICATION FOR RENEWAL IS REQUIRED TO BE SUBMITTED TO THE OHIO EPA AT LEAST THIRTY
DAYS PRIOR TO THIS DATE.

EFFECTIVE DATE: FEBRUARY 2, 2011
EXPIRATION DATE: JANUARY 30, 2012
LICENSE NUMBER: 4901512-783348-2011


Scott J. Nally, Director

Picket Fences Mobile Home Community Public Water System – Orders for Conditioned 2011 LTO

1. From the effective date of the Director's Final Findings and Orders issued February 02, 2011 (Orders), Picket Fences Mobile Home Community (Picket Fences) shall display the conditioned LTO at the PWS office and notify the PWS customers of the conditioned status of the LTO in the consumer confidence report pursuant to OAC Chapter 3745-96.
2. Picket Fences shall maintain one or more operator of record having a valid certification of a class A or higher to oversee the technical operation of the PWS, in accordance with OAC Rule 3745-7-02. Picket Fences shall submit a copy of the service agreement with the operator of record to Ohio EPA and ensure that applicable staffing requirements for a class A PWS are met.
3. Picket Fences shall monitor with at least one routine total coliform bacteria sample each month that the water system provides water to the public and conduct any additional total coliform monitoring required by OAC Rule 3745-81-21 as a result of having a total coliform-positive sample result.
4. Picket Fences shall conduct monitoring for arsenic on a monthly basis for twelve consecutive months.
5. Picket Fences shall conduct monitoring for chemical contaminants other than arsenic in accordance with the schedule issued by the Director with an effective date of January 1, 2011.
6. In the event of an additional violation of the MCL for arsenic, Picket Fences shall, within sixty (60) days of being notified of the violation, submit detail plans to Ohio EPA for a treatment system to remove arsenic, including a schedule for construction and implementation of the treatment system.
7. Picket Fences shall maintain a minimum chlorine residual of at least two-tenths mg/L free chlorine, or one mg/L
8. combined chlorine measured at representative points throughout the distribution system in accordance with OAC Rule 3745-83-01(C)(1).
9. Picket Fences shall monitor for free chlorine and combined chlorine at least once every day that water is available to the public at the entry point to the distribution system and a representative point in the distribution system in accordance with OAC Rule 3745-83-01(G).
10. Picket Fences shall prepare a monthly operating report in accordance with OAC Rule 3745-83-01 for each month of operation. The monthly operating report shall be signed by the operator in responsible charge and submitted to the Ohio EPA no later than the tenth of the month following the month for which the report was prepared.
11. Picket Fences shall submit a response in writing to address the significant deficiencies identified at the PWS by the September 2, 2009 Ohio EPA sanitary survey. The response shall indicate how and on what schedule the Picket Fences will address the significant deficiencies.
12. Picket Fences shall respond in writing to address any comments or deficiencies noted by Ohio EPA on any plan or other documentation submitted by Picket Fences.
13. From the effective date of these Orders, Respondent shall public notice for violations using specified manners and schedules to persons served by that PWS, in accordance with OAC Rule 3745-81-32.
14. Picket Fences shall pay Ohio EPA the amount of two thousand five hundred dollars (\$2,500.00) in administrative penalties that may be assessed pursuant to ORC Chapter 6109.