

Effective Date SEP 14 2010

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL  
FINDINGS AND ORDERS

Village of Camden :  
56 North Main Street :  
P.O. Box 1 :  
Camden, Ohio 45311 :

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,

By:  Date: 9.14.2010

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to the Village of Camden (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# 6800112) is located in Camden (Preble County), Ohio, 45311.

3. Respondent's PWS obtains its drinking water through the use of three wells from a "ground water" source as defined by OAC Rule 3745-81-01 and serves a population of approximately 2,302 persons.
4. Respondent's PWS is designated by the Director as a Class I PWS in accordance with OAC Rule 3745-7-03.
5. On August 3, 2010, Respondent began receiving complaints from consumers regarding the taste of Respondent's drinking water. Respondent shut off well #3 and began using well #2 on August 3, 2010. Results from sampling of well #3 conducted on August 4, 2010 showed chloride levels five times greater than the secondary maximum contaminant level (SMCL), as defined by OAC Rule 3745-82-02, and cyanide at half the maximum contaminant level (MCL), as defined by OAC Rule 3745-81-11. Results from sampling of well #2 conducted on August 10, 2010 showed chloride levels greater than twice the SMCL. Respondent shut off well #2 and began using water from well #1 on August 25, 2010. Results from sampling of well #1 conducted on August 30, 2010 showed chloride levels greater than the SMCL. Additional monitoring at well #1 shows that chloride levels continue to increase.
6. On September 2, 2010, the Village of Camden council (Council) approved the measure to pursue the connection to the Southwest Regional Water (SWR) District PWS.
7. On September 10, 2010, the Council rescinded approval for the measure to pursue the connection to the SWR Water District PWS.
8. ORC § 6109.05 (B) provides that, "whenever the director determines that a water supply emergency exists requiring immediate action to protect the public health or welfare and the owner or operator of a public water system has not taken such action, he shall issue an order reciting the existence of the emergency and requiring that such action be taken as is necessary to meet the emergency. Such order shall be issued upon written or oral notice, as may be reasonable under the circumstances, and may be issued without prior hearing. Such order shall take effect immediately. Any person to whom such order is directed shall comply therewith immediately, but on application to the director within ten days after receipt of the order shall be afforded a hearing as soon as possible, and not later than twenty days after such application. On the basis of such hearing, the director shall continue such order in effect, revoke it, or modify it. No such emergency order shall remain in effect for more than ninety days after its effective date, except that the director may extend the effectiveness of the order for additional periods, not to exceed ninety days in any extension, if the emergency condition still exists on the date of extension."

9. In accordance with ORC § 6109.05 (B), the director has determined that a water supply emergency exists and the public welfare has not been protected at the Respondent's water supply due to the following: a) the exceedance of the chloride SMCL in all three of the Respondent's wells; b) water from wells 2 and 3 is unpalatable for human consumption; c) the chloride level in well #1 continues to increase and it is very likely that concentrations in the near future will make the water unpalatable for human consumption; c) the Respondent has not taken the necessary action to provide an alternate supply of potable water in adequate quantity. The director therefore makes the following orders.

#### **V. ORDERS**

1. Respondent shall continue to provide bottled water, at least 2 gallons per day per household, until an alternative approved water source is obtained.
2. By October 30, 2010, Respondent shall use an alternative approved water supply, which meets all primary and secondary drinking water standards in accordance with OAC Chapters 3745-81 and 3745-82, and provides a capacity of at least 160,000 gallons of water per day<sup>1</sup>.
3. Respondent shall submit detailed plans for the option chosen in Order 2 by September 30, 2010.

<sup>1</sup>160,000 gallons of water per day is considered a minimum for an immediate, interim measure. Final plan approval of a permanent solution would require meeting approved capacity

#### **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate either: (1) 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; or (2) within 90 days of the effective date of these Orders unless extended in accordance with ORC Section 6109.05(B); whichever occurs sooner. 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)(4).

## **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  
Southwest District Office  
Division of Drinking and Ground Waters  
401 East Fifth Street  
Dayton, Ohio, 45402  
Attn: Jeff Davidson, Manager

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

## **XI. RESERVATION OF RIGHTS**

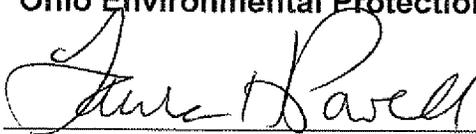
Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance 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. 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

SEP 14 2010

Date