



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

OHIO E.P.A.

JAN 16 2013

ENTERED DIRECTOR'S JOURNAL

January 16, 2013

Mr. Ace Elsea  
Elsea, Inc.  
P.O. Box 580  
Circleville, Ohio 43113

Effective Date: JAN 16 2013

Certified Mail

Re: 2013 Conditioned License to Operate a Public Water System

Dear Mr. Elsea:

Enclosed is the 2013 license to operate (LTO) a public water system (PWS) for Fostoria Mobile Estates (PWS ID# OH7400712). 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 and to notify the residents of the conditioned status of the license in the consumer confidence report pursuant to OAC Chapter 3745-96.

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

1. Comply with all applicable terms of the original Consent Order for Preliminary Injunction (COPI) and all terms of the modified Consent Order for Preliminary Injunction (modified COPI) ordered by the Court of Common Pleas of Seneca County in State of Ohio v. Fostoria Mobile Estates, Inc., et al., case number 11-CV-0211. Specifically, Elsea, Inc. shall:
  - a. Comply with the arsenic maximum contaminant level by August 31, 2013.
  - b. Immediately make five (5) gallons of bottled water per residence available on the property grounds each day until the arsenic treatment system is installed.

2. Install the arsenic treatment system in accordance with the detail plans approved by Ohio EPA on May 31, 2012.
3. Comply with all current and subsequent monitoring schedules issued by the Director, in accordance with OAC Chapter 3745-81.
4. Comply with all PWS LTO renewal requirements, in accordance with OAC Chapter 3745-84.

If the requirements of this conditioned 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 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 you may hold, such as those for mobile home park 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 Laura Webb at (614) 644-2752.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Nally', with a stylized flourish at the end.

Scott J. Nally, Director  
Ohio Environmental Protection Agency

cc: Seneca County General Health District  
Ohio Manufactured Homes Commission

ec: Holly Kaloz, Manager, DDAGW-CO  
Michael Perriguet, Supervisor, DDAGW-CO  
Ellen Gerber, Manager, DDAGW-NWDO  
Linda Benham, Supervisor, DDAGW-NWDO  
Justin Bowerman, District Office Compliance Coordinator, DDAGW-NWDO  
Curtis Eldridge, Inspector, DDAGW-NWDO  
Kimberly Rhoads, Ohio EPA-Legal  
Casey Chapman, Assistant Attorney General, Environmental Enforcement Section,  
Ohio Attorney General's Office