



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
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

February 15, 2008

Choice Group Inc.
755 West Big Beaver, Suite 1275
Troy, Michigan 48084

RE: Springfield Meadows Manufactured Home Park
Clark County
Community public water system
PWS ID: #1203012

CERTIFIED MAIL
9171082133393109730866

Dear Choice Group Inc.:

I have enclosed a certified copy of the journalized, agreed upon Final Findings and Orders. This document is a final action of the Director and will be public noticed as required by Rule 3745-47-07(A) of the Ohio Administrative Code. The effective date of the orders is February 14, 2008.

If you have any questions concerning compliance with these Findings and Orders, please give me a call at (614) 644-2752.

Sincerely,

Christel Sherron
Environmental Specialist

Enclosure

cc: Beth Messer, Environmental Manager, DDAGW-CO
Jeff Davidson, Environmental Manager, DDAGW-SWDO
Dan Stine, Environmental Supervisor, DDAGW-SWDO
Dave Secor, District Office Compliance Coordinator, DDAGW-SWDO
Jeff Stark, Environmental Specialist, DDAGW-SWDO
Kim Rhoads, Office of Legal Services
William Newsome, H2O Technologies
Carol Hester, Chief, PIC
Clark County Health Department

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

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OHIO E.P.A.

FEB 14 2008

Effective Date FEB 14 2008

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:
Choice Group Inc. :
755 West Big Beaver, Suite 1275 :
Troy, Michigan 48084 :

DIRECTOR'S FINAL
FINDINGS AND ORDERS

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

It is agreed by the parties hereto as follows:

By: [Signature] Date: 2-14-08

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Choice Group Inc. (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 at the Springfield Meadows Manufactured Home Park a "public water system" (PWS) which is also a "community water system" (CWS) as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.

2. Respondent's PWS (PWS ID# 1203012) is located at 4100 Troy Road, Springfield (Clark County), Ohio, 45502.
3. Respondent's PWS obtains its drinking water from a "ground water" source as defined by OAC Rule 3745-81-01 and the PWS serves a population of two hundred thirty five (235) persons.
4. In accordance with OAC Rule 3745-81-23(B)(1), PWSs which are groundwater systems shall monitor for nitrate annually.
5. On January 1, 2003, the Director issued a chemical contaminant monitoring schedule to Respondent (2003 monitoring schedule) for the compliance period that began on January 1, 2003 and ended on December 31, 2003.
6. In accordance with OAC Rule 3745-81-23(B)(1) and Respondent's 2003 monitoring schedule, Respondent was required to monitor for nitrate annually during the January 1 through June 30, 2003 monitoring period.
7. In violation of OAC Rule 3745-81-23(B)(1) and the 2003 chemical contaminant monitoring schedule, Respondent failed to monitor for nitrate during the January 1 through June 30, 2003 monitoring period. Respondent returned to compliance on November 17, 2003.
8. In accordance with OAC Rule 3745-81-14(B), a PWS which monitors with fewer than forty (40) total coliform samples per month is in compliance with the maximum contaminant level (MCL) for total coliforms when no more than one sample during a month is total coliform-positive.
9. In violation of OAC Rule 3745-81-14(B), Respondent exceeded the total coliform monthly MCL in June 2003, June 2004, and July 2004 when more than one sample was total coliform-positive.
10. In accordance with OAC Rule 3745-81-21(A)(1)(a), CWSs serving less than 1,000 people are required to collect at least one total coliform sample each month.
11. In violation of OAC Rule 3745-81-21(A)(1)(a), Respondent failed to collect at least one total coliform sample for the month of February 2006.
12. In accordance with OAC Rule 3745-83-01(F)(1)(a) (version effective August 3, 2004 through September 30, 2006), each CWS system shall prepare an operation report for each month of operation on forms provided by the Director.

13. In violation of OAC Rule 3745-83-01(F) (version effective August 3, 2004 through September 30, 2006), Respondent failed to submit a monthly operating report for the month of June 2005.
14. In accordance with OAC Rule 3745-81-23(E)(2)(a), a PWS scheduled by the Director to monitor for arsenic in 2005 which detects arsenic above 0.008 milligram per liter (mg/L) shall collect a sample for arsenic analysis quarterly in 2006 to determine compliance with the MCL in OAC Rule 3745-81-11(B).
15. In accordance with OAC Rule 3745-81-23(E)(2)(a), Respondent has monitored for arsenic quarterly in 2006. Arsenic sample results taken by Respondent were 0.009 mg/L on March 7, 2006, 0.020 mg/L on June 16, 2006, 0.018 mg/L on July 25, 2006, and 0.013 mg/L on December 18, 2006.
16. In accordance with OAC Rule 3745-81-11(B), the MCL for arsenic is 0.010 mg/L.
17. In accordance with OAC Rule 3745-81-23(H)(2), compliance with the MCL for arsenic is determined by the running annual average. A PWS is not considered in violation until it has completed one year of sampling unless any one sample result would cause the running annual average to exceed the MCL.
18. In violation of OAC Rule 3745-81-11(B), as determined by OAC Rule 3745-81-23(H)(2), Respondent exceeded the arsenic MCL during the July through September 2006, October through December 2006, January through April 2007, and June through September 2007 monitoring periods when the arsenic running annual average was greater than 0.010 mg/L. Respondent's current running annual average is 0.012 mg/L.
19. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS shall provide public notification for violations.
20. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification for failing to monitor for nitrate during the January 1 through June 30, 2003 monitoring period. Respondent returned to compliance by issuing public notice during June 2007.
21. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification for exceeding the total coliform monthly MCL during the June 2003, June 2004, and July 2004 monitoring periods. Respondent returned to compliance by issuing public notice during June 2007.
22. Each violation cited above represents a separate violation of ORC § 6109.31.

V. ORDERS

1. From the effective date of these Orders, Respondent shall comply with all current and future chemical 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. For as long as Respondent owns or operates the PWS, Respondent shall submit monthly operating reports (Ohio EPA form 5002, and additional forms if specified by Ohio EPA) to Ohio EPA, 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.
4. From the effective date of these Orders, and for as long as Respondent operates the PWS, Respondent shall comply with arsenic monitoring and reporting requirements, in accordance with OAC Rule 3745-81-23.
5. From the effective date of these Orders, and for as long as Respondent operates the PWS, Respondent shall issue public notice for all arsenic MCL violations in accordance with OAC Rule 3745-81-32.
6. Respondent shall pay the amount of two thousand eight hundred dollars (\$2,800.00) in settlement of Ohio EPA's claim for civil penalties which may be assessed pursuant to ORC Chapter 6109. In lieu of paying the two thousand eight hundred dollars (\$2,800.00) of civil penalty, Respondent shall perform the Supplemental Environmental Project (SEP) of completing a connection to a regional PWS according to the following schedule:
 - a. Within ninety (90) days from the effective date of these Orders, Respondent shall submit detail plans to Ohio EPA, Southwest District Office, Division of Drinking and Ground Water, Engineering, 401 East Fifth Street, Dayton, Ohio 45402 for connection to the regional water system in accordance with OAC Chapter 3745-91.
 - b. On or before June 30, 2008, in accordance with the detail plans approved by Ohio EPA and OAC Chapter 3745-91, Respondent shall complete installation/ construction of the connection to the North Hampton regional PWS and commence operation of this connection; Respondent shall properly abandon the well not connected to the PWS and properly disconnect the existing drinking water well(s) from the PWS distribution system and cease to operate this well for the production of potable water, in accordance with OAC Chapter 3745-9.

7. Within seven (7) days after the commencement of the installation/construction of the connection to the regional water system and the deadline provided in Order No. 6b., Respondent shall send written notification of compliance with the requirements of each of the Orders to Ohio EPA, SWDO, DDAGW, DOCC, 401 East Fifth Street, Dayton, Ohio 45402.
8. Within thirty (30) days of receipt of notification, Respondent shall respond in writing to address any comments or deficiencies noted by Ohio EPA on any plan or other documentation submitted by Respondent.
9. Should Respondent fail to complete the SEP set forth in Order No. 6, Respondent shall pay to Ohio EPA the \$2,800.00 civil penalty by tendering an official check made payable to "Treasurer, State of Ohio" for two thousand eight hundred dollars. 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.

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 Division of Drinking and Ground Waters 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

All documents required to be submitted by Respondent pursuant to these Orders (with the exception of the penalty payment referenced in the Orders) shall be addressed to:

Ohio EPA
Southwest District Office
Division of Drinking and Ground Waters
401 East Fifth Street
Dayton, Ohio 45402
Attn: Dave Secor, DOCC

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 other 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


Chris Korleski, Director

FEB 14 2008
Date

IT IS SO AGREED:

Choice Group Inc.


Signature

January 9, 2008
Date

KEVIN BENNETT - AS AGENT ONLY
Printed or Typed Name and Title
CHIEF OPERATING OFFICER