



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

October 7, 2013

RE: **NOTICE OF VIOLATION**
CLEVELAND WATER SYSTEM
BALDWIN WTP
COMMUNITY WATER SYSTEM
PWS ID: OH1801212

Mr. Alex Margevicius, Water Commissioner
City of Cleveland
Department of Public Utilities
Division of Water
1201 Lakeside Avenue
Cleveland, OH 44114

Dear Mr. Margevicius:

The City of Cleveland, Division of Water is in violation of the Ohio Revised Code Chapter 6109 by failing to comply with the requirements for filtration and disinfection of surface water systems pursuant to the Ohio Administrative Code (OAC) Rules 3745-81-71 through 3745-81-75.

The City of Cleveland, Division of Water is in violation of OAC 3745-81-74 when the following monitoring and reporting requirements were not met during the month of August 2013.

Grab sampling was not performed every four hours when two continuous turbidity meters failed on August 17th.

The City of Cleveland, Division of Water is required by OAC 3745-81-32(D)(2) to notify persons served by its water system of its failure to perform the required monitoring and reporting.

The City of Cleveland shall give notice within one year of the violation by:

- Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system. The *Consumer Confidence Report*, which must be delivered to all customers by July 1st of each year, fits within the one-year timeframe and, therefore, may be used. If any of these methods will not reach all persons served, then use any other method reasonably calculated to reach other persons regularly served by the public water system (e.g. publication in a local newspaper, delivery of multiple copies for distribution by customers that provide their drinking water to others, posting in public places served by the system or on the internet, or delivery to community organizations). If the notice is posted, it shall remain in place as long as the violation exists, but in no case less than seven days.

The City of Cleveland, Division of Water is required by OAC 3745-81-32(E) to provide a public notice that is clear and readily understandable and which includes: Any potential adverse health effects, the population at risk, the steps that the public water system is taking to correct the violation, the necessity of seeking alternate drinking water supplies and any preventive measures the consumer should take until the violation is corrected. The public notice shall be conspicuous and shall not contain unduly technical language, unduly small print, or similar problems that frustrate the purpose of the notice. Each notice shall include the address and telephone number of the owner, operator, or designee of the public water system as a source of additional information concerning the notice. Where appropriate, the notice shall be multilingual.

If public notification has not yet been issued for the violation, the public water system may use the enclosed example. The public water system must send a copy of the actual public notice used and the verification form to this district office within 10 days after it has issued the notice. If the public notice is distributed via the Consumer Confidence Report, then a Verification Form does not need to be submitted.

If the public water system fails to correct its violations, then the director may enforce the safe drinking water rules to attain compliance. An enforcement action may include civil penalties of not more than \$25,000 per day per violation in accordance with ORC §§6109.33 or administrative penalties in accordance with OAC 3745-81-04.

The public notice that was utilized for a similar violation at the Nottingham WTP in 2011 is attached for your reference.

If you have questions, please call me at (330) 963-1173.

Sincerely,



David Maschak
Environmental Specialist
Division of Drinking and Ground Waters

DM:dl

Enclosures: Example Public Notification Verification Form

pc: Rolfe Porter, PE, Assistance Commissioner
Cuyahoga County Health Department
Cleveland Department of Public Health
Kim Eters, Ohio EPA, DDAGW, DW, NEDO (Violation Type #38)
Ohio EPA, DDAGW-IMS, CO

ec: Dave Maschak, Ohio EPA, DDAGW, NEDO

EXAMPLE PUBLIC NOTICE

SURFACE WATER TREATMENT MONITORING AND REPORTING VIOLATIONS

The **Cleveland Water Department** failed to monitor for and report analyses required under Ohio Administrative Code (OAC) Chapter 3745-81-74. Specifically, the **Baldwin Water Treatment Plant** did not meet monitoring and reporting requirements for public water systems that treat surface water. These requirements were not met during the month of August 2013.

OAC Chapter 3745-81-74(B)(2) requires surface water treatment plants to initiate four-hour grab samples in the event that the continuous turbidity meter fails. Grab sampling was not performed when the automatic meter failed.

The public water system has taken steps to ensure that monitoring will be performed and reported as required in the future.

For additional information, contact (Name of Water Department/Management Representative) at (appropriate telephone number).

Please share this information with all the other people who drink this water, especially those who may not have received this *Water Quality Report* directly (for example, people in apartments, nursing homes, schools and businesses). You can do this by posting this report in a public place or distributing copies by hand or mail.

COPY

Monitoring requirements not met at our Nottingham Water Treatment Plant

This notice is to inform you that the Nottingham Water Treatment Plant did not monitor for the presence of turbidity from filter #2 on March 18, 2011, after the continuous analyzer failed, as required by the Ohio Environmental Protection Agency. You do not need to take any action in response to this notice.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. On March 18, 2011 we did not monitor the turbidity, a measure of water clarity, of one of 18 filters when the continuous analyzer failed. Within 4 hours of an instrument malfunctioning, we are supposed to implement manual sampling and repeat it every 4 hours until repairs are made or remove the filter from service. However, the filter was not removed from service until 6 hours after the instrument failed. Because we did not complete all monitoring we cannot be sure of the quality of our drinking water from that particular filter during that time. During this time we continued monitoring the turbidity of all other filters individually as well as the turbidity on the blended water from all filters and no changes in quality were detected.

We have modified our operating procedures and how our automation system works to help prevent this type of incident from occurring again. For more information, please contact Cleveland Water at 216-664-3130 or CWD-CustomerService@ClevelandWater.com.

Please share this information with all the other people who drink this water, especially those who may not have received this Water Quality Report directly (for example, people in apartments, nursing homes, schools and businesses). You can do this by posting this report in a public place or distributing copies by hand or mail.