



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

January 30, 2014

The Honorable Terry Dockery, Sr.  
Mayor of the Village of Continental  
100 N. Main Street  
Continental, Ohio 45831

CERTIFIED MAIL  
9171082133393715020924

RE: Director's Administrative Orders  
Village of Continental  
Putnam County  
Community public water system  
PWS ID No. OH6900212

Dear Mayor Dockery:

I have enclosed a certified copy of the journalized, agreed upon Final Findings and Orders, for the Village of Continental 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 January 30, 2014.

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 that reads "Laura Sullivan".

Laura Sullivan  
Environmental Specialist

*Enclosures*

ec: Carol Hester, Chief, PIC  
Holly Kaloz, Manager, DDAGW-CO  
Julie Spangler, Supervisor, DDAGW-CO  
Ellen Gerber, Manager, DDAGW-NWDO  
Linda Benham, Supervisor, DDAGW-NWDO  
Justin Bowerman, District Office Compliance Coordinator, DDAGW-NWDO  
Clayton McKee, DDAGW-NWDO  
Colin Bennett, Ohio EPA-Legal  
John Rauch, State Director, Ohio RCAP

OHIO E.P.A.

JAN 30 2014

Effective Date JAN 30 2014

ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL  
FINDINGS AND ORDERS

Village of Continental :  
100 North Main Street :  
Continental, Ohio 45831 :

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: 1-30-14

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Village of Continental (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# OH6900212) is located at the corner of North 1<sup>st</sup> Street and West Elm Street, Continental (Putnam County), Ohio, 45831.
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 approximately 1,200 persons.
4. On or before February 14, 1994, Respondent's PWS was designated by the Director as a Class I PWS in accordance with OAC Rule 3745-7-03.
5. In accordance with OAC Rule 3745-81-21(A)(1), a community water system serving a population of 1,001 to 2,500 shall monitor with at least two (2) routine total coliform bacteria samples each month.
6. In violation of OAC Rule 3745-81-21(A)(1), Respondent failed to monitor with two (2) routine total coliform samples in July 2010.
7. In accordance with OAC Rule 3745-81-86(C), a PWS serving a population of 501 to 3,300 and on a reduced monitoring schedule shall monitor with at least one (1) lead and copper sample from ten (10) sites during each monitoring period.
8. In violation of OAC Rule 3745-81-86(C), Respondent failed to monitor with at least one valid (1) lead and copper sample from ten (10) sites during the June 1 through September 30, 2008 monitoring period.
9. In accordance with OAC Rule 3745-81-24(C)(14), for a PWS monitoring quarterly, compliance with the maximum contaminant level (MCL) for total trihalomethanes (TTHM) 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.
10. 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 milligrams per liter (mg/L).
11. 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 January 1 to March 31, 2012; April 1 to June 30, 2012; July 1 to September 30, 2012; and October 1 to December 31, 2012 monitoring periods.

12. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS shall provide Tier 2 public notification as soon as practical, but no later than thirty (30) days after the system learns of the violation.
13. On September 6, 2012, a notification of violation was sent to Respondent requesting public notification for exceeding the MCL for TTHM during the April 1 through June 30, 2012 monitoring period.
14. On October 1, 2013, Respondent issued public notification for exceeding the MCL for TTHM during the April 1 through June 30, 2012 monitoring period.
15. In violation of OAC Rule 3745-81-32, Respondent failed to timely issue public notification for exceeding the MCL for TTHM during the April 1 through June 30, 2012 monitoring period.
16. Each violation cited above represents a separate violation of ORC § 6109.31.
17. In accordance with OAC Rule 3745-84-06(A), the Director may condition a license to operate (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 until January 30, 2014, the 2013 LTO for Respondent's PWS is hereby conditioned with the terms set forth in these Orders.
2. From the effective date of these Orders, Respondent shall comply with all current and future contaminant monitoring schedules issued by the Director.
3. Within one hundred twenty (120) days of the effective date of these Orders, 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 TTHM MCL within the PWS's distribution system; shall include a cost estimate of each option; and, shall include a detailed compliance schedule with applicable milestone dates of significant events that are necessary to attain compliance for each option. Additionally, the General Plan shall include:
  - a. A description of the options considered for TTHM reduction and the rationale for the approach selected;
  - b. An engineering description of the existing facilities;

- c. A description of the option selected, including construction phases, an estimate of all of the costs of any required construction, and operation and/or maintenance;
  - d. If treatment for TTHM is chosen, then a description of any treatment waste disposal and/or wastewater discharge issues; and,
  - e. Anticipated sources of funding to cover the estimated costs.
4. If Ohio EPA approval of the General Plan indicates that a pilot study is not necessary, Order Nos. 5 through 9 will not be required.
5. Within sixty (60) days of Ohio EPA approval of the General Plan, Respondent shall submit a pilot study protocol to Ohio EPA, DDAGW Central Office, Engineering, 50 West Town Street, Suite 700, Columbus, Ohio 43215, 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.
6. 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.
7. Within ninety (90) days of Ohio EPA approval of the pilot study protocol, Respondent shall commence the pilot study.
8. 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.
9. If Ohio EPA should require any revisions to the pilot study report, Respondent shall make any changes or modifications and submit any additional information 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.

10. Within one hundred eighty (180) 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 study is not necessary, detail plans shall be submitted within one hundred eighty (180) days of approval of the General Plan.
11. Within one hundred eighty (180) days of detail plan approval, Respondent shall begin construction in accordance with detail plans approved by Ohio EPA and OAC Chapter 3745-91.
12. Within nine (9) months of detail plan approval by Ohio EPA, in accordance with detail plans approved by Ohio EPA and OAC Chapter 3745-91, Respondent shall complete installation and commence operation of the selected abatement option for TTHM reduction.
13. Within seven (7) days after meeting the deadlines given in Order Nos. 11 and 12, Respondent shall send written notification of compliance with the requirements of each of the Orders to Ohio EPA at the address in Section X.
14. Within twelve (12) months of completion of the installation and commencement of operation of the TTHM reduction system, Respondent shall maintain continuous compliance with the TTHM MCL within its distribution system.
15. Within twelve (12) months of the effective date of these Orders, Respondent shall direct at least three (3) representatives from the Village of Continental to complete all four (4) courses included in the Utility Management Training Series offered by the Ohio Rural Community Assistance Program (RCAP). The courses include "Utility Management for Local Officials," "Financial Management for Local Officials," "Asset Management, Budgeting & Rate Setting," and "Applied Asset Management Using CUPPS." Representatives may include the Mayor, Council members, Fiscal Officer, Village Administrator, or Superintendent of the Water and Wastewater Department.
16. Respondent shall work with RCAP to complete an asset management plan and a rate study. Within eighteen (18) months of the effective date of these Orders, Respondent shall submit a copy of the completed asset management plan and rate study to the address listed in Section X of these Orders.
17. Should Respondent fail to complete the four RCAP courses or fail to complete the asset management plan or rate study as required in Order Nos. 15 and 16, Respondent shall pay the amount of two thousand four hundred dollars (\$2,400.00) 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 official check payable to "Treasurer, State of Ohio" for two thousand four hundred dollars (\$2,400.00). The official check shall be 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

## **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  
Northwest District Office  
Division of Drinking and Ground Waters  
347 N. Dunbridge Road  
Bowling Green, OH 43402  
Attn: Justin Bowerman, DOCC

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**



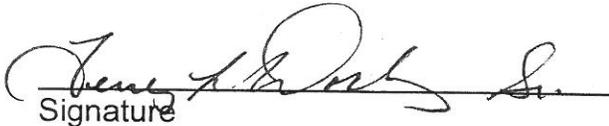
JAN 8 2014

Craig W. Butler, Interim Director

Date

**IT IS SO AGREED:**

**Village of Continental**

  
Signature

Date

1-14-14

Terry L. Dockery Sr.  
Printed or Typed Name and Title