

OHIO E.P.A.

Effective Date JAN 30 2008

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ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:
The Energy Cooperative
1500 Granville Road
Newark, Ohio 43058

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Respondent,

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:

By: [Signature] Date: 1-30-08

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to The Energy Cooperative (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) at Licking Rural Electrification which is also a "nontransient noncommunity water system" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.

2. Respondent's PWS (PWS ID# 4534612) is located at 11339 Mt. Vernon Rd., Utica (Licking County), Ohio, 43080-0455.
3. Respondent's PWS obtains its drinking water from a "ground water" source as defined by OAC Rule 3745-81-01 and the PWS serves a population of thirty four (34) persons.
4. In accordance with OAC Rule 3745-81-86(D)(4)(c), a small PWS that does not exceed either the lead or copper action level during three consecutive years of monitoring may reduce the frequency of monitoring from annually to once every three years.
5. On January 1, 2003, the Director issued a chemical monitoring distribution schedule to Respondent (2003 lead and copper monitoring schedule) for the compliance period that began on January 1, 2003 and ended on December 31, 2003.
6. In accordance with OAC Rule 3745-81-86(D)(4) and Respondent's 2003 monitoring schedule, Respondent was required to monitor for lead and copper during the June 1 through September 30, 2003 monitoring period.
7. In violation of OAC Rule 3745-81-86(D)(4) and Respondent's 2003 lead and copper monitoring schedule, Respondent failed to monitor for lead and copper during the June 1 through September 30, 2003 monitoring period. Respondent returned to compliance on December 6, 2004.
8. In accordance with OAC Rule 3745-81-11(B), the MCL for arsenic is 0.010 mg/L.
9. In accordance with OAC Rule 3745-81-23(H)(2), compliance with the MCL for arsenic is determined by the running annual average. A PWS is not considered in violation until it has completed one year of sampling unless any one sample result would cause the running annual average to exceed the MCL.
10. In violation of OAC Rule 3745-81-11(B), as determined by OAC Rule 3745-81-23(H)(2), Respondent exceeded the arsenic MCL during the October through December 2006, and January through March 2007 monitoring periods when the arsenic running annual average was greater than 0.010 mg/L. Respondent's current running annual average is 0.010 mg/L.
11. In accordance with OAC Rule 3745-07-02(A)(1), each person owning or operating a public water system shall designate one or more operator of record to oversee the technical operation of the public water system. Each operator of record shall have a valid certification of a class equal to or greater than the class of the public water system.

12. In accordance with OAC Rule 3745-07-03(B)(3), Respondent is classified as a Class A public water system.
13. In violation of OAC Rule 3745-07-02(A)(1), Respondent failed to designate an operator of record with a valid certification of a class equal to or greater than the class of the public water system to oversee the technical operation of the public water system in accordance with OAC Rule 3745-07-03.
14. In accordance with OAC Rule 3745-07-03(B)(1)(a), the classification of a PWS may change when there are system changes that affect the quality of the source, the complexity of the treatment or the distribution system, the population served, or the potential public health hazards.
15. In accordance with OAC Rule 3745-07-03(B)(4), any PWS treating ground water to remove arsenic shall be classified as at least a Class 1 PWS.
16. In accordance with OAC Rules 3745-07-03(B)(1)(c), when the Director changes the classification of a PWS, the owner of a PWS has up to twelve months to meet the staffing requirements in OAC Rule 3745-07-03(C) for the new classification.
17. Each violation cited above represents a separate violation of ORC § 6109.31.

V. ORDERS

1. From the effective date of these Orders, Respondent shall comply with all current and future chemical contaminant monitoring schedules issued by the Director.
2. From the effective date of these Orders, and for as long as Respondent operates the PWS, Respondent shall comply with arsenic monitoring and reporting requirements, in accordance with OAC Rule 3745-81-23.
3. From the effective date of these Orders, and for as long as Respondent operates the PWS, Respondent shall issue public notice for all arsenic MCL violations in accordance with OAC Rule 3745-81-32.
4. Within three (3) months of the effective date of these Orders, and for as long as Respondent operates the PWS thereafter, Respondent shall designate an operator of record holding a valid Class 1 certification or higher to oversee the technical operation of the PWS, in accordance with OAC Chapter 3745-07.
5. From the effective date of these Orders, Respondent shall maintain compliance with the arsenic MCL.

6. Respondent shall pay the amount of eight hundred dollars (\$800.00) in settlement of Ohio EPA's claim for civil penalties which may be assessed pursuant to ORC Chapter 6109. Within thirty (30) days after the effective date of these Orders, payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$800.00. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to: Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049.

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.

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 (with the exception of the penalty payment referenced in the Orders) shall be addressed to:

Ohio EPA
Central District Office
Division of Drinking and Ground Waters
P.O. Box
Columbus, Ohio 43216
Attn: Susan Hampton, DOCC

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 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, 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

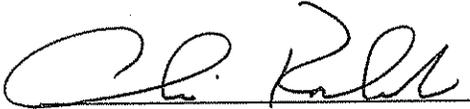
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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

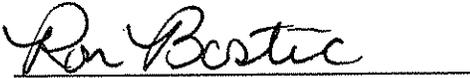


Chris Korleski, Director

JAN 30 2008
Date

IT IS SO AGREED:

The Energy Cooperative



Signature

DEC. 11, 2007
Date

RON BOSTIC
Printed or Typed Name and Title

RECEIVED

DEC 13 2007

OHIO EPA/CDO