



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

OHIO E.P.A.  
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Mark S. Abood, Esq.  
Chartwell Group/TCN Worldwide  
The Tower at Erieview  
1301 East Ninth Street, Suite 2210  
Cleveland, OH 44114

Effective Date: January 7, 2013

**Certified Mail**

Re: 2013 Conditioned License to Operate a Public Water System

Dear Mr. Abood:

Enclosed is the 2013 license to operate (LTO) a public water system (PWS) for St. Hazards (PWS ID# OH6258112). In accordance with Ohio Revised Code (ORC) § 6109.21 and Ohio Administrative Code (OAC) Rule 3745-84-06, the LTO is hereby issued with conditions due to violations of drinking water regulations at the PWS. In accordance with OAC Rule 3745-84-04, PWSs are required to display the yellow, conditioned license where it is clearly visible to the residents and general public.

The LTO is conditioned through January 30, 2014, with the following actions:

1. All current and subsequent chemical monitoring schedules shall be complied with, in accordance with OAC Chapter 3745-81.
2. All PWS LTO renewal requirements shall be complied with, in accordance with OAC Chapter 3745-84.
3. Total coliform bacteria monitoring requirements, including both routine and repeat sampling, shall be complied with, in accordance with OAC Rule 3745-81-21 and OAC Rule 3745-81-42.
4. Free or combined chlorine shall be monitored at least once every day that water is available to the public at each entry point to the distribution system and a representative point or points in the distribution system, in accordance with OAC Rule 3745-83-01.
5. An operation report for each month of operation shall be prepared in a format acceptable to the Director, and the monthly operation reports shall be submitted to the Ohio EPA no later than the tenth of the month following the month for which the reports were prepared, in accordance with OAC Rule 3745-83-01.

6. The PWS shall be maintained in accordance with all applicable rules and regulations for the entire calendar year, or documentation shall be submitted to Ohio EPA each season that the water system has been completely shut down (winterized) and that water is not being produced or available for use.
7. Within sixty (60) days of the effective date of this letter, a public notification shall be issued and copies of the required public notice and verification form submitted to the Ohio EPA, DDAGW-CO, P.O. Box 1049, Columbus, Ohio 43216-1049, Attn: Katie Hernandez, in accordance with OAC Rule 3745-81-32, for:
  - a. failing to monitor for total coliform during the April 1 through June 30, 2009, July 1 through September 30, 2009, October 1 through December 31, 2009, July 1 through September 30, 2010, and October 1 through December 31, 2010 monitoring periods; and,
  - b. failing to monitor for nitrate for 2009.
8. Within sixty (60) days of the effective date of this letter, a clear photo and written documentation shall be submitted to the Ohio EPA, DDAGW-NWDO, 347 North Dunbridge Road, Bowling Green, Ohio 43402-9398, showing that an air gap exists on the water line feeding the condominium building fire suppression system water storage tank, in accordance with OAC Rule 3745-95-01(A).
9. Within sixty (60) days of the effective date of this letter, documentation shall be submitted to the address in item 8, verifying that the electrical conduit at well 2 has been properly sealed by installing a manufacturer's recommended plug that can be threaded into the electrical casing cap conduit to prevent contamination to the raw water, in accordance with OAC Rule 3745-9-05.
10. Within sixty (60) days of the effective date of this letter, the permanently discontinued red-capped well shall be properly abandoned, in accordance with OAC Rules 3745-9-07, 3745-9-10 and "The State of Ohio Technical Guide for Sealing Unused Wells-1996" using a certified well driller. Within thirty (30) days of sealing the well, a copy of the Ohio Department of Natural Resources (ODNR) well sealing report shall be submitted to the address in item 8, in accordance with OAC Rule 3745-9-10.
11. Within sixty (60) days of the effective date of this letter, a schedule of compliance to perform repairs to the high service pumps shall be submitted to the address in item 8. Plan approval for this PWS included two high service pumps and no jockey/booster pump. If the booster pump is to be kept and not disconnected, then the appropriate detail plans shall be submitted within the same timeframe to the same address, in accordance with OAC Chapter 3745-91.

If the requirements of this LTO are fulfilled, the PWS may be eligible for a green, unconditioned license in the next renewal period. Should the PWS fail to comply with these conditions, the LTO may be suspended or revoked. A PWS with a suspended LTO may only operate as authorized by the Director, and a PWS with a revoked LTO is prohibited from producing water for human consumption. Human consumption is defined in OAC Rule 3745-81-01 to include, but is not limited to, drinking, food preparation, dishwashing, and hand washing. Additionally, owners

and/or operators who fail to comply with Ohio's safe drinking water laws are subject to civil penalties of up to \$25,000.00 per day per violation under ORC § 6109.33. Operating with a suspended or revoked LTO may jeopardize other licenses, including those for food service, liquor, and/or campground operations.

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 "Ohio Treasurer Josh Mandel," 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, 17<sup>th</sup> Floor  
Columbus, OH 43215

If you have any questions regarding this action, please contact Katie Hernandez at (614) 644-2752.

Sincerely,



Scott J. Nally, Director  
Ohio Environmental Protection Agency

- cc: Douglas Eppler, Esq. – Ziegler & Metzger, LLP  
Derrick Chennault, Eastwood Environmental, Inc.  
Ottawa County Health Department  
Elaine Moore, Ohio Department of Commerce, Division of Liquor Control
- ec: Holly Kaloz, Manager, DDAGW-CO  
Michael Perriguy, Supervisor, DDAGW-CO  
Ellen Gerber, Manager, DDAGW-NWDO  
Linda Benham, Supervisor, DDAGW-NWDO  
Justin Bowerman, DOCC, DDAGW-NWDO  
Kimberly Burnham, DDAGW-NWDO  
Kimberly Rhoads, Ohio EPA-Legal  
Janean Weber, Assistant Attorney General  
Kristina Tonn, Assistant Attorney General