

OHIO E.P.A.

OCT -5 2010

Effective Date OCT - 5 2010

ENTERED DIRECTOR'S JOURNAL



BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Putnam Community Water :
Association :
545 Masonic Lane :
Marietta, Ohio 45750 :

Respondent,

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.

PREAMBLE

By: [Signature] Date: 10-5-10

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Putnam Community Water Association (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 thereunder.

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# OH8400712) is located at 545 Masonic Lane, Marietta (Washington County), Ohio, 45750.
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 2,634 persons.
4. In accordance with OAC Rule 3745-7-03, on December 21, 2006, Respondent's PWS was classified by the Director as a Class I PWS.
5. In accordance with OAC Rule 3745-7-03(A)(2), on July 1, 2009, Respondent's PWS was reclassified by the Director as a Class II PWS, effective July 1, 2010.
6. On August 18, 2010, Respondent provided Ohio EPA with information demonstrating that design flow of the PWS was less than 2.5 million gallons per day. Therefore, the reclassification of Respondent's PWS by Ohio EPA on July 1, 2010 to a Class II is hereby voided, and, in accordance with OAC Rule 3745-7-03(B)(4), Respondent's PWS is currently classified as a Class I PWS.
7. In accordance with OAC Rule 3745-7-02(A)(1), each person owning or operating a PWS, shall designate one or more operator of record to oversee the technical operation of the PWS or each water treatment plant and distribution system within the PWS. Each operator of record shall have a valid certification of a class equal to or greater than the classification of the PWS, distribution system or water treatment plant.
8. Respondent's PWS currently employs John C. Huck, Class I operator, as its operator of record.
9. In accordance with OAC Rule 3745-81-23(F) and (H), where nitrate monitoring indicates that the maximum contaminant level (MCL) has been exceeded, the results of analyses of the initial and confirmation samples shall be averaged to determine the water system's compliance.
10. In accordance with OAC Rule 3745-81-11(A), the MCL for nitrate is 10 milligrams per liter (mg/L).
11. In violation of OAC Rule 3745-81-11, as determined by OAC Rule 3745-81-23(F) and (H), Respondent exceeded the MCL for nitrate during the monitoring periods of November 2009, December 2009 and January 2010.
12. On December 10, 2004, the Director issued the 2005 chemical contaminant monitoring schedule for the compliance period that began on January 1, 2005 and ended on December 31, 2005 to the Respondent's PWS.

13. In accordance with OAC Rule 3745-81-24(B), community PWSs shall monitor for organic chemicals according to a schedule provided by the Director.
14. In violation of OAC Rule 3745-81-24(B) and the 2005 monitoring schedule, Respondent failed to monitor for endotoxin during the monitoring period of April 1 to June 30, 2005. Respondent took a sample for endotoxin on June 23, 2005, which was within the monitoring period on the 2005 schedule. However, due to a laboratory accident, this sample was not processed and Respondent was not notified by the lab about the accident until August 11, 2005. Respondent took another sample for endotoxin on August 18, 2005.
15. Pursuant to ORC § 6103.17, upon complaint from a county Board of Health to the Ohio EPA that unsafe water supply conditions exist in any county, the Director shall inquire into and investigate the conditions which are the basis for such complaint.
16. On May 12, 2010, Ohio EPA received a complaint from the Washington County Board of Health, reporting that an unsafe water supply was being provided by the Respondent and Ohio EPA is proceeding with an investigation accordingly.
17. Each violation cited above represents a separate violation of ORC § 6109.31.

V. ORDERS

1. From the effective date of these Orders, Respondent shall comply with all current and future contaminant monitoring schedules issued by the Director.
2. By April 1, 2011, Respondent shall submit a General Plan (three copies), in accordance with OAC Chapter 3745-91, to the address in Section X for review and approval. The General Plan shall describe at least three (3) different options for complying with the nitrate MCL; shall include a cost estimate of each option; shall indicate a preferred option; and, shall include a detailed compliance schedule with applicable milestone dates of significant events that are necessary to attain compliance. Additionally, the General Plan shall include:
 - a. A description of the options considered for nitrate reduction and the rationale for the approach selected;
 - b. An engineering description of the existing facilities;
 - c. Treatment and disposal to be installed, including construction phases, an estimate of all the costs of any required construction, operation and/or maintenance, and any ongoing disposal issues; and,
 - d. Anticipated sources of funding to cover these estimated costs.

3. If Ohio EPA approval of the General Plan indicates that a pilot study is not necessary, Order Nos. 4 – 8 will not be required.
4. Within sixty (60) days of Ohio EPA approval of the General Plan, Respondent shall submit a pilot study protocol to Ohio EPA, Central Office DDAGW, Engineering, for review and approval. The pilot study protocol shall describe the procedures necessary to evaluate the water treatment system identified as the preferred option in the General Plan.
5. If Ohio EPA should require any revisions to the pilot study protocol, Respondent shall make any such changes or modifications and/or submit any additional information to Ohio EPA within thirty (30) days of receiving a written comment letter from Ohio EPA.
6. Within thirty (30) days of Ohio EPA approval of the pilot study protocol, Respondent shall commence the pilot study.
7. Within sixty (60) days of completion of the pilot study, Respondent shall submit a report, presented in an agreed-upon electronic format acceptable for review and approval, to: Ohio EPA, DDAGW, Central Office Engineering, 50 West Town Street, Suite 700, Columbus, Ohio 43215. This report shall contain the data collected, results of the data analysis, and the conclusions and recommendations from the pilot study. The report shall also include all other data collected during start-up prior to each test period. For each operation mode performed during the pilot study, the pertinent parameters (raw water source, chemical type and dose, pH, etc.) shall be clearly defined and presented in the report.
8. If Ohio EPA should require any revisions to the pilot study report, Respondent shall make any changes or modifications and submit any additional information to Ohio EPA within thirty (30) days of receiving a comment letter from Ohio EPA. If the pilot study is not acceptable because the treatment failed to demonstrate sufficient consistent and reliable treatment, a revised pilot study protocol is required to be submitted to Ohio EPA within ninety (90) days of receiving a written comment letter from Ohio EPA.
9. Within one hundred twenty (120) days after pilot study report approval (if required), Respondent shall submit detail plans to Ohio EPA for modifications to the existing plant in accordance with OAC Chapter 3745-91. If it is determined that a pilot is not necessary, detail plans shall be submitted within one hundred twenty (120) days of approval of General Plan.
10. Within sixty (60) days of detail plan approval for the selected option for nitrate reduction, in accordance with detail plans approved by Ohio EPA and OAC Chapter 3745-91, Respondent shall begin construction on the selected option.

11. Within one hundred eighty (180) days of detail plan approval, in accordance with the detail plans approved by Ohio EPA and OAC Chapter 3745-91, Respondent shall complete and commence operation of the selected option for nitrate reduction.
12. Within seven (7) days after meeting the deadlines given in Order Nos. 10 and 11 above, Respondent shall send written notification of compliance with the requirements of each of the Orders to the address in Section X.
13. Within twenty four (24) months of the completion of the ORC § 6103.17 investigation, Respondent shall comply with the MCL requirements for nitrate in accordance with OAC Rule 3745-81-11(A). Should a pilot study be required for the selected treatment option for nitrate reduction, the Director may extend the length of time for Respondent to comply with the MCL requirements for nitrate.
14. If treatment is the selected option for nitrate reduction, Respondent shall comply with OAC Rule 3745-7-03(B)(3), by designating an operator of record with a valid Class II certification or above to oversee the technical operation of Respondent's PWS no later than the date that operation of the approved treatment system is commenced.

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.

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

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Southeast District Office
Division of Drinking and Ground Waters
2195 Front Street,
Logan, Ohio 43138
Attn: Bob Little

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

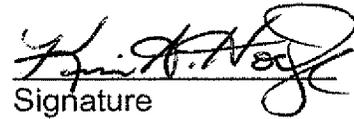

Chris Korleski, Director

OCT - 5 2010

Date

IT IS SO AGREED:

Putnam Community Water Association


Signature

8/31/10

Date

Kim A. Hodge PRES.
Printed or Typed Name and Title