

OHIO E.P.A.

Effective Date AUG 19 2011

AUG 19 2011

ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL  
FINDINGS AND ORDERS

Raj Veer, Inc. :  
dba BP Oil at 56 & 71 :  
P.O. Box 255 :  
Mount Sterling, Ohio 43043

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,

PREAMBLE

By: [Signature] Date: 8-19-11

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Raj Veer, Inc., dba BP Oil at 56 & 71 (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 BP Oil at 56 & 71, a "public water system" (PWS), which is also a "transient noncommunity water system" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID#OH4937012) is located at 12750 State Route 56 SE, Mount Sterling, (Madison County), Ohio, 43143.

3. 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 approximately 204 persons.
4. In accordance with OAC Rule 3745-81-21(A)(2)(a), a non-community water system using only ground water or purchased water and serving not more than one thousand persons shall monitor for total coliform at a minimum monitoring frequency of one sample per quarter.
5. In violation of OAC Rule 3745-81-21(A)(2)(a), Respondent failed to monitor for total coliform during the monitoring periods of April 1 to June 30, 2006 and April 1 to June 30, 2008.
6. In accordance with OAC Rule 3745-81-21(B)(1), when a routine sample is determined to be total coliform positive, the PWS shall monitor with a set of four repeat samples within twenty-four hours of being notified of the positive result.
7. In violation of OAC Rule 3745-81-21(B)(1), Respondent failed to collect the required four repeat samples for total coliform within the required time period during the monitoring periods of October 1 to December 31, 2007 and April 1 to June 30, 2010.
8. In accordance with OAC Rule 3745-81-21(B), when a PWS monitoring with fewer 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.
9. In violation of OAC Rule 3745-81-21(B), Respondent failed to monitor with five total coliform samples during the months of January 2008, July 2009, July 2010 and September 2010, following total coliform positive samples in December 2007, June 2008, June 2010, and August 2010, respectively.
10. 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 (MCL) for total coliforms when no more than one sample during a month is total coliform-positive.
11. In violation of OAC Rule 3745-81-14(B), Respondent violated the MCL for total coliform when its PWS had more than one sample that was total coliform-positive in August 2010.
12. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS shall provide public notification for violations and submit copies of the required public notice and verification forms to the Director.
13. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification and submit a copy of the required public notice and verification form for:
  - a. failing to monitor for total coliform bacteria for during the April 1 to June 30, 2006 and April 1 to June 30, 2008 monitoring periods;

- b. failing to conduct repeat total coliform sampling during the October 1 to December 31, 2007 and April 1 to June 30, 2010 monitoring periods;
  - c. failing to monitor with at least five routine total coliform samples during the months of January 2008, July 2009, July 2010 and September 2010; and,
  - d. exceeding the MCL for total coliform when its PWS had more than one sample that was total coliform-positive during the month of August 2010.
14. Each violation cited above represents a separate violation of ORC § 6109.31.
  15. 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.
  16. In accordance with OAC Rule 3745-84-03, Respondent submitted an application and fee for a 2011 license to operator (LTO) renewal on December 9, 2010.
  17. In accordance with OAC Rule 3745-84-06(A), the Director may condition an LTO at any time to require corrections of violations of ORC Chapter 6109 and the administrative rules adopted thereunder. In conditioning an 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 No. 2 through 6, 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. Within thirty (30) days of the effective date of these Orders, Respondent shall remedy the violation in Finding No. 13 by issuing a public notification and by submitting copies of the required public notice and verification form to the Ohio EPA, Division of Drinking and Ground Waters (DDAGW), Central Office (CO), Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049, Attn: Julie Gillenwater, in accordance with OAC Rule 3745-81-32, for:
  - a. failing to monitor for total coliform bacteria for during the April 1 to June 30, 2006 and April 1 to June 30, 2008 monitoring periods;
  - b. failing to conduct repeat total coliform sampling during the October 1 to December 31, 2007 and April 1 to June 30, 2010 monitoring periods;
  - c. failing to monitor with at least five routine total coliform samples during the months of January 2008, July 2009, July 2010 and September 2010; and,
  - d. exceeding the MCL for total coliform when its PWS had more than one sample that was total coliform-positive during the month of August 2010.

4. From the effective date of these Orders, Respondent shall comply with all current and future contaminant monitoring schedules issued by the Director.
5. From the effective date of these Orders, Respondent shall comply with total coliform bacteria monitoring and MCL requirements, in accordance with OAC Rules 3745-81-21 and 3745-81-14, respectively.
6. Within thirty (30) days of the effective date of these Orders, Respondent shall contract with a certified laboratory to collect and analyze the required PWS samples for twelve (12) months. Within forty (40) days of the effective date of these Orders, Respondent shall submit a copy of the signed contract to the contact in Section X.

#### **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.

#### **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.

#### **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**

Except as noted otherwise in specific orders, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Central District Office  
Division of Drinking and Ground Waters  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: Susan Schell

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 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, 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 cite 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**

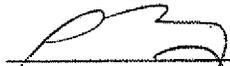
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**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.

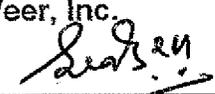
**IT IS SO ORDERED AND AGREED:**

**Ohio Environmental Protection Agency**

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

**AUG 19 2011**  
\_\_\_\_\_  
Date

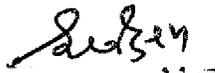
**IT IS SO AGREED:**

Raj Veer, Inc.  
  
\_\_\_\_\_  
Signature

**08/10/11**  
\_\_\_\_\_  
Date

**Raj V. Patel**  
\_\_\_\_\_  
Printed or Typed Name and Title

**Raj Patel, BP Oil at 56 & 71**

  
\_\_\_\_\_  
Signature

**8/10/11**  
\_\_\_\_\_  
Date

**Raj V. Patel**  
\_\_\_\_\_  
Printed or Typed Name and Title