

OHIO E.P.A.

Effective Date NOV 20 2012

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ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Village of Camden :
56 North Main Street :
P.O. Box 1 :
Camden, Ohio 45311 :

Respondent,

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Village of Camden (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), which is also a "community water system" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID# 6800112) is located in Camden (Preble County), Ohio, 45311.

3. Respondent's PWS obtains its drinking water through the use of two wells from a "ground water" source (located on the Jered Property) as defined by OAC Rule 3745-81-01 and serves a population of approximately 2,046 persons. During 2010, Respondent obtained its drinking water through the use of three wells located in a different well field.
4. Respondent's PWS is designated by the Director as a Class I PWS in accordance with OAC Rule 3745-7-03.
5. On August 3, 2010, Respondent began receiving complaints from consumers regarding the taste of Respondent's drinking water. Respondent shut off well #3 and began using well #2 on August 3, 2010. Results from sampling of well #3 conducted on August 4, 2010 showed chloride levels five times greater than the secondary maximum contaminant level (SMCL), as defined by OAC Rule 3745-82-02, and cyanide at half the maximum contaminant level (MCL), as defined by OAC Rule 3745-81-11. Results from sampling of well #2 conducted on August 10, 2010 showed chloride levels greater than twice the SMCL. Respondent shut off well #2 and began using water from well #1 on August 25, 2010. Results from sampling of well #1 conducted on August 30, 2010 showed chloride levels greater than the SMCL. Additional monitoring at well #1 showed that chloride levels continued to increase.
6. On September 2, 2010, the Village of Camden council (Council) approved the measure to pursue the connection to the Southwest Regional Water (SWR) District PWS.
7. On September 10, 2010, the Council rescinded approval for the measure to pursue the connection to the SWR Water District PWS.
8. In accordance with ORC § 6109.05 (B), the Director issued Unilateral Administrative Orders to the Respondent on September 14, 2010, effective for 90 days. The emergency orders required the following:

Respondent shall continue to provide bottled water, at least 2 gallons per day per household, until an alternative approved water source is obtained;

By October 30, 2010, Respondent shall use an alternative approved water supply, which meets all primary and secondary drinking water standards in accordance with OAC Chapters 3745-81 and 3745-82, and provides a capacity of at least 160,000 gallons of water per day¹:

Respondent shall submit detailed plans for the option chosen in Order 2 by September 30, 2010.

¹160,000 gallons of water per day is considered a minimum for an immediate, interim

- measure. Final plan approval of a permanent solution would require meeting approved capacity.
9. In accordance with ORC 6109.31, no person shall violate an order of the Director.
 10. Respondent reinitiated its pursuit of the connection to the SWR Water District PWS and submitted detail plans for the connection to the SWR District PWS on October 18, 2010.
 11. On October 26, 2010, the Director approved the detail plans for the connection to the SWR District PWS.
 12. Respondent submitted detail plans for a temporary well (Klapper well) on October 27, 2010.
 13. On November 15, 2010, the Director approved the detail plans for the Klapper well with the following Special Condition: The temporary use of the Klapper well, disinfection, and iron sequestration must be discontinued by March 15, 2011 or fourteen (14) days after the connection to Southwest Regional Water becomes available, whichever comes first; the Klapper well lacks adequate isolation to be considered for use as a permanent production well for the Village of Camden.
 14. In accordance with ORC 6109.07, no person shall operate a public system without plan approval or operate in a manner in violation of the plan approval. The November 15, 2010 plan approval expired on March 15, 2011.
 15. In violation of ORC 6109.31 and the October 30, 2010 deadline specified in the September 14, 2010 orders, Respondent began using an approved alternative water supply (Klapper well) on November 18, 2010.
 16. In violation of ORC 6109.07 and the November 15, 2010 Director's plan approval, Respondent failed to discontinue the use of the Klapper well by the March 15, 2011 deadline.
 17. Respondent's historical maximum daily water use exceeded the capacity of the Klapper well.
 18. In accordance with OAC Rule 3745-83-01(I)(1), the owner or operator of a PWS shall prepare an operation report for each month of operation on forms acceptable to the Director.
 19. In accordance with OAC Rule 3745-83-01(I)(2), the monthly operation report shall be submitted to the district office no later than the tenth of the month following the month for which the report was prepared.

20. In violation of OAC Rule 3745-83-01(I)(2), Respondent failed to submit a monthly operation report for December 2010 by January 10, 2011.
21. In accordance with OAC Rule 3745-83-01(C)(1), all community public water systems shall maintain a minimum chlorine residual of at least two-tenths milligram per liter free chlorine, or one milligram per liter combined chlorine at representative points throughout the distribution system.
22. In violation of OAC Rule 3745-83-01(C)(1), Respondent failed to maintain the required minimum chlorine residual on four days in February 2011.

V. ORDERS

1. Within thirty (30) days of the effective date of these Orders, Respondent shall pay Ohio EPA the amount of two thousand dollars (\$2,000.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6109. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$2,000.00. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official check required by Section V of these Orders.

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. 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. 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.

X. 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:

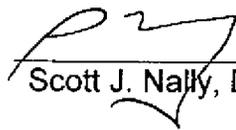
Environmental Review Appeals Commission
77 South High Street, 17th Floor
Columbus, OH 43215

XI. 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

NOV 20 2012

Date