



**Environmental  
Protection Agency**

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

April 9, 2012

**NOTICE OF VIOLATION**

Donald Daley  
1655 N Ridge Rd  
Vermillion, OH 45140

Re: Class III Water Supply Certificate

Dear Mr. Daley:

This letter is in regard to your performance of the duties as the operator of record (ORC) for the Lake Erie Utilities (LEU) public water system (PWS).

You have been provided numerous notices regarding problems with late, incomplete and inaccurate monthly operating reports. The most recent notification was dated April 5, 2012 (enclosed).

Your actions constitute violations of the following:

Ohio Administrative Code (OAC) Rule 3745-83-01(I)(2) which requires the operation report be signed by the operator in responsible charge and submitted to the district office no later than the tenth of the month following the month for which the report was prepared.

OAC Rule 3745-81-31(A) which requires the results of a test, measurement, or analysis required to be made by this chapter be reported to the director within the first ten days following the month in which the result is received for that test, measurement, or analysis or within the first ten days following the end of the required monitoring period as specified by the director, whichever occurs first.

OAC Rule 3745-81-75(A)(1) which requires the total number of filtered water turbidity determinations during the month to be reported to the director within ten days after the end of each month the public water system serves water to the public.

OAC Rule 3745-81-75(A)(2) which requires the number and percent of filtered water turbidity determinations during the month which are less than or equal to the turbidity limits specified in OAC Rule 3745-81-73 (A)(1) or (B)(1) to be reported to the director within ten days after the end of each month the public water system serves water to the public.

OAC Rule 3745-81-75(A)(3) which requires the date and value of each turbidity determination during the month which exceeds any applicable turbidity limit specified in OAC Rule 3745-81-73 to be reported to the director within ten days after the end of each month the public water system serves water to the public.

OAC Rule 3745-81-75(C) which requires disinfection information specified in Rule 3745-81-74 of the Administrative Code be reported to the director within ten days after the end of each month the public water system serves water to the public. In accordance with OAC Rule 3745-81-75 (C)(4), the information shall include: the CT parameters during peak hourly flow rate for each day, including the temperature, pH, disinfectant, residual disinfectant concentration(s), disinfectant contact time(s), actual CT value, required CT value, and the number of days, if any, for which the required CT value is larger than the actual CT value.

A review of the files for the LEU PWS indicates you have failed to meet provisions in OAC Chapter 3745-7.

OAC Rule 3745-7-09(A) requires the owner and operator of record of a public water system to maintain or cause to be maintained operation and maintenance records for each public water system. Some of the formats in which the 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. OAC Rule 3745-7-09(A)(1) requires records be maintained in such a manner as to guarantee the authenticity and accuracy of the records contained within. Records for LEU are maintained in a book that does not have numbered pages and blank pages are randomly interspersed with the plant records. These records do not meet the requirements specified in OAC Rule 3745-7-09 and do not guarantee authenticity and accuracy. You were notified of the need to meet the requirements of OAC Rule 3745-7-09(A)(1) on September 28, 2011, December 2, 2011 and during a limited scope site visit (LSSV) conducted on March 30, 2012.

OAC Rule 3745-7-03(C)(1) requires LEU to have a Class III operator physically present at the PWS 5 days per week for a minimum of 40 hours per week. You have not consistently met the minimum staffing requirements for the LEU facility. You were notified of these requirements on September 21, 27 and 28, 2011, October 5, 12, 2011, December 2, 2011, January 12 and 18, 2012, February 6, 2012 and March 30, 2012.

OAC Rule 3745-7-12 (A) states, "The director may suspend or revoke the certificate of an operator, issued under this chapter, upon finding that the operator has:

- (2) Performed the duties of an operator in a negligent or incompetent manner, or
- (3) Knowingly or negligently submitted misleading, inaccurate, or false reports, documents, or applications to any governmental organization or their employer, or
- (4) Operated in a manner endangering the public health or welfare, or

- (5) Operated in such a manner to have violated or caused to be violated any provisions of Chapter 6109. or 6111. of the Revised Code,"

Your failure to submit accurate monthly operating reports in a timely fashion, failure to meet the record keeping requirements of OAC Rule 3745-7-09 and failure to meet the minimum staffing requirements in accordance with OAC Rule 3745-7-12 (A) constitute actions at the LEU facility meeting the above referenced criteria for the suspension or revocation of an operator certificate.

If these issues are not corrected immediately, the Ohio EPA may initiate enforcement actions related to your Water Supply and Wastewater Treatment certificates.

Please provide a written response within 15 days of the date of this letter. The response should provide a detailed explanation of the steps you will take to ensure compliance with OAC Rules.

If you have any questions, feel free to contact **Andrew Barienbrock** at (614) 728-1216.

Sincerely,



Beth Messer  
Assistant Chief  
Division of Drinking and  
Ground Waters

cc: Justin Bowerman, DDAGW-NWDO  
Jim Arvin  
File