



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

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

April 28, 2009

RE: Logan County
Desperados
Transient Noncommunity Water System
PWSID#: OH4640012

Attn: Sharon Proffitt
Desperados
6857 Lima St.
Huntsville, OH 43324

Hand Delivery

Dear Ms. Proffitt:

Desperados public water system (PWS) has violated Ohio's safe drinking water law. Specifically, the PWS failed to monitor for total coliform bacteria, failed to monitor for nitrate, failed to monitor for nitrite, failed to provide public notifications for past monitoring violations, and failed to provide required information to determine source designation.

Owners or operators of public water systems that fail to comply with Ohio's safe drinking water laws and regulations are subject to civil penalties of up to \$25,000 per day per violation under Ohio Revised Code Section 6109.33.

To resolve your drinking water violations and avoid possible legal action and civil penalties, it is agreed that Desperados will:

1. Within thirty (30) days of the effective date of this agreement, contract with a certified laboratory or a certified operator to collect water samples for total coliform bacteria, nitrate, and nitrite analysis. Submit a copy of the contract for verification to Ohio Environmental Protection Agency (EPA), Division of Drinking and Ground Waters, P.O. Box 1049, Columbus, Ohio 43216-1049, Attn: Ken Baughman.
2. Within thirty (30) days of the effective date of this agreement, post public notice for past total coliform bacteria, nitrate and nitrite monitoring violations. Posting must remain up for no less than seven (7) days. Send a copy of the public notice and completed verification form to address listed in item 1 above.
3. Monitor for total coliform bacteria with a minimum of one routine sample per quarter from the distribution system and perform any required repeat monitoring, in accordance with rule 3745-81-21 of the Ohio Administrative Code.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

4. Comply with the monitoring and reporting requirements in accordance with the 2009 and future contaminant monitoring schedules.
5. For determination of Desperados PWS's source water designation, in accordance with OAC Rule 3745-81-76:
 - a. Beginning with the April 1 through June 30, 2009 quarter, collect four (4) consecutive quarters of total coliform bacteria raw water samples, in addition to the required routine quarterly total coliform bacteria samples. These samples should be identified as "Special Purpose Raw" samples; and
 - b. Submit a copy of the well log or a signed statement from a well driller or water system installer, indicating well depth and casing depth, to: Ohio Environmental Protection Agency, Southwest District Office, DDAGW, DOCC, 401 East Fifth Street, Dayton, OH 45402-2911.
6. Within ninety (90) days of the effective date of this agreement, complete any necessary improvements to the well to ensure compliance with current well construction standards.
7. Within ninety (90) days of the effective date of this agreement, install a pressure gauge on the water system to ensure the water pressure does not drop below the minimum required pressure of 20 psi.

Sincerely,



Michael G. Baker, Chief
Division of Drinking and Ground Waters

If it is your intent to comply with the safe drinking water laws and regulations in the manner specified, please sign this document and return it to the attention of Ken Baughman at Ohio EPA, DDAGW, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049, within fourteen (14) days. Your signature is not considered an admission of guilt, only an indication of your intention to address the violations noted. Ohio EPA reserves its right to seek civil penalties pursuant to Revised Code 6109.33 for the violations described in this letter. If you have any questions concerning this letter, please call Ken Baughman at (614) 644-2752.

Sharon Proffitt
Signature of Responsible Official

Sharon Proffitt
Printed Name

4-28-09
Date

Member
Title of Responsible Official