

OHIO E.P.A.

MAR - 6 2007

ENTERED DIRECTOR'S JOURNAL



Effective Date MAR 6 2007

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	:	<u>DIRECTOR'S FINAL</u>
	:	<u>FINDINGS AND ORDERS</u>
The Village of Laurelville	:	
18751 Main Street	:	
Laurelville, OH 44084	:	
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 Village of Laurelville (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Chapter 6109, § 6111.03, 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 the Village of Laurelville public water system or wastewater treatment plant 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 6111 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: *[Signature]* Date: 3-6-07

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. In accordance with ORC § 6111.07(A), no person shall violate or fail to perform any duty imposed by ORC §§ 6111.01 to 6111.08 or violate any order, rule, or term or condition of a permit issued or adopted by the Director.
2. Respondent operates a wastewater treatment plant (WWTP), located at 16111 Creamery Hill Road, Laurelville, Hocking County, Ohio. The Director issued Respondent a National Pollutant Discharge Elimination System (NPDES) permit No. 0PA00013*ED, effective December 1, 1998.
3. In a letter dated April 19, 2006 from Ohio EPA, Division of Surface Water (DSW), Respondent was notified of NPDES permit violations.
4. In accordance with Ohio Administrative Code (OAC) Rule 3745-7-04(B), Respondent's WWTP was classified by the Director as a Class I wastewater works.
5. In accordance with OAC Rule 3745-7-02(A)(2), the owner of a wastewater works shall place the direct supervision for the technical operation and maintenance of the wastewater works under the responsible charge of a certified operator having certification of a class at least equal to that required by the wastewater works classification.
6. On June 30, 2006, the Director issued an NPDES permit No. 0PA00013*FD, effective August 1, 2006 through July 31, 2011, to Respondent. This NPDES permit requires the responsible charge of at least a full time Class II certified operator at the WWTP.
7. Respondent owns and operates a "public water system" (PWS), which is also a "community water system" as defined by ORC § 6109.01.
8. Respondent's PWS (PWS ID# 3700512) is located at 18751 Main Street, Laurelville, Hocking County, Ohio, 43135
9. Respondent's PWS obtains its drinking water from a "ground water" source as defined by OAC Rule 3745-81-01 and serves a population of 533 persons. Respondent's PWS meets the designation criteria of a Class I PWS in accordance with OAC Rule 3745-7-03.
10. In accordance with OAC Rule 3745-83-01(B)(2), each community PWS 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.

11. In violation of OAC Rule 3745-83-01(B)(2), Respondent failed to 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 the February 2004 monitoring period.
12. In accordance with ORC § 6109.12 and OAC Rule 3745-81-31, a PWS is responsible for ensuring that the results of a test, measurement, or analysis required to be made are reported to the Director within the first ten days following the month in which the result is received for that test, measurement, or analysis or within the first ten days following the end of the required monitoring period as specified by the Director, whichever ever occurs first.
13. In violation of ORC § 6109.12 and OAC Rule 3745-81-31, Respondent failed to submit Total Chlorine Residual Quarterly Operating Report (EPA form 5114) within the required time frame for reporting during the monitoring periods April through June 2004, July through September 2004, and January through March 2006. Respondent untimely submitted the report covering July through September 2004 on November 15, 2004, the report covering January through March 2006 on May 11, 2006, and the report covering April through June 2004 on November 9, 2006.
14. In accordance with OAC Rule 3745-81-24(B), monitoring of the organic chemical contaminants with maximum contaminant levels (MCLs) listed in OAC Rule 3745-81-12(E) shall be conducted by community PWSs. Each PWS shall monitor at the time designated by the Director within each compliance period.
15. Respondent was provided by the Director the Chemical Monitoring Schedule for 2002 in December 2001 effective January 1, 2002; for 2003 in December 2002 effective January 1, 2003; and for 2004 in December 2003 effective January 1, 2004.
16. In violation of OAC 3745-81-24(B), Respondent failed to monitor for the synthetic organic chemicals of alachlor, atrazine, and simazine during the July through September 2002 monitoring period. Respondent untimely monitored for these listed chemicals on December 31, 2002.
17. In accordance with OAC Rule 3745-81-23(B), all PWSs shall monitor to determine compliance with the MCL for nitrate listed in OAC Rule 3745-81-11(A). PWSs shall monitor for nitrate according to the schedule provided by the Director.
18. In violation of OAC Rule 3745-81-23(B), Respondent failed to monitor for nitrate during the April through June 2002, November 2004, and December 2004 monitoring periods. Respondent untimely monitored for nitrate on January 7, 2003, and January 27, 2005.

19. In accordance with OAC Rule 3745-81-23(E), all community water systems shall monitor for the inorganic contaminants with MCLs listed in OAC Rule 3745-81-11(B). PWSs shall monitor inorganic chemicals according to the schedule provided by the Director.
20. In violation of OAC Rule 3745-81-23(E), Respondent failed to monitor for antimony during the January through June 2003 monitoring period. Respondent untimely monitored for antimony on May 15, 2006.
21. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS shall provide public notification for violations.
22. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification for the failure to monitor for antimony during the January through June 2003 monitoring period, and for the failure to monitor for nitrate during the April through June 2002 and November 2004 monitoring periods. Respondent untimely issued the public notification and verification was received by Ohio EPA on December 11, 2006.
23. In accordance with OAC Rule 3745-96-01(E), a community PWS shall prepare and deliver a report, referred to as the Consumer Confidence Report (CCR), to its customers by July first annually and having a required content as outlined in OAC Rule 3745-96-02. Additionally, OAC Rule 3745-96-04(C) requires a copy of the CCR be submitted to the Director along with certification of distribution by July first of each year.
24. In violation of OAC Rule 3745-96-04(C), Respondent failed to provide a copy of the CCR for the 2003 monitoring period and certification of distribution to the Director by July 1, 2004. A certification of distribution of the report was untimely received by Ohio EPA on November 12, 2004, however, a copy of the CCR has not been submitted by Respondent.
25. In accordance with OAC Rule 3745-07-02(A)(1), each person owning or operating a PWS shall place the direct supervision for the technical operation and maintenance of such PWS under the responsible charge of a certified operator having valid certification of a class at least equal to that required by that PWS classification.
26. In violation of OAC Rule 3745-07-02(A)(1), Respondent failed to employ a certified operator to be responsible for the technical operation of the PWS from January 2004 through February 2004.
27. Each of the violations cited above represents a separate violation of ORC §§ 6109.31 or 6111.07.

28. With respect to Orders issued pursuant to ORC Chapter 6111 herein, the Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purposes of ORC Chapter 6111.

V. ORDERS

1. Respondent shall continue to employ the services of an Ohio EPA certified WWTP operator with at least a Class II certification as a technical supervisor five (5) days per week/minimum two (2) hours per day to operate Respondent's WWTP in accordance with OAC Chapter 3745-7, NPDES permit No. 0PA00013*FD, and all subsequent NPDES permits.
2. Respondent shall maintain a minimum chlorine residual of at least two-tenths milligram per liter free chlorine or one milligram per liter combined chlorine throughout the distribution system as required in OAC Rule 3745-83-01.
3. Within thirty (30) days from the effective date of these Orders, Respondent shall submit to Ohio EPA the Consumer Confidence Report (CCR) for the 2003 monitoring period as referenced in Finding No. 24.
4. Respondent shall comply with the monitoring and reporting requirements in accordance with all chemical monitoring schedules issued by the Director.
5. Respondent shall continue to employ the services of an Ohio EPA certified water operator with at least a Class I certification to be placed in the direct supervision for the technical operation and maintenance of the PWS three (3) days per week/minimum one and one half (1.5) hours per week in accordance with OAC Chapter 3745-7.
6. Respondent shall pay the amount of eight hundred dollars (\$800.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6109, for the violations cited herein.
 - a. In lieu of payment of the eight hundred dollars (\$800.00) for civil penalties, Respondent shall have the village administrator, the mayor, and/or a member of council attend a training course being either "Utility Management for Local Officials" or "Financial Management Training for Local Officials", both presented by the Ohio Rural Community Assistance Program (RCAP). Within thirty (30) days of the date of the course, Respondent shall provide Ohio EPA documentation that the training course was attended by at least one of the officials listed in this paragraph.

7. Should Respondent fail to attend either course outlined in Order # 6a, Respondent shall pay to Ohio EPA \$800.00 of the civil penalty within thirty (30) days of the date of notification from Ohio EPA. Payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for the total amount of eight hundred dollars (\$800.00). The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

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(D)(4) for a municipality.

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 WWTP or 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.

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 (with the exception of the penalty payment in Order No.6) shall be addressed to:

Ohio Environmental Protection Agency
Southeast District Office
Division of Drinking and Ground Waters
2195 Front Street
Logan, Ohio 43138
Att: Eric Hart

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

XI. RESERVATION OF RIGHTS

Ohio EPA reserves its rights to seek civil or administrative penalties against Respondent for the NPDES permit violations specifically cited in these Orders. Ohio EPA and Respondent each reserve all other 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 the NPDES permit 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

MAR 6 2007
Date

IT IS SO AGREED:

The Village of Laurelville



Signature
Charles E. Zawacki, Mayor

Printed or Typed Name and Title

2-1-07
Date

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Ohio Environmental
Protection Agency
Southeast District