



**Environmental  
Protection Agency**

John R. Kasich, Governor

Paul D. Ryan, Lt. Governor

Steve J. Kelly, Director

October 9, 2012

RE: **NOTICE OF VIOLATION**  
CLEVELAND WATER SYSTEM  
GARRETT A. MORGAN WTP  
COMMUNITY WATER SYSTEM  
PWS ID: OH1801212

Mr. Alex Margevicius, Water Commissioner  
City of Cleveland  
Department of Public Utilities  
Division of Water  
1201 Lakeside Avenue  
Cleveland, OH 44114

Dear Mr. Margevicius:

The **City of Cleveland, Division of Water** is in violation of Ohio Revised Code Chapter 6109 by failing to comply with the requirements for filtration and disinfection of surface water systems pursuant to Ohio Administrative Code (OAC) rules 3745-81-71 through 3745-81-75, or 375-83-01(B)(2).

The City of Cleveland, Division of Water is in violation of OAC 3745-81-74 when the following monitoring and reporting requirements were not met during the month of August 2012:

*Grab sampling was not done every four hours in lieu of continuous individual filter turbidity monitoring when a continuous monitor failed in the month of August 2012.*

The City of Cleveland, Division of Water is required by OAC 3745-81-32(A)(2) to notify persons served by its water system of its failure to perform the monitoring and reporting that is established by OAC Chapter 3745-81.

The City of Cleveland, Division of Water shall give notice within one year of the violation by:

- Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system. The *Consumer Confidence Report* delivered to customers by July 1st of each year may be used as long as the public notice includes all the required content and is delivered within the required timeframe. If these methods will not reach all persons served, then use any other method reasonably calculated to reach other persons regularly served by the public water system (e.g. publication in a local newspaper, delivery of multiple copies for distribution by customers that provide their drinking water to others, posting in public places served by the system or on the internet, or delivery to community organizations). If the notice is posted, it shall remain in place as long as the violation exists, but in no case less than seven days.

CITY OF CLEVELAND, DIVISION OF WATER  
OCTOBER 9, 2012  
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The City of Cleveland, Division of Water is required by OAC 3745-81-32(A)(5) to provide for each public notice a clear and readily understandable explanation of the violation, any potential adverse health effects, the population at risk, the steps that the public water system is taking to correct the violation, the necessity of seeking alternate drinking water supplies, if any, and any preventive measures the consumer should take until the violation is corrected. Each notice shall be conspicuous and shall not contain unduly technical language, unduly small print, or similar problems that frustrate the purpose of the notice. Each notice shall include the address and telephone number of the owner, operator, or designee of the public water system as a source of additional information concerning the notice. Where appropriate, the notice shall be multilingual.

If public notification has not yet been issued for the violation, the public water system may use the enclosed example public notice to notify persons served by its water system. The public water system must send a copy of the actual public notice used and the verification form to this district office within 10 days after it has issued the notice.

If the public water system fails to correct its violations, then the director may enforce the safe drinking water rules to attain compliance. An enforcement action may include civil penalties of not more than \$25,000 per day per violation in accordance with ORC §§6109.33 or administrative penalties in accordance with OAC 3745-81-04.

If you have questions, please call me at (330) 963-1173.

Sincerely,



David Maschak  
Environmental Specialist  
Division of Drinking and Ground Waters

DM:ds

enclosures: Example Public Notification, Verification Form

pc: Rolfe Porter, PE, Assistant Commissioner  
Cuyahoga County Health Department  
Cleveland Department of Public Health  
Kim Efters, Ohio EPA, DDAGW-DW, NEDO (Violation Type #38)  
Ohio EPA, DDAGW-IMS, CO

ec: Dave Maschak, Environmental Specialist, Ohio EPA, DDAGW, NEDO

## EXAMPLE PUBLIC NOTICE

### SURFACE WATER TREATMENT MONITORING AND REPORTING VIOLATIONS

The **Cleveland Water Department** failed to monitor for and report analyses required under Ohio Administrative Code (OAC) Chapter 3745-81-74. Specifically, the **Garrett A. Morgan Water Treatment Plant** did not meet monitoring and reporting requirements for public water systems that treat surface water. These requirements were not met during the month of August 2012.

OAC Chapter 3745-81-74(B)(2) requires surface water treatment plants to initiate four-hour grab samples in the event that the continuous turbidity meter fails. Grab sampling was not performed when the automatic meter failed.

The public water system has taken steps to ensure that monitoring will be performed and reported as required in the future.

For additional information, contact (Name of Water Department/Management Representative) at (appropriate telephone number).

Please share this information with all the other people who drink this water, especially those who may not have received this *Water Quality Report* directly (for example, people in apartments, nursing homes, schools and businesses). You can do this by posting this report in a public place or distributing copies by hand or mail.

## Monitoring requirements not met at our Nottingham Water Treatment Plant

This notice is to inform you that the Nottingham Water Treatment Plant did not monitor for the presence of turbidity from filter #2 on March 18, 2011, after the continuous analyzer failed, as required by the Ohio Environmental Protection Agency. You do not need to take any action in response to this notice.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. On March 18, 2011 we did not monitor the turbidity, a measure of water clarity, of one of 18 filters when the continuous analyzer failed. Within 4 hours of an instrument malfunctioning, we are supposed to implement manual sampling and repeat it every 4 hours until repairs are made or remove the filter from service. However, the filter was not removed from service until 6 hours after the instrument failed. Because we did not complete all monitoring we cannot be sure of the quality of our drinking water from that particular filter during that time. During this time we continued monitoring the turbidity of all other filters individually as well as the turbidity on the blended water from all filters and no changes in quality were detected.

We have modified our operating procedures and how our automation system works to help prevent this type of incident from occurring again. For more information, please contact Cleveland Water at 216-664-3130 or [CWD-CustomerService@ClevelandWater.com](mailto:CWD-CustomerService@ClevelandWater.com).

Please share this information with all the other people who drink this water, especially those who may not have received this Water Quality Report directly (for example, people in apartments, nursing homes, schools and businesses). You can do this by posting this report in a public place or distributing copies by hand or mail.

## PUBLIC NOTICE INSTRUCTIONS AND VERIFICATION FORM FOR COMMUNITY PUBLIC WATER SYSTEMS WITH TIER 3 VIOLATIONS

The owner or operator of a community public water system with a Tier 3 violation or situation shall notify the persons served by the public water system as soon as practical but **no later than one year** after the system learns of the violation. At a minimum, community public water systems must issue the notice **by mail or other direct delivery**. Public notice issued by methods other than posting shall be repeated annually as long as the violation or situation persists.

I HEREBY CERTIFY THAT THE PUBLIC WAS NOTIFIED BY THE FOLLOWING METHOD(S) INDICATED BELOW, AS DESCRIBED IN THE OHIO ADMINISTRATIVE CODE RULE 3745-81-32:

Required Method of Public Notification	Actual Method of Public Notification
<p><b>Use the following method to reach all persons served by the public water system:</b></p> <p>Public notice issued by mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system. The consumer confidence report delivered to customers by July 1 of each year may be used as long as the public notice includes all the required content and is delivered within the required timeframe.</p>	<p><b>Describe actual methods used to notify public of the violation:</b></p> <p>Date of mailing/delivery _____</p>
<p><b>If the above methods do not reach all persons served, also use any other method reasonably calculated to reach other persons regularly served by the public water system (e.g. publication in a local newspaper, delivery of multiple copies for distribution by customers that provide their drinking water to others, posting in public places served by the system or on the internet, or delivery to community organizations). If the notice is posted, it shall remain in place as long as the violation exists, but in no case less than seven days.</b></p>	<p>A. Method(s) _____            _____            _____</p> <p>B. Date(s) _____</p>

**Please check if the public notice used was provided by Ohio EPA or another acceptable notice was used:**

\_\_\_\_ A public notice as shown on the other side of this sheet was issued without changes.

\_\_\_\_ A different public notice was issued. **INCLUDE A COPY OF THE PUBLIC NOTICE.**

\_\_\_\_\_  
Signature of Responsible Person                      Date

\_\_\_\_\_  
Printed Name and Title of Responsible Person

**PWS NAME:** City of Cleveland, Division of Water  
**PWS ID:** OH1801212  
**Facility ID:** 1853709 (Morgan WTP)  
**County:** Cuyahoga  
**Type M/R:** 38  
**Time Period:** August 2012

<b>For Ohio EPA Use Only:</b>	
<b>Date PN received:</b>	_____
<b>PN acceptable:</b>	_____ <b>PN not acceptable:</b> _____