

OHIO E.P.A.

Effective Date MAY 01 2012

MAY - 1 2012

ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL  
FINDINGS AND ORDERS

Danville Church of Christ :  
15961 Danville-Jelloway Road :  
Danville, OH 43014 :

Respondent,

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to the Danville Church of Christ (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 thereunder.

**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 "transient non-community water system" as defined by Ohio Administrative Code (OAC) Rule 3745-81-01.

2. Respondent's PWS (PWS ID# OH4243012) is located at 15961 Danville-Jelloway Road, Danville (Knox County), Ohio, 43014, obtains its drinking water from a "ground water" source as defined by OAC Rule 3745-81-01, and serves a population of 25 persons.
3. In accordance with OAC Rule 3745-81-21(A)(2)(a), a non-community water system using ground water and serving not more than one thousand (1000) persons shall monitor with at least one total coliform bacteria sample each quarter.
4. In violation of OAC Rule 3745-81-21(A)(2)(a), Respondent failed to collect at least one total coliform bacteria sample during the monitoring periods of January 1 through March 31, 2009, July 1 through September 30, 2009, October 1 through December 31, 2009, January 1 through March 31, 2010, April 1 through June 30, 2010, July 1 through September 30, 2010, October 1 through December 31, 2010, and January 1 through March 31, 2011.
5. In December 2009, the Director issued a chemical contaminant monitoring schedule to Respondent (2010 monitoring schedule) for the compliance period of January 1 through December 31, 2010.
6. In accordance with OAC Rule 3745-81-23, PWSs shall monitor to determine compliance with the maximum contaminant level (MCL) for nitrate according to a schedule provided by the Director.
7. In accordance with OAC Rule 3745-81-23 and Respondent's 2010 monitoring schedule, Respondent was required to monitor for nitrate during the January 1 through December 31, 2010 monitoring period.
8. In violation of OAC Rule 3745-81-23 and Respondent's 2010 monitoring schedule, Respondent failed to monitor for nitrate during the January 1 through December 31, 2010 monitoring period.
9. 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.
10. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notice for the following violations [Respondent untimely issued these public notices in November 2011]:
  - a. Total Coliform monitoring violations for the monitoring periods of January 1 through March 31, 2009, July 1 through September 30, 2009, October 1 through December 31, 2009, January 1 through March 31, 2010, April 1 through June 30, 2010, July 1 through September 30, 2010, October 1 through December 31, 2010, and January 1 through March 31, 2011;

- b. Nitrate monitoring violations for the monitoring periods of January 1 through December 31, 2010;

- 11. Each violation cited above represents a separate violation of ORC § 6109.31.

#### **V. ORDERS**

- 1. Respondent shall comply with all current and subsequent monitoring schedules issued by the Director, in accordance with OAC Rule 3745-81-23.
- 2. Respondent shall comply with total coliform bacteria monitoring requirements, in accordance with OAC Rule 3745-81-21.
- 3. Respondent shall issue public notice for any PWS violations in accordance with OAC Rule 3745-81-32.
- 4. Respondent shall pay the amount of eight thousand four hundred dollars (\$8,400.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6109.
- 5. In lieu of paying eight thousand four hundred dollars (\$8,400.00) in settlement of Ohio EPA's claim for civil penalties, Respondent shall within one year of the effective date of these Orders, complete a Supplemental Environmental Project (SEP) of connecting to and receiving water from the Village of Danville PWS. Additionally, within thirty (30) days of connecting to the Village of Danville PWS, Respondent shall properly abandon and seal the existing PWS well in accordance with OAC Chapter 3745-9.
- 6. Within ten (10) days after each of the SEP deadlines listed in Order No. 5, Respondent shall send written notice confirming completion of the requirements to Ohio EPA at the address listed in Section X.
- 7. Should Respondent fail to complete the SEP within the required timeframes in Order No. 5, Respondent shall pay Ohio EPA the \$8,400.00 civil penalty. Payment shall be made by official check made payable to "Treasurer, State of Ohio" for eight thousand four hundred dollar (\$8,400.00), and shall be submitted to Akia Smith, or her successor, together with a letter identifying the Respondent, to: Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio, 43216-1049.

## **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.

## **IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

## **X. NOTICE**

Except as required by a specific order, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Central District Office  
Division of Drinking and Ground Waters  
P.O. Box 1049  
Columbus, Ohio 43216  
Attn: Susan Schell

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

#### **XI. RESERVATION OF RIGHTS**

Ohio EPA and Respondent each reserve all other rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

#### **XII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, Respondent consents to the issuance of these Orders and agrees to comply with these Orders and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity. Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

#### **XIII. EFFECTIVE DATE**

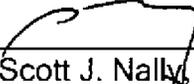
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**XIV. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**IT IS SO ORDERED AND AGREED:**

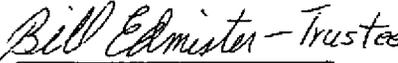
**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Scott J. Nally, Director

5/1/12  
\_\_\_\_\_  
Date

**IT IS SO AGREED:**

**Danville Church of Christ:**

  
\_\_\_\_\_  
Signature

4-16-2012  
\_\_\_\_\_  
Date

Bill Edmister - Trustee  
\_\_\_\_\_  
Printed or Typed Name and Title

