

OHIO E.P.A.

Effective Date FEB 02 2011

FEB -2 2011

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Village of Sebring
135 East Ohio Ave.
Sebring, Ohio 44672

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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,

John Lassiter Date: 2-2-11

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Village of Sebring (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# OH5001911) is located at 135 East Ohio Avenue, Sebring (Mahoning County), Ohio, 44672.

3. Respondent's PWS obtains its drinking water from a "surface water" source as defined by OAC Rule 3745-81-01 and serves a population of approximately 8,100 persons.
4. The Director issued Final Findings and Orders to Respondent on June 18, 2009 (2009 Orders). On July 17, 2009, Respondent appealed these Orders to the Environmental Review Appeals Commission (ERAC); this appeal (ERAC Case No. 5063636) remains pending.
5. To date, Respondent has failed to complete certain requirements for compliance in the 2009 Orders, and, as a result, Respondent's PWS continues to exceed the maximum contaminant level (MCL) for total trihalomethanes (TTHM) and total haloacetic acids (HAA5).
6. In accordance with OAC Rule 3745-81-24(C)(4), surface water PWSs serving 500 to 9,999 persons shall monitor with the minimum monitoring frequency of one TTHM and one HAA5 sample per quarter per treatment plant.
7. In accordance with OAC Rule 3745-81-24(C)(14), for PWSs monitoring quarterly, compliance with the MCL for TTHM shall be based on a running annual arithmetic average (RAA), computed quarterly, of quarterly arithmetic averages of all samples taken at each sampling point. If the RAA of quarterly averages covering any consecutive four-quarter period exceeds the MCL, the PWS is in violation of the MCL. In accordance with OAC Rule 3745-81-12(B), community water systems are in compliance with TTHM MCL if the RAA is not greater than 0.080 milligrams per liter (mg/L).
8. 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 during the April through June 2009, July through September 2009, October through December 2009, January through March 2010, and April through June 2010 monitoring periods with RAA of 0.104 mg/L, 0.102 mg/L, 0.106 mg/L, 0.103 mg/L, and 0.082 mg/L, respectively.
9. In accordance with OAC Rule 3745-81-24(C)(14), for PWSs monitoring quarterly, compliance with the MCL for HAA5 shall be based on a RAA, computed quarterly, of quarterly arithmetic averages of all samples taken at each sampling point. If the RAA of quarterly averages covering any consecutive four-quarter period exceeds the MCL, the PWS is in violation of the MCL. In accordance with OAC Rule 3745-81-12(B), community water systems are in compliance with HAA5 MCL if the RAA is not greater than 0.060 mg/L.

10. 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 during the April through June 2009, July through September 2009, October through December 2009, January through March 2010, and July through September 2010 monitoring periods with RAA of 0.091 mg/L, 0.066 mg/L, 0.066 mg/L, 0.066 mg/L and 0.071 mg/L, respectively.
11. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS shall provide public notification for violations of a MCL, as soon as practical, but no later than thirty days after the system learns of the violation or situation.
12. In violation of OAC Rule 3745-81-32 and the 2009 Orders, Respondent failed to issue public notification, within 30 days of being notified of the violation, for exceeding the TTHM and HAA5 MCLs during the April through June 2009, July through September 2009, October through December 2009, January through March 2010, April through June 2010, and July through September 2010 monitoring periods. Respondent issued these public notifications late, exceeding the 30 day window.
13. Each violation cited above represents a separate violation of ORC § 6109.31.
14. In accordance with OAC Rule 3745-84-02(A), 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 application fee for a license to operate (LTO) renewal on January 6, 2011.
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.

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 # 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 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 all current and subsequent contaminant monitoring schedules issued by the Director in accordance with OAC Chapter 3745-81.
4. From the effective date of the Orders, Respondent shall timely issue public notice for all TTHM and HAA5 MCL violations in accordance with OAC Rule 3745-81-32.
5. From the effective date of these Orders, Respondent shall begin complying with the June 18, 2009 Director's Final Findings and Orders, including but not limited to addressing the TTHM and HAA5 MCL.

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: Kenneth Baughman

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:

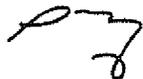
Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215

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

FEB 02 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

SEBRING VILLAGE PWS

PWS ID: OH5001911

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: **FEBRUARY 2, 2011**

EXPIRATION DATE: **JANUARY 30, 2012**

LICENSE NUMBER: **5001911-785173-2011**



Scott J. Nally, Director

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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 all current and subsequent contaminant monitoring schedules issued by the Director in accordance with OAC Chapter 3745-81.
4. From the effective date of the Orders, Respondent shall timely issue public notice for all TTHM and HAA5 MCL violations in accordance with OAC Rule 3745-81-32.
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