

OHIO E.P.A.

JUL 21 2006

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

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 the 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) 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 the Village of Lawrenceville's 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 (PWS ID number 1202812).

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

 Date: 7-21-06

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.
4. On September 2, 2005, the Village of Lawrenceville's PWS was designated by the Director as a Class I PWS in accordance with OAC Rule 3745-7-03.
5. OAC Rule 3745-7-02 requires each person owning or operating a PWS to place the direct supervision for the technical operation and maintenance of such a PWS under the responsible charge of a certified operator having valid certification of a class at least equal to that required by that PWS classification.
6. On September 1, 2005, the Ohio EPA discovered that the Village, or former Village, of Lawrenceville's water treatment plant was unlocked and unattended with no person responsible for the operation and maintenance of the PWS.
7. As of September 1, 2005, to the effective date of these Orders, 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.
8. On September 2, 2005, the Director issued Emergency Orders to Clark County as Ohio EPA determined that if a responsible party was not directed to immediately provide a certified operator for the Village, or former Village, of Lawrenceville's PWS, the proper and safe treatment of the drinking water for the residents of the Village could cease such that their public health or welfare would be threatened.
9. Respondent has entered into a tentative agreement with the Village, or former Village, of Lawrenceville to assume responsibility for the operation and maintenance of the Village's PWS upon dissolution of the Village. As of the effective date of these Orders, outstanding issues continue to hinder the finalization of this agreement.
10. As of the date of the Emergency Orders, to the effective date of these Orders, the Village, or former Village of, Lawrenceville's PWS has been operated and maintained by Respondent and is under the responsible charge of a certified operator employed by Respondent.
11. On December 2, 2005, pursuant to ORC § 6109.05(B), the Emergency Orders expired. The Director did not extend the effectiveness of the Emergency Orders for an additional period as, pursuant Respondent's actions as outlined in Finding No. 10, emergency conditions no longer existed at the PWS.

12. Respondent's continued operation of the Village, or former Village of, Lawrenceville's PWS is necessary in order for the ongoing protection of the public health or welfare of the residents as the Village, or former Village of, Lawrenceville has and will not take such action with regard to the PWS.

V. ORDERS

1. The Director hereby determines and declares that Respondent shall continue to operate the Village, or former Village of, Lawrenceville's PWS in accordance with OAC Chapters 3745-07, 3745-09, 3745-81, 3745-83, 3745-85, 3745-91, 3745-95, and 3745-96, and ORC Chapter 6109, respectively, and continue to place such operation under the responsible charge of a Class I operator.

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 Division of Drinking and Ground Waters 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(D).

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, Respondent's operation of the Village, or former Village, of Lawrenceville's, PWS. These Orders do not affect the rights of Respondent with regard to Respondent being required to assume any liability for the debts incurred by the Village, or former Village of, Lawrenceville, in connection with the 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. These Orders do not impact any authority of Respondent under ORC § 6103.02, including the power to fix and collect charges and rates for water service provided to the Village, or former Village of, Lawrenceville, through operation of the PWS.

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
Southwest District Office
Division of Drinking and Ground Waters
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.

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

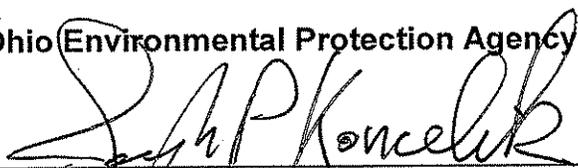
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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



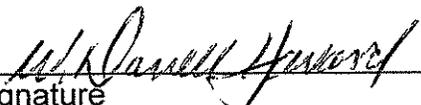
Joseph P. Koncelik, Director

JUL 21 2006

Date

IT IS SO AGREED:

Clark County Board of Commissioners



Signature

W. Darrell Howard
County Administrator

7-06-06

Date

Printed or Typed Name and Title