

OHIO E.P.A.

Effective Date MAY 28 2010

MAY 28 2010

ENTERED DIRECTOR'S OFFICE
**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

**DIRECTOR'S FINAL
FINDINGS AND ORDERS**

Village of LaRue :
PO Box 33 :
LaRue, Ohio 43332 :

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

 Date: 5.28.10

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 LaRue (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#5100312) is located at 200 Section Street (Marion County), Ohio, 43332.

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 803 persons.
4. On October 18, 1990, 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 3745-7-02(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.
6. In accordance with OAC Rule 3745-7-02(D)(2), owners of PWSs may enter into a contract for the services of one or more appropriately certified operators to serve as the operator of record provided that a copy of the contract is maintained onsite at the PWS.
7. In violation of OAC Rule 3745-7-02(D)(2), Respondent failed to enter into a contract for the services of one or more certified operator from December 31, 2006 to January 18, 2007. Respondent returned to compliance by entering into a contract with an appropriately certified operator on January 18, 2007.
8. In accordance with OAC Rule 3745-7-09(A), the owner and operator of record of a PWS shall maintain or cause to be maintained operation and maintenance records for each PWS.
9. In accordance with OAC Rule 3745-7-09(A)(2), operation and maintenance records shall be accessible onsite for twenty-four hour inspection by Ohio EPA or emergency response personnel.
10. In violation of OAC Rule 3745-7-09(A)(2), Respondent's water plant logs were not available for twenty-four hour inspection by Ohio EPA during the July 14 and July 22, 2008 sanitary surveys.
11. In accordance with OAC Rule 3745-7-09(A)(3)(e), performance of preventative maintenance and repairs or requests for repair of the equipment that affect or have the potential to affect the quality or quantity of water conveyed or produced shall be recorded by the owner and operator of a PWS in operation and maintenance records.
12. In violation of OAC Rule 3745-7-09(A)(3)(e), Respondent's PWS logs, which had been maintained by Respondent's operator during the March 26, 2007 through July 13, 2008 time period and which were made available for review by Ohio EPA on July 25, 2008, failed to contain details pertaining to the performance of preventative maintenance and repairs or requests for repair of the equipment that affected or had the potential to affect the quality or quantity of water conveyed or produced.

13. In accordance with OAC Rule 3745-9-04(A)(1) a well, other than a well for the removal of contaminants, shall be located the maximum practical distance from potential or known sources of contamination and only where it can be maintained in a sanitary condition.
14. In violation of OAC Rule 3745-9-04(A)(1), during a Ohio EPA December 04, 2006, limited scope site visit (LSSV) and the July 14, 2008 sanitary survey of Respondent's PWS, the well pits were found to be flooded, and a pump was not available in the pit to alleviate the flooded condition of the pits.
15. In accordance with OAC Rule 3745-9-04(A)(3), a PWS shall own all the land or obtain an easement or lease of the sanitary isolation radius of a PWS well, and such easement or lease shall be recorded with the county recorder.
16. In violation of OAC Rule 3745-9-04(A)(3), Respondent does not own, nor has Respondent obtained an easement or lease of the sanitary isolation radius of their PWS wells OE01 (East) and OW01(West).
17. In accordance with OAC Rule 3745-9-05(T), a vent shall be provided on all well caps and seals except for those used on deep well single pipe packer jet installations, or a point well that is not a PWS, or flowing wells where the flow rate is greater than the pumping rate of the permanent pump.
18. In violation of OAC Rule 3745-9-05(T), during the November 21, 2005, Ohio EPA sanitary survey of Respondent's PWS, Respondent's well caps were not equipped with vents. During the LSSV conducted on December 04, 2006, it was observed that Respondent had corrected the violation by equipping the wells with vented caps.
19. A November 2006 down-hole camera investigation (conducted by G. M. Baker & Sons) revealed Respondent's west well's casing and liner, installed in 1999, were damaged; the well casing had large holes which appeared to be due to corrosion and the casing had shredded inward.
20. In accordance with OAC Rule 3745-9-05(U)(2)(c), a well shall be altered, modified, or repaired in accordance with OAC Chapter 3745-9, or a well shall be sealed in accordance with OAC Rule 3745-9-10 if potential or actual risk of contamination of ground water exists due to casing deterioration or the condition of the well.
21. In violation of OAC Rule 3745-9-05(U)(2)(c), Respondent failed to either alter or to abandon the west well, which was determined to have deteriorated casing and lining during the November 2006 down-hole camera investigation, by G. M. Baker & Sons.
22. In accordance with OAC Rule 3745-81-31(A), the PWS is responsible for ensuring that the results of a test, measurement, or analysis required to be made by OAC Chapter 3745-81 are reported to the Director within the first ten days following the month in which

the result is received for that test, measurement, or analysis or within the first ten days following the end of the required monitoring period as specified by the Director, whichever occurs first.

23. In violation of OAC Rule 3745-81-31(A), Respondent failed to submit total chlorine residual quarterly operating reports (TCR-QOR) within the first ten days following the end of the monitoring period for all four quarters of the years 2004, 2005, 2006; the second through fourth quarters of 2007; the first through second, and fourth quarters of the year 2008; and the first through second quarters of 2009.
24. In accordance with OAC Rule 3745-81-60(D), a PWS shall respond to the Director in writing, within forty-five days following receipt of a sanitary survey letter, indicating how and on what schedule the PWS will address any significant deficiencies noted in the surveys.
25. On October 20, 2008, Ohio EPA provided Respondent with a letter identifying regulatory deficiencies observed at Respondent's PWS during the July 14 and July 22, 2008 sanitary surveys.
26. In violation of OAC Rule 3745-81-60(D), Respondent failed to respond to the Director, in writing, within forty-five days following receipt of the October 20, 2008 sanitary survey letter, indicating how and on what schedule the significant deficiencies noted in the survey letter would be addressed by Respondent.
27. On December 11, 2008, Ohio EPA issued a notice of violation for Respondent's failure to respond to the Director, in writing, within forty-five days following receipt of the October 20, 2008 sanitary survey letter. Respondent returned to compliance by responding to the December 11, 2008 violation letter on December 22, 2008.
28. In accordance with OAC Rule 3745-83-01(B)(2), version effective April 21, 2001 through September 30, 2006, all community PWSs shall maintain a minimum chlorine residual of at least two-tenths milligram per liter(mg/L) free chlorine, or one mg/L combined chlorine measured at representative points throughout the distribution system.
29. In violation of OAC Rule 3745-83-01(B)(2), version effective April 21, 2001 through September 30, 2006, Respondent failed to maintain a minimum chlorine residual of at least two-tenths mg/L free chlorine, or one mg/L combined chlorine, on one or more days during April 2004, May 2004, June 2004, July 2004, and September 2004.
30. In accordance with OAC Rule 3745-85-01(B), each community water system shall prepare and maintain a written contingency plan for providing safe drinking water to its service area under emergency conditions.

31. In accordance with OAC Rule 3745-85-01(E)(1), the contingency plan required by OAC Rule 3745-85-01 shall be revised and updated as necessary, but at least annually.
32. In violation of OAC Rule 3745-85-01(E)(1), Respondent had failed to update their written contingency plan annually.
33. Respondent submitted a draft updated written contingency plan, to Ohio EPA, on March 22, 2010.
34. In accordance with OAC Rule 3745-83-01(C), version effective April 21, 2001 through September 30, 2006, all chemicals, substances, and materials added to or brought in contact with water in or intended to be used in a PWS or used for the purpose of treating, conditioning, altering, or modifying the characteristics of such water shall be shown by either the manufacturer, distributor, or purveyor to be non-toxic and harmless to humans when used in accordance with the formulation and concentration as specified by the manufacturer, and shall conform with the "American National Standards Institute/National Sanitation Foundation" (ANSI/NSF) standard 60 Drinking Water Treatment Chemicals – Health Effects (2003 and previous), or standard 61 Drinking Water System Components - Health Effects (2003 and previous).
35. In violation of OAC Rule 3745-83-01(C), version effective April 21, 2001 through September 30, 2006, during the November 21, 2005 Ohio EPA sanitary survey and the December 04, 2006, LSSV of Respondent's PWS, Respondent could not provide documentation which indicated that the sodium hypochlorite (delivered in bulk), or the packaged polyphosphate liquid conformed with ANSI/NSF Standard 60. On April 26, 2007, the Respondent provided documentation supporting the sodium hypochlorite's conformance with ANSI/NSF Standard 60, and on July 25, 2008, Respondent provided additional documentation supporting the sodium hypochlorite's and the packaged polyphosphate liquid's conformance with ANSI/NSF Standard 60.
36. In accordance with OAC Rule 3745-83-01, the owner or operator of a PWS shall prepare an operation report for each month of operation on forms acceptable to the Director.
37. In accordance with OAC Rule 3745-83-01, the monthly operation report shall be submitted to the district office no later than the tenth of the month following the month for which the report was prepared.
38. In violation of OAC Rule 3745-83-01, Respondent failed to submit a monthly operating reports by the tenth day of the month for the reporting periods of December 2003; February, March, May, July, September, October, and December 2004; February, March, April, and June through December 2005; March through December 2006; January, February, April through July, and September through December 2007; January through July, and December 2008; and March, April, and June 2009.

39. In accordance with OAC Rule 3745-95-02(A), no person shall install or maintain a water service connection to any premises where actual or potential cross-connections to a PWS or a consumer's water system may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction of the supplier of water.
40. The Recommended Standards for Water Works, 2007 Edition (Ten States Standards), Part 8.13(a) requires that to prevent contamination of both the public supply and the potable water vessels being filled, at water loading stations, there shall be no backflow to the public water supply.
41. In violation of OAC Rule 3745-95-02(A), and in contradiction of the recommendations of Ten States Standards, Part 8.13(a), on June 20, 2007, a water tank was observed being filled from a hydrant located at the Respondent's water treatment plant, without backflow prevention in place. After indicating both on June 21, 2007, and July 9, 2007, that a backflow prevention device would be purchased, Respondent sent correspondence to the Ohio EPA on March 18, 2008, stating that bulk water would no longer be provided by Respondent's PWS.
42. In accordance with OAC Rule 3745-95-03(A), the supplier of water shall conduct or cause to be conducted periodic surveys and investigations, of frequency acceptable to the Director, of water use practices within a consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water system through which contaminants or pollutants could backflow into the PWS.
43. In violation of OAC Rule 3745-95-03(A), Respondent failed to provide documentation of their backflow prevention program during the Ohio EPA sanitary surveys conducted on February 8, 2001, and November 21, 2005, and during the limited scope site visit (LSSV) conducted on December 4, 2006. On January 16, 2007, a copy of Respondent's April 3, 2006, backflow ordinance was provided to Ohio EPA.
44. In accordance with OAC Rule 3745-95-05(A)(1), an approved air gap separation shall be installed where a PWS may be contaminated with substances that could cause a severe health hazard.
45. In violation of OAC Rule 3745-95-05(A)(1), the backwash point of discharge into Respondent's 300 gallon fiberglass storage tank and Respondent's controlled discharge to the sanitary sewer were not equipped with an approved air gap separation. On February 19, 2010, Respondent provided photographs for Ohio EPA review regarding the installation of an air gap.
46. In accordance with OAC Rule 3745-96-02(A), each community water system shall provide to its customers an annual report [Consumer Confidence Report (CCR)]; that contains the information specified in OAC Rule 3745-96-02 and OAC Rule 3745-96-03.

47. In accordance with OAC Rule 3745-96-02(C)(2)(c), each CCR that contains data on contaminants the state regulates shall include the definition of "Maximum residual disinfectant level goal" or "MRDLG": the level of drinking water disinfectant below which there is no known or expected risk to health.
48. In violation of OAC Rule 3745-96-02(C)(2)(c), Respondent's 2007 CCR failed to include the definition of MRDLG.
49. In accordance with OAC Rule 3745-96-02(D)(1), data relating to detected contaminants subject to mandatory monitoring shall be included in each CCR.
50. In accordance with OAC Rule 3745-96-02(D)(2), data relating to detected contaminants subject to mandatory monitoring shall be displayed in one table or in several adjacent tables within the CCR.
51. In violation of OAC Rule 3745-96-02(D)(1) and (D)(2), Respondent's 2007 CCR's Table of Detected Contaminants omitted data relating to Bromodichloromethane, Bromoform, Chlorodibromomethane, and Chloroform, which were detected contaminants identified in a sample collected by Respondent on September 15, 2006.
52. In accordance with OAC Rule 3745-96-02(D)(4)(c), for detected contaminants listed in a CCR's Table of Detected Contaminants, if there is no MCL for a detected contaminant, the table shall indicate that there is a MRDL, MRDLG, treatment technique, or specify the action level, applicable to that contaminant.
53. In violation of OAC Rule 3745-96-02(D)(4)(c), Respondent's 2007 CCR's Table of Detected Contaminants failed to include the MRDLG for the contaminant of Total Chlorine.
54. ORC § 6109.07(B) and OAC Rule 3745-91-08(G)(1) require that no person shall construct or install a PWS, or make any substantial change in a PWS, that is not in accordance with plans approved by the Director.
55. In violation of ORC § 6109.07 and OAC Rule 3745-91-08(G)(1), Respondent:
 - a) Failed to submit plans and obtain Director's approval prior to the utilization of a liquid polyphosphate feed system;
 - b) Utilizes only one well as a source of water as opposed to two wells, as was outlined in the October 5, 1949 Report on the Detail Plans proposed for Respondent's water treatment plant, and the subsequent March 14, 1984 Report for the Details Plans proposed for Respondent's PWS's conversion to an Iron and Manganese Removal and Ion Exchange Softening Water Treatment Plant.

56. On March 1, 2010 Respondent submitted "as-built" plans to Ohio EPA for the liquid polyphosphate feed system.
57. In accordance with OAC Rule 3745-95-09(A), PWSs are prohibited from using yard hydrants with weep holes.
58. In violation of OAC Rule 3745-95-09(A), yard hydrants with prohibited weep holes are installed in the Village of La Rue Park.
59. Respondent submitted documentation to Ohio EPA, dated February 19, 2010, indicating that the yard hydrants in the Village of La Rue Park had been disconnected.
60. Each violation cited above represents a separate violation of ORC § 6109.31.
61. To settle Ohio EPA's claim for civil penalties for the above-referenced violations, the assessment of a penalty pursuant to ORC Chapter 6109, in the amount of forty one thousand two hundred dollars (\$41,200.00), was proposed by the Director on December 3, 2009.
62. Ohio EPA has reviewed Respondent's financial documentation and determined that Respondent does not have the ability to pay the \$41,200.00 penalty assessed pursuant to ORC Chapter 6109 for the above-referenced violations.

V. ORDERS

1. From the effective date of these Orders, Respondent shall retain an operator of record with a Class 1 or greater certification to oversee the technical operation of the PWS, in accordance with OAC Rule 3745-7-02.
2. From the effective date of these Orders, Respondent shall maintain or cause to be maintained operation and maintenance records for the PWS, in accordance with OAC Rule 3745-7-09.
3. From the effective date of these Orders, Respondent shall maintain a chlorine residual of at least two-tenths mg/L free chlorine, or one mg/L combined chlorine, but not to exceed 4.0 mg/L (as Cl₂) measured at representative points throughout the distribution system, in accordance with OAC Rules 3745-83-01(C)(1) and 3745-81-10(C).
4. Within forty five (45) days of notification, Respondent shall respond in writing to address any comments or deficiencies noted by Ohio EPA regarding the draft updated contingency plan submitted to Ohio EPA on March 22, 2010.

5. From the effective date of these Orders, Respondent shall submit TCR-QORs within the first ten days following the end of each monitoring quarter, in accordance with OAC 3745-81-31(A), until which time Respondent starts submitting monthly operating reports utilizing the electronic drinking water reporting (eDWR) system.
6. From the effective date of these Orders, Respondent shall prepare an operation report for each month of operation on forms acceptable to the Director, in accordance with OAC Rule 3745-83-01(I)(1), and in accordance with OAC Rule 3745-83-01(I)(2), shall submit the report to Ohio EPA, Northwest District Office (NWDO), 347 North Dunbridge Road, Bowling Green, Ohio, 43402, no later than the tenth of the month following the month for which the report was prepared.
7. From the effective date of these Orders, Respondent shall, by July first annually, provide to customers a CCR containing data collected during or prior to, the previous calendar year; and provide a copy of the CCR distributed and a distribution certification to the Director, in accordance with OAC Chapter 3745-96.
8. Within forty five (45) days of notification, Respondent shall respond in writing to address any comments or deficiencies noted by Ohio EPA regarding the "as-built" plans, submitted to Ohio EPA, on March 1, 2010, for the liquid polyphosphate feed system.
9. Within sixty (60) days of the effective date of these Orders, Respondent shall complete one of the following activities:
 - a) Submit plans for the alteration of Respondent's west well, in accordance with OAC Rule 3745-9-02(C); and obtain ownership, easement or lease of the sanitary isolation radius of Respondent's PWS wells (if Respondent obtains easement rights or leases, in lieu of obtaining ownership of the isolation radius of Respondent's PWS wells, Respondent shall record the easement or lease with the county recorder), in accordance with OAC Rule 3745-9-04(A)(3); or
 - b) Submit a General Plan for a new water source (three copies) to Ohio EPA, NWDO, DDAGW.
10. If Respondent chooses to submit a General Plan for a new water source, Respondent shall comply with Order Nos. 11 - 14, and the General Plan shall contain preliminary information concerning the development of the new proposed sources, 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. Additionally, the General Plan shall include:
 - a. A description of the alternatives considered for the new water source and the rationale for the approach selected;

- b. An engineering description of the existing facilities and the new facilities to be installed, including the construction phases, and an estimate of all the costs of any required construction, operation, maintenance; and
 - c. Anticipated sources of funds to cover these estimated costs.
11. Within six (6) months of Ohio EPA approval of the General Plan, Respondent shall submit detail plans for the utilization of the new water source, in accordance with OAC Rule 3745-91.
12. Within sixty (60) days of detail plan approval for the new water source, in accordance with detail plans approved by Ohio EPA and OAC Chapter 3745-91, Respondent shall begin development of the selected new water source.
13. Within one hundred eighty (180) days of detail plan approval, in accordance with the detail plans approved by Ohio EPA and OAC Chapter 3745-91, Respondent shall complete development of and commence operation of the new water source.
14. Within thirty (30) days of the development of the new source, Respondent shall properly abandon the west and east wells, in accordance with OAC Chapter 3745-9.
15. Within sixty (60) days of the effective date of these Orders, Respondent shall retain an engineering contract for the evaluation of Respondent's current plant operations and facilities, to determine what improvements, upgrades, or replacements may be necessary for the optimization of the drinking water produced by Respondent's PWS.
16. Within thirty (30) days after the deadlines given in Orders Nos. 12, 13, 14 and 15 above, Respondent shall send written notification of compliance with the requirements of each of the Orders to Ohio EPA.
17. Within sixty (60) days of the effective date of these Orders, Respondent shall implement a backflow prevention program in accordance with OAC Rule 3745-95, and shall submit the following to the Ohio EPA:
 - a) A listing of all active accounts with testable backflow devices located within the distribution system and the current status of each device. For any device not working or that has not been tested, provide an implementation schedule of corrective actions that will be taken;
 - b) An implementation schedule on addressing any remaining businesses that may need backflow devices;
 - c) An implementation schedule to address residential accounts that may need backflow protection; and

- d) The implementation schedules shall identify the person(s) who will oversee the backflow program, and how much time per week will be dedicated to implementing the program.
18. From the effective date of these Orders, Respondent shall ensure all chemicals, substances, and materials added to or brought in contact with water in or intended to be used in Respondent's PWS or used for the purpose of treating, conditioning, altering, or modifying the characteristics of such water are shown by either the manufacturer, distributor, or purveyor to be non-toxic and harmless to humans when used in accordance with the formulation and concentration as specified by the manufacturer, and that they conform with the ANSI/NSF standard 60 or 61, in accordance with OAC Rule 3745-83-01.
19. Within thirty (30) days of the effective date of these Orders, Respondent shall submit a schedule for the replacement of the yard hydrants in the Village of La Rue Park, with sanitary yard hydrants without weep holes, in accordance with OAC Rule 3745-95-09(B).
20. Within thirty (30) days of the effective date of these Orders, Respondent shall submit documentation of the modifications made to the supply piping for the backwash point of discharge into Respondent's 300 gallon fiberglass storage tank and Respondent's controlled discharge to the sanitary sewer, demonstrating that an air gap separation (that is at least twice the diameter of the effective opening of the supply piping, as measured from the supply-piping outlet to the flood rim of the storage tank) has been provided. The documentation shall include, but not be limited to, measurements of both the pipes' diameter and the air gaps.
21. Within forty five (45) days of notification, Respondent shall respond in writing to address any comments or deficiencies noted by Ohio EPA on any plan or other documentation submitted by Respondent.

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(E).

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 North Dunbridge Road,
Bowling Green, Ohio, 43402
Attn: JoAnn Sabo, District Office Compliance Coordinator

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:

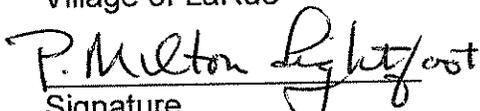
Ohio Environmental Protection Agency


Chris Korleski, Director

MAY 28 2010
Date

IT IS SO AGREED:

Village of LaRue


Signature

5/4/10
Date

P. Milton Lightfoot
Printed or Typed Name and Title

MAYOR