OHIO E.P.A.
JUL 22 2013
ENTERED DIRECTOR'S JOURNAL

Effective Date JUL 22 2013

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Washington Township :
Board of Trustees :
4675 Cosgray Road :
Hilliard, Ohio 43026

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.

By: [signature] Date: 7-22-13

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Washington Township Board of Trustees (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 systems 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 "public water systems" (PWSs) at The Homestead Park and The Homestead Park Addition, which are also "transient noncommunity water systems" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.

2. The Homestead Park (PWS ID# OH2554412) and The Homestead Park Addition (PWS ID# OH2554512) both serve populations of 120 persons and are located at 4675 Cosgray Road, Hilliard (Franklin County), Ohio, 43026.

3. Respondent's PWSs obtain their drinking water from separate "ground water" sources as defined by OAC Rule 3745-81-01.

4. In accordance with OAC Rule 3745-81-14(B), a PWS which monitors with fewer than forty (40) samples per month is in compliance with the maximum contaminant level (MCL) for total coliform bacteria when no more than one sample per month is total coliform-positive.

5. In violation of OAC Rule 3745-81-14(B), Respondent's PWS well at The Homestead Park exceeded the total coliform bacteria monthly MCL when more than one sample was total coliform-positive during October 2011.

6. In accordance with OAC Rule 3745-81-14(C), a PWS is in violation of the MCL for total coliform bacteria, and may pose an acute risk to human health, if any repeat sample collected in accordance with OAC Rule 3745-81-21 is fecal coliform-positive (FC-positive).

7. In violation of OAC Rule 3745-81-14(C), Respondent's PWS well at The Homestead Park exceeded the total coliform bacteria acute MCL when two repeat samples were FC-positive during October 2011.

8. Respondent's PWSs have received both Escherichia coli-positive (E. coli-positive) and FC-positive routine sample results.

    a. The Homestead Park PWS has received three routine FC-positive sample results during the July 1 to September 30, 2010, October 1 to December 31, 2011, and April 1 to June 30, 2012 monitoring periods.

    b. The Homestead Park Addition PWS has received one routine E. coli-positive sample result during the July 1 to September 30, 2009 monitoring period and one routine FC-positive sample result during the October 1 to December 31, 2012 monitoring period.

9. On November 7, 2011, Ohio EPA sent a Ground Water Rule Corrective Actions letter to The Homestead Park. In accordance with OAC Rule 3745-81-43(A)(4), the letter required Respondent to complete one or more of the following corrective actions by March 4, 2012, or be in compliance with a schedule agreed upon by Ohio EPA:

    a. Provide an alternate source of water from an Ohio EPA approved source;

    b. Eliminate the source of contamination;

c. Install a hauled water system; or

d. Provide treatment that reliably achieves at least 4-log treatment of viruses (using inactivation, removal, or a director-approved combination of 4-log virus inactivation and removal) before or at the first customer for the ground water source. The installation of 4-log treatment of viruses would require, at a minimum, installation of chlorination with retention, a Class I certified operator, daily testing and monthly report submission.

10. At Ohio EPA's request, on or before November 17, 2011, Respondent installed a new sampling tap at The Homestead Park. Thirteen (13) subsequent routine total coliform samples were total coliform-negative. However, one (1) routine total coliform sample collected on June 19, 2012 at The Homestead Park was FC-positive as indicated in Finding # 8a.

11. Respondent voluntarily shut off the water to the drinking fountains and public sinks at The Homestead Park on May 2, 2013 to ensure that the public would not be exposed to total coliform-positive water. The water to the water play area at The Homestead Park was voluntarily shut off in September 2012.

12. Respondent has been cooperative with Ohio EPA by agreeing to the annexation of The Homestead Park and The Homestead Park Addition to the City of Hilliard, Ohio in return for connection to the City of Hilliard's PWS.

13. Each violation cited above represents a separate violation of ORC § 6109.31.

14. In accordance with OAC Rule 3745-84-6(A), the Director may condition an LTO at any time to require corrections of violations of ORC Chapter 6109 and the administrative rules adopted thereunder. During the duration of these Orders, the Director intends to, at a minimum, issue conditioned LTOs to Respondent.

V. ORDERS

1. From the effective date of these Orders, Respondent shall comply with the total coliform bacteria MCL in accordance with OAC Rule 3745-81-14.

2. Respondent shall complete a supplemental environmental project (SEP) of connecting The Homestead Park and The Homestead Park Addition to an Ohio EPA approved PWS as follows:

   a. Within three (3) months of the effective date of these Orders, Respondent shall submit detail plans to Ohio EPA at the address listed in Section X of these Orders for the construction of a water line connecting The Homestead Park and The Homestead Park Addition to an Ohio EPA approved PWS;

b. Within three (3) months of detail plan approval, Respondent shall initiate construction of the connection to an Ohio EPA approved PWS;

c. Within nine (9) months of detail plan approval, in accordance with the detail plans approved by Ohio EPA, Respondent shall complete construction and shall connect The Homestead Park and The Homestead Park Addition to an Ohio EPA approved PWS;

d. Within thirty (30) days of connecting to an Ohio EPA approved PWS, Respondent shall either properly abandon and seal all existing wells at The Homestead Park and The Homestead Park Addition, in accordance with OAC Rule 3745-9-10, or cease using the water from the existing wells except for irrigation purposes.

e. Within seven (7) days of the milestone dates in Orders # 2b through 2d, Respondent shall submit written notification and documentation demonstrating compliance with these milestone dates to Ohio EPA at the address listed in Section X of these Orders.

3. Should Respondent fail to timely complete the SEP within the deadlines contained in Order # 2, Respondent shall cease using water from the existing wells for human consumption as defined by OAC Rule 3745-81-01(YY).

4. From the effective date of these Orders, Respondent shall comply with all PWS LTO renewal requirements in accordance with OAC Rule 3745-84-03 as long as Respondent operates as a PWS.

5. From the effective date of these Orders until January 30, 2014, the 2013 LTOs for Respondent's PWSs are issued with the following conditions in accordance with OAC Rule 3745-84-06:

a. From the effective date of these Orders, Respondent shall prominently display the conditioned LTOs, in accordance with OAC Rule 3745-84-04(D), as long as Respondent operates as a PWS;

b. From the effective date of these Orders, Respondent shall comply with the terms set forth in these Orders.

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.

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
Division of Drinking and Ground Waters
Central District Office
Lazarus Government Building
P.O. Box 1049
Columbus, Ohio 43216-1049

Attn: Bridgette Marchio, District Office Compliance Coordinator

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

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all 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, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. 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

Scott J. Nally, Director — Date: JUL 22 2013

IT IS SO AGREED:

Washington Township Board of Trustees

Trustee — Date: 7-9-2013

Trustee — Date: 7-9-2013

Trustee — Date: 7/9/2013