





**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Ottawa County
St. Hazards
TNC Public Water System
PWS ID# OH6258112
STU ID# 6257089

December 16, 2011

CERTIFIED MAIL

Mr. Mark Abood
Chartwell Group, LLC
1301 East Ninth Street
Suite 2210
Cleveland, Ohio 44114

Subject: Notice of Violation for Failure to Respond to a Significant Deficiency

Mr. Abood:

This letter is being sent to you as the court appointed receiver for the St. Hazards property located at 1233 Fox Road, Middle Bass Island, OH 43446. There are numerous outstanding issues of compliance with Ohio's drinking water regulations at the property. In violation of Ohio Administrative Code (OAC) Rule 3745-81-60, St. Hazards has not complied with requirements issued during this Agency's last survey performed on June 10, 2011, and July 7, 2011. St. Hazards was notified in correspondence dated August 4, 2011, to respond in writing no later than 30 days with time frames for meeting the requirements outlined below. **Please respond in writing by January 31, 2012, indicating how and on what schedule the system will address the following requirements:**

1. Each person owning or operating a public water system shall designate one or more operator of record to oversee the technical operation of the public water system. Each operator of record shall have a valid certification of a class equal to or greater than the classification of the public water system.

As a transient non-community public water system which serves a population of more than two hundred fifty, St. Hazards is classified as a class A water system.

At Ohio EPA's sanitary survey of the drinking water system on June 10, 2011, St. Hazards did not have an operator of record. However, on July 7, 2011, during the second day of the sanitary survey and in the presence of Ohio EPA staff, an Operator of Record (ORC) Notification Form was completed designating Shawn Daley as the ORC. Ensure this form is submitted to Ohio EPA. If Mr. Daley is not the operator of record, a completed form with the name of the current operator of record must be submitted to Ohio EPA. [OAC Rule 3745-7-02(A)(1)]

2. Establish a written inspection and maintenance program that documents regular inspections and notes any problems or repairs made to the well or water system. Some of the formats in which records may be maintained include, but are not limited to, hard bound books with consecutive page numbering, time cards, separate operation and maintenance records, or well organized computer logs.

The following information shall be recorded: (a) Identification of the public water system; (b) Date and times of arrival and departure for the operator of record; (c) Specific operation and maintenance activities that may affect quality or quantity of water produced; (d) Results of tests performed and samples taken, unless documented on a laboratory sheet; (e) Performance of preventative maintenance and repairs or requests for repair of the equipment that affect or have the potential to affect the quality or water produced; and (f) Identification of the persons making entries.

The records shall be accessible onsite for twenty-four hour inspection by agency or emergency response personnel. [OAC Rule 3745-7-09(A)]

3. Replace the cap on Well #2 with one that has a watertight connection and conforms to "Water System Council Pitless Adapter Standard PAS-97". [OAC Rule 3745-9-05(P)]
4. A vent shall be provided on all well caps and seals. Install on cap, on Well #2, with a vent that is self-draining, screened with a non-corroding mesh screen of fifteen to thirty mesh, and pointed downward at or above the top of the casing or pitless unit. The vent shall terminate not less than twelve inches above ground surface [OAC 3745-9-05(T)] and both wells #1 and #2 must be vented at least 3 feet above the 100 year flood level. [OAC 3745-9-05]
5. Properly seal the two unused wells on the property. Proper abandonment of wells is essential in protecting ground water resources. Abandoned wells shall be sealed in accordance with OAC 3745-9-10 and OAC 3745-9-07. The State of Ohio Technical Guidance For Sealing Unused Wells (1996) shall be used as a guide. An "abandoned well" is defined as a well, test hole, or dry hole whose use has been permanently discontinued. The State of Ohio Guidance is available at <http://www.dnr.state.oh.us/Portals/7/pubs/pdfs/wellsealing.pdf>

Please contact this office if assistance is necessary in locating the unused wells.

6. Consumer complaints regarding loss of water pressure and complete loss of water at the St. Hazards resort have been noted by Ohio EPA, NWDO. The public water system must report to the district office as soon as possible, but within twenty-four hours, the discovery of any serious plant breakdown or condition causing or likely to cause any discharge of water not in accordance with section 6109 of the Revised Code or the rules adopted thereunder; any major interruption in service or disinfection; or any hazard for employees, consumers, the public, or the environment. [OAC Rule 3745-83-01(I)(3)]

7. Hazards to public health may exist from actual or potential cross-connections which may result in backflow of non-potable substances into the public water system. Perform a survey of the public drinking water system, including the restaurant, condo and camping facilities to determine where backflow prevention is required. Evaluate the degree of hazard and install approved backflow prevention devices as warranted. Documentation that such devices have been installed shall be submitted to this office. [OAC Rule 3745-95-04]

In addition, determine the source of water for the fire suppression system. If the drinking water wells are determined to be the source for the system, then an approved backflow prevention device must be installed.

8. Ensure that backflow prevention devices are tested every 12 months. [OAC Rule 3745-95-06]
9. Submit a drawing showing the location of the booster/jockey pump and explain the function of the pump. The Plans approved by Ohio EPA on September 26, 1997 do not contain a booster/jockey pump at the water treatment plant. [OAC 3745-91-02(A)]
10. Provide a vent on the clearwell. The vent should open downward with the opening at least 24 inches above the roof and covered with twenty-four mesh non-corrodible screen (Recommended Standards for Water Works, 2007 Edition (RSWW), Section 7.0.9.). The plans approved by Ohio EPA on September 26, 1997, (Application No. NW-3357-WS) indicate that a 3 inch vent will be provided with a 24 mesh screen. Failure to install this vent is a violation of plan approval. [OAC 3745-91-08(G)(1)]
11. Install an overflow on the clearwell. The plans approved by Ohio EPA on September 26, 1997 (Application No. NW-3357-WS) indicate "3 inch screened overflow at tank top turn down with bend." Failure to install this overflow is a violation of plan approval. [OAC 3745-91-08(G)(1)]
12. Seal the prefabricated ports in the clearwell to prevent leakage. (RSWW 7.0.10) The plans approved by Ohio EPA on September 26, 1997 (Application No. NW-3357-WS) indicate a "4 inch Tuff-Tite Seal" will be provided. The ports were leaking at the time of the survey. Failure to seal these ports as noted is a violation of plan approval. [OAC 3745-91-08(G)(1)].
13. According to a November 7, 2007, letter from Industrial Fluid Management, a former consultant for St. Hazards, condominium owners have access to water during the winter months. St. Hazards must maintain the public water system in accordance with all applicable rules and regulations for the entire calendar year, or provide documentation each season that the public water system has been completely shut down and that water is not being produced or available for use.

Ohio EPA strongly encourages you to contact us to schedule a meeting to discuss these requirements and any other questions you have regarding the public drinking water system for

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Ohio EPA strongly encourages you to contact us to schedule a meeting to discuss these requirements and any other questions you have regarding the public drinking water system for St. Hazards. You are also encouraged to have the designated operator of record attend this meeting. You may wish this meeting to also include staff from our Division of Surface Water who are responsible for the wastewater requirements for St. Hazards.

Please contact Jack Schwartz (419-373-3088, jack.schwartz@epa.state.oh.us), Ellen Gerber (419-373-3046, ellen.gerber@epa.state.oh.us), or me (419-373-3107, elizabeth.ames@epa.state.oh.us) to schedule a meeting.

Sincerely,



Elizabeth Ames
Environmental Specialist 2
Division of Drinking and Ground Waters

/llr

pc: Shawn Daley
Ottawa County Health Department
Central Office, DDAGW
Jack Schwartz, NWDO, DDAGW
Certified Mail Receipt Number 7009 1410 0001 1834 1255