

OHIO E.P.A.

Effective Date JUN 30 2010

JUN 30 2010

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

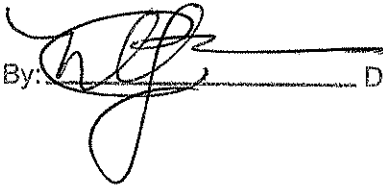
DIRECTOR'S FINAL
FINDINGS AND ORDERS

Anchor Business :
8 East Long Street :
Columbus, Ohio 43215 :
Attn: Jason Gunsorek :

and

Srinivas Guntupalli
Sunoco #6160
935 US Rt. 42 NE
London, Ohio 43140

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.

By:  Date: 6-30-2010

Respondents,

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Srinivas Guntupalli (Respondent/ Lessee and Operator of the business at 935 US Rt. 42 NE) and Anchor Business (Respondent/ Owner of business at 935 US Rt. NE) 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 Respondents' public water system 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 there under.

IV. FINDINGS

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

1. Respondents own and operate a "public water system" (PWS) as defined by ORC § 6109.01, which is also a "transient noncommunity water system" as defined by Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondents' PWS (PWS ID# OH4935312) is located at 935 US Rt. 42 NE, London, (Madison County), Ohio, 43140.
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 605 persons.
4. In accordance with OAC Rule 3745-81-21(A)(2)(a), a noncommunity water system using groundwater and serving not more than one thousand (1000) persons shall monitor with at least one total coliform bacteria sample each quarter that the water system provides water to the public.
5. In violation of OAC Rule 3745-81-21(A)(2)(a), Respondents failed to monitor for total coliform bacteria during the October 1 through December 31, 2003, January 1 through March 31, 2004, April 1 through June 30, 2004, April 1 through June 30, 2006, October 1 through December 31, 2006, April 1 through June 30, 2007, July 1 through September 30, 2007, October 1 through December 31, 2007, January 1 through March 31, 2008, April 1 through June 30, 2008, July 1 through September 30, 2008, and October 1 through December 31, 2008 monitoring periods.
6. In accordance with OAC Rule 3745-81-23, PWSs shall monitor for inorganic chemicals according to a schedule provided by the Director, and in accordance with OAC Rule 3745-81-23(B)(1), all groundwater PWSs shall monitor to determine compliance with the maximum contaminant level (MCL) for nitrate annually.
7. On December 6, 2002, the Director issued Respondents a Chemical Monitoring Schedule for the compliance period that began January 1, 2003 and ended December 31, 2003.
8. On December 9, 2005, the Director issued Respondents a Chemical Monitoring Schedule for the compliance period that began January 1, 2006 and ended December 31, 2006.

9. On or about January 1, 2007, the Director issued Respondents a Chemical Monitoring Schedule for the compliance period that began January 1, 2007 and ended December 31, 2007.
10. On or about January 1, 2008, the Director issued Respondents a Chemical Monitoring Schedule for the compliance period that began January 1, 2008 and ended December 31, 2008.
11. In violation of OAC Rule 3745-81-23(B)(1) and Respondents' Chemical Monitoring Schedules for 2003, 2006, 2007 and 2008, Respondents failed to monitor for nitrate during the July 1 through December 31, 2003, June 1 through October 31, 2006, June 1 through October 31, 2007, and January 1 through December 31, 2008 monitoring periods.
12. On December 7, 2002, Respondents' PWS was designated by the Director as a Class A PWS in accordance with OAC Rule 3745-7-03.
13. In accordance with OAC Rule 3745-7-02(A), 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 certificate of a class equal or greater than the classification of the PWS.
14. As of the effective date of these Orders, in violation of OAC Rule 3745-7-02(A), Respondents have failed to designate an operator of record with a valid certificate of a Class A or greater.
15. 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 these violations.
16. In violation of OAC Rule 3745-81-32, Respondents failed to issue public notice for the following:
 - a. Total coliform bacteria monitoring violations for April 1 through June 30, 2006, October 1 through December 31, 2006, April 1 through June 30, 2007, July 1 through September 30, 2007, October 1 through December 31, 2007, January 1 through March 31, 2008, April 1 through June 30, 2008, July 1 through September 30, 2008, and October 1 through December 31, 2008 monitoring periods.
 - b. Nitrate monitoring violations for June 1 through December 31, 2003, June 1 through October 31, 2006, June 1 through October 31, 2007, and January 1 through December 31, 2008 monitoring periods.
17. In accordance with OAC Rule 3745-84-02(A) and (D), no person shall operate or maintain a PWS in Ohio without a PWS license issued by the Director.

18. In accordance with OAC Rule 3745-84-03(D), a person holding a PWS license or a PWS license renewal issued by the Director shall submit a completed application for license renewal to the Director not less than thirty (30) days prior to the expiration date of the license or license renewal along with the appropriate fee.
19. As of the effective date of these Orders, in violation of OAC Rule 3745-84-01(C), Respondents failed to submit a renewal application and fee payment for Respondents' 2008 PWS License to Operate (LTO). Additionally, Respondents have failed to submit fee payments for the 2004 and 2007 PWS LTOs.
20. Each violation cited above represents a separate violation of ORC § 6109.31.
21. In accordance with OAC Rule 3745-84-03, Respondents untimely submitted an application and application fee for a LTO renewal on June 1, 2010.
22. 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 # 8, until January 30, 2011, in accordance with OAC Rules 3745-84-03(A) and 3745-84-06.
2. From the effective date of these Orders, Respondents shall prominently display the conditioned LTO, in accordance with OAC Rule 3745-84-04(D).
3. From the effective date of these Orders, Respondents shall comply with all current and subsequent chemical monitoring schedules issued by the Director, in accordance with OAC Chapter 3745-81.
4. From the effective date of these Orders, Respondents shall comply with total coliform bacteria monitoring requirements, including both routine and repeat samples, and respond to any positive total coliform sample appropriately, in accordance with OAC Rule 3745-81-21.
5. Within fourteen (14) days of the effective date of these Orders, Respondents shall issue public notice, in accordance with OAC Rule 3745-81-32, for all violations listed in Finding # 16. Respondent shall provide Ohio EPA with copies of all public notices and verification forms at the address listed in Section X of these Orders.

6. Within thirty (30) days of the effective date of these Orders, Respondents shall contract the services of a certified operator with a Class A or higher certification as designated operator of record for the PWS in accordance with OAC Rule 3745-7-02(A). Respondents shall forward the completed Operator of Record form to Ohio EPA at the address listed in Section X of these Orders.
7. Within sixty (60) days of the effective date of these Orders, Respondents shall submit verification to Ohio EPA, at the address identified in Section X, that payment or arrangement of a payment plan has been made with the Ohio Attorney General, Collections Enforcement Section, 150 East Gay St., 21st floor, Columbus, Ohio, 43215, for the unpaid 2004, 2007, and 2008 PWS License to Operate fees (Ohio EPA Revenue IDs: 378663, 579156, and 631721).
8. Within thirty (30) days of the effective date of these Orders, Respondents shall pay the amount of six thousand dollars (\$6,000.00) in settlement of Ohio EPA's claim for administrative penalties which may be assessed pursuant to ORC Chapter 6109.23. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for six thousand dollars (\$6,000.00). The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to: Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondents certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondents have 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 Respondents of the obligations that have not been performed, in which case Respondents 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 Respondents to Ohio EPA and shall be signed by a responsible official of Respondents. 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 Respondents' 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 Respondents.

X. NOTICE

Except as specifically required by an individual Order, all documents required to be submitted by Respondents 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: Kenneth Baughman

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 Respondents 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 Respondents to perform additional activities pursuant to ORC Chapter 6109 or any other applicable law in the future. Nothing herein shall restrict the right of Respondents to raise any administrative, legal or equitable claim or defense with respect to such further action which Ohio EPA may seek to require of Respondents. 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



Chris Korleski, Director

JUN 8 0 2010

Date