

FEB 13 2012

ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY



In the Matter of:

DIRECTOR'S FINAL  
FINDINGS AND ORDERS

Geneva Hills Group, Inc. :  
1380 Blue Valley Road :  
Lancaster, Ohio 43130 :

Respondent,

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to Geneva Hills 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 there under.

**IV. FINDINGS**

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

1. Respondent owns and operates "public water systems" (PWSs), at Geneva Hills-Lodge (Lodge), Geneva Hills-Frontier Lodge (Frontier Lodge), Geneva Hills-Pool (Pool), and Geneva Hills-Residence (Residence), which are also "transient water systems" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.
2. The Lodge (PWS ID# OH2332312) serves a population of 200 people; the Frontier Lodge (PWS ID# OH2332112) serves a population of 80 people; the Pool (PWS ID# OH2344812) serves a population of 100; and the Residence (PWS ID# OH2332212) serves a population of 83. All four PWSs are located at 1380 Blue Valley Road, Lancaster (Fairfield County), Ohio, 43130.

3. Respondent's Pool PWS is a seasonal system, operating from May 1 to September 30 each year.
4. The Respondent's PWSs obtain their drinking water from separate "ground water" sources as defined by OAC Rule 3745-81-01.
5. Director's Final Findings and Orders (2011 Orders) were issued to the Respondent on November 21, 2011.
6. In accordance with OAC Rule 3745-81-21(A)(2)(a), a non-community water system using groundwater and serving not more than one thousand (1000) persons shall monitor with at least one routine total coliform bacteria sample each quarter that the water system provides water to the public.
7. In violation of OAC Rule 3745-81-21(A)(2)(a) and the 2011 Orders, Respondent failed to monitor for routine total coliform bacteria during the October 1 to December 31, 2011 monitoring period for the Lodge PWS, Residence PWS and Frontier Lodge PWS.
8. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS having violations shall provide public notification for violations and submit copies of the required public notice and verification forms to the Director.
9. In violation of OAC Rule 3745-81-32 and the 2011 Orders, Respondent failed to issue public notice for the total coliform bacteria monitoring violations during the October 1 to December 31, 2011 monitoring period for the Lodge PWS, Residence PWS and Frontier Lodge PWS.
10. In accordance with Order No. 5 of the 2011 Orders, Respondent was required to contract with a certified laboratory to collect and analyze required PWS samples for twelve (12) months and to submit a copy of the signed laboratory contract to Ohio EPA.
11. In violation of the 2011 Orders, Respondent has failed to contract with a certified laboratory.
12. Each violation cited above represents a separate violation of ORC § 6109.31.
13. In accordance with OAC Rule 3745-84-02(A), no person shall operate or maintain a PWS in the state of Ohio without a PWS license issued by the Director.
14. In accordance with OAC Rule 3745-84-03, Respondent submitted applications and fees for license to operates (LTOs) on January 17, 2012.
15. 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 through January 30, 2013, the LTOs for Respondent's PWSs are issued with the conditions listed in Orders No. 2 through 5, in accordance with OAC Rule 3745-84-06.
2. From the effective date of these Orders, Respondent shall prominently display the conditioned LTO, in accordance with OAC Rule 3745-84-04(D).
3. From the effective date of these Orders, Respondent shall comply with total coliform bacteria routine and repeat monitoring requirements, in accordance with OAC Rule 3745-81-21.
4. Within fourteen (14) days of the effective date of these Orders, Respondent shall provide public notification for the violations listed in Finding No. 9. Respondent shall provide Ohio EPA with copies of the required public notices and verification forms, in accordance with OAC Rule 3745-81-32, at the address listed in Section IX of these Orders.
5. Respondent shall immediately contract with a certified laboratory and submit a copy of the signed contract to Ohio EPA per the 2011 Orders.

#### **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate upon renewal of the LTO for Respondent's PWSs or upon any subsequent LTO action by the Director.

#### **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 PWSs.

#### **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**

All documents submitted by Respondent pursuant to these Orders and 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: Julie Spangler

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 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:

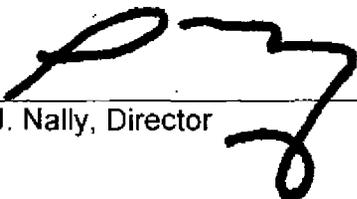
Environmental Review Appeals Commission  
77 South High Street, 17th Floor  
Columbus, OH 43215

**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**

  
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Scott J. Nally, Director

**FEB 13 2012**

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Date