

OHIO E.P.A.

Effective Date FEB 27 2014

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ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL  
FINDINGS AND ORDERS

Jerry Decker  
2011 Zimmerman Rd  
Greenfield, OH 45123

:  
:  
:

Respondent,

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to Jerry Decker (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 there under.

**IV. FINDINGS**

The Director of Ohio EPA (Director) has determined the following findings:

1. Respondent owns and operates a "public water system" (PWS) at Walnut Lake Campground, which is also a "transient non-community water system" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID# OH2435612) at Walnut Lake Campground is located at 9877 State Route 41 NW, Jeffersonville (Fayette County), Ohio, 45123.

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: Imy Cassiter Date: 2-27-14

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 477 persons.
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 contamination level (MCL) for total coliform bacteria when no more than one sample during that month is total coliform-positive.
5. In violation of OAC Rule 3745-81-14(B), Respondent exceeded the total coliform bacteria monthly MCL when more than one sample was total coliform-positive during the months of July, August, September, and October 2012.
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 Escherichia coli-positive (E. coli-positive) or total coliform-positive following an E. coli-positive sample.
7. In violation of OAC Rule 3745-81-14(C), Respondent exceeded the total coliform bacteria acute MCL when repeat samples, collected in July 2012 and October 2012, were E. coli-positive, following notification of total coliform-positive results in July 2012 and September 2012.
8. 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.
9. In accordance with OAC Rule 3745-81-32(B)(1), the owner or operator of a PWS with any violations or situations that may pose an acute risk to human health, shall provide a public notice as soon as practical but no later than twenty-four (24) hours of being notified of the violation or situation.
10. In violation of OAC Rule 3745-81-32(B)(1), Respondent failed to provide public notice within twenty-four hours of being notified of the acute total coliform MCL violation in September 2012.
11. In accordance with OAC Rule 3745-81-32(C), the owner or operator of a PWS with an MCL violation, except those specified in 3745-81-32(B)(1), shall provide a public notice as soon as practical but no later than thirty (30) days after the system learns of the violation or situation.
12. In violation of OAC Rule 3745-81-32(C), Respondent failed to provide public notice within thirty (30) days of being notified of the monthly total coliform MCL violations in July, August, September, and October 2012.

13. On October 14, 1999, Respondent's PWS was designated by the Director as a Class A PWS in accordance with OAC Rule 3745-7-03.
14. 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.
15. In violation of OAC Rule 3745-7-02(A)(1), Respondent failed to designate a Class A certified operator or higher after the designated Class A certified operator's license expired December 31, 2011. Respondent has failed to have an operator of record at the PWS from January 1, 2012 through the effective date of these Orders.
16. In accordance with OAC Rule 3745-84-02(A), no person shall operate or maintain a PWS in the state of Ohio without a license to operate (LTO) issued by the Director.
17. 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 completed application and the appropriate fee, not less than thirty (30) days prior to the expiration date of the LTO.
18. In violation of OAC Rule 3745-84-03, Respondent untimely submitted the 2012 and 2013 LTO applications and fee payments on April 18, 2012 and February 4, 2013, respectively.
19. On September 11, 2012, 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 January 8, 2013, or to be in compliance with a Director approved schedule within the same time frame:
  - a. Provide an alternate source of water from an approved Ohio EPA 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, plan approval, installation of chlorination with retention, a Class I certified operator, daily testing and monthly report submission.

20. In violation of OAC Rule 3745-81-43(A), Respondent failed to complete one or more of the corrective actions listed in Finding # 19, or failed to be compliance with a Director approved schedule by January 8, 2013.
21. Each violation cited above represents a separate violation of ORC § 6109.31.
22. On or about October 5, 2012, Respondent replaced a portion of the well casing with Schedule 40 PVC and extended from the existing steel well casing using a Fernco coupler, which does not meet the required Ten States Standards and American Water Works Association (AWWA) Standards.
23. 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 until January 30, 2015, the 2014 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. Respondent shall immediately retain an operator of record with a Class A or greater certification to oversee the technical operation of the PWS, in accordance with OAC Rule 3745-7-02 (A)(1).
4. Respondent shall comply with all current and future monitoring schedules for the PWS issued by the Director.
5. Respondent shall issue public notice for any violations in accordance with OAC Rule 3745-81-32.
6. Within six (6) months of the effective date of these Orders, Respondent shall obtain an alternate source of water at Walnut Lake Campground by installing a hauled water system or by connecting to and receiving water from an Ohio EPA approved PWS.
7. Within thirty (30) days of obtaining an alternate source of water as indicated in Order # 6, Respondent shall properly abandon and seal all existing wells at Walnut Lake Campground in accordance with OAC Chapter 3745-9.

8. Within seven (7) days of the milestone dates in Orders # 6 and 7, 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.
9. Should Respondent fail to obtain an alternate source of water within the required timeframe in Order # 6, Respondent shall:
  - a. Within seven (7) months of the effective date of these Orders, hire a well driller registered with the Ohio Department of Health to inspect the PWS well at Walnut Lake Campground with a down-hole camera, designed for use in water wells, to ensure the integrity of the well casing. Respondent shall then proceed as follows:
    - i. Within fourteen (14) days of completing the down-hole camera investigation, Respondent shall submit the following to Ohio EPA at the address listed in Section X of these Orders:
      1. Results of the down-hole camera investigation; and
      2. A schedule, acceptable to Ohio EPA, for completing all modifications necessary to correct any deficiencies noted during the down-hole camera investigation;
    - ii. Complete modifications to the well in accordance with the schedule accepted by Ohio EPA.
  - b. Take further action as required by Ohio EPA if the investigation and well modifications 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 at Walnut Lake Campground.

## **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  
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 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**



Craig W. Butler, Interim Director

FEB 27 2014

Date

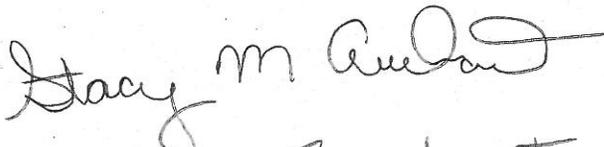
**IT IS SO AGREED:**

**Jerry Decker**

  
Signature

1/16/14  
Date

Jerry Decker, Owner  
Printed or Typed Name and Title

  
Stacy M Everhart

1/16/14



State of Ohio Environmental Protection Agency

## **CONDITIONAL LICENSE TO OPERATE OR MAINTAIN A PUBLIC WATER SYSTEM**

THE OHIO EPA, PURSUANT TO SECTION 6109.21 OF THE OHIO REVISED CODE, HEREBY ISSUES THIS  
LICENSE TO OPERATE OR MAINTAIN A PUBLIC WATER SYSTEM TO

### **WALNUT LAKE CAMPGROUND**

**PWS ID: OH2435612**

THE LICENSEE IS OBLIGATED TO ENSURE THAT THE PUBLIC WATER SYSTEM IS OPERATED AND  
MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 6109 OF THE OHIO REVISED  
CODE, ALL OTHER APPLICABLE STATUTES AND THE ADMINISTRATIVE RULES ADOPTED THEREUNDER.

**THIS LICENSE WILL EXPIRE ON JANUARY 30, 2015**

APPLICATION FOR RENEWAL IS REQUIRED TO BE SUBMITTED TO THE OHIO EPA AT LEAST THIRTY  
DAYS PRIOR TO THIS DATE.

EFFECTIVE DATE: **FEBRUARY 27, 2014**

EXPIRATION DATE: **JANUARY 30, 2015**

LICENSE NUMBER: **2435612-954262-2014**

A handwritten signature in black ink that reads "Craig W. Butler".

Craig W. Butler, Director

**WALNUT LAKE CAMPGROUND CONDITIONS**

**Effective Date: February 27, 2014**

The LTO is conditioned through January 30, 2015, with the following requirements:

1. Immediately comply with all terms of the Director's Final Findings and Orders issued on February 27, 2014.