

OHIO E.P.A.

JAN-3 2010

Effective Date JAN 3, 2011

ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

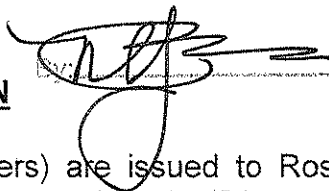
In the Matter of:

Rose Hill Water Company :  
7694 Strausser Street NW :  
North Canton, OH 44720 :

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.

Respondent,



Date: 1.3.2011

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Rose Hill Water Company (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Chapters 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 Chapters 6109 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA (Director) has determined the following findings:

1. Respondent owns and operates, at a small residential development, a "public water system" (PWS), as defined by ORC § 6109.01, which is also a "community water system" as defined by Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID# OH7675512) is located at Villa Rosa Ave NW, Crimson St NW and Sonia Ave NW in Jackson Township, Stark County, Ohio, obtains its drinking water from a "ground water" source as defined by OAC Rule 3745-81-01, and serves a population of 51 persons.

3. 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.
4. In violation of OAC Rule 3745-81-21(A)(1)(a), Respondent failed to collect at least one total coliform bacteria sample during the month of November 2009.
5. In accordance with OAC Rule 3745-81-86(C), PWSs conducting reduced monitoring for lead and copper shall collect at least one sample from the number of sites in the table in this paragraph (5 sampling sites) during each monitoring period specified in OAC Rule 3745-81-86(D)(4).
6. In violation of OAC Rule 3745-81-86(C), Respondent failed to collect 5 lead and copper samples during the July 1 through December 31, 2009 monitoring period. Respondent returned to compliance for this monitoring violation by collecting 5 lead and copper samples in June 2010.
7. In accordance with OAC Rule 3745-83-01(I), 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 and submit them by the tenth of the month following the month for which it was prepared.
8. In violation with OAC Rule 3745-83-01(I), the Respondent failed to submit monthly operating reports as required for the months of April 2010, May 2010, June 2010, and July 2010.
9. In accordance with OAC Rule 3745-91-02(A), no person shall begin construction or installation of a PWS until plans therefore have been approved by the Director.
10. In violation of OAC Rule 3745-91-02(A), since at least October 15, 2009 to the effective date of these Orders, Respondent has installed and operated a PWS without Director's plan approval.
11. In accordance with OAC Rule 3745-87-02, all applicants for approval of plans to construct or install a public water system under ORC Section 6109.07 that are new community public water systems, which commence operation after October 1, 1999, shall submit a capability assurance plan to the Director.
12. In accordance with OAC Rule 3745-7-09(A), the owner and operator of a PWS shall maintain operation and maintenance records for the PWS.
13. In violation of OAC Rule 3745-7-09(A), since at least December 11, 2009 to the effective date of these Orders, Respondent has failed to maintain operation and

maintenance records for the PWS.

14. In accordance with OAC Rule 3745-7-03, Respondent's PWS was designated as a Class A PWS, effective September 22, 2009.
15. In accordance with OAC Rule 3745-7-02(A)(1), 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.
16. In violation of OAC Rule 3745-7-02(A)(1), since at least December 11, 2009 to the effective date of these Orders, Respondent has failed to maintain a Class A or higher certified operator of record at the PWS.
17. In accordance with OAC Rule 3745-81-21(A), the owner or operator of a PWS shall collect samples according to a bacteria sample siting plan; these plans are subject to review and revision by the Director.
18. In violation of OAC Rule 3745-81-21(A), since at least the September 22, 2009 Ohio EPA sanitary survey to the effective date of these Orders, Respondent has failed to provide the Director with a copy of a bacteria sample siting plan.
19. In accordance with OAC Rule 3745-85-01(B), each community water system shall prepare and maintain a written contingency plan for providing safe drinking water to its service area under emergency conditions.
20. In violation of OAC Rule 3745-85-01(B), since at least the September 22, 2009 Ohio EPA sanitary survey to the effective date of these Orders, Respondent has failed to prepare and maintain a written contingency plan.
21. In accordance with OAC Rule 3745-83-01(G)(1) and (2), all community PWSs that treat with chlorine shall document testing of free and combined chlorine residual daily at the entry point and at a location in the distribution system for each day that water is available to the public.
22. In violation of OAC Rule 3745-83-01(G)(1) and (2), since at least the September 22, 2009 Ohio EPA sanitary survey to the effective date of these Orders, Respondent has failed to document testing of free and combined chlorine residual daily at the PWS entry point.
23. 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 violations.
24. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notice for the following violations:

- a. Total coliform monitoring violations for the monitoring period of November 2009; and
  - b. Lead and copper monitoring violation for the monitoring period July 1 through December 31, 2009.
25. Each violation cited above represents a separate violation of ORC § 6109.31.
  26. 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.
  27. In accordance with OAC Rule 3745-84-03(A), a PWS license to operate (LTO) shall expire on the thirtieth day of January in the year following its issuance.
  28. In accordance with OAC Rule 3745-84-03(B), a person holding a PWS LTO who is proposing to continue operating the PWS shall submit an application and the appropriate fee not less than thirty days prior to the expiration of the license.
  29. Respondent submitted an application and application fee for the 2011 LTO renewal on December 6, 2010.
  30. In accordance with OAC Rule 3745-84-06(A), the Director may condition an LTO at any time to require correction of violations of ORC Chapter 6109 and the administrative rules adopted thereunder. In conditioning a LTO, the Director shall act in accordance with the provisions of ORC Chapters 119, 3745, and 6109.

## **V. ORDERS**

1. From the effective date of these Orders, the 2011 LTO renewal for Respondent's PWS is issued with the conditions listed in Orders # 2 through #13, until 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 conditioned status of the license in the consumer confidence report, pursuant to OAC Chapter 3745-96, in accordance with OAC Rule 3745-84-04(D).
3. From the effective date of these Orders, Respondent shall comply with all current and subsequent chemical monitoring schedules issued by the Director, in accordance with OAC Rule 3745-81-23, OAC Rule 3745-81-24, and OAC Rule 3745-81-26.
4. From the effective date of these Orders, Respondent shall comply with total coliform bacteria monitoring and maximum contaminant level requirements, in accordance with OAC Rule 3745-81-21 and OAC Rule 3745-81-14, respectively.

5. From the effective date of these Orders, Respondent shall submit monthly operating reports no later than the tenth of the month following the month for which the report was prepared, in accordance with OAC Rule 3745-83-01(I).
6. Within thirty (30) days from the effective date of these Orders, Respondent shall provide public notice to all persons served by the Respondent's PWS, in accordance with OAC Rule 3745-81-32, for violations listed in Finding No. 24. Respondent shall provide copies of all public notices and verification forms within ten (10) days of delivery of public notices to Ohio EPA at the address listed in Section IX of these Orders.
7. From the effective date of these Orders, Respondent shall issue public notice for any future violations in accordance with OAC Rule 3745-81-32.
8. Within fourteen (14) days of the effective date of these Orders, Respondent shall submit a copy of a bacteria sample siting plan.
9. Within fourteen (14) days of the effective date of these Orders, Respondent shall submit a completed contingency plan.
10. From the effective date of these Orders, Respondent shall document testing of free and combined chlorine residual daily at the entry point and at a location in the distribution system.
11. Within sixty (60) days of the effective date of these Orders, Respondent shall submit to Ohio EPA complete approvable as-built plans for the existing water treatment plant or submit a schedule for tie-in to a regional water system and a schedule for the proper abandonment of the existing water treatment plant and wells, in accordance with OAC Chapter 3745-91.
12. Within thirty (30) days of the effective date of these Orders, Respondent shall submit to Ohio EPA an approvable capability assurance plan (CAP), in accordance with OAC Chapter 3745-87; the CAP shall include, but not be limited to, documentation of an established Home Owners Association with an escrow account or documentation of regulation through the Public Utilities Commission of Ohio.
13. Within thirty (30) days from the effective date of these Orders, Respondent shall hire and retain the services of a Class A or higher certified operator, in accordance with OAC Rule 3745-7-02. A completed Operator of Record Form shall be submitted to Ohio EPA at the address in Section IX.

## **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 acknowledge, 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 or wastewater treatment system.

#### **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. NOTICE**

Except as required by a specific 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  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: Tanushree Courlas

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

#### **X. 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.

#### **XI. 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:

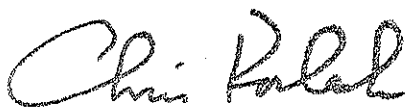
Environmental Review Appeals Commission  
309 South Fourth Street, Room 222  
Columbus, OH 43215

#### **XII. 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**



Chris Korleski, Director

JAN. 3, 2011  
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

**ROSE HILL WATER CO PWS**

**PWS ID: OH7675512**

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: **JANUARY 07, 2011**

EXPIRATION DATE: **JANUARY 30, 2012**

LICENSE NUMBER: **7675512-783544-2011**

A handwritten signature in cursive script, reading "Chris Paulak".

Director

Rose Hill Water Co Public Water System - Orders

2. From the effective date of the Director's Final Findings and Orders issued January 3, 2011 (Orders), Respondent shall prominently display the conditioned LTO at the office of the public water system (PWS) and notify its customers of the conditioned status of the license in the consumer confidence report, pursuant to OAC Chapter 3745-96, in accordance with OAC Rule 3745-84-04(D).
3. From the effective date of the Orders, Respondent shall comply with all current and subsequent chemical monitoring schedules issued by the Director, in accordance with OAC Rule 3745-81-23, OAC Rule 3745-81-24, and OAC Rule 3745-81-26.
4. From the effective date of the Orders, Respondent shall comply with total coliform bacteria monitoring and maximum contaminant level requirements, in accordance with OAC Rule 3745-81-21 and OAC Rule 3745-81-14, respectively.
5. From the effective date of the Orders, Respondent shall submit monthly operating reports no later than the tenth of the month following the month for which the report was prepared, in accordance with OAC Rule 3745-83-01(I).
6. Within thirty (30) days from the effective date of the Orders, Respondent shall provide public notice to all persons served by the PWS, in accordance with OAC Rule 3745-81-32, for violations listed in Finding No. 24 of the Orders. Respondent shall provide copies of all public notices and verification forms within ten (10) days of delivery of public notices to Ohio EPA at the address listed in Section IX of the Orders.
7. From the effective date of the Orders, Respondent shall issue public notice for any future violations in accordance with OAC Rule 3745-81-32.
8. Within fourteen (14) days of the effective date of the Orders, Respondent shall submit a copy of a bacteria sample siting plan.
9. Within fourteen (14) days of the effective date of the Orders, Respondent shall submit a completed contingency plan.
10. From the effective date of the Orders, Respondent shall document testing of free and combined chlorine residual daily at the entry point and at a location in the distribution system.
11. Within sixty (60) days of the effective date of the Orders, Respondent shall submit to Ohio EPA complete approvable as-built plans for the existing water treatment plant or submit a schedule for tie-in to a regional water system and a schedule for the proper abandonment of the existing water treatment plant and wells, in accordance with OAC Chapter 3745-91.
12. Within thirty (30) days of the effective date of the Orders, Respondent shall submit to Ohio EPA an approvable capability assurance plan (CAP), in accordance with OAC Chapter 3745-87; the CAP shall include, but not be limited to, documentation of an established Home Owners Association with an escrow account or documentation of regulation through the Public Utilities Commission of Ohio.
13. Within thirty (30) days from the effective date of the Orders, Respondent shall hire and retain the services of a Class A or higher certified operator, in accordance with OAC Rule 3745-7-02. A completed Operator of Record Form shall be submitted to Ohio EPA at the address in Section IX of the Orders.