



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

OHIO E.P.A.

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ENTERED DIRECTOR'S JOURNAL

Mark S. Abood, Esq.
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The Tower at Erieview
1301 East Ninth Street, Suite 2210
Cleveland, OH 44114

Effective Date: February 12, 2013

Certified Mail

Re: 2013 Conditioned License to Operate a Public Water System

Dear Mr. Abood:

On January 7, 2013, the Director of Ohio EPA issued a final action letter, conditioning 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 modified with respect to conditions #3, and #7 through #11 of the January 7, 2013 Director's final action letter. The compliance schedule herein supersedes the January 7, 2013 conditioned LTO.

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. Prior to commencing operations for the 2013 season, two total coliform samples shall be analyzed and reported to Ohio EPA.
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. Upon commencing operations for the 2013 season, 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. Prior to commencing operations for the 2013 season, 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. Prior to commencing operations for the 2013 season, 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 commencing operations for the 2013 season, 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. Plan approval for this PWS included two high service pumps and no jockey/booster pump. The booster pump shall not be used without prior approval by Ohio EPA. If the booster pump is to be kept and not disconnected, then the appropriate detail plans shall be submitted to the address in item 8, 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, 17th Floor
Columbus, OH 43215

Ohio EPA is also recommending completion of the Seasonal Noncommunity Public Water Systems Start-up and Shut-down Checklist, which is enclosed. 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

Enclosures

cc: Derrick Chennault, Eastwood Environmental, Inc.

ec: Holly Kaloz, Manager, 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