

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.

OHIO E.P.A.

MAR -6 2008

By: [Signature]

Date: 3-6-08

Effective Date

MAR 6 - 2008

SIGNED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL  
FINDINGS AND ORDERS

City of Celina :  
426 West Market Street :  
Celina, OH 45822 :

Respondent,

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to the City of Celina (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 the public water system (PWS) 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 the rules promulgated thereunder.

**IV. FINDINGS**

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

1. Respondent owns and operates a PWS as defined by ORC § 6109.01 and a "community water system" as defined by Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID: OH5400011) obtains its drinking water from a "surface water" source as defined by OAC Rule 3745-81-01, is located at 714 South Sugar Street, Celina (Mercer County), Ohio, 45822, and serves a population of 11,650 persons.

3. On June 27, 1996, Respondent's PWS was designated by the Director as a Class IV PWS in accordance with OAC Rule 3745-7-03.
4. The Director issued Final Findings and Orders to Respondent on May 5, 2003. To date, Respondent has failed to complete certain requirements for compliance contained in these previous Orders, and, as a result, Respondent continues to exceed of the maximum contaminant level (MCL) for total trihalomethanes (TTHM).
5. In accordance with OAC Rule 3745-81-24(C)(4), surface water PWSs serving at least 10,000 persons shall monitor with the minimum monitoring frequency of four TTHM water samples per quarter per treatment plant.
6. 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 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 TTHM during the monitoring periods: 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, April through June 2007, July through September 2007, and October through December 2007. Respondent's current RAA is 0.235 milligrams per liter (mg/L).
8. Until Respondent completes construction of the granular activated carbon (GAC) treatment facility and complies with Order #5, Respondent will likely continue to exceed the MCL for TTHM and violate OAC Rule 3745-81-12(B).
9. In accordance with OAC Rule 3745-81-12(B), community PWSs are in compliance with the MCL for haloacetic acids, five (HAA5) if the RAA is not greater than 0.060 mg/L. In accordance with OAC Rule 3745-81-24(C)(14), compliance with the MCL, for PWSs monitoring quarterly, shall be based on a running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples collected. If the running annual arithmetic average covering any consecutive four-quarter period exceeds the MCL, the PWS is in violation of the MCL.
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 monitoring periods of January through March 2006, April through June 2006, and July through September

2006. PWS returned to compliance with the HAA5 MCL on November 6, 2006.

11. Respondent submitted detail plans to Ohio EPA on March 20, 2007 for a GAC treatment facility and received a Director's letter of approval for the GAC plans on June 27, 2007.
12. Respondent began construction on GAC treatment facility on September 4, 2007; the projected date for operation of the GAC treatment facility is July 14, 2008.
13. Each of the violations cited above represents a separate violation of ORC § 6109.31.

#### **V. ORDERS**

1. The Director's Final Findings and Orders issued on May 5, 2003 are hereby terminated. These Orders, as outlined below, hereby incorporate the outstanding requirements of the previous set of Orders.
2. Respondent shall comply with its current and future chemical contaminant monitoring schedules issued by Ohio EPA.
3. Respondent shall provide public notice for MCL violations once every three (3) months, in accordance with OAC Rule 3745-81-32, until compliance is attained with the MCL violation.
4. Beginning March 1, 2008, Respondent shall provide monthly status reports outlining progress made towards compliance during the prior month to the Ohio EPA by the tenth (10<sup>th</sup>) day of each month.
5. On or before September 30, 2008, Respondent shall complete construction of the GAC treatment facility and demonstrate that the PWS is capable of producing water in compliance with the TTHM and HAA5 MCLs, in accordance with OAC Rule 3745-81-12(B), either by testing samples collected from points in the distribution system where the water age is the oldest or by performing a Simulated Distribution System Formation Potential with effluent from the GAC treatment facility.
6. On or before September 30, 2009, Respondent shall achieve compliance with the TTHM MCL RAA in accordance with OAC Rule 3745-81-24(C).
7. Should Respondent fail to comply with the timeframe in Order #6, Respondent shall pay administrative penalties for the violations outlined in Attachment A, which may be assessed pursuant to ORC § 6109.23, of twenty thousand dollars (\$20,000.00) to Ohio EPA to be deposited into the Drinking Water Protection Fund established by ORC § 6109.30. Payment shall be made by an official check made payable to

"Treasurer, State of Ohio" and submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent. Payment shall be made on or before October 30, 2009.

## **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).

## **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. NOTICE**

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, OH 43216-1049  
Attn: Kenneth Baughman

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

### **X. RESERVATION OF RIGHTS**

Ohio EPA reserves its rights to seek civil penalties against Respondent for violations specifically cited in these Orders, and reserves all other rights, privileges and causes of action.

### **XI. 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 Section 3745.04 of the Ohio Revised Code. 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 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:

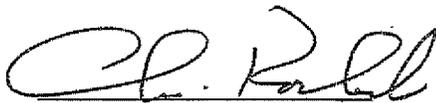
Environmental Review Appeals Commission  
309 South Fourth Street, Room 222  
Columbus, OH 43215

**XII. 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**



Chris Korleski, Director

MAR 6 - 2008

Date

## ATTACHMENT A

TTHM MCL exceedances for the following violation periods:

October – December 2004

January – March 2005  
April – June 2005  
July – September 2005  
October – December 2005

January – March 2006  
April – June 2006  
July - September 2006  
October – December 2006

January – March 2007  
April - June 2007  
July - September 2007  
October – December 2007

January – March 2008  
April - June 2008  
July – September 2008  
October - December 2008

January – March 2009  
April – June 2009  
July – September 2009



**ADMINISTRATIVE PENALTY CALCULATION FOR: City of Celina**

PWS id: OH5400011

Penalty per violation type = # of violations x \$1000.00 X number determined by system size

System size (number of people served)	Number
At least 15 service connections or 25 to 3,300	0.25
3,301 to 6,700	0.50
6,701 to 10,000	0.75
10,001 or more	1.00

System size number = 1.00

A. Total trihalomethanes (TTHM) maximum contaminant level (MCL) exceedance

Violation period: Oct-Dec 2004  
Jan-Mar 2005  
Apr-Jun 2005  
Jul-Sep 2005  
Oct-Dec 2005  
Jan-Mar 2006  
Apr-Jun 2006  
Jul-Sep 2006  
Oct-Dec 2006  
Jan-Mar 2007  
Apr-Jun 2007  
Jul-Sep 2007  
Oct-Dec 2007

Jan-Mar 2008  
Apr-Jun 2008  
Jul-Sep 2008  
Oct-Dec 2008  
Jan-Mar 2009  
Apr-Jun 2009  
Jul-Sep 2009

# violations: 20

Penalty for this violation type: \$20,000.00

**TOTAL PENALTY:** \$20,000.00

Prepared by: Kenneth Baughman

Date: Jan. 18, 2007

Signature:

A handwritten signature in black ink, appearing to read "Kenneth Baughman", written over a horizontal line.