

Effective Date JAN 05 2011

2011 JAN -5 A 10:52 : BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Cinnamon Lake Utilities
Association, Inc.
1443 Laurel Drive
West Salem, OH 44287

I certify this to be a true and accurate copy of the
official documents as filed in the records of the Ohio
Environmental Protection Agency.

Respondent,

 1/5/2011

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Cinnamon Lake Utilities Association, Inc. (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Chapters 6109 and § 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent's public water system shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapters 6109 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA (Director) has determined the following findings:

1. Respondent owns and operates Cinnamon Lake Utilities Association, a "public water system" (PWS) as defined by ORC § 6109.01, which is also a "community water system" as defined by Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID# OH0300411) is located at 1443 Laurel Drive, West Salem, Ashland County, Ohio, obtains its drinking water from a "surface water" source as defined by OAC Rule 3745-81-01, and serves a population of 1,522 persons.

3. In accordance with OAC Rule 3745-81-21(A)(1)(b), a community water system using a surface water source, in whole or in part, serving fewer than three thousand three hundred one persons shall monitor for total coliforms at regular intervals no less than four times per month.
4. In violation of OAC Rule 3745-81-21(A)(1)(b), Respondent failed to monitor with at least four total coliform samples during the July 2009 monitoring period.
5. In accordance with OAC 3745-81-74(B)(1), PWSs using conventional filtration treatment or direct filtration treatment shall also conduct continuous monitoring of turbidity for each individual filter effluent. The PWS shall record the results of individual filter monitoring every fifteen minutes.
6. In accordance with OAC Rule 3745-83-01(I), the owner or operator of a PWS required to monitor under paragraphs (G) and (H) of this rule shall prepare an operation report for each month of operation on forms acceptable to the Director and submit them by the tenth of the month following the month for which it was prepared.
7. In violation with OAC Rule 3745-83-01(I), the Respondent failed to submit monthly operating reports by tenth of the month following the month for which the report was prepared for the months of July 2009, July 2010, August 2010, September 2010, October 2010, and November 2010.
8. In accordance with OAC Rule 3745-7-03, effective October 10, 2008 Respondent's PWS was designated by the Director as a Class III PWS.
9. In accordance with OAC Rule 3745-7-02(A)(1), each person owning or operating a PWS shall designate one or more operator of record to oversee the technical operation of the PWS. Each operator of record shall have a valid certification of a class equal to or greater than the classification of the PWS.
10. In violation of OAC Rule 3745-7-02(A)(1), from July 31, 2010 to August 26, 2010, Respondent failed to maintain a Class III or higher certified operator of record at the PWS.
11. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS having violations shall notify the persons served by the PWS of violations.
12. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notice for the July 2009 total coliform monitoring violation.
13. Each violation cited above represents a separate violation of ORC § 6109.31.

14. In accordance with OAC Rule 3745-91-08(G), no person shall make any substantial change from approved plans in a public water system and requests for substantial changes from approved plans shall be made in advance of any construction work that will be affected by such changes, and shall allow sufficient time for review and approval by the director.
15. Plans for the Respondent's existing water treatment plant were approved on October 23, 2005.
16. In accordance with OAC Rule 3745-84-02(A), except as provided in ORC § 6109.21, no person shall operate or maintain a PWS in the state of Ohio without a PWS license issued by the Director.
17. In accordance with OAC Rule 3745-84-03(A), a PWS license to operate (LTO) shall expire on the thirtieth day of January in the year following its issuance.
18. In accordance with OAC Rule 3745-84-03(B), a person holding a PWS LTO who is proposing to continue operating the PWS shall submit an application and the appropriate fee not less than thirty days prior to the expiration of the license.
19. Respondent submitted an application and application fee for a 2011 LTO renewal on December 13, 2010.
20. In accordance with OAC Rule 3745-84-06(A), the Director may condition an LTO at any time to require correction of violations of ORC Chapter 6109 and the administrative rules adopted thereunder. In conditioning a LTO, the Director shall act in accordance with the provisions of ORC Chapters 119, 3745, and 6109.

V. ORDERS

1. From the effective date of these Orders, the 2011 LTO renewal for Respondent's PWS is issued with the conditions listed in Orders # 2 through # 11, until January 30, 2012, in accordance with OAC Rule 3745-84-06.
2. From the effective date of these Orders, Respondent shall display the conditioned LTO at the PWS office and notify the PWS customers of the conditioned status of the LTO in the consumer confidence report pursuant to OAC Chapter 3745-96, in accordance with OAC Rule 3745-84-04(D)(1).
3. From the effective date of these Orders, Respondent shall comply with all current and subsequent chemical monitoring schedules issued by the Director, in accordance with OAC Rules 3745-81-23, 3745-81-24 and 3745-81-26.

4. From the effective date of these Orders, Respondent shall comply with total coliform bacteria monitoring and maximum contaminant level requirements, in accordance with OAC Rule 3745-81-21 and OAC Rule 3745-81-14, respectively.
5. From the effective date of these Orders, Respondent shall submit monthly operating reports no later than the tenth of the month following the month for which the report was prepared, in accordance with OAC Rule 3745-83-01(I).
6. Within thirty (30) days from the effective date of these Orders, Respondent shall provide public notice to all persons served by the Respondent's PWS, in accordance with OAC Rule 3745-81-32, for violations listed in Finding #12. Respondent shall provide copies of all public notices and verification forms within ten (10) days of delivery of public notices to Ohio EPA at the address listed in Section IX of these Orders.
7. From the effective date of these Orders, Respondent shall issue public notice for any future violations in accordance with OAC Rule 3745-81-32.
8. By July 15, 2011, Respondent shall permanently connect to Rural Lorain Water Authority. Within seven (7) days of completion, Respondent shall notify Ohio EPA of the connection in writing at the address listed in Section IX of these Orders.
9. By August 15, 2011, Respondent shall decommission the existing PWS water treatment plant and storage tower. Within seven (7) days of completion, Respondent shall notify Ohio EPA in writing at the address listed in Section IX of these Orders.
10. Until such time Respondent has completed the connection to Rural Lorain Water Authority and decommissioned the existing PWS water treatment plant and storage tower, Respondent shall:
 - a. Retain a Class III operator as operator of record for the water treatment plant;
 - b. Monitor for biological and chemical contaminants as scheduled by the Director;
 - c. Monitor for turbidity and chlorine residuals in accordance with OAC Rule 3745-81-74; and
 - d. Continue flushing program as stated in the Respondent's Distribution System Optimization Plan and as required in the Findings and Orders issued on September 12, 2007.
11. Should an emergency situation arise, wherein the Respondent cannot provide water to the residents, Respondent shall seek approval, in writing, from the Director to use the emergency connection with Rural Lorain Water Authority within 24 hours of the use of said emergency connection, in accordance with OAC 3745-91-08(G). Conditions will be placed on the approval and must be met by the Respondent.

During the use of the emergency connection, Respondent will be required to sample for certain contaminants determined by the Director.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's DDAGW acknowledge, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete." This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is as defined in OAC Rule 3745-33-03(E).

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to the operation of Respondent's PWS or wastewater treatment system.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. NOTICE

Except as required by a specific order, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Division of Drinking and Ground Waters
P.O. Box 1049
Columbus, Ohio 43216-1049

Attn: Tanushree Courlas

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

X. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with these Orders and/or for the violations described herein. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to ORC Chapter 6109 or any other applicable law in the future. Nothing herein shall restrict the right of Respondent to raise any administrative, legal or equitable claim or defense with respect to such further action which Ohio EPA may seek to require of Respondent. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

XI. APPEAL RIGHTS

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 "Treasurer, State of Ohio," 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
309 South Fourth Street, Room 222
Columbus, OH 43215

DRINKING WATER NOTICE

Monitoring requirements not met for Total Coliform Monitoring for Cinnamon Lake Utilities

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. During July 2009, we did not monitor for total coliform as required and therefore cannot be sure of the quality of our drinking water during that time.

What Should I Do?

This notice is to inform you that Cinnamon Lake Utilities did not monitor and report results for the presence of total coliform in the public drinking water system during the above mentioned time periods, as required by the Ohio Environmental Protection Agency. You do not need to take any action in response to this notice.

What is being done?

Upon being notified of this violation, the water supply was required to have the drinking water analyzed for the above mentioned parameters. The water supplier will take steps to ensure that adequate monitoring will be performed in the future.

For more information, please contact _____ at _____ or _____
name of contact phone number mailing address

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

PWSID#: OH0300411 STUID#:7458091 Date distributed: _____

PUBLIC NOTICE INSTRUCTIONS AND VERIFICATION FORM FOR COMMUNITY PUBLIC WATER SYSTEMS WITH TIER 3 VIOLATIONS

The owner or operator of a community public water system with a Tier 3 violation or situation shall notify the persons served by the public water system as soon as practical but **no later than one year** after the system learns of the violation. At a minimum, community public water systems must issue the notice by **mail or other direct delivery**. Public notice issued by methods other than posting shall be repeated annually as long as the violation or situation persists.

I HEREBY CERTIFY THAT THE PUBLIC WAS NOTIFIED BY THE FOLLOWING METHOD(S) INDICATED BELOW, AS DESCRIBED IN THE OHIO ADMINISTRATIVE CODE RULE 3745-81-32:

Required Method of Public Notification	Actual Method of Public Notification
<p>Use the following method to reach all persons served by the public water system:</p> <p>Public notice issued 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 delivered to customers by July 1 of each year may be used as long as the public notice includes all the required content and is delivered within the required timeframe.</p>	<p>Describe actual methods used to notify public of the violation:</p> <p>A. Date of mailing/delivery _____</p>
<p>If the above method does not reach all persons served, also 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 7 days.</p>	<p>A. Method(s) _____ _____ _____</p> <p>B. Date(s) _____</p>

Please check if the public notice used was provided by Ohio EPA (other side of this form) or another acceptable notice was used:

_____ A public notice as shown on the other side of this sheet was issued without changes.

_____ A different public notice was issued. **INCLUDE A COPY OF THE PUBLIC NOTICE.**

Signature of Responsible Person Date

Printed Name and Title of Responsible Person

Cinnamon Lake Utilities
PWSID OH0300411

Ashland COUNTY
Total Coliform, Type 24
July 2009

<p><u>For Ohio EPA use only:</u> Date PN received: _____ PN acceptable: _____ PN not acceptable: _____</p>
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State of Ohio Environmental Protection Agency

**CONDITIONAL LICENSE TO OPERATE OR MAINTAIN
A PUBLIC WATER SYSTEM**

THE OHIO EPA, PURSUANT TO SECTION 6109.21 OF THE OHIO REVISED CODE, HEREBY ISSUES THIS
LICENSE TO OPERATE OR MAINTAIN A PUBLIC WATER SYSTEM TO

CINNAMON LAKE UTILITIES ASSOC INC

PWS ID: OH0300411

THE LICENSEE IS OBLIGATED TO ENSURE THAT THE PUBLIC WATER SYSTEM IS OPERATED AND
MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 6109 OF THE OHIO REVISED
CODE, ALL OTHER APPLICABLE STATUTES AND THE ADMINISTRATIVE RULES ADOPTED THEREUNDER.

THIS LICENSE WILL EXPIRE ON JANUARY 30, 2012

APPLICATION FOR RENEWAL IS REQUIRED TO BE SUBMITTED TO THE OHIO EPA AT LEAST THIRTY
DAYS PRIOR TO THIS DATE.

EFFECTIVE DATE: JANUARY 30, 2011

EXPIRATION DATE: JANUARY 30, 2012

LICENSE NUMBER: 0300411-784869-2011

A handwritten signature in cursive script, reading "Chris Palah", is written over a horizontal line.

Director

Cinnamon Lake Utilities Association Public Water System – Orders for Conditioned LTO

1. From the effective date of the Director's Final Findings and Orders issued January 5, 2011 (Orders), Cinnamon Lake Utilities Association (Cinnamon Lake) shall display the conditioned LTO at the PWS office and notify the PWS customers of the conditioned status of the LTO in the consumer confidence report pursuant to OAC Chapter 3745-96, in accordance with OAC Rule 3745-84-04(D)(1).
2. Cinnamon Lake shall comply with all current and subsequent chemical monitoring schedules issued by the Director, in accordance with OAC Rules 3745-81-23, 3745-81-24 and 3745-81-26.
3. Cinnamon Lake shall comply with total coliform bacteria monitoring and maximum contaminant level requirements, in accordance with OAC Rule 3745-81-21 and OAC Rule 3745-81-14, respectively.
4. Cinnamon Lake shall submit monthly operating reports no later than the tenth of the month following the month for which the report was prepared, in accordance with OAC Rule 3745-83-01(I).
5. Within thirty (30) days from the effective date of the Orders, Cinnamon Lake shall provide public notice to all persons served by the Cinnamon Lake's PWS, in accordance with OAC Rule 3745-81-32, for violations listed in Finding #12 of the Orders. Cinnamon Lake shall provide copies of all public notices and verification forms within ten (10) days of delivery of public notices to Ohio EPA.
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8. By August 15, 2011, Cinnamon Lake shall decommission the existing PWS water treatment plant and storage tower. Within seven (7) days of completion, Cinnamon Lake shall notify Ohio EPA in writing.
9. Until such time Cinnamon Lake has completed the connection to Rural Lorain Water Authority and decommissioned the existing PWS water treatment plant and storage tower, Cinnamon Lake shall:
 - a. Retain a Class III operator as operator of record for the water treatment plant;
 - b. Monitor for biological and chemical contaminants as scheduled by the Director;
 - c. Monitor for turbidity and chlorine residuals in accordance with OAC Rule 3745-81-74; and
 - d. Continue flushing program as stated in the Cinnamon Lake's Distribution System Optimization Plan and as required in the Findings and Orders issued on September 12, 2007.
10. Should an emergency situation arise, wherein the Cinnamon Lake cannot provide water to the residents, Cinnamon Lake shall seek approval, in writing, from the Director to use the emergency connection with Rural Lorain Water Authority within 24 hours of the use of said emergency connection, in accordance with OAC 3745-91-08(G). Conditions will be placed on the approval and must be met by the Cinnamon Lake. During the use of the emergency connection, Cinnamon Lake will be required to sample for certain contaminants determined by the Director..