OHIO E.P.A.

MAY -8 2013

ENTERED DIRECTOR'S JOURNAL

Effective Date MAY 08 2013

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Rolling Ridge Subdivision Co. :
c/o Agent, John DuRivage :
5740 Clover Lane :
Westerville, Ohio 43081 :

Respondent,

DIRECTOR'S FINAL
FINDINGS AND ORDERS

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: Donja Lassiter Date: 5-8-13

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Rolling Ridge Subdivision Co. (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 Rolling Ridge Water Company, 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 No. OH2503312) is located at 1 Ravine Drive Westerville (Franklin County), Ohio, 43081.

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 100 persons.

4. In accordance with OAC Rule 3745-81-01(YY), human consumption includes the ingestion or absorption of water or water vapor as the result of drinking, cooking, dishwashing, hand washing, bathing, showering, or oral hygiene.

5. In accordance with OAC Rule 3745-81-24(C)(14), for PWSs monitoring quarterly, compliance with the maximum contaminant level (MCL) for total trihalomethanes (TTHM) and haloacetic acids five (HAA5) shall be based on a running annual arithmetic average (RAA), computed quarterly, of quarterly arithmetic averages of all samples taken at each sampling point. If the RAA of quarterly averages covering any consecutive four-quarter period exceeds the MCL, the PWS is in violation of the MCL.

6. In accordance with OAC Rule 3745-81-12(A), a community PWS is in compliance with the MCL for TTHM if the RAA is not greater than 0.080 mg/L.

7. In violation of OAC Rule 3745-81-12(A), as determined by OAC Rule 3745-81-24(C)(14), Respondent exceeded the MCL for TTHM during the October 1 to December 31, 2009; January 1 to March 31, 2010; April 1 to June 30, 2010; July 1 to September 30, 2010; October 1 to December 31, 2010; January 1 to March 31, 2011; April 1 to June 30, 2011; and July 1 to September 30, 2011 monitoring periods. Respondent has returned to compliance with the TTHM MCL, with a current RAA of 0.045 mg/L for the first quarter of 2012.

8. In accordance with OAC Rule 3745-81-12(A), a community PWS is in compliance with the MCL for HAA5 if the RAA is not greater than 0.060 mg/L.

9. In violation of OAC Rule 3745-81-12(A), as determined by OAC Rule 3745-81-24(C)(14), Respondent exceeded the MCL for HAA5 during the July 1 to September 30, 2010; October 1 to December 31, 2010; January 1 to March 31, 2011; April 1 to June 30, 2011; and July 1 to September 30, 2011 monitoring periods. Respondent has returned to compliance with the HAA5 MCL, with a current RAA of 0.024 mg/L for the first quarter of 2012.

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

V. ORDERS

1. Within sixty (60) days of the effective date of these Orders, Respondent shall submit detail plans to Ohio EPA, Central District Office (CDO) at the address listed in Section X of these Orders for the construction of a water line connecting to the Del-Co Water Company (Del-Co) and for the physical separation of the water treatment plant from the distribution system, in accordance with OAC Chapter 3745-91.

2. Within thirty (30) days of receipt of notification from Ohio EPA, Respondent shall respond in writing to address any comments or deficiencies noted by Ohio EPA on any plan or other documentation submitted by Respondent.

3. Within five (5) months of detail plan approval, in accordance with the detail plans approved by Ohio EPA and OAC Chapter 3745-91, Respondent shall commence installation/construction of the connection to Del-Co.

4. Within nine (9) months of detail plan approval, in accordance with the detail plans approved by Ohio EPA and OAC Chapter 3745-91, Respondent shall complete installation/construction of the connection to Del-Co.

5. Within ten (10) months of detail plan approval, Respondent shall tie-into Del-Co and cease operation of Respondent's PWS.

6. Within thirty (30) days of the connection to Del-Co, in accordance with detail plans approved by Ohio EPA and OAC Rule 3745-9-10, Respondent shall physically separate the existing water treatment plant from the distribution system, and either:

    a. Permanently seal and abandon the well at Respondent's PWS; or

    b. Cease using water from the well for human consumption as defined by OAC Rule 3745-81-01(YY).

7. Should Respondent abandon the well, within forty-five (45) days of the connection to Del-Co, Respondent shall submit a well sealing report to Ohio Department of Natural Resources (ODNR) Division of Soil and Water Resources. Respondent shall submit a copy of the well sealing report to Ohio EPA at the address listed in Section X of these Orders.

8. Within seven (7) days after the deadlines given in Orders 3, 4, 5, and 6 above, Respondent shall send written notification of compliance with the requirements of each of the Orders to Ohio EPA at the address listed in Section X of 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 Facility.

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
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 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 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. Except for the right to seek civil or administrative penalties against Respondent for violations specifically cited 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

Scott J. Nally, Director — Date: 5/6/13

IT IS SO AGREED:

Rolling Ridge Subdivision Co.

Signature — Date: 4/25/13

John D. Ringle — President

Printed Name — Title