





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

Re: Poplar Village MHP
Community PWS
PWS ID OH7401212

NOTICE OF VIOLATION

August 1, 2013

HAP III, LLP
Attn: Mr. Robert Merchant
P.O. Box 1649
Oakdale, California 95361

Dear Mr. Merchant:

A limited scope site visit (LSSV) in October 2012, complaint investigations on July 24, 2012, July 27, 2012 and February 12, 2013, subsequent review of your operation records, monthly operating reports (both original and resubmitted), and facility bench sheets submitted to Ohio EPA, in addition to a July 3, 2013 sanitary survey, indicate the Poplar Village public water system is in violation of Ohio Administrative Code (OAC) Rules.

A review of your records indicates the following. Note: some of these violations have been previously cited.

1. In accordance with OAC Rule 3745-7-03(C), Poplar Village is a Class A facility and is required to have an operator of record (ORC) physically present at the facility two days per week for a minimum of 1 hour per week. A review of the operations records indicates the minimum staffing requirements were not met.
2. In accordance with OAC Rule 3745-7-09(A)(2), operation records shall be accessible onsite for twenty-four hour inspection by agency or emergency response personnel. The operator log was not available onsite during the July 24, 2012 complaint investigation.
3. In accordance with OAC Rule 3745-7-09(A)(3)(b), operation records shall at a minimum contain the dates and times of arrival and departure for the ORC and any other operator required by this chapter. A review of the operation records collected during the October 2012 LSSV indicates the ORC did not indicate the time of departure on at least two occasions during the two months for which data was reviewed.
4. In accordance with OAC Rule 3745-7-09(A)(3)(c), operation records shall at a minimum contain specific operation and maintenance activities that affect or have the potential to affect the quality or quantity of water produced or conveyed. A review of the operation records indicates specific operation and maintenance activities were rarely included in the facility log book.
5. In accordance with OAC Rule 3745-7-09(A)(3)(e), operation records shall at a minimum contain records regarding the performance of preventative maintenance and repairs or requests for repair of the equipment that affect or have the potential to affect the quality or quantity of water produced or conveyed.

A review of the operation records indicates no entries regarding the performance of preventative maintenance and repairs or requests for repair of the equipment were included in the facility log book.

6. In accordance with OAC Rule 3745-7-09(A)(4), operation records shall be kept up to date, contain a minimum of the previous three months of data at all times, and be maintained for at least three years. At the time of the July 24, 2012 complaint investigation, no log book was available and subsequent information submitted by Shawn Daley, operator, indicates operation records from June and the majority of July remain unavailable.
7. In accordance with OAC Rule 3745-83-01(H)(1)(c), the MORs shall include information on daily water treatment and system pumpage. A review of the MORs from January 2010 through March 2013 indicates production values were not initially reported on many of the MORs. The production values were added when the MORs were resubmitted in 2013.
8. In accordance with OAC Rule 3745-83-01(H)(1), MORs shall include a summary of samples analyzed, including distribution system sampling and chlorine residual sampling. Ohio EPA's review of the data from the bench sheets in comparison with the original and resubmitted MORs revealed numerous inconsistencies between the free chlorine data reported on the bench sheets and the free chlorine data reported on the MORs. There were also numerous instances of incorrectly calculated combined chlorine residuals. Additionally, data regarding the two plant taps was reversed and sometimes reported as "STU1" (Plant/STU ID 7458094) and other times reported as "STU2" (Plant/STU ID 7460593). Inconsistencies and/or calculation errors for the originally submitted MORs occurred in April, May, June, July, August, September, October, November and December 2012. Inconsistencies in reported data for the resubmitted MORs occurred in at least April, May, and August 2012.
9. In accordance with Ohio Revised Code (ORC) 6109.31(B), no person shall make a false material statement or representation in an application, license, record, report, or other document that is required to be submitted to the director or to the attorney general under this chapter, a rule adopted under it, or any order or term or condition of a license, license renewal, variance, or exemption granted by the director under it. A review of the September 2012 MOR indicates that chlorine residual values were provided for dates where no data was recorded on the bench sheet.
10. In accordance with OAC Rule 3745-83-01(C), 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 measured at representative points throughout the distribution system.

During a July 1, 2010 sanitary survey follow-up visit, a chlorine residual was not present at Plant/STU ID 7460593.

During the July 24, 2012 complaint investigation, chlorine feed pumps at both well houses and a back-up feed pump were all inoperable and chlorine measured 0.0 at the entry points and at representative distribution system points. Due to inadequate monitoring of chlorine residuals, it is unclear how long disinfection was interrupted. During a follow-up site visit on July 27, 2012, the chlorine pumps were functional and a chlorine residual was present.

During the February 12, 2013 complaint investigation, no chlorine residual was detected at the complainant's home and the tubing on the chlorine pump was clogged.

The May 2013 MOR reflected three days with chlorine less than two-tenths milligram per liter free chlorine in the distribution system.

During the July 3, 2013 sanitary survey, the chlorination system was inoperable and chlorine was less than two-tenths milligram per liter free chlorine in the distribution system. A significant deficiency was cited and must be addressed within the required time frames as outlined in the July 17, 2013 sanitary survey follow-up letter from Elizabeth Ames.

In violation of OAC 3745-83-01(H), the owner or operator failed to notify Ohio EPA of the major disruptions in disinfection in at least July 2012 and February 2013.

11. In accordance with OAC Rule 3745-83-01(F)(2), public water systems that provide water treated with chlorine shall monitor for free or combined chlorine 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. Additionally, OAC Rule 3745-83-01(B) requires analyses to be conducted in accordance with methods as specified in OAC rule 3745-81-27. During the July 24, 2012 complaint investigation, it was determined that since at least July 1, 2012 the system hadn't been properly measuring chlorine residual. Measurement equipment wasn't being used properly and the recorded values didn't represent actual chlorine residuals. The park manager who was responsible for taking daily chlorine residuals did not have adequate chlorine residual sampling equipment.
12. In accordance with OAC Rule 3745-7-09(B)(1), certified operators shall perform their duties in a responsible and professional manner consistent with standard operating procedures and best management practices. Additionally, OAC Rule 3745-7-09(B)(2) requires certified operators to operate and maintain the public water system and appurtenances so as not to endanger the health and safety of persons working in or around the facility, the public at large, or the environment due to negligence or incompetence.

During the July 24, 2012 complaint investigation, it was determined the chlorine pumps and appurtenances had not been working for some time and there was no chlorine residual in the distribution system. The operator, Shawn Daley, was contacted and he put the residents on a water use advisory on the same day. On July 26, 2012, bacteriological samples were taken in the distribution system. Mr. Daley removed the residents from the boil advisory on this same day prior to obtaining the results of the bacteriological samples.

Removing the residents from the boil advisory, which was implemented due to lack of disinfection in the distribution system, prior to obtaining the results of the water system's bacteriological quality, is both a failure to perform duties in a responsible and professional manner consistent with standard operating procedures and best management practices and failure to operate and maintain the public water system so as not to endanger the health and safety of the public at large due to negligence or incompetence.

13. In accordance with OAC Rule 3745-95-05(A)(1), an approved air gap separation shall be installed where a public water system may be contaminated with substances that could cause a severe health hazard. On January 18, 2012, Ohio EPA conducted a site visit at Poplar Village Mobile Home Park. One of the requirements was to maintain an air gap separation between the floor drain and the softener backwash line. In a March 1, 2012, response to the site visit, Shawn Daley stated the air gap had been established. However, during the July 2012 complaint investigation, no air gap separation was present on the softener backwash line. The softener has since been removed.
14. In accordance with OAC Rule 3745-7-09(B)(1), certified operators are required to perform their duties in a responsible and professional manner consistent with standard operating procedures and best management practices. On September 30, 2009, an arsenic sample was collected from each of the public water system's entry points to the distribution system. The laboratory analyzed the samples but could not report the results because Shawn Daley failed to include the entry point from which each sample was collected on the sample submission form. The arsenic sample results were 65 ug/L and 44 ug/L. Failure to accurately complete the sample submission form is a failure to perform duties in a responsible and professional manner consistent with standard operating procedures and best management practices.
15. Poplar Village Mobile Home Park violated the following rules due to failure to monitor or report during the following time periods:
 - OAC Rule 3745-81-23 for arsenic at one or both entry points to distribution
 - January 1 – March 31 2008
 - July 1 – September 30 2009
 - April 1 – June 30 2011
 - July 1 – September 30 2011
 - October 1 – December 31 2011
 - January 1 – March 31 2012
 - April 1 – June 30 2012
 - October 1 – December 31 2012
 - OAC Rule 3745-81-21 for total coliform
 - October 2008
 - July 2012

- OAC Rule 3745-81-23 for nitrate
June 1 – October 31 2009, Plant/STU ID 7458094
June 1 – October 31 2009, Plant/STU ID 7460593
 - OAC Rule 3745-81-85(D) for lead consumer notice
December 31, 2009 – March 3, 2010
 - OAC Rule 3745-81-24 for Total Trihalomethanes
January 1, 2008 – December 31, 2010
 - OAC Rule 3745-81-24 for Haloacetic Acids, Five
January 1, 2008 – December 31, 2010
 - OAC Rule 3745-96-01 through 04 for Consumer Confidence Report
2011
 - OAC Rule 3745-81-86 for lead and copper tap water monitoring
2010-2012
16. In accordance with OAC Rule 3745-81-21, public water systems shall collect total coliform routine samples at sites which are representative of water throughout the distribution system according to a written sample siting plan. During a complaint investigation and follow-up on July 24 and July 27, 2012, a written sample siting plan was not available. On December 17, 2012, Shawn Daley notified Ohio EPA a sample siting plan had been developed. During the July 3, 2013 sanitary survey, no sample siting plan was available. Submit a copy of the sample siting plan to this office.
17. In accordance with OAC Rule 3745-85-01, community water systems are required to prepare and maintain a written contingency plan for providing safe drinking water to its service area under emergency conditions. During the July 24, 2012 complaint investigation, a written contingency plan was not available. Multiple requests were made for a copy of the plan. During the July 3, 2013 sanitary survey, a template of a contingency plan with the system name on the cover was on file at the office but it did not contain any of the required information. Submit a copy of the contingency plan to this office.
18. In accordance with OAC 3745-9-10, abandoned wells shall be sealed in accordance with this rule and OAC rule 3745-9-07. Following multiple requests by Ohio EPA, the well adjacent to the office has been abandoned. Provide a copy of the well sealing report that is required by Ohio Revised Code section 1521.05 documenting the well was properly sealed.
19. In accordance with OAC Rule 3745-95-09(A), yard hydrants with weep holes used for human consumption installed on a public water system are prohibited unless the weep holes are sealed, and those not used for human consumption installed on a public water system shall have an appropriate backflow prevention assembly on the service line and shall be clearly labeled as "non-potable" or "not for human consumption."

Mr. Robert Merchant
August 1, 2013
Page 6

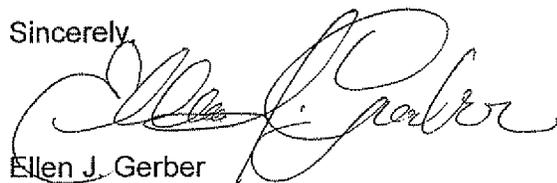
During a January 18, 2012 site visit and in the February 3, 2012 follow-up letter to this site visit, Poplar Village Mobile Home Park was required to address the issue of yard hydrants with weep holes on its property. This violation was again cited in the July 17, 2013 sanitary survey follow-up letter. This requirement remains outstanding despite multiple notifications from Ohio EPA.

20. In accordance with OAC Rule 3745-83-01(D), all chemicals, substances and materials added to or brought in contact with water shall be shown to conform with ANSI/NSF Standard 60. During the July 3, 2013 sanitary survey, documentation was not available to demonstrate the sodium hypochlorite used for disinfection conforms to ANSI/NSF Standard 60. Submit documentation to this office that the sodium hypochlorite meets this standard.
21. In accordance with OAC Rule 3745-7-03(D)(2) daily visits shall be performed by the owner, supplier, or their representative or agent seven days per week and noted in the operational and maintenance records. The review of the operations records indicated daily visits were not being performed seven days per week.

Please provide a written response **within 15 days** of the date of this letter indicating the steps you will take to ensure compliance with the requirements above.

If you have any questions or comments, please feel free to contact me at 419-373-3046.

Sincerely,



Ellen J. Gerber
Manager
Division of Drinking and Ground Waters

/cg

pc: Christina Faith, Uni-Tech Environmental Services, Inc.
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