

Effective Date JAN 07 2011

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BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Munson Sunmart, Inc. :
12388 Mayfield Road :
Chardon, Ohio 44024 :

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,

By:  Date: 1/7/2011

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Munson Sunmart, Inc. (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Chapter 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 Chapter 6109 and the rules promulgated there under.

IV. FINDINGS

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

1. Respondent owns and operates a "public water system" (PWS) as defined by ORC § 6109.01, which is also a transient non-community water system as defined by Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID# 2868518) is located at 12388 Mayfield Road, (Geauga County), Chardon, Ohio, 44024.

3. Respondent's PWS obtains its drinking water from a "groundwater" source as defined by OAC Rule 3745-81-01 and serves a population of approximately 200 persons.
4. In accordance with OAC Rule 3745-81-21(A)(2)(a), a non-community water system using groundwater and serving not more than one thousand (1000) persons shall monitor with at least one routine total coliform bacteria sample each quarter that the water system provides water to the public.
5. In violation of OAC Rule 3745-81-21(A)(2)(a), Respondent failed to monitor for routine total coliform bacteria during the monitoring periods of July 1 to September 30, 2008; October 1 to December 31, 2008; January 1 to March 31, 2009; and, July 1 to September 30, 2009.
6. In accordance with OAC Rule 3745-81-21(B)(7), when a PWS monitoring with few than five routine samples per month has one or more total coliform-positive samples, the PWS shall monitor with at least five routine samples during the next month that the PWS provides water to the public.
7. In violation of OAC Rule 3745-81-21(B)(7), Respondent failed to monitor with five routine samples during July 2010, the month after a total coliform-positive sample result.
8. The Director issued the 2006 chemical contaminant monitoring schedule for Respondent's PWS on December 16, 2005 for the compliance period that began on January 1, 2006 and ended on December 31, 2006.
9. In accordance with OAC Rule 3745-81-23(B), all PWSs which are ground water systems shall monitor annually to determine compliance with the maximum contaminant level (MCL) for nitrate. PWSs shall monitor inorganic chemicals according to a schedule provided by the Director.
10. In violation of OAC Rule 3745-81-23(B), and the 2006 monitoring schedule, Respondent failed to monitor for nitrate during the January 1 to May 31, 2006 monitoring period. Respondent returned to compliance by taking a nitrate sample on September 14, 2006.
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 these violations.
12. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notice for the total coliform bacteria monitoring violations during the monitoring periods of July 1 to September 30, 2008; October 1 to December 31, 2008; January 1 to March 31, 2009; and, July 1 to September 30, 2009; and for the nitrate violation during the January 1 to May 31, 2006 monitoring period.
13. Each violation cited above represents a separate violation of ORC § 6109.31.

14. 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.
15. In accordance with OAC Rule 3745-84-03, Respondent submitted an application and fee for an LTO renewal on December 17, 2010.
16. In accordance with OAC Rule 3745-84-06(A), the Director may condition a LTO at any time to require corrections 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 LTO renewal for Respondent's PWS is issued with the conditions listed in Orders No. 2 through 5, for the period of January 31, 2011 to January 30, 2012, in accordance with OAC Rule 3745-84-06.
2. From the effective date of these Orders, Respondent shall prominently display the conditioned LTO, in accordance with OAC Rule 3745-84-04(D).
3. Respondent shall comply with its contaminant monitoring schedule for the 2011 calendar year and all subsequent monitoring schedules issued by the Director.
4. From the effective date of these Orders, Respondent shall comply with total coliform bacteria routine and repeat monitoring requirements, in accordance with OAC Rule 3745-81-21.
5. Within fourteen (14) days of the effective date of these Orders, Respondent shall issue public notice, in accordance with OAC Rule 3745-81-32, for the violations listed in Finding No. 12. Respondent shall provide Ohio EPA with copies of all public notice and verification forms at the address listed in Section X of these Orders.

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 acknowledges, 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.

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.

X. NOTICE

The public notice discussed in Order No. 5 shall be submitted by Respondent pursuant to these Orders and shall be addressed to:

Ohio Environmental Protection Agency
Division of Drinking and Ground Waters
Lazarus Government Building
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.

XI. 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.

XII. 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 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

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's Journal.

IT IS SO ORDERED:

Ohio Environmental Protection Agency



Chris Korleski, Director

JAN 07 2011

Date



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

Rollin Cooke
12388 Mayfield Road
Chardon, Ohio 44024

Re: Geauga County
Munson Sunmart, Inc.
Transient Non-community
PWS I.D. # 2868518

Re: Conditioned License to Operate a Public Water System

Dear Mr. Cooke:

Attached is the 2011 license to operate a public water system for Munson Sunmart, Inc. In accordance with Ohio Revised Code (ORC) § 6109.21 and Ohio Administrative Code (OAC) Rule 3745-84-06, the Director of Ohio EPA has issued a license with conditions due to violations of the drinking water regulations at the public water system. The accompanying Findings and Orders describe the violations and the corrective actions needed to return to the public water system to compliance.

In accordance with OAC Rule 3745-84-04, the Director has issued a yellow conditioned license to operate a public water system. You are required to prominently display this yellow, conditioned license where it is clearly visible to the general public. If the requirements of this license are complied with, the public water system may be eligible for a green, unconditioned license for 2012.

Should Munson Sunmart, Inc. fail to comply with the conditions of this license, the Director may suspend or revoke the license to operate. Revocation of the license will prohibit the operation of the public water system. A public water system with a revoked license is prohibited from producing water for human consumption, which includes, but is not limited to, drinking, food preparation, dishwashing and hand washing.

In addition, owners or operators that 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 license may jeopardize other licenses you may hold, such as food service, liquor or campground operations.

If you have any questions, please contact me or Mark Sheahan at 614-644-2752.

Sincerely,

Tanushree Courlas
Enforcement Coordinator
Division of Drinking & Ground Waters

Enclosures

cc: Dave Maschak, DDAGW, NEDO
Gauga Local Health Department
Gary Jones, Chief, Division of Liquor Control



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

MUNSON SUNMART
PWS ID: OH2868518

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 31, 2011

EXPIRATION DATE: JANUARY 30, 2012

LICENSE NUMBER: 2868518-783052-2011

A handwritten signature in black ink that reads "Chris Kralak". The signature is written in a cursive style and is positioned above a horizontal line.

Director

MUNSON SUNMART, INC. PUBLIC WATER SYSTEM - ORDERS

January 7, 2011

1. From the effective date of the Director's Final Findings and Orders issued January 7, 2011 (Orders), the 2011 License to Operator (LTO) renewal for Munson Sunmart is issued with the conditions listed in Orders No. 2 through 5, for the period of January 31, 2011 to January 30, 2012, in accordance with Ohio Administrative Code (OAC) Rule 3745-84-06.
2. From the effective date of these Orders, Munson Sunmart shall prominently display the conditioned LTO, in accordance with OAC Rule 3745-84-04(D).
3. Munson Sunmart shall comply with its contaminant monitoring schedule for the 2011 calendar year and all subsequent monitoring schedules issued by the Director.
4. From the effective date of the Orders, Munson Sunmart shall comply with total coliform bacteria routine and repeat monitoring requirements, in accordance with OAC Rule 3745-81-21.
5. Within fourteen (14) days of the effective date of these Orders, Munson Sunmart shall issue public notice, in accordance with OAC Rule 3745-81-32, for the violations listed in Finding No. 12. Munson Sunmart shall provide Ohio EPA with copies of all public notice and verification forms at the address listed in Section X of these Orders.