

OHIO E.P.A.

JAN -5 2012

Effective Date JAN 05 2012

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Paul Spanner Trust :
c/o Marcia Hollymeyer, Gary :
Spanner and Leona Spanner :
Trustees :
1073 Hillsboro Mile #1N :
Hillsboro, FL 33062 :

Re: Country Side Mobile Home Park
4977 Avery Road
Dublin, Ohio 43016

Respondent,

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Paul Spanner Trust (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 a "public water system" (PWS) as defined by ORC § 6109.01, which is also a "community" water system as defined by Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID# OH2500612) at Country Side Mobile Home Park is located at 4977 Avery Road, Dublin (Franklin County), Ohio, 43016.
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 180 persons.
4. Respondent was issued Director's Final Findings and Orders on November 17, 2009 (November 17, 2009 DFFOs) for violations of OAC Rules 3745-81-11(B); 3745-81-21(A); 3745-81-21(A)(1)(a); 3745-81-32; 3745-81-60(D); 3745-81-86(C), (D)(4)(a) and (d); 3745-85-01(B); 3745-96-01(E); and 3745-96-04(C).
5. In violation of the November 17, 2009 DFFOs, Respondent failed to install a flow controller, just upstream of the chlorine injection point, to allow for chlorine to be injected evenly into the distribution system.
6. On August 4, 2010, in response to Ohio EPA's June 4, 2010 letter regarding Respondent's noncompliance with the November 17, 2009 DFFOs, Respondent untimely submitted plans for arsenic removal treatment to Ohio EPA.
7. Ohio EPA issued a plan review comment letter to Respondent on August 6, 2010, regarding Respondent's August 4, 2010 plan submittal.
8. In violation of the November 17, 2009 DFFOs, Respondent failed to respond in writing within thirty (30) days of Ohio EPA's August 6, 2010 plan review comment letter.
9. In accordance with OAC Rule 3745-81-11(B), the maximum contaminant level (MCL) for arsenic is 0.010 mg/L.
10. In violation of OAC Rule 3745-81-11(B), Respondent exceeded the arsenic MCL with a running annual average of 0.016 mg/L during the October 1 to December 31, 2010 monitoring period; 0.019 mg/L during the January 1 to March 31, 2011 monitoring period; 0.018 mg/L during the April 1 to June 30, 2011 monitoring period; and 0.012 mg/L during the July 1 to September 30, 2011 monitoring period.
11. 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 violations.

12. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification and submit copies of the required public notice and verification form for exceeding the arsenic MCL during the April to June 30, 2011 and July 1 to September 30, 2011 monitoring periods.
13. In accordance with OAC Rule 3745-84-06(A), the Director may condition a license to operate (LTO) at any time to require corrections of violations of ORC Chapter 6109 and the administrative rules adopted thereunder.
14. On January 26, 2011, the Director issued Findings and Orders (January 26, 2011 DFFOs) conditioning Respondent's 2011 LTO and requiring Respondent to correct violations of the November 17, 2009 DFFOs.
15. In violation of the January 26, 2011 DFFOs, Respondent failed to submit plans for installation of a flow controller, and failed to respond in writing to address comments noted by Ohio EPA's August 6, 2010 plan review comment letter.
16. In accordance with ORC § 6109.31, no person shall violate this chapter or any rule adopted under it. Each violation cited above represents a separate violation of ORC § 6109.31.
17. In accordance with OAC Rule 3745-84-03, Respondent submitted an application and application fee for a 2012 LTO on December 6, 2011.

V. ORDERS

1. From the effective date of these Orders until January 30, 2013, the 2012 LTO for Respondent's PWS is issued with the conditions listed in Orders No. 2 through 13, in accordance with OAC Rule 3745-84-06.
2. From the effective date of these Orders, Respondent shall prominently display the conditioned LTO at the office of the PWS and notify the PWS customers of the conditioned status of the license in the consumer confidence report, pursuant to OAC Chapter 3745-96, in accordance with OAC Rule 3745-84-04(D)(1).
3. Within thirty (30) days of the effective date of these Orders, Respondent shall remedy the violation in Finding No. 12 by issuing a public notification and submitting copies of the required public notice and verification form to the Ohio EPA, Division of Drinking and Ground Waters (DDAGW), Central Office (CO), Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049, in accordance with OAC Rule 3745-81-32, for exceeding the arsenic MCL during the April to June 30, 2011 and July 1 to September 30, 2011 monitoring periods.

4. From the effective date of these Orders, Respondent shall issue public notice for any future violations in accordance with OAC Rule 3745-81-32.
5. From the effective date of these Orders, Respondent shall comply with all current and future monitoring schedules for the PWS issued by the Director.
6. Within thirty (30) days of the effective date of these Orders, Respondent shall submit plans to install a flow controller, just upstream of the chlorine injection point, to allow for chlorine to be injected evenly into the distribution system. Respondent shall submit plans to Ohio EPA, CDO, DDAGW, DOCC, P.O. Box 1049, Columbus, Ohio 43216-1049.
7. Within thirty (30) days of receiving Director's detail plan approval, Respondent shall complete installation of the flow controller, in accordance with the approved plans and OAC Chapter 3745-91.
8. Within thirty (30) days of the effective date of these Orders, Respondent shall respond in writing to address all comments noted by Ohio EPA's August 6, 2010 plan review comment letter and submit all required documentation necessary for Director's plan approval.
9. Within sixty (60) days of Director's detail plan approval, in accordance with the approved plans and OAC Chapter 3745-91, Respondent shall commence installation/construction of the selected treatment for arsenic removal.
10. Within nine (9) months of Director's detail plan approval, Respondent shall hire and retain at minimum a Class 1 certified operator, in accordance with OAC Rule 3745-7-03, and ensure the Class 1 certified operator is physically present at Respondent's PWS, to oversee the technical operation of the PWS, for at least three days per week for a minimum of 1.5 hours per week; and is maintaining an onsite record of the date and times of his/her arrival to and departure from Respondent's PWS, in compliance with OAC Chapter 3745-7.
11. Within nine (9) months of Director's detail plan approval, in accordance with the approved plans and OAC Chapter 3745-91, Respondent shall complete installation and commence operation of the treatment for arsenic removal.
12. From the effective date of these Orders, and within seven (7) days after the deadlines given in Orders No. 7, 9, 10, and 11 above, Respondent shall send written notification of compliance with the requirements of each of the Orders to Ohio EPA, CDO, DDAGW, DOCC, P.O. Box 1049, Columbus, Ohio 43216-1049.

13. Within (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.

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.

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.

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 Environmental Protection Agency
Division of Drinking and Ground Waters
Lazarus Government Building

P.O. Box 1049
Columbus, Ohio 43216-1049

Attn: Christel Sherron

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 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.

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
77 South High Street, 17th Floor

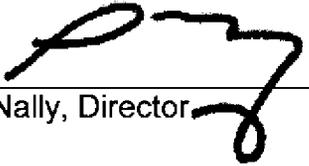
Columbus, OH 43215

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



Scott J. Nally, Director

JAN 05 2012

Date