



**Environmental
Protection Agency**

John R. Kasich, **Governor**
Mary Taylor, **Lt. Governor**
Scott J. Nally, **Director**

May 25, 2012

CERTIFIED MAIL

Mr. Dave McVay
Utilities Director
City of Coshocton,
Water Treatment Plant
118 Bridge Street
Coshocton, Ohio 43812

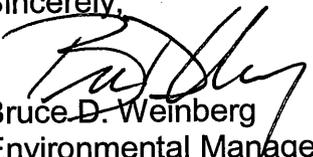
Re: Final Findings and Orders for:
violations of Risk Management Plan
requirements at the water treatment plant
located at 118 Bridge Street in
Coshocton, OH

Dear Mr. McVay:

Transmitted herewith are the Final Findings and Orders ("Orders") of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date that is stamped on the first page of the Orders.

Sincerely,


Bruce D. Weinberg
Environmental Manager
Enforcement Section
Division of Air Pollution Control

BDW/jb

xc: Carol Hester, PIC
Jose W Byers, DAPC
Akia Smith, Fiscal Office (Agency #13)
Donald Vanterpool, Legal Office
Tom Kalman, DAPC
Kim Joseph, DAPC

OHIO E.P.A.

MAY 25 2012

BEFORE THE OHIO

ENTERED DIRECTOR'S JOURNAL

ENVIRONMENTAL PROTECTION AGENCY

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DIVISION FISCAL SECTION

In the Matter of:

City of Coshocton
Water Treatment Plant
118 Bridge Street
Coshocton, Ohio 43812

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.

PREAMBLE

It is agreed by the parties hereto as follows:

[Signature] Date: 5/25/2012

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the City of Coshocton, Water Treatment Plant ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") § 3753.08.

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 the Respondent or of the facility (as hereinafter defined) 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 3753 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent operates a water treatment plant located at 118 Bridge Street in Coshocton, Ohio. This facility is operated as a water treatment process and chlorine is used in the water treatment process for disinfection. Chlorine is a regulated substance listed in Ohio Administrative Code ("OAC") Rule 3745-104-04 and has a threshold amount of 2,500 pounds. The amount of chlorine stored at this facility is 12,000 pounds.

2. Pursuant to OAC Rule 3745-104-02, an owner or operator of a stationary source, which has more than a threshold quantity of a regulated substance in a process, shall comply with the requirements of this rule by submitting a Risk Management Plan ("RMP") to Ohio EPA no later than June 21, 1999. Respondent submitted RMPs to Ohio EPA every five years according to OAC Rule 3745-104-49(B)(1) which requires RMPs to be updated every five years.
3. On December 2, 2004, an inspector with the Ohio EPA, Division of Air Pollution Control ("DAPC") conducted the initial five-year inspection at Respondent's facility, and discovered ten rule violations. No penalty was assessed, but the Respondent was required to correct the violations and remain in compliance. All of the violations were corrected and the facility was in compliance at that time.
4. On May 17, 2011, Ohio EPA conducted a second five-year inspection at Respondent's facility and discovered ten violations of the rules, which included all ten violations that were cited from the first inspection. The violations are as follows:
 - (a) Respondent failed to maintain the records for the worst case and alternative scenarios, in violation of OAC Rule 3745-104-15.
 - (b) Respondent failed to maintain the process safety information, in violation of OAC Rule 3745-104-24.
 - (c) Respondent failed to conduct a process hazard analysis every five years, in violation of OAC Rule 3745-104-25.
 - (d) Respondent failed to ensure the standard operating procedures are accessible to the employees and are annually certified, in violation of OAC Rule 3745-104-26.
 - (e) Respondent failed to provide training to the employees at least every three years, in violation of OAC Rule 3745-104-27.
 - (f) Respondent failed to create and implement a mechanical integrity program, in violation of OAC Rule 3745-101-28.
 - (g) Respondent failed to conduct a compliance audit every three years, violation of OAC Rule 3745-104-31.
 - (h) Respondent failed to implement and employee participation plan in violation of OAC Rule 3745-104-33.
 - (i) Respondent failed to create a procedure for hot work, in violation of OAC Rule 3745-104-34.

- (j) Respondent failed to create and implement a contractor program, in violation of OAC Rule 3745-104-35.
5. A letter dated June 6, 2011, was sent to Respondent requiring the above deficiencies to be corrected within thirty days of receipt of the letter.
6. Follow up compliance assistance was provided by the Ohio EPA inspector on July 6, 2011 at the facility, to assist with the RMP Program.
7. Respondent submitted a letter dated July 26, 2011, that corrected all of the deficiencies except for Findings 4(a) and 4(f).
8. A letter was sent to the facility dated August 17, 2011, requesting the documentation to be submitted to Ohio EPA within fifteen days to remedy Findings 4(a) and 4(f).
9. On September 12, 2011, Respondent called to discuss the documentation that needed to be submitted to Ohio EPA.
10. On September 15, 2011, Respondent sent the remaining documentation to bring the facility into compliance at that time.
11. ORC § 3753.06 prohibits violations of the provisions of ORC Chapter 3753 or any rule adopted or issued under it. Respondent violated rules adopted under ORC Chapter 3753, specifically, the rules cited in Findings 4(b) through 4(e), and 4(g) through 4(i), from 2005 (the year after the first inspection) to July 26, 2011 (when correct documentation was submitted), and Finding 4(a) and 4(f), from 2005 (the year after the first inspection) to September 15, 2011.
12. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Pursuant to ORC § 3753.09, Respondent is assessed a civil penalty in the amount of nine thousand and forty dollars (\$9,040) in settlement of Ohio EPA's claim for civil penalties. Within thirty (30) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of seven thousand two hundred and thirty-two dollars (\$7,232) in settlement of Ohio EPA's claim for civil penalties which will be deposited into the Risk Management Plan fund established pursuant to ORC § 3753.05. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$7,232. The official check

shall be submitted to Ohio EPA Office of Fiscal Administration, attention Akia Smith, 50 West Town Street, P.O. Box 1049, Columbus, Ohio 43216-1049, together with the letter identifying the Respondent and the facility.

2. In lieu of paying the remaining twenty percent of the civil penalty, Respondent shall fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of one thousand eight hundred and eight dollars (\$1,808) to the Ohio EPA's fund for the Clean Diesel School Bus Program (Fund 5CD0). Respondent shall make payment within thirty (30) days after the effective date of these Orders by tendering an official check made payable to "Treasurer, State of Ohio" for \$1,808. The official check shall be submitted to Brenda Case, together with a letter identifying the Respondent, the facility, and Fund 5CD0, to the above-stated address.
3. A copy of each of the above checks shall be sent to Thomas Kalman, Acting Assistant Chief, SIP Development and Enforcement, or his successor at the following address:

Ohio EPA
Division of Air Pollution Control
50 West Town St., Suite 700
P. O. Box 1049
Columbus, Ohio 43216

4. Should Respondent fail to fund the SEP within the required time frame set forth in Order 2, Respondent shall immediately pay to Ohio EPA one thousand eight hundred and eight dollars (\$1,808) of the civil penalty.

VI. TERMINATION

Respondent's obligations under these orders shall terminate upon Ohio EPA's receipt of the official checks required by Section V of these Orders.

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 the Respondent's facility.

VIII. OTHER APPLICABLE LAWS

All actions 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 applicable and enforcement of any other statute or regulation 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:

Kimberly Joseph
Ohio Environmental Protection Agency
Division of Air Pollution Control
50 West Town St., Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

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

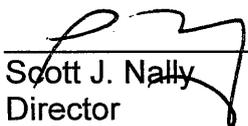
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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.

ORDERED AND AGREED:

Ohio Environmental Protection Agency



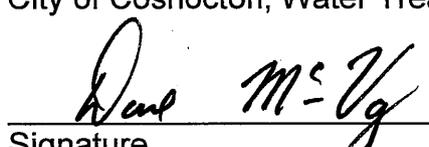
Scott J. Nally
Director

5/18/12

Date

AGREED:

City of Coshocton, Water Treatment Plant



Signature

4-4-12

Date

DAVE McVAY

Printed or Typed Name

Utilities Director

Title