



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Interim Director

February 3, 2014

Mr. Charles Santee
7398 State Route 42
Mount Gilead, Ohio 43338

Certified Mail
9171082133393715022058

RE: Director's Administrative Orders
Apple Pie Inn
Morrow County
Transient public water system
PWS ID No. OH5941412

Dear Mr. Santee:

I have enclosed a certified copy of the journalized, agreed upon Final Findings and Orders, for the Apple Pie Inn public water system. This document is a final action of the Director and will be public noticed as required by Rule 3745-47-07(A) of the Ohio Administrative Code. The effective date of these orders is February 3, 2014.

Also enclosed is a public notification that may be used to comply with Order No. 3. Please fill in the required information after all red x's on the forms. Post the public notice in a visible location for seven (7) days and mail the verification form to the address listed in the Final Findings and Orders.

If you have any questions concerning compliance with these Findings and Orders, please call me at (614) 644-2752.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth Baughman".

Kenneth Baughman
Environmental Specialist

Enclosures

cc: Morrow County Health Department

ec: Holly Kaloz, Manager, DDAGW-CO
Julie Spangler, Supervisor, DDAGW-CO
Jose Quinones, Manager, DDAGW-CDO
Bridgette Marchio, DOCC, DDAGW-CDO
Mark Boden, Inspector, DDAGW-CDO
Kimberly Rhoads, Office of Legal Services
Carol Hester, Chief, PIC

OHIO E.P.A.

FEB -3 2014

ENTERED DIRECTOR'S JOURNAL

Effective Date FEB 03 2014

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Charles Santee :
7398 State Route 42 :
Mount Gilead, Ohio 43338 :

Re: Apple Pie Inn

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,

PREAMBLE

By: [Signature] Date: 2-3-14

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Charles Santee (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. Jane Cobern (Owner) has been the owner of the public water system (PWS) at the Apple Pie Inn since approximately October 24, 1995; Respondent has been operating the PWS at the Apple Pie Inn since approximately March 1, 2012 under a land contract.
2. These Orders are being issued to Respondent to address all violations that have occurred, including those prior to the land contract, with the exception of the License to Operate (LTO) fees and penalties that occurred prior to the land contract. These LTO fees and penalties for 2005, 2006, 2007, 2008, 2010 and 2011, owed by Jane Cobern, have been referred to the Attorney General's Office for collection and are not included in these Orders.
3. Respondent operates a PWS, which is also a "transient non-community water system" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.
4. Respondent's PWS (PWS ID# OH5941412) at the Apple Pie Inn is located at 7398 State Route 42, Mt. Gilead, (Morrow County), Ohio, 43338.
5. 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 50 persons.
6. In accordance with OAC Rule 3745-81-21(A)(2)(a), a non-community PWS using ground water and serving not more than one thousand (1000) persons shall monitor with at least one total coliform bacteria sample each calendar quarter that water is provided to the public.
7. In violation of OAC Rule 3745-81-21(A)(2)(a), Owner failed to monitor for total coliform bacteria during the monitoring periods of April 1 to June 30, 2009, January 1 to March 31, 2010, and October 1 to December 31, 2010, and Respondent failed to monitor during January 1 to March 31, 2012, April 1 to June 30, 2012, October 1 to December 31, 2012, April 1 to June 30, 2013, and July 1 to September 30, 2013.
8. 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 during the monitoring period is total coliform-positive.
9. In violation of OAC Rule 3745-81-14(B), Owner exceeded the total coliform bacteria MCL when more than one sample was total coliform-positive at the PWS during the monitoring periods of October 1 to December 31, 2009 and July 1 to September 30, 2010.
10. In accordance with OAC Rule 3745-81-21(B)(1), a PWS shall monitor with a set of four repeat samples within twenty-four (24) hours of being notified of the positive result.

11. In violation of OAC Rule 3745-81-21(B)(1), Respondent failed to monitor with a set of four total coliform repeat samples within 24 hours of being notified of the positive result collected on July 16, 2012.
12. 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.
13. In violation of OAC Rule 3745-81-21(B)(7), Respondent failed to monitor with five routine samples during the month of August 2012.
14. In accordance with OAC Rule 3745-81-23, the Director issued chemical contaminant monitoring schedules for Respondent's PWS for the following compliance periods:
 - a. The 2008 monitoring schedule was issued on or about January 1, 2008 for the compliance period that began on January 1, 2008 and ended on December 31, 2008; and
 - b. The 2012 monitoring schedule was issued on or about January 1, 2012 for the compliance period that began on January 1, 2012 and ended on December 31, 2012.
15. In accordance with OAC Rule 3745-81-23(B)(1) and the 2008 monitoring schedule, Owner was required to monitor for nitrate during the January 1 through December 31, 2008 monitoring period.
16. In violation of OAC Rule 3745-81-23(B)(1) and the 2008 monitoring schedule, Owner failed to monitor for nitrate during the January 1 through December 31, 2008 monitoring period.
17. In accordance with OAC Rule 3745-81-23 and the 2012 monitoring schedule, Respondent was required to monitor for nitrite during the June 1 through October 31, 2012 monitoring period.
18. In violation of OAC Rule 3745-81-23 and the 2012 monitoring schedule, Respondent failed to monitor for nitrite during the June 1 through October 31, 2012 monitoring period.
19. 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.
20. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification and submit a copy of the required public notice and verification form for failing to monitor for total coliform bacteria during the April 1 to June 30, 2013 monitoring period.

21. In accordance with OAC Rule 3745-9-05(M)(5), a pitless adapter or pitless unit connection to a well casing that is made below ground surface shall be welded or threaded onto the existing casing.
22. On February 15, 2013, Ohio EPA received a catalogue description of the compression flange that was used to attach the new pitless adapter unit onto Respondent's existing steel well casing below ground surface.
23. In violation of OAC Rule 3745-9-05(M)(5), the pitless unit connection installed by Respondent failed to be welded or threaded onto the existing casing, making the compression flange unacceptable.
24. In accordance with ORC § 6109.21 and OAC Chapter 3745-84, no person shall operate or maintain a PWS in the state of Ohio without a license to operate (LTO) issued by the Director.
25. In violation of ORC § 6109.21 and OAC Chapter 3745-84, Owner failed to submit the LTO applications and fee payments for the 2005, 2006, 2007, 2008, 2010 and 2011 LTOs.
26. In accordance with OAC Rule 3745-84-03, a person holding a PWS LTO or LTO renewal issued by the Director under ORC § 6109.21 who is proposing to continue operating the PWS, shall submit a pre-application, application and the appropriate fee, not less than thirty (30) days prior to the expiration date of the LTO.
27. In violation of OAC Rule 3745-84-03, Owner untimely submitted the 2012 LTO application and fee payment on April 18, 2012, and Respondent untimely submitted the 2013 LTO application and fee payment on May 9, 2013.
28. Each violation cited above represents a separate violation of ORC § 6109.31.
29. On October 17, 2011, Owner signed a Bilateral Compliance Agreement (2011 BCA) with Ohio EPA, which was triggered by routine and repeat monitoring violations, total coliform MCL violations, LTO violations, and sanitary survey deficiencies.
30. Owner failed to comply with all provisions outlined in the 2011 BCA by not making the modifications to the well based on the findings of the down-hole investigation. Owner hired a plumber to replace the pitless adapter, without notifying Ohio EPA. The pitless adapter was joined to the casing using an unauthorized plastic compression flange.
31. On February 12, 2013, Respondent's representative, Candee Santee, signed a BCA with Ohio EPA and agreed to the following:
 - a. Comply with monitoring and MCL requirements;
 - b. Comply with LTO renewal requirements;

- c. Contract with a certified laboratory to collect and analyze the required samples;
 - d. Post public notice for all past monitoring and MCL violations;
 - e. Make modifications to the well as directed by Ohio EPA based on the findings of the down-hole investigation conducted on November 9, 2011;
 - f. Disinfect the well and distribution system;
 - g. Take a set of four total coliform samples labeled "special purpose"; and,
 - h. Should corrective actions fail to resolve the contamination, take further action, which may include installing treatment or obtaining an alternate source of water.
32. Respondent has complied with the February 12, 2013 BCA by complying with monitoring requirements, posting the public notices, and disinfecting the well and distribution system. Respondent hired a contractor to remove the plastic coupler and properly weld a new extension to the casing, but when informed that there were buried underground storage tanks (USTs) containing some gasoline, water and sediment, the contractor refused to perform the work until the tanks were emptied. Owner had previously informed Ohio EPA that the USTs were removed. On or about June 7, 2013, Ohio EPA contacted Respondent and instructed him to delay the well modifications until a decision was reached regarding the USTs.
33. The Ohio Bureau of Underground Storage Tank Regulations (BUSTR) reported that they have sent several Notices of Violations (NOVs) to Owner for failing to follow proper release prevention rules for the USTs.
34. These USTs have been out of service for over twelve (12) months and are located within the isolation radius of the PWS well in violation of OAC Rule 3745-9-04(A)(6).
35. In accordance with OAC Rule 3745-84-06(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 Respondents.

V. ORDERS

1. From the effective date of these Orders until January 30, 2014, the 2013 LTO for Respondent's PWS is hereby conditioned with the terms set forth in these Orders.
2. Respondent shall comply with all PWS LTO renewal requirements, in accordance with OAC Rule 3745-84-03.

3. Within thirty (30) days of the effective date of these Orders, Respondent shall issue public notice, in accordance with OAC Rule 3745-81-32, for all violations listed in Finding No. 20. Within fourteen (14) days of completing the public notice, Respondent shall provide Ohio EPA with copies of the public notice and verification form at the address listed in Section X of these Orders.
4. Respondent shall comply with all current and future monitoring schedules for the PWS issued by the Director.
5. From the effective date of these Orders, Respondent shall comply with nitrate and nitrite monitoring requirements, in accordance with OAC Rule 3745-81-23.
6. From the effective date of these Orders, Respondent shall comply with total coliform bacteria monitoring requirements, including both routine and repeat samples, and MCL requirements, in accordance with OAC Rule 3745-81-21 and 3745-81-14, respectively.
7. Within thirty (30) days of the effective date of these Orders, Respondent shall collect and analyze a raw water sample for volatile organic chemicals (VOCs) using a laboratory certified by the Director to perform drinking water analysis.
8. Within sixty (60) days of receiving VOC results for the sample (Order No. 7), Respondent shall complete one of the following corrective actions:
 - a. In the event that the results indicate the well does not contain levels of any VOC above the MCL, perform the following:
 - i. Submit a variance request to maintain the current well with a known source of contamination within its isolation radius, in accordance with OAC Rule 3745-9-02(E), along with detail plans, prepared by an Ohio Department of Health registered well driller, to replace the unauthorized compression flange with a pitless adapter unit that is welded or threaded onto the well casing, to the address listed in Section X.
 - ii. Upon approval of detail plans and variance request by Ohio EPA, complete necessary replacement and repairs.
 - iii. Collect and analyze a raw water sample for VOCs within twelve (12) months of the date sample was collected in Order No. 7 and annually thereafter.
 - iv. If any VOC result obtained during annual monitoring is above the MCL, the variance is voided and Respondent shall proceed with completing Order No. 8b.; or
 - b. In the event that the results indicate the well does contain levels of any VOC above the MCL, properly abandon the existing well and submit detail plans to provide an approved alternate source of water from one of the following:

- i. A hauled water system; or,
 - ii. A new well in accordance with OAC Chapter 3745-9.
9. Respondent shall notify Ohio EPA's Central District Office at least thirty (30) days prior should USTs be placed back into service. Once the USTs are in service, Respondent shall begin quarterly monitoring for VOCs.

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, DOCC
P.O. Box 1049, Columbus, OH 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 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 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

A handwritten signature in cursive script, appearing to read "Craig W. Butler".

Craig W. Butler
Interim Director

FEB 03 2014

Date

IT IS SO AGREED:

A handwritten signature in cursive script, appearing to read "Charles Santee".

Charles Santee

1-15-14

Date

PUBLIC NOTICE INSTRUCTIONS AND VERIFICATION FORM FOR NON-COMMUNITY PUBLIC WATER SYSTEMS WITH TIER 3 VIOLATIONS

The owner or operator of a non-community public water system with a Tier 3 violation or situation shall notify the persons served by the public water system as soon as practical but **no later than 30 days** after the system learns of the violation. Public notice issued by posting shall remain in place as long as the violation or situation persists. Public notice issued by other methods shall be repeated annually as long as the violation or situation persists.

I HEREBY CERTIFY THAT THE PUBLIC WAS NOTIFIED BY THE FOLLOWING METHOD(S) INDICATED BELOW, AS DESCRIBED IN THE OHIO ADMINISTRATIVE CODE RULE 3745-81-32:

Required Method of Public Notification	Actual Method of Public Notification
<p>Use one or more of the following methods to reach all persons served by the public water system:</p> <p>1. Public notice issued by posting in conspicuous locations throughout the distribution system (required to remain posted for as long as the violation exists, but in no case less than 7 days).</p> <p>2. Public notice issued by mail or other direct delivery to each customer and service connection (where known).</p>	<p>Describe actual methods used to notify public of the violation:</p> <p>1A. Posting Begin Date <u> X </u> Posting End Date <u> X </u></p> <p>1B. Locations of posting <u> X </u> _____</p> <p>2. Date of mailing/delivery _____</p>
<p>Schools and Day-Care Facilities must notify parents or guardians of children being served by methods besides posting, such as a newsletter, email notice, or direct mailing.</p>	<p>A. Method(s) _____</p> <p>B. Date(s) _____</p>
<p>If the above methods do not reach all persons served, also use any other method reasonably calculated to reach other persons served by the system (e.g. publication in a local newspaper or newsletter, use of email to notify employees or students, or delivery of multiple copies to central locations).</p>	<p>A. Method(s) _____</p> <p>B. Date(s) _____</p>

Please indicate below what public notice was used. INCLUDE A COPY OF THE PUBLIC NOTICE.

- A public notice as provided was issued without changes.
 A different public notice was issued **after consulting with Ohio EPA** on _____.

 X

Signature of Responsible Person Date

 X

Printed Name and Title of Responsible Person

Apple Pie Inn
OH5941412
Morrow County
Second Quarter of 2013, Third Quarter of 2013
Total Coliform Monitoring (Vio. Type 23/24)
Vio Ids: 9741429, 9741432

For Ohio EPA Use Only:	
Date PN received:	_____
PN acceptable:	_____ PN not acceptable: _____

PUBLIC NOTICE - DRINKING WATER WARNING

Monitoring requirements were not met for Apple Pie Inn

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During Second Quarter of 2013 and Third Quarter of 2013, we "did not monitor or test" or "did not complete all monitoring or testing" for total coliform bacteria, and therefore cannot be sure of the quality of your drinking water during that time.

What Should I Do?

- *There is nothing you need to do at this time. You do not need to boil your water or take other corrective action.*
- *This notice is to inform you that Apple Pie Inn did not monitor and report results for the presence of total coliform bacteria in the public drinking water system during the Second Quarter of 2013 and Third Quarter of 2013 time periods, as required by the Ohio Environmental Protection Agency.*

What is being done?

Upon being notified of this violation, the water supply was required to have the drinking water analyzed for the above mentioned parameters. The water supplier will take steps to ensure that adequate monitoring will be performed in the future.

For more information, please contact X _____ at X _____
name of contact phone number
or at X _____
mailing address

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

PWS ID: OH5941412

Date this public notice was distributed: X

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