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OHIO E.P.A.

MAY - 9 2008

ENTERED DIRECTOR'S JOURNAL

By: Paul Shapiro Date: 5/9/08

Effective Date MAY - 9 2008

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Village of Sebring :
135 East Ohio Ave :
Sebring, Ohio 44672 :

Respondent,

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Village of Sebring (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 a "public water system" (PWS), which is also a "community water system" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID# 5001911) is located at 135 East Ohio Avenue, Sebring (Mahoning County), Ohio, 44672.
3. Respondent's PWS obtains its drinking water from a "surface water" source as defined by OAC Rule 3745-81-01 and serves a population of 8,100 persons.
4. On December 12, 2001, the Director issued a chemical contaminant monitoring schedule to Respondent (2002 monitoring schedule) for the compliance period that began on January 1, 2002 and ended on January 31, 2003.
5. On December 16, 2005, the Director issued a chemical contaminant monitoring schedule to Respondent (2006 monitoring schedule) for the compliance period that began on January 1, 2006 and ended on January 31, 2007.
6. In accordance with OAC Rule 3745-81-24, community and nontransient noncommunity PWSs shall monitor for organic chemicals according to a schedule provided by the Director.
7. In violation of OAC Rule 3745-81-24, and Respondent's 2006 chemical monitoring schedule, Respondent failed to provide analytical results for alachlor, atrazine, and simazine monitoring conducted during the July 2006 monitoring period. A sample was collected in July 2006, however, due to a laboratory problem this sample failed to be analyzed. Respondent has returned to compliance for this violation by sampling on August 15, 2006.
8. In accordance with OAC Rule 3745-81-24(C)(1), community surface water PWSs that treat their water with any combination of chlorine, chloramines, chlorine dioxide and/or ozone, and serve less than ten thousand persons shall monitor for total trihalomethanes (TTHM) according to this rule.
9. In accordance with OAC Rule 3745-81-24(C)(4), surface water PWSs serving from 500 to 9,999 persons shall monitor with the minimum monitoring frequency of one TTHM water sample per quarter per treatment plant or bulk supplier, at location(s) representing maximum residence times.
10. In accordance with OAC Rule 3745-81-24(C)(14), for PWSs monitoring quarterly, compliance with the maximum contaminant level (MCL) for TTHM shall be based on a running annual arithmetic average (RAA), computed quarterly, of quarterly arithmetic averages of all samples taken at each sampling point. If the RAA of quarterly averages covering any consecutive four-quarter period exceeds the MCL, the PWS is in violation of the MCL.

11. In accordance with OAC Rule 3745-81-24(C)(4), Respondent has monitored for TTHM quarterly. The quarterly averages for the Respondent's TTHM samples are 0.0595 milligrams per liter (mg/L) for first quarter 2004, 0.0891 mg/L for second quarter 2004, 0.1252 mg/L for third quarter 2004, 0.0885 mg/L for fourth quarter 2004, 0.0251 mg/L for first quarter 2005, 0.0500 mg/L for second quarter 2005, 0.0967 mg/L for third quarter 2005, 0.0677 mg/L for fourth quarter 2005, 0.0495 mg/L for first quarter 2006, 0.0870 mg/L for second quarter 2006, 0.0943 mg/L for third quarter 2006, 0.0998 mg/L for fourth quarter 2006, 0.0224 for first quarter 2007, 0.0606 mg/L for second quarter 2007.
12. In accordance with OAC Rules 3745-81-12(B), a surface water PWS serving fewer than ten thousand persons is in compliance with the MCL for TTHM if the RAA is not greater than 0.080 mg/L.
13. In violation of OAC Rule 3745-81-12(B), as determined by OAC Rule 3745-81-24(C)(14), the Respondent exceeded the MCL for TTHM during the monitoring periods: October through December 2006, January through March 2005, and October through December 2004 monitoring periods. Respondent has returned to compliance with the TTHM MCL, with a current RAA of 0.0693 mg/L for the second quarter of 2007.
14. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS shall provide public notification for violations.
15. In violation of OAC Rule 3745-81-32, Respondent failed to timely submit a copy of the required public notice verification form for the TTHM MCL violation during the January through March 2005 monitoring period. A copy of the public notice verification form was untimely submitted on January 11, 2008.
16. ORC § 6109.07(B) and OAC Rule 3745-91-08(G)(1) require that no person shall construct or install a PWS, or make any substantial change in a PWS, that is not in accordance with plans approved by the Director.
17. In violation of ORC § 6109.07 and OAC Rule 3745-91-08(G)(1), Respondent failed to submit plans and obtain Director's approval prior to the utilization of a potassium permanganate feed system as part of a July 2007 pilot study. Respondent submitted a picture on December 14, 2007, documenting the removal of the potassium permanganate feed system.
18. Each violation cited above represents a separate violation of ORC § 6109.31.
19. On April 5, 2006, Ohio EPA inspected the PWS and found numerous deficiencies in the operations and maintenance of the PWS, including, but not limited to, the following:

- a) The Texas Avenue, 1.0 MG reservoir tank appears to have a severe concrete spall in the tank sidewall at the roof line. The Recommended Standards for Water Works, 2003 Edition (Ten States Standards), Part 7.0, requires "materials and designs for finished water storage structures shall provide stability and durability as well as protect the quality of the stored water." Respondent submitted a picture on January 22, 2008, documenting the repair of the spall on 1.0 MG reservoir tank.
- b) Respondent indicates that the PWS has existing 4-inch distribution system piping which serves fire hydrants. Ten States Standards, part 8.2.2, requires "the minimum size of water main which provides fire protection and serving fire hydrants shall be six-inch diameter."
- c) Ten States Standards, part 4.2.2.11(c) requires duplicate washwater pumps unless an alternate means of obtaining wash water is available. The Respondent's PWS alternate means of obtaining washwater was a 20,000 gallon storage tank. On December 14, 2007, Respondent submitted a picture documenting the September 2007, removal of the 20,000 gallon tank. The PWS currently only has one wash water pump available.
- d) Respondent's PWS has dead end lines located on either side of the railroad tracks in the Maple Ridge area. Ten States Standards, part 8.2.4, requires "dead ends shall be minimized by making appropriate tie-ins whenever practical, in order to provide increased reliability of service and reduce head loss."

V. ORDERS

1. From the effective date of these Orders, Respondent shall issue public notice for all violations in accordance with OAC Rule 3745-81-32.
2. From the effective date of these Orders, Respondent shall continue to comply with the TTHM and HAA5 monitoring and reporting requirements, in accordance with OAC Rule 3745-81-24.
3. From the effective date of these Orders, Respondent shall comply with all current and future chemical contaminant monitoring schedules issued by the Director.
4. Within six (6) months of the effective date of these Orders, Respondent shall submit detail plans for approval to Ohio EPA NEDO, DDAGW, DOCC, 2110 E. Aurora Road, Twinsburg, Ohio, 44087, for an alternative means of obtaining back wash water.

5. Within one hundred twenty (120) days of plan approval, Respondent shall complete installation of the alternative means to obtain backwash water.
6. Within one hundred twenty (120) days of the effective date of these Orders, Respondent shall submit a General Plan (three copies), in accordance with OAC Chapter 3745-91, to Ohio EPA, NEDO, DDAGW, DOCC, 2110 E. Aurora Road, Twinsburg, Ohio, 44087 for review and approval. The General Plan shall describe at least 3 different options for TTHM reduction, a cost estimate of each option, and shall include a detailed compliance schedule with applicable milestone dates of significant events that are necessary to attain compliance. Additionally, the General Plan shall include:
 - a. A Distribution System Optimization Plan prepared in accordance with OAC Rule 3745-81-78(G)(2);
 - b. A description of the alternatives considered for TTHM reduction and the rationale for the approach selected;
 - c. An engineering description of the existing facilities and the treatment to be installed, including the construction phases, and an estimate of all the costs of any required construction, operation, maintenance; and
 - d. Anticipated sources of funds to cover these estimated costs.
7. If the Ohio EPA approval of the General Plan indicates that a pilot study is not necessary, Order Nos. 8 - 12 will not be required.
8. Within sixty (60) days of Ohio EPA approval of the General Plan, Respondent shall submit a pilot study protocol to Ohio EPA, Central Office, DDAGW, Engineering, for review and approval. The pilot study protocol shall describe the procedures necessary to evaluate the source water for the water treatment system identified as the preferred alternative in the General Plan.
9. If Ohio EPA should require any revisions to the pilot study protocol, Respondent shall make any such changes or modifications and/or submit any additional information to Ohio EPA, within thirty (30) days of receiving a written comment letter from Ohio EPA.
10. Within thirty (30) days of approval of the pilot study protocol, Respondent shall commence the pilot study.
11. Within sixty (60) days of completion of the pilot study, Respondent shall submit a report in which the data collected, results of the data analysis, and the conclusions and recommendations are presented in an acceptable format to

Ohio EPA, Central Office, DDAGW, Engineering for review and approval. Data shall also be submitted in an agreed-upon electronic format. The report shall also include all other data collected during start-up prior to each test period. For each operation mode performed during the pilot study, the pertinent parameters (raw water source, chemical type and dose, pH, etc.) shall be clearly defined and presented in the report.

12. If Ohio EPA should require any revisions to the pilot study report, Respondent shall make any changes or modifications and submit any additional information to Ohio EPA, within thirty (30) days of receiving a comment letter from Ohio EPA. If the pilot study is not acceptable because the treatment failed to demonstrate sufficient consistent and reliable treatment, a revised pilot study protocol is required to be submitted to Ohio EPA, within ninety (90) days of receiving a written comment letter from Ohio EPA.
13. Within one hundred twenty (120) days after pilot study report approval (if required), Respondent shall submit detail plans to Ohio EPA for the modifications to the existing plant in accordance with OAC Chapter 3745-91. If it is determined that a pilot is not necessary, detail plans shall be submitted within one hundred twenty (120) days of approval of the General Plan.
14. Within sixty (60) days of detail plan approval for the treatment for TTHM reduction, in accordance with detail plans approved by Ohio EPA and OAC Chapter 3745-91, Respondent shall begin construction on the selected treatment.
15. Within one hundred eighty (180) days of detail plan approval, in accordance with the detail plans approved by Ohio EPA and OAC Chapter 3745-91, Respondent shall complete installation and commence operation of the treatment for TTHM reduction.
16. Within twelve (12) months of the completion of the installation and commencing operation of the treatment plant, Respondent shall comply with the MCL requirements for TTHM and HAA5 in accordance with OAC Rules 3745-81-12 and 3745-81-24.
17. Within one hundred eighty (180) days of the effective date of these Orders, Respondent shall submit detail plans to Ohio EPA for:
 - a) The replacement of the existing 4-inch fire hydrants' distribution system piping with a minimum of 6-inch water mains per Ten State Standards section 8.2.2; and
 - b) Minimizing the dead end lines located on either side of the railroad tracks in the Maple Ridge area, per Ten States Standards section 8.2.4.

18. Within sixty (60) days of detail plan approval for the correction of the 4-inch fire hydrant lines and the dead end lines, in accordance with detail plans approved by Ohio EPA and OAC Chapter 3745-91 and the schedule contained within the detailed plans, Respondent shall commence construction and corrective measures for the distribution piping system.
19. 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.
20. Within seven (7) days after the deadlines given in Order Nos. 5, 14, 15, 18 above, Respondent shall send written notification of compliance with the requirements of each of the Orders to Ohio EPA, NEDO, DDAGW, DOCC, 2110 E. Aurora Road, Twinsburg, Ohio, 44087.
21. 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.
22. Within thirty (30) days of the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to the "Treasurer, State of Ohio" for two thousand eight hundred dollars (\$2,800.00). 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 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(D)(4) for a municipal facility.

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

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 EPA, Central Office
Division of Drinking and Ground Waters
Attn. Christel Sherron
PO BOX 1049
Columbus, Ohio 43216

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 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

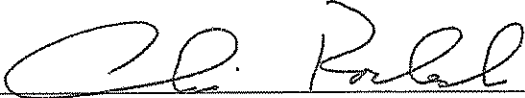
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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



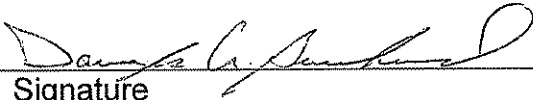
Chris Korleski, Director

MAY - 9 2008

Date

IT IS SO AGREED:

Village of Sebring



Signature

April 22, 2008

Date

Douglas A. Borchard

Printed or Typed Name and Title