

OHIO E.P.A.

Effective Date JAN 27 2011

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ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

City of Circleville :
663 Island Road :
Circleville, Ohio 43113 :
:

Respondent,

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the City of Circleville (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), which is also a "community water system" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID# 6500412) is located at 663 Island Road, (Pickaway County) Circleville, Ohio, 43113.

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 Don Lassiter Date: 1-27-11

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 13,485 persons.
4. On November 18, 2008, the Director issued Unilateral Findings and Orders (November 18, 2008 F&Os) to Respondent for violations of OAC Rules 3745-82-02; 3745-91-02(A); 3745-91-08(G)(1); 3745-95-06(C)(2) and (D); and, 3745-85-01(B) and (E)(1).
5. In accordance with the November 18, 2008 F&Os, Respondent submitted a backflow program implementation schedule to the Director on January 16, 2009.
6. In violation of the November 18, 2008 F&Os and OAC Rule 3745-95-06(C)(2) and (D), Respondent has failed to follow the backflow program implementation schedule submitted to the Director on January 16, 2009.
7. In accordance with the November 18, 2008 F&Os, Respondent submitted plans to the Director for replacement of the filter media and Director's plan approval was issued on January 23, 2009. Respondent completed replacement of the filter media in March 2009.
8. In violation of OAC Rule 3745-91-08(G)(1) and the January 23, 2009 Director's plan approval, Respondent's new filter media has failed to comply with the media specifications in this plan approval.
9. On February 8, 2010, Respondent submitted revised plans to the Director for replacement of the filter media and Director's plan approval was issued on February 11, 2010.
10. In violation of OAC Rule 3745-91-08(G)(1) and the February 11, 2010 Director's plan approval, Respondent has failed to comply with the media specifications in this plan approval.
11. In accordance with OAC Rule 3745-82-02, the secondary maximum contaminant level (SMCL) for manganese (Mn) is 0.05 milligrams per liter (mg/L).
12. In violation of OAC Rule 3745-82-02, Respondent exceeded the SMCL for Mn during the months of May through July 2009, October 2009, December 2009, January 2010, May 2010, June 2010, August 2010, and September 2010.
13. In accordance with OAC Rule 3745-82-02, the SMCL for Iron (Fe) is 0.3 mg/L.
14. In violation of OAC Rule 3745-82-02, Respondent exceeded the SMCL for Fe during the months July 2009, January 2010, and August 2010.
15. Each violation cited above represents a separate violation of ORC § 6109.31.

16. In accordance with OAC Rule 3745-84-03, Respondent submitted an application and application fee for a 2011 license to operate (LTO) renewal on January 4, 2011.
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 until January 30, 2012, the 2011 LTO renewal for Respondent's PWS is issued with the conditions listed in Orders #2 through #5, 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, and in accordance with OAC Rule 3745-84-04(D).
3. From the effective date of these Orders, Respondent shall comply with all current and future monitoring schedules issued by the Director.
4. From the effective date of these Orders, Respondent shall comply with the Mn and Fe SMCLs, in accordance with OAC Rule 3745-82-02.
5. From the effective date of these Orders, Respondent shall comply with the backflow program implementation schedule submitted to the Director on January 16, 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(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
Central District Office
Division of Drinking and Ground Waters
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Susan Hampton

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 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:

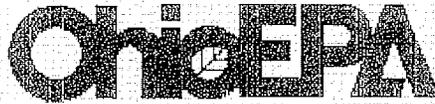
Ohio Environmental Protection Agency



Scott J. Nally, Director

JAN 27 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

CIRCLEVILLE CITY PWS

PWS ID: OH6500412

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 30, 2011**

EXPIRATION DATE: **JANUARY 30, 2012**

LICENSE NUMBER: **6500412-785250-2011**



Scott J. Nally, Director

City of Circleville ORDERS

Effective Date: January 27, 2011

1. From the effective date of these Orders until January 30, 2012, the 2011 license to operate (LTO) renewal for the City of Circleville's PWS is issued with the conditions listed in Orders # 2 through # 5, in accordance with Ohio Administrative Code (OAC) Rule 3745-84-06.
2. From the effective date of these Orders, the City of Circleville shall prominently display the conditioned LTO and notify the public water system customers of the conditioned status of the license in the consumer confidence report, pursuant to OAC Chapter 96, and in accordance with OAC Rule 3745-84-04(D).
3. From the effective date of these Orders, the City of Circleville shall comply with all current and future monitoring schedules issued by the Director of Ohio EPA.
4. From the effective date of these Orders, the City of Circleville shall comply with the manganese and iron secondary maximum contaminant levels, in accordance with OAC Rule 3745-82-02.
5. From the effective date of these Orders, the City of Circleville shall comply with the backflow program implementation schedule submitted to Ohio EPA on January 16, 2009.