



State of Ohio Environmen

Northeast Dist



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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

April 22, 2010

RE: WAYNE COUNTY
AMERICAN LEGION POST 68
TRANSIENT, NON-COMMUNITY
PUBLIC WATER SYSTEM
PWS ID # OH8557812
STU ID # 8559791

Ms. Sandy Lilley
American Legion Post 68
1901 Sylvan Rd.
P.O. Box 162
Wooster, OH 44691

CERTIFIED MAIL

Subject: Notice of Violation for Failure to Respond to a Significant Deficiency

Dear Ms. Lilley:

This letter is notification that the American Legion Post 68 public water system has not complied with requirements issued during this Agency's last survey performed on January 6, 2010, in violation of rule 3745-81-60 of the Ohio Administrative Code (OAC). American Legion Post 68 public water system was notified in correspondence dated January 13, 2010, to respond in writing within 45 days of receipt of your letter, with time frames for the following requirements: **(A note about your compliance is shown in bold-face type following the requirements.)**

- Sample Siting Plan - OAC Chapter 3745-81-21(A) requires public water systems to prepare a written coliform bacteria sample siting plan. American Legion PWS is in violation of this rule because we do not have a sample siting plan on file for American Legion PWS.

A completed sample siting plan was received by this office on February 12, 2010.

- During this survey and the previous surveys, we noticed that the discharge line from the softener extended below the flood rim of a sewer line. An air gap separation must be provided. Both Recommended Standards for Water Works (2003 Edition) Section 4.4.2.9 and Guidelines for Design of Small Public Ground Water Systems (3rd Edition) Section 4.3(B)(4) cite the need for backwash discharge pipes to be installed in such a manner to prevent backsiphonage of brine waste. The discharge cannot extend into the sewer line; an air gap separation is needed. According to Ohio EPA's Backflow Prevention and Cross Connection Control guidance document, the air gap separation distance between the flood rim of the drain and the softener's discharge line should be at least twice the pipe diameter of the

discharge line. This will prevent contaminated water from back-siphoning into the public water system should a vacuum occur. **A proper air gap was not observed during this survey and will need to be corrected. To date, we do not know if this has been corrected.**

- During the previous survey, we noted that the well is located in a boxed enclosure, possibly to act as a barrier against striking the well, since it's located in the parking lot. Although beneath snow during the site visit, it appeared to cause potential deficiencies:
 - The casing height is not 12 inches above grade, and
 - Surface water will not drain away from the casing.

According to OAC 3745-9-05(O), well casing height above finished grade shall be at least 12 inches, and the finished grade shall be sloped for surface water runoff away from the well.

The well head finished height is more than 12 inches above the parking lot. Please either re-grade and construct your boxed enclosure to comply with the aforementioned rule. Or ensure that the box drains properly so that water will drain away from the casing.

To date, we do not know the status of your well casing height above grade.

Other Requirements:

Per OAC 3745-81-60(D), a responsible official of the public water system must respond, in writing, within 45 days, indicating how and on what schedule the system will address the following new requirements determined as a result of the sanitary survey:

- Well Cap – During the survey, we noted that your well cap is older and in order to keep contaminants from entering your well, you need to ensure your well is kept in good condition. Once the well cap no longer serves to inhibit contaminants from entering your well, please replace it with a new gasketed and vented water tight cap that meets the specifications set forth in OAC 3745-9-05(P). This regulation states:

“A well shall have a well cap or seal to prevent the entrance of water, dirt, animals, insects, or other foreign matter. The top of the casing at its finished height shall be cut so that the surface will fit flush with the well cap and provide a tight seal. The well cap or seal shall fit securely to the top of the well casing, be secured with screws or other appropriate connections, and vent to the atmosphere.”

For your reference, enclosed is a document showing examples of acceptable well caps.

To date, we do not know the status of this requirement.

- NSF Chemicals – Your PWS uses salt in the treatment of your water. According to OAC 3745-83-01(D),

“All chemicals, substances, and materials added to or brought in contact with water in or intended to be used in a public water system or used for the purpose of treating, conditioning, altering, or modifying the characteristics of such water shall be shown by either the manufacturer, distributor, or purveyor to be non-toxic and harmless to humans when used in accordance with the formulation and concentration as specified by the manufacturer, and shall conform with the "American National Standards Institute/National Sanitation Foundation" (ANSI/NSF) standard 60 Drinking Water Treatment Chemicals – Health Effects (2005 and previous), or standard 61 Drinking Water System Components - Health Effects (2005 and previous).”

Please ensure the salt you are using conforms to these standards.

To date, we do not know the status of this requirement.

- Monitoring - You must be vigilant about conducting your total coliform monitoring in accordance with OAC 3745-81-21 and following your yearly monitoring schedules issued to you at the end of the previous year from our central office. For your convenience, monitoring schedules are available for viewing at our Website listed below.

Since the previous survey was conducted, American Legion Post 68 has been issued several monitoring and reporting notices of violation. A summary of the violations is outlined in the following table:

Letter Date	Violation	Violation Period	Public Notification (PN) / Verification of PN Date
11/19/07	Total Coliform Monitoring	Oct 07	None
1/28/08	Total Coliform Monitoring	Dec 07	None
2/11/08	Repeat Monitoring – Acute MCL	Nov 07	None
11/9/09	Monthly Monitoring MCL	Oct 09	none
12/9/09	Monthly Monitoring MCL	Nov 09	none

* MCL means maximum contaminant level.

The acute MCL of February 2008 resulted in American Legion Post 68 being subject to a water use advisory. The water use advisory was lifted when four total coliform negative repeat sample were collected on February 13, 2008. Although required, we have no record that public notices were issued for any of these violations.

- Public Notification - Our records indicate that American Legion Post 68 failed to post public notices for the aforementioned violations. Failing to post a notice is a violation of OAC 3745-81-32, which states "the owner or operator of a public water system which fails to perform the monitoring established by this chapter, or fails to comply with a testing procedure required by this chapter, or is granted a variance or exemption pursuant to this chapter, shall notify persons served by the public water."

In order to correct the violations, you must post public notices (enclosed) for these violations. The notice must be posted for a minimum of ten days. Within 45 days, please send a copy of the notices that you posted, along with the completed verification forms (back side of or stapled to the public notice), to this office.

On February 12, 2010, this office received copies of the public notices and verification forms for the aforementioned violations.

The water system must respond in writing within 15 days from the date of this letter with the required information. Failure to comply may result in further enforcement action.

If you have any questions, please contact me at (330) 963-1194.

Sincerely,



Beth Madis
Environmental Specialist
Division of Drinking and Ground Waters

BRM/ams

cc: Ohio EPA, Central Office, DDAGW / OFAS
Wayne County Health Department