

OHIO E.P.A.

JUL 10 2013

ENTERED DIRECTOR'S JOURNAL

Effective Date

JUL 10 2013

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Mount Vernon Academy :
Ohio Conference of Seventh-Day :
Adventists :
P.O. Box 1230 :
Mount Vernon, Ohio 43050

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

It is agreed by the parties hereto as follows:

By: Jim Lassiter Date: 7-10-13

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Ohio Conference of Seventh-Day Adventists (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) at Mount Vernon Academy which is also a "non-transient water system" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.

2. Respondent's PWS (PWS ID# 4200912) is located at 525 Wooster Road, Mount Vernon, (Knox County), Ohio, 43050.
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 175 persons.
4. On October 16, 2002, Respondent's PWS was designated by the Director as a Class A PWS, effective November 30, 2002, in accordance with OAC Rule 3745-7-03.
5. 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. 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.
6. In violation of OAC Rule 3745-7-02(A)(1), Respondent failed to designate an operator of record with a valid Class A certification or above to oversee the technical operation of the PWS from December 31, 2010 to the effective date of these Orders.
7. The Director issued the 2008 chemical contaminant monitoring schedule for Respondent's PWS on or about January 1, 2008, for the compliance period that began on January 1, 2008 and ended on December 31, 2008.
8. In accordance with OAC Rule 3745-81-86, a PWS serving a population between one hundred and one and five hundred persons shall collect samples for lead and copper in accordance with the schedule provided by the Director.
9. In violation of OAC Rule 3745-81-86 and the 2008 monitoring schedule, Respondent failed to conduct lead and copper monitoring during 2008.
10. In accordance with OAC Rule 3745-81-21(A)(2)(a), a non-community water system using only ground water and serving a population less than or equal to one thousand persons shall monitor for total coliform at a minimum monitoring frequency of one sample each calendar quarter that the system provides water to the public.
11. In violation of OAC Rule 3745-81-21(A)(2)(a), Respondent failed to routinely monitor for total coliform bacteria during the July 1 to September 30, 2011 monitoring period.
12. In accordance with OAC Rule 3745-81-21(B)(1), when a routine sample is determined to be total coliform-positive, the PWS shall monitor with a set of four repeat samples within twenty-four hours of being notified of the positive result
13. In violation of OAC Rule 3745-81-21(B)(1), Respondent failed to monitor with a set of four total coliform repeat samples following total coliform-positive results on March 18, 2008.
14. In accordance with OAC Rule 3745-81-21(B)(7), when a PWS monitoring with fewer than five routine samples per month has one or more total coliform-positive samples, the PWS shall monitor with at least five routine samples during the next month that the PWS provides water to the public.
15. In violation of OAC Rule 3745-81-21(B)(7), Respondent failed to monitor with five routine total coliform samples during the months of April 2008, October 2010, July 2011, July

2012 and October 2012, after total coliform-positive results in the months of March 2008, September 2010, June 2011, June 2012 and September 2012.

16. In accordance with OAC Rule 3745-81-14(B), a PWS which monitors with fewer than forty samples per month is in compliance with the maximum contaminant level (MCL) for total coliform when more than one sample during a month is total coliform positive.
17. In violation of Rule 3745-81-14(B), Respondent violated the MCL for total coliform when more than one sample was total coliform-positive during the months of June 2011, June 2012, August 2012, September 2012, November 2012 and December 2012.
18. In accordance with OAC Rule 3745-81-14(C), a PWS is in violation of the MCL for total coliforms and may pose an acute risk to human health if any repeat sample collected in accordance with OAC Rule 3745-81-21 is positive for fecal coliform or Escherichia coli (E. coli).
19. In violation of OAC Rule 3745-81-14(C), Respondent violated the acute MCL during the month of June 2011, when a repeat sample taken on October 11, 2011 was positive for E. coli.
20. In accordance with OAC Rule 3745-81-42(A)(2), within twenty-four hours of notification of a total coliform-positive sample, a ground water system shall collect at least one ground water source sample from each ground water source in use at the time the total coliform-positive sample was collected, to be analyzed for fecal indicators.
21. In violation of OAC Rule 3745-81-42(B)(2), Respondent failed to sample source water for fecal indicators as required during the months of January 2012, June 2012, July 2012, September 2012 and November 2012.
22. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS shall provide public notification for violations and submit copies of the required public notice and verification forms to the Director.
23. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification and submit copies of the required public notices and verification forms for:
 - a. Failing to conduct lead and copper triennial monitoring during the 2008 monitoring period;
 - b. Failing to conduct required repeat total coliform samples following total coliform-positive results on March 18, 2008;
 - c. Failing to monitor with five routine total coliform samples during the months of April 2008 and July 2012, after total coliform positive results in the months of March 2008 and June 2012;
 - d. Exceeding the MCL for total coliform when its PWS had more than one sample that was total coliform-positive during the months of August 2012, September 2012, November 2012 and December 2012;
 - e. Violating the acute MCL during the month of June 2011, when a repeat sample taken on October 11, 2011 was positive for E. coli; and,

- f. Failing to sample source water for fecal indicators as required during the months of January 2012, June 2012, July 2012, September 2012 and November 2012.
24. On October 26, 2011, Ohio EPA provided Respondent with a Ground Water Rule Corrective Action Requirements letter. In accordance with OAC Rule 3745-81-43(A), the letter required Respondent to complete one or more of the following corrective actions by February 23, 2012, or to be in compliance with a Director approved schedule within the same time frame:
 - 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 plans approved by the Director for a 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.
 25. On November 23, 2011, Ohio EPA received a letter from Respondent indicating that work had been performed on the well and Respondent believed that the source of contamination had been eliminated. However, as indicated in Finding No. 17, Respondent has had multiple total coliform MCL violations subsequent to November 23, 2011.
 26. Each violation cited above represents a separate violation of ORC § 6109.31.
 27. Detections of E. coli positive results have occurred in samples taken on January 12, 2000, June 23, 2004, October 11, 2011 and December 20, 2012.
 28. A Hydrological Sensitivity Assessment for pathogen sensitivity was completed by Ohio EPA's Ground Water section on December 6, 2012 and found that the site was between pathogen sensitive to intermediately pathogen sensitive.

V. ORDERS

1. From the effective date of these Orders and for as long as Respondent operates a PWS, Respondent shall comply with all current and future monitoring schedules for the PWS issued by the Director.
2. From the effective date of these Orders and for as long as Respondent operates a PWS, Respondent shall comply with total coliform bacteria monitoring and MCL requirements, in accordance with OAC Rules 3745-81-21 and 3745-81-14, respectively.
3. From the effective date of these Orders and for as long as Respondent operates a PWS, Respondent shall comply with the ground water rule requirements, in accordance with OAC Rule 3745-81-42.

4. From the effective date of these Orders and for as long as Respondent operates a PWS, Respondent shall comply with OAC Rule 3745-7-02(A)(1), by ensuring an operator of record with a valid Class A certification or above is designated to oversee the technical operation of the PWS. Within fourteen (14) days of these Orders, Respondent shall submit to Ohio EPA an Operator of Record Notification Form as evidence of compliance.
5. Within thirty (30) days of the effective date of these Orders, Respondent shall issue public notification and submit copies of the required public notice and verification form for the violations listed in Finding No. 23. Copies of the required public notice and verification form should be mailed to the Ohio EPA contact in Section X of these Orders, in accordance with OAC Rule 3745-81-32.
6. From the effective date of these Orders and for as long as Respondent operates a PWS, Respondent shall issue public notice for all future PWS violations in accordance with OAC Rule 3745-81-32.
7. Respondent shall pay the amount of twenty-five thousand, six hundred dollars (\$25,600.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6109. Payment to Ohio EPA shall be made by an official check, made payable to the "Treasurer, State of Ohio" for twenty-five thousand, six hundred dollars (\$25,600.00) and submitted to Carol Butler, or her successor, together with a letter identifying Respondent, to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

8. In lieu of paying the twenty-five thousand, six hundred dollar (\$25,600.00) civil penalty, Respondent shall within six (6) months of the effective date of these Orders, complete a Supplemental Environmental Project (SEP) of connecting to and receiving water from a regional PWS. Additionally, within thirty (30) days of connecting to a regional PWS, Respondent shall properly abandon and seal existing well(s) in accordance with OAC Chapter 3745-9 or cease using water from existing well(s) for human consumption as defined by OAC 3745-81-01(Y)(Y).
9. Within ten (10) days after each of the SEP deadlines listed in Order No. 8, Respondent shall send written notice confirming completion of the requirements to Ohio EPA at the address listed in Section X.
10. Should Respondent fail to complete the SEP within the required timeframes in Order No. 8, Respondent shall:
 - a. Within seven (7) months of the effective date of these Orders, submit the twenty-five thousand, six hundred dollar (\$25,600.00) civil penalty in accordance with the procedures in Order No. 7.
 - b. Within nine (9) months of the effective date of these Orders, complete one or more of the following corrective actions, or be in compliance with a Director approved schedule within the same time frame, in accordance with OAC Rule 3745-81-43(A):

- i. Install a hauled water system; or
- ii. Install chlorination or disinfection and retention to achieve 4-log treatment for viruses at each well, which would also require:
 1. Plans approved by the Director;
 2. Daily testing and submittal of monthly operating reports, with a minimum of daily dosage and flow readings;
 3. The services of a Class I operator of record to oversee operation of the PWS, including minimum staffing requirements per OAC Rule 3745-7-03(C); and,
 4. Master meters installed at each well to ensure proper dosage and treatment.
- c. Take further action as required by Ohio EPA if the actions taken under Order No. 10b fail to address the contamination. The further action may include, but is not limited to, obtaining an alternative source of water or hiring a licensed plumber to conduct an investigation of the distribution system.

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
Central District Office
Division of Drinking and Ground Waters
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

Attn: Bridgette Marchio

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

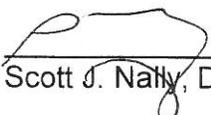
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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



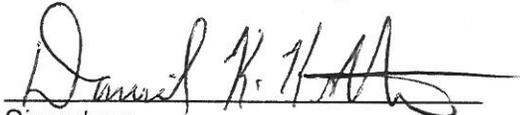
Scott J. Nally, Director

JUL 10 2013

Date

IT IS SO AGREED:

Mount Vernon Academy



Signature

6/28/2013

Date

Daniel K Rittle, Principal
Printed or Typed Name and Title