

OHIO E.P.A.

Effective Date NOV 14 2008

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ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL  
FINDINGS AND ORDERS

Ohio Department of Natural :  
Resources, Division of Parks :  
2045 Morse Road, Building D :  
Columbus, Ohio 43229 :

Respondent,

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Ohio Department of Natural Resources (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.

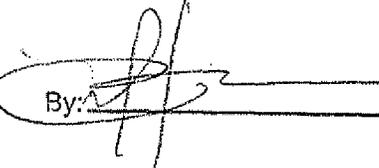
II. PARTIES BOUND

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 at Salt Fork State Park 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 thereunder.

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.

By:  Date: 11.14.08

#### IV. FINDINGS

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

1. Respondent owns and operates a "public water system" (PWS), at Salt Fork State Park which is also a "nontransient noncommunity water system" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID# 3052811) is located at Salt Fork State Park, 14755 Cadiz Road, Lore City, (Guernsey County), Ohio, 43755.
3. Respondent's PWS obtains its drinking water from a "surface water" source as defined by OAC Rule 3745-81-01 and serves a nontransient population of 60 persons.
4. In accordance with OAC Rules 3745-81-12(B), a surface water system serving fewer than ten thousand persons is in compliance with the maximum contaminant level (MCL) for total trihalomethanes (TTHM) if the running annual average is not greater than 0.080 milligrams per liter (mg/L) and is in compliance with the MCL for haloacetic acids five (HAA5) if the running annual average is not greater than 0.060 mg/L. TTHM and HAA5 are two types of disinfection byproducts (DBPs).
5. In accordance with OAC Rule 3745-81-24(C)(14), for PWSs monitoring quarterly, compliance with the MCLs for TTHM and HAA5 shall be based on a running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples taken at each sampling point. If the running annual arithmetic average of quarterly averages covering any consecutive four-quarter period exceeds the MCL, the PWS is in violation of the MCL.
6. In violation of OAC Rule 3745-81-12(B), as determined by OAC Rule 3745-81-24(C)(14), Respondent exceeded the MCL for TTHM in the July through September 2004, October through December 2004, January through March 2005, April through June 2005, July through September 2005, October through December 2005, January through March 2006, April through June 2006, July through September 2006, October through December 2006, January through March 2007, and the April through June 2007 monitoring periods when the TTHM running annual average was greater than 0.080 mg/L.
7. In violation of OAC Rule 3745-81-12(B), as determined by OAC Rule 3745-81-24(C)(14), Respondent exceeded the MCL for HAA5 in the January through March 2005, April through June 2005, July through September 2005, and the October through December 2005 monitoring periods when the HAA5 running annual average was greater than 0.060 mg/L.

8. In accordance with the Director's plan approval on January 26, 2006, Respondent began a pilot study of the treatment to reduce DBPs in March 2006. The anticipated completion of the pilot study is scheduled for approximately September 2011.
9. In accordance with OAC Rule 3745-91-02, Respondent received Director's Plan approval for granular activated carbon (GAC) filters on May 16, 2006 to reduce DBPs. The installation of the GAC filters was expected to bring Respondent in compliance with the MCLs for TTHM and HAA5 by, or before, approximately September 2007.
10. On September 13, 2006, Respondent completed the installation of the GAC filters, in accordance with Director's plan approval on May 16, 2006.
11. On November 28, 2006, the Director issued Findings and Orders (2006 Orders) that required Respondent, among other requirements, to conduct a pilot study for microfiltration, submit approvable detailed plans and install the microfiltration treatment to reduce the high TTHM and HAA5 levels at the PWS.
12. On December 4, 2007, Respondent instead provided Ohio EPA with a finalized agreement between the Respondent and the Guernsey County Commissioners to construct a water line that would serve the PWS.
13. Respondent has substantially complied with all requirements of the 2006 Orders, with the exception of the pilot study report, detail plans, and installation related to microfiltration treatment. Respondent intends to utilize GAC treatment to address the TTHM and HAA5 levels until the waterline connection to the Guernsey County PWS is complete on or before April 30, 2009.
14. Each violation cited above represents a separate violation of ORC § 6109.31.

## **V. ORDERS**

1. The 2006 Orders are hereby terminated.
2. Respondent shall comply with its chemical contaminant and distribution monitoring schedules for the calendar year 2008 and all subsequent monitoring schedules issued by Ohio EPA for as long as Respondent operates the PWS.
3. Respondent shall continue to operate and maintain all parts of the water treatment plant and distribution system, including, but not limited to, the GAC filters in accordance with Director's plan approval and OAC Chapter 3745-91, for as long as Respondent operates the PWS.

4. Respondent shall complete construction of the waterline connection to Guernsey County's PWS by April 30, 2009.
5. Within ninety (90) days of the waterline connection, Respondent shall properly abandon the current water treatment plant with physical separation to ensure that no water shall be treated or distributed for drinking water purposes.
6. Within seven (7) business days after the deadlines given in Order Nos. 4 and 5, Respondent shall send written notification of compliance with the requirements of each of the Orders to Ohio EPA, SEDO, DDAGW, as specified in Section X of these Orders.
7. Within thirty (30) days of notification, Respondent shall respond in writing to address any comments or deficiencies noted by Ohio EPA on any plan or other documentation submitted by Respondent.

#### **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 at Salt Fork State Park.

#### **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. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

### **X. NOTICE**

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Southeast District Office  
Division of Drinking and Ground Waters  
2195 Front Street  
Logan, Ohio 43138  
Attn: Bob Little, District Office Compliance Coordinator (DOCC)

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

### **XI. RESERVATION OF RIGHTS**

Ohio EPA reserve its rights to seek civil or administrative penalties against Respondent for violations specifically cited in these Orders.

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

### **XII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Except for the right to seek civil or administrative penalties against Respondent for violations specifically cited in these Orders, which right Ohio EPA does not waive, compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

**XIII. EFFECTIVE DATE**

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

**XIV. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**IT IS SO ORDERED AND AGREED:**

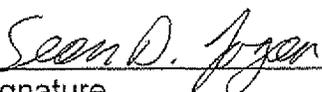
**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Chris Korleski, Director

NOV 14 2008  
Date

**IT IS SO AGREED:**

**Ohio Department of Natural Resources**

  
\_\_\_\_\_  
Signature

10.27.08  
Date

Sean D. Logan, Director  
Printed or Typed Name and Title