

OHIO E.P.A.

JAN 20 2011

Effective Date JAN 20 2011

ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL  
FINDINGS AND ORDERS

Whispering Winds :  
Mobile Home Community :  
13555 Neapolis-Waterville Rd. :  
Grand Rapids, OH 43522 :

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,

 Date: 1-20-11

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to the Whispering Winds Mobile Home Community (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 "community" water system as defined by Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID# OH4801012) is located at 13555 Neapolis-

Waterville Rd., Grand Rapids (Lucas County), Ohio, 43522.

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 160 persons.
4. In accordance with OAC Rule 3745-81-14(B), a PWS which monitors with fewer than forty samples per month is in compliance with the maximum contaminant level for total coliforms when no more than one sample during the month is total coliform-positive.
5. In violation of OAC Rule 3745-81-14(B), Respondent exceeded the maximum contaminant level for total coliforms in July 2009, January 2010 and June 2010.
6. In accordance with OAC Rule 3745-81-21(B)(1), a PWS shall monitor with a set of four repeat samples within twenty-four hours of being notified of a total coliform-positive routine sample.
7. In violation of OAC Rule 3745-81-21(A)(1)(a), Respondent failed to monitor with a set of four repeat samples within twenty-four hours of being notified of positive results for total coliform bacteria during the July 2010 monitoring period.
8. In accordance with OAC Rule 3745-83-01(C)(1), all community PWSs shall maintain a minimum of at least two-tenths milligram per liter free chlorine or one milligram per liter combined chlorine measured at representative points in the distribution system.
9. In violation of OAC Rule 3745-83-01(C)(1), Respondent failed to maintain a minimum chlorine residual in January, March, April, June, July, August, October, November and December 2009; and January to November 2010.
10. In accordance with ORC § 6109.31, no person shall violate this chapter or any rule adopted under it. Each violation cited above represents a separate violation of ORC § 6109.31.
11. In accordance with ORC § 6109.12, every owner or operator of a PWS shall have analyses of the water made at such intervals and in such manner as may be ordered by Ohio EPA. Records of the results of such analyses shall be maintained and reported as required by Ohio EPA.
12. In accordance with OAC Rule 3745-81-31, PWSs are responsible for ensuring the results of a test, analysis or measurement is reported to Ohio EPA within ten

days after the month in which the test, analysis or measurement was made or within 10 days of the end of the monitoring period, whichever is sooner.

13. In accordance with OAC Rule 3745-83-01(G) and (I), all community PWSs shall monitor for free and combined chlorine at least daily and submit monthly operating reports by the tenth day of the following month.
14. On December 17, 2010, the Director issued chemical monitoring schedules to Respondent (2011 Contaminant Monitoring Distribution Point Schedule), which include two consecutive lead and copper monitoring compliance periods for Respondent's PWS: January 1 to June 30, 2011 and July 1 to December 31, 2011.
15. In accordance with OAC Rule 3745-7-09(A), the owner and operator of record of a PWS shall maintain operation and maintenance records for each PWS. Records shall be housed and maintained in such a manner as to be protected from weather damage and guarantee the authenticity and accuracy of the records, be accessible onsite for twenty-four hour inspection by agency or emergency response personnel and include information specified in OAC Rule 3745-7-09(A)(3).
16. In accordance with OAC Rule 3745-84-03, Respondent submitted an application and application fee for a 2011 LTO on December 22, 2010.
17. 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.

#### **V. ORDERS**

1. From the effective date of these Orders, the 2011 LTO for Respondent's PWS is issued with the conditions listed in Orders # 2 through # 7, for the period of January 20, 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 at the office of the PWS and notify the PWS customers of the conditioned status of the license 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 total coliform bacteria monitoring requirements, in accordance with OAC Rules 3745-81-21.
4. From the effective date of these Orders, Respondent shall comply with all current and future monitoring schedules for the PWS issued by the Director, including but not limited to lead and copper monitoring.
5. From the effective date of these Orders, Respondent shall report test, analysis or measurement results to Ohio EPA, in accordance with OAC Rule 3745-81-31.
6. From the effective date of these Orders, Respondent shall maintain 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 PWS distribution system, in accordance with OAC Rule 3745-83-01(C)(1).
7. From the effective date of these Orders, Respondent shall, in accordance with OAC Rule 3745-7-09(A), maintain PWS operation and maintenance records.

#### **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**

Except as specifically required by an individual 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  
Lazarus Government Building  
P.O. Box 1049  
Columbus, Ohio 43216-1049

Attn: Mark Sheahan

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, 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:

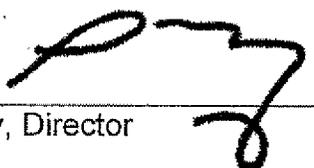
Environmental Review Appeals Commission  
309 South Fourth Street, Room 222  
Columbus, OH 43215

## **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**

  
\_\_\_\_\_  
Scott J. Nally, Director

JAN 20 2011  
\_\_\_\_\_  
Date



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

**WHISPERING WINDS MOBILE HOME COMMUNITY**

**PWS ID: OH4801012**

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.

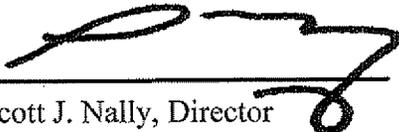
**THIS LICENSE WILL EXPIRE ON JANUARY 30, 2012**

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

EFFECTIVE DATE: JANUARY 20, 2011

EXPIRATION DATE: JANUARY 30, 2012

LICENSE NUMBER: 4801012-784430-2011

  
Scott J. Nally, Director

## **Whispering Winds Mobile Home Community Orders**

From the effective date [which is January 20, 2011] of the Ohio EPA Director's Final Findings and Orders, the license to operate (LTO) for Whispering Winds Mobile Home Community's public water system (PWS) is issued with the conditions listed below for the period of January 20, 2011 to January 30, 2012, in accordance with Ohio Administrative Code (OAC) Rule 3745-84-06.

1. From the effective date of the Orders, the 2011 LTO for Respondent's PWS is issued with the conditions listed in Orders # 2 through # 7, for the period of January 20, 2011 to January 30, 2012, in accordance with OAC Rule 3745-84-06.
2. From the effective date of the Orders, Respondent shall prominently display the conditioned LTO at the office of the PWS and notify the PWS customers of the conditioned status of the license 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 the Orders, Respondent shall comply with total coliform bacteria monitoring requirements, in accordance with OAC Rules 3745-81-21.
4. From the effective date of the Orders, Respondent shall comply with all current and future monitoring schedules for the PWS issued by the Director, including but not limited to lead and copper monitoring.
5. From the effective date of the Orders, Respondent shall report test, analysis or measurement results to Ohio EPA, in accordance with OAC Rule 3745-81-31.
6. From the effective date of the Orders, Respondent shall maintain 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 PWS distribution system, in accordance with OAC Rule 3745-83-01(C)(1).
7. From the effective date of the Orders, Respondent shall, in accordance with OAC Rule 3745-7-09(A), maintain PWS operation and maintenance records.