

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: Michael A. Shapiro Date 9/2/05

Effective Date SEP - 2 2005

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

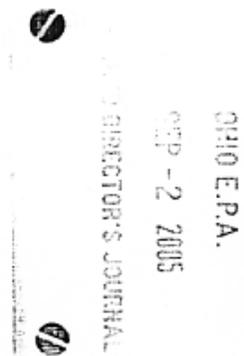
DIRECTOR'S FINAL
FINDINGS AND ORDERS

Protection of the water system :
of the Village, or former Village :
of Lawrenceville :
:

and

Clark County Board of
Commissioners, and
Clark County Sanitary Engineer
50 East Columbia Street
P.O. Box 2639
Springfield, Ohio 45501

Respondent,



I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Clark County Board of Commissioners and Clark County Sanitary Engineer (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) § 6109.05

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent, heirs, and/or successors in interest liable under Ohio law. No change in ownership of the public water system (PWS) 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. On September 1, 2005, the Village of Lawrenceville filed paperwork to dissolve the Village with the Clerk of Courts at the Clark County Courthouse.

2. Prior to September 1, 2005, The Village of Lawrenceville operated a PWS as defined by ORC § 6109.01 and a "community water system" as defined by Ohio Administrative Code (OAC) Rule 3745-81-01 (PWSID number 1202812).
3. The Village of Lawrenceville's PWS serves a population of at least 302 people and is located north of State Route 41 in German Township, (Clark County), Ohio. The Village of Lawrenceville's PWS meets the designation criteria of a Class I PWS in accordance with OAC Rule 3745-7-03.
4. OAC Rule 3745-7-02 requires each person owning or operating a public water system to place the direct supervision for the technical operation and maintenance of such a public water system under the responsible charge of a certified operator having valid certification of a class at least equal to that required by that public water system classification.
5. As of the date of these orders, the Village of Lawrenceville's PWS is not under the responsible charge of a certified operator, in violation of OAC Rule 3745-7-02.
6. Respondent had made a tentative agreement with the Village of Lawrenceville to assume the PWS once the dissolution of the Village was made final. Outstanding issues may be hindering finalization this agreement.
7. On September 1, 2005, the Ohio EPA found that the Village, or former Village, of Lawrenceville's water treatment plant was unlocked and unattended with no person responsible for its operation. The Village, or former Village, of Lawrenceville's water treatment plant appeared to contain only an eighth of a tank of disinfectant, which, according to the opinion of the village's former operator, may be exhausted by the end of the weekend, or soon thereafter. If a responsible party is not directed to immediately provide a certified operator for the PWS to operate and maintain the plant, distribution, and all other portions of the PWS, the proper and safe treatment of the drinking water for the residents of the Village, or former Village, of Lawrenceville may cease and their public health or welfare may be threatened.
8. The Village, or former Village, of Lawrenceville appears to be incapable of providing for the further operation or maintenance of the PWS. Clark County appears to be in the best position to provide operation and maintenance of the PWS.
9. R.C. § 6109.05 (B) states whenever the director determines that a water supply emergency exists requiring immediate action to protect the public health or welfare and the owner or operator of a public water system has not taken such action, he shall issue an order reciting the existence of the emergency and requiring that such action be taken as is necessary to meet the emergency.
10. ORC § 6109.01 (C) states "Person" to mean the state, any political subdivision, agency, institution, or instrumentality thereof, any federal agency, and any person as defined in section 1.59 of the Revised Code.

V. ORDERS

1. The Director hereby determines and declares that a water supply emergency exists regarding the PWS of the Village of, or former Village of, Lawrenceville, and that immediate action is required to protect public health or welfare and the owner or operator of a public water system has not taken such action. The Director therefore makes the following orders.
2. The PWS identified in Finding Number 2 is immediately designated as a Class I PWS in accordance with OAC Rule 3745-7-03.
3. Respondent shall immediately operate the former Village of Lawrenceville's PWS in accordance with OAC Chapters 3745-07, 3745-09, 3745-81, 3745-83, and 3745-85, and ORC Chapter 6109. respectively and place such operation under the responsible charge of a Class I operator.
4. Respondent shall immediately inform the Ohio EPA of the identity of the operator in responsible charge and any other parties with responsibilities for the operation and maintenance of the PWS.

VI. TERMINATION

This emergency order shall remain in effect for not more than ninety days after its effective date, except that the director may extend the effectiveness of the order for additional periods, not to exceed ninety days in any extension, if the emergency condition still exists on the date of extension.

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. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Southwest District Office, DDAGW
401 East Fifth Street
Dayton, OH 45402

Attn: Jeff Davidson

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

X. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with these Orders and/or for the violations described herein. Nothing contained herein shall be construed to prevent Ohio

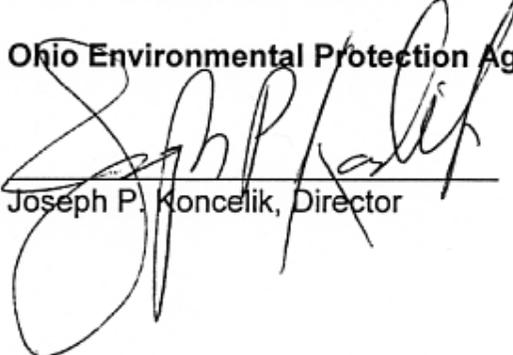
EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to ORC Chapter 6109. or any other applicable law in the future. Nothing herein shall restrict the right of Respondent to raise any administrative, legal or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Respondent. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

XI. EFFECTIVE DATE

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

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency


Joseph P. Koncelik, Director

SEP - 2 2005

Date

PUBLIC NOTICE

OHIO ENVIRONMENTAL PROTECTION AGENCY

Notice is hereby given that the Director of the Ohio Environmental Protection Agency, pursuant to Section 6109.05 of the Ohio Revised Code, has issued Emergency Final Findings and Orders to the Clark County Commissioners. The Orders require the County to operate the Village, or former Village, of Lawrenceville's public water system. This final action is effective on September 2, 2005. The Village, or former Village, of Lawrenceville filed papers to dissolve the Village on September 1, 2005. The Village of Lawrenceville had a tentative agreement with Clark County to transition operation of the public water system upon its dissolution. That agreement was not finalized. The operation of the public water system is not under the responsibility of an appropriately certified operator in violation of Ohio Administrative Code Rule 3745-7-02. If a responsible party is not immediately directed to immediately provide a certified operator for the PWS to operate and maintain the plant, distribution, and all other portions of the PWS, the proper and safe treatment of the drinking water for the residents of the Village, or former Village, of Lawrenceville may cease and their public health or welfare may be threatened. The Village, or former Village, of Lawrenceville appears to be incapable of providing for the further operation or maintenance of the PWS. Clark County appears to be in the best position to provide operation and maintenance of the PWS. The Director under his authority has issued Emergency Findings and Orders requiring Clark County to operate the public water system under the responsibility of an appropriately certified operator.

If Clark County wants to appeal the Orders, the County can submit an application to the Director within ten days after receipt of the Orders for a hearing. The County will be afforded a hearing as soon as possible, but not later than twenty days after such application. On the basis of such hearing, the Director shall continue such order in effect, revoke it, or modify it.