

Respondent's PWS (PWS ID# 5047612) serves a population of approximately 30 persons and is located at 6479 Raccoon Road, Canfield, Mahoning County, Ohio.

Under OAC Rule 3745-81-76(D) and the definitions of "ground water" and "surface water" contained in OAC Rule 3745-81-01, the Director is required to designate in writing the source water for each non-community water system as surface water or ground water.

In accordance with OAC Rule 3745-81-76(D), on June 11, 1997 the Director issued a "Surface Water" source water designation to Respondent. On July 28, 1997, the water source designation became effective. This designation required Respondent to take action within eighteen months of the effective date to install approved disinfection and filtration treatment for a surface water source, in accordance with OAC Rules 3745-81-72 and 3745-81-73, or provide for a source of water that would not be subject to treatment requirements as a surface water source. On January 28, 1999, Respondent was required to meet the surface water treatment rules.

In accordance with OAC Rule 3745-81-76 (B)(2)(a) through (c), source water shall be designated as ground water when the source water comes from a well which meets all of the following criteria:

- (a) The well shall meet all of the requirements for new wells which are stated in OAC Rules 3745-9-04 through 3745-9-07;
- (b) Untreated water samples from the well shall have been analyzed for total coliform contamination for at least the previous four calendar quarters of a year with no analysis showing any coliform bacteria present; and
- (c) Water from the well shall have no history of carrying any known or suspected waterborne disease organism.

In accordance with OAC Rule 3745-81-76(C), designation of a PWS's water source as surface water brings the water system under the requirements of OAC Rules 3745-81-71 through 3745-81-75, the surface water treatment rules.

In the source designation letter dated July 28, 1997, the Director informed Respondent that options for achieving compliance with OAC Rules 3745-81-71 through 3745-81-75 included:

- A) installation of approved filtration and disinfection treatment;
- B) elimination of all of the construction and isolation defects of existing wells so that a re-designation as ground water could be possible;
- C) abandonment of those wells designated as surface water and installation of an adequate, approved, ground water source;

- D) abandonment of those wells designated as surface water and installation of an approved hauled water system; or
 - E) abandonment of those wells designated as surface water and purchasing water from an approved PWS.
8. In accordance with OAC Rule 3745-81-21(A), PWSs shall collect total coliform routine samples at sites which are representative of water throughout the distribution system according to a written sample siting plan.
 9. In violation of OAC Rule 3745-81-21(A), Respondent has failed to prepare and maintain a written sample siting plan for the collection of total coliform routine samples at sites which are representative of water throughout the distribution system from at least February 19, 1997 to the effective date of these Orders.
 10. In accordance with OAC Rule 3745-81-21(A)(2)(a), a non-community water system using only ground water and serving a population of not more than one thousand persons shall collect a minimum of one sample for total coliform analysis during each calendar quarter that the water system serves water to the public.
 11. In violation of OAC Rule 3745-81-21(A)(2)(a), Respondent failed to conduct total coliform routine monitoring for the following calendar quarters: January through March 1997, April through June 1997, July through September 1997, January through March 1998, April through June 1998, July through September 1998, October through December 1998, April through June 2001, and July through September 2001 while Respondent was designated as a ground water system.
 12. In accordance with OAC Rule 3745-81-21(B)(1), when a routine sample is determined to be total coliform-positive, the PWS shall monitor with a set of four repeat samples within twenty-four hours of being notified of the positive result.
 13. In accordance with OAC Rule 3745-81-14(D), failure to monitor with repeat samples as required by OAC Rule 3745-81-21 is a maximum contaminant level (MCL) violation as well as a monitoring and reporting violation. Failure to monitor with the required repeat samples is a violation that may pose an acute risk to human health. Public notification shall be provided in accordance with OAC Rule 3745-81-32.
 14. In violation of OAC Rules 3745-81-21(B)(1) and 3745-81-14(D) after notification of a total coliform positive result from samples collected on May 23, 2002, Respondent failed to monitor with a set of four repeat samples within twenty-four hours of being notified of the positive result.
 15. In accordance with OAC Rule 3745-81-21(B)(4), a water use advisory issued as a result of a violation in OAC Rule 3745-81-14(C) or (D), which may pose an acute risk to human health, shall remain in effect until total coliforms are not detected in one complete set of repeat samples.

16. In violation of OAC Rules 3745-81-21(B)(4) and 3745-81-14, following the total coliform-positive result on December 11, 1997 Respondent has failed to monitor with one complete set of safe repeat samples and has remained on a water use advisory from December 1997 through November 2000 and June 2002 until the date of issuance of these Orders.
17. In accordance with OAC Rule 3745-81-14(B), a PWS which monitors with fewer than forty samples per month is in compliance with the MCL for total coliforms when no more than one sample during a month is total coliform-positive.
18. In violation of OAC Rule 3745-81-14(B), Respondent exceeded the monthly microbiological MCL in December 1997, January 1998, and August 1999 when more than one sample during the month was total coliform-positive.
19. In accordance with OAC Rule 3745-81-21(B)(6), when a PWS monitoring with fewer than five samples per month has one or more total coliform-positive samples, the PWS is required to monitor with at least five routine samples in the next month that the PWS provides water to the public.
20. In violation of OAC Rule 3745-81-21(B)(6), Respondent failed to monitor with at least five routine samples in February 1998, September 1999 and June 2002.
21. In accordance with OAC Rule 3745-81-21(A)(2)(c), non-community water systems using surface water, in whole or in part, serving a population of fewer than four thousand one hundred one (4,101) persons, shall monitor for total coliform at least four times per month for any month the non-community water system serves water to the public. This frequency of coliform monitoring became effective for the MVC&RC on February 1, 1999 through November 30, 2000 and again on October 1, 2001.
22. In violation of OAC Rule 3745-81-21(A)(2)(c), Respondent failed to monitor for total coliform at least four times per month during the months of February 1999, March 1999, April 1999, May 1999, June 1999, July 1999, September 1999, October 1999, November 1999, December 1999, January 2000, February 2000, March 2000, April 2000, May 2000, June 2000, July 2000, August 2000, September 2000, October 2000, November 2000, October 2001, November 2001, December 2001, January 2002, February 2002, March 2002, April 2002, May 2002, June 2002, July 2002, August 2002, September 2002, October 2002, November 2002, December 2002, January 2003, February 2003, March 2003, April 2003, May 2003, June 2003, July 2003, August 2003, September 2003, October 2003, November 2003, December 2003, January 2004, and February 2004.
23. In accordance with OAC Rule 3745-81-73 a public water system that uses a surface water source, in whole or in part, shall provide filtration treatment which complies with the requirements of paragraph (A), (B), or (C) of this rule within eighteen months of the determination by Ohio EPA that the source water qualifies as surface water.

24. In violation of OAC Rule 3745-81-73, Respondent failed to provide filtration treatment which complies with the requirements of paragraph (A), (B), or (C) of this rule within eighteen months of its source water designation and has remained in violation of these requirements from February 1, 1999 through November 30, 2000 and October 1, 2001 to the present.
25. In December 2000, Respondent discontinued the use of well and connected to a neighboring well. This action released Respondent from resolving the source designation issues but put other requirements onto Respondent's new well. Detailed plans were requested by Ohio EPA, as well as, a complete well analysis be performed on the neighbor's well. These items were never completed and Respondent returned to the initial well in September 2001.
26. On November 20, 1995, the Director issued a chemical contaminant monitoring schedule for MVC&RC (1996-1998 monitoring schedule) for the compliance period that began on January 1, 1996, and ended on December 31, 1998.
27. On December 15, 1998, the Director issued a chemical contaminant monitoring schedule for MVC&RC (1999 monitoring schedule) for the compliance period that began on January 1, 1999, and ended on December 31, 1999.
28. On December 17, 1999, the Director issued a chemical contaminant monitoring schedule for MVC&RC (2000 monitoring schedule) for the compliance period that began on January 1, 2000, and ended on December 31, 2000.
29. On December 15, 2000, the Director issued a chemical contaminant monitoring schedule for MVC&RC (2001 monitoring schedule) for the compliance period that began on January 1, 2001, and ended on December 31, 2001.
30. On December 12, 2001, the Director issued a chemical contaminant monitoring schedule for MVC&RC (2002 monitoring schedule) for the compliance period that began on January 1, 2002, and ended on December 31, 2002.
31. On December 6, 2002, the Director issued a chemical contaminant monitoring schedule for MVC&RC (2003 monitoring schedule) for the compliance period that began on January 1, 2003, and ended on December 31, 2003.
32. On December 15, 2003, the Director issued a chemical contaminant monitoring schedule for MVC&RC (2004 monitoring schedule) for the compliance period that began on January 1, 2004, and will end on December 31, 2004.
33. OAC Rule 3745-81-23 requires public water systems that have a ground water source to monitor annually in accordance with a schedule provided by the Director to determine compliance with the maximum contaminant level for nitrate in OAC Rule 3745-81-11. This sampling frequency was applicable to Respondent's public water system until February 1, 1999.

34. In violation of OAC Rule 3745-81-23 and the 1996-1998 monitoring schedule, Respondent failed to monitor for nitrate during the monitoring period of July through December 1998.
35. In accordance with OAC Rule 3745-81-23, public water systems with a surface water source shall monitor monthly to determine compliance with the maximum contaminant level for nitrate in OAC Rule 3745-81-11. This frequency of nitrate monitoring became effective for the MVC&RC public water system on February 1, 1999 through November 30, 2000 and again on October 1, 2001.
36. In violation of OAC Rules 3745-81-23, Respondent failed to monitor for nitrate during the calendar months of February 1999, March 1999, April 1999, May 1999, June 1999, July 1999, September 1999, October 1999, November 1999, December 1999, January 2000, February 2000, March 2000, April 2000, May 2000, June 2000, July 2000, August 2000, September 2000, October 2000, November 2000, October 2001, November 2001, December 2001, January 2002, February 2002, March 2002, April 2002, May 2002, June 2002, July 2002, August 2002, September 2002, October 2002, November 2002, December 2002, January 2003, February 2003, March 2003, April 2003, May 2003, June 2003, July 2003, August 2003, September 2003, October 2003, November 2003, December 2003, January 2004, and February 2004.
37. In accordance with OAC Rule 3745-84-01(E)(1), a person applying for a public water system license to operate renewal shall pay the appropriate fee according to the schedule set forth in ORC Section 3745.11(M). For a transient non-community water system with one well and a ground water source designation, the required fee is \$56.00. For a transient non-community water system with a surface water source designation, the required fee is \$792.00.
38. In accordance with OAC Rule 3745-84-01(E)(2), failure to pay the appropriate fee required by ORC Section 3745.11(M) at the time of submission of application for a public water system license requires the payment of an additional amount equal to ten per cent of the appropriate fee.
39. In accordance with OAC Rule 3745-84-01(E)(3), failure to pay the required fee renders an application for a license or renewal of a license to operate a public water system incomplete.
40. In accordance with OAC Rule 3745-84-01(C)(5), a public water system license renewal to operate or maintain a public water system shall expire on the thirtieth of January in the year following its issuance.
41. In violation of ORC Section 6109.21 and OAC Rule 3745-84-01, Respondent failed to pay the fee to renew the license to operate the MVC&RC public water system for calendar years 2000, 2002, 2003, and 2004. Respondent is currently operating a public water system without a license.
42. In accordance with OAC Rule 3745-91-02(A), no person shall begin construction or installation of a public water system, or make a substantial change in a public water system until plans have been approved by the director.

43. In violation of OAC Rule 3745-91-02(A), Respondent failed to submit plans, nor receive approval of any detail plans for the well pro chlorination injector system installed in November 2002.
44. In accordance with OAC Rule 3745-81-32, the owner or operator of a transient, non-community water system shall give notice for violations of OAC Chapter 3745-81 by continuous posting in conspicuous places throughout the area served by the water system. Following the initial notice given pursuant to this rule, the owner or operator of transient, non-community water system, the posting shall be maintained for as long as the violation exists.
45. In violation of OAC Rules 3745-81-21 and 3745-81-32, Respondent failed to issue public notification for the failure to conduct total coliform routine monitoring during the calendar quarters January through March 1997, April through June 1997, July through September 1997, January through March 1998, April through June 1998, July through September 1998, October through December 1998, April through June 2001, and July through September 2001.
46. In violation of OAC Rules 3745-81-21 and 3745-81-32, Respondent failed to issue public notification for the failure to conduct total coliform routine monitoring during the calendar months of February 1999, March 1999, April 1999, May 1999, June 1999, July 1999, September 1999, October 1999, November 1999, December 1999, January 2000, February 2000, March 2000, April 2000, May 2000, June 2000, July 2000, August 2000, September 2000, October 2000, November 2000, October 2001, November 2001, December 2001, January 2002, February 2002, March 2002, April 2002, May 2002, June 2002, July 2002, August 2002, September 2002, October 2002, November 2002, December 2002, January 2003, February 2003, March 2003, April 2003, May 2003, June 2003, July 2003, August 2003, September 2003, October 2003, November 2003, December 2003, January 2004, and February 2004.
47. In violation of OAC Rules 3745-81-14 and 3745-81-32, Respondent failed to issue public notification for having more than one sample during the month be total coliform-positive during the calendar months of December 1997, January 1998, August 1999.
48. In violation of OAC Rules 3745-81-23 and 3745-81-32, Respondent failed to issue public notification for the failure to conduct nitrate monitoring during the monitoring period of July through December 1998.
49. In violation of OAC Rules 3745-81-23 and 3745-81-32, Respondent failed to issue public notification for the failure to conduct nitrate monitoring during the calendar months of February 1999, March 1999, April 1999, May 1999, June 1999, July 1999, September 1999, October 1999, November 1999, December 1999, January 2000, February 2000, March 2000, April 2000, May 2000, June 2000, July 2000, August 2000, September 2000, October 2000, November 2000, October 2001, November 2001, December 2001, January 2002, February 2002, March 2002, April 2002, May 2002, June 2002, July 2002, August 2002, September 2002, September 2000, October 2000, November 2000, October 2002, November 2002, December 2002, January 2003, February 2003, March 2003, April 2003, May 2003, June 2003, July 2003, August 2003, September 2003, October 2003, November 2003, December 2003, January 2004, and February 2004.

50. In violation of OAC Rules 3745-81-73 and 3745-81-32, Respondent failed to issue public notification for the failure to provide adequate filtration for the months of February 1999, March 1999, April 1999, May 1999, June 1999, July 1999, September 1999, October 1999, November 1999, December 1999, January 2000, February 2000, March 2000, April 2000, May 2000, June 2000, July 2000, August 2000, September 2000, October 2000, November 2000, October 2001, November 2001, December 2001, January 2002, February 2002, March 2002, April 2002, May 2002, June 2002, July 2002, August 2002, September 2002, October 2002, November 2002, December 2002, January 2003, February 2003, March 2003, April 2003, May 2003, June 2003, July 2003, August 2003, September 2003, October 2003, November 2003, December 2003, January 2004, and February 2004.
50. Each of the violations cited above represents a separate violation of ORC Section 6109.31.

V. ORDERS

1. For as long as the MVC&RC public water system continues using a surface water source, Respondent shall monitor for total coliform bacteria four times per month from the distribution system and for nitrate with one sample per month from the entry point into the distribution system, in accordance with OAC Rules 3745-81-21 and 3745-81-23, respectively.
2. Within two hundred ten (210) days of the effective date of these Orders, Respondent shall complete a connection to the Consumers Ohio Water Company and properly abandon the drinking water well per OAC Rule 3745-9-09.
3. Within seven (7) days of the effective date of these Orders, Respondent shall provide MVC&RC with bottled water (2-liters/ per day/ per person) free-of-charge for drinking as long as the water use advisory is in effect.
4. Within thirty (30) days of the effective date of these Orders, Respondent shall develop and submit a written coliform bacteria sample siting plan to Ohio EPA, NEDO, DDAGW.
5. Within thirty (30) days of the effective date of these Orders, Respondent shall notify the public, in accordance with OAC Rules 3745-81-14, 3745-81-21, 3745-81-23, 3745-81-73 and 3745-81-32 for the violations identified in Findings #45, #46, #47, #48, #49, and #50. Respondent shall provide Ohio EPA, NEDO, DDAGW with copies of all public notices and verification forms.
6. Respondent shall pay to Ohio EPA sixty-eight thousand dollars (\$68,000.00) in settlement of Ohio EPA, Division of Drinking and Ground Water's (DDAGW) claims for civil penalties, which may be assessed pursuant to ORC Chapter 6109., and which will be deposited into the Drinking Water Protection Fund established pursuant to ORC § 6109.30. Within thirty (30) days of the effective date of these Orders, Respondent shall pay Ohio EPA the amount of eight thousand dollars (\$8,000.00) by tendering an official check made payable to "Treasurer, State of Ohio," together with a letter identifying Respondent, to the following address:

Ohio EPA, Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

7. In lieu of payment to Ohio EPA of the remaining sixty thousand dollars (\$60,000.00) of civil penalty, on or before November 1, 2004, Respondent shall properly abandon the drinking water well and complete the water line connection to the Consumers Ohio Water Company to receive supplemental environmental project (SEP) credit.
8. On or before December 1, 2004, Respondent shall submit documentation to confirm completion of the SEP outlined in Order No. 7 to Ohio EPA.
9. Should the Respondent fail to complete the SEP outlined in Order No. 7 on or before November 1, 2004, Respondent shall pay to Ohio EPA sixty thousand dollars (\$60,000.00) of the civil penalty in accordance with the procedures in Order No. 6.

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(D)(3) for a sole proprietorship.

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
Northeast District Office
Division of Drinking and Ground Waters
2110 East Aurora Road
Twinsburg, Ohio 44087
Attn: Ken Ristow

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

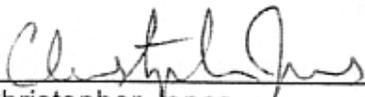
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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

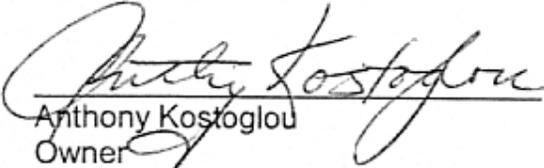


Christopher Jones
Director

APR 21 2004

Date

IT IS SO AGREED:



Anthony Kostoglou
Owner

April 5, 04

Date

PUBLIC NOTICE

OHIO ENVIRONMENTAL PROTECTION AGENCY

Notice is hereby given that the Director of the Ohio Environmental Protection Agency, pursuant to Sections 3745.01 and 6109.04 of the Ohio Revised Code, has issued Final Findings and Orders to Anthony Kostoglou to ensure that the Mahoning Valley Chiropractic and Rehabilitation Center's public water system is operated in compliance with the State's safe drinking water laws. These Final Findings and Orders provide Anthony Kostoglou with a schedule for resolving its drinking water violations. This final action will be effective on April 21, 2004, and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be filed with the ERAC within thirty (30) days after notice of the Director's action. A copy of the appeal must be served upon the Director of the Ohio Environmental Protection Agency within three (3) days of filing at the ERAC. The ERAC's address is:

Environmental Review Appeals Commission
309 South Fourth Street
Room 222
Columbus, Ohio 43215

[Faint signature and date stamp]

[Faint signature and name stamp]