

OHIO E.P.A.

OCT -3 2005

Effective Date OCT 3 2005

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Village of Metamora :
114 East Main Street :
Metamora, Ohio 43540 :

Respondent,

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Village of Metamora (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 the Village of Metamora which is 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: 2600711), is located at 311 West Main Street (Fulton County), Ohio.

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.

By: Douglas J. Jacobs Date 10-3-05

3. Respondent's PWS obtains its drinking water from a "surface water" source as defined by OAC Rule 3745-81-01 and serves a population of nine hundred ninety-five (995) persons.
4. In accordance with OAC Rule 3745-81-12(B), as of January 1, 2004, the maximum contaminant level (MCL) for total trihalomethanes (TTHM) is 0.080 milligrams per liter (mg/L) for community surface water systems serving fewer than ten thousand persons (10,000). Compliance with the MCL for TTHM is calculated according to OAC Rule 3745-81-24(D).
5. In violation of OAC Rule 3745-81-12(B), Respondent exceeded the MCL for TTHM with a running annual average in April through June 2004 of 0.176 mg/L, July through September 2004 of 0.208 mg/L, October through December 2004 of 0.195 mg/L, and January through March 2005 of 0.198 mg/L.
6. On December 12, 2001, the Director issued a chemical contaminant monitoring schedule to Respondent (2002 monitoring schedule) for the compliance period that began on January 1, 2002 and ended on December 31, 2002.
7. In accordance with OAC 3745-81-24, community water systems shall monitor for organic chemicals according to a schedule provided by the Director.
8. In violation of OAC Rule 3745-81-24 and Respondent's 2002 monitoring schedule, Respondent failed to monitor for synthetic organic chemicals (SOCs) during the May through July 2002 monitoring period. Respondent subsequently monitored untimely for SOC's.
9. In accordance with OAC Rule 3745-96-02(A), version effective from May 1, 2001 through June 30, 2004, each community water system shall provide to its customers an annual consumer confidence report (CCR) that contains the information specified in this Rule and OAC Rule 3745-96-03.
10. In violation of OAC Rule 3745-96-02(A), version effective from May 1, 2001 through June 30, 2004, Respondent's 2000 CCR was deficient as Respondent failed to include a complete list of all detected volatile organic compounds.
11. In violation of OAC Rule 3745-96-02(A), version effective from May 1, 2001 through June 30, 2004, Respondent's 2002 CCR was deficient as Respondent incorrectly reported monitoring violation information and turbidity information.
12. Each of the violations cited above represents a separate violation of ORC § 6109.31.

V. ORDERS

1. Within sixty (60) days of the effective date of these Orders, Respondent shall have an engineer perform a PWS assessment and provide recommendations for improvements to achieve compliance with the MCL for TTHM.
2. Within ninety (90) days of the effective date of these Orders, Respondent shall submit to Ohio EPA the engineer's written and detailed scope of work regarding the recommended improvements necessary for the PWS to achieve compliance with the MCL for TTHM. The scope of work shall include, but is not limited to, a schedule containing deadlines for completion of the improvements.
3. Within seven hundred and thirty (730) days of the effective date of these Orders, Respondent shall comply with the MCL for TTHM.
4. Within thirty (30) days of the effective date of these Orders, Respondent shall pay Ohio EPA the amount of one thousand eight hundred dollars (\$1,800.00) in settlement of Ohio EPA's claim 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. Payment shall be made by official check for \$1,800.00 made payable to "Treasurer, State of Ohio." The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049 together with a letter identifying 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 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 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, the Respondent's operations or the PWS at the Village of Metamora.

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 the Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders (with the exception of the penalty payment in Order No. 4) shall be addressed to:

Ohio Environmental Protection Agency
Northwest District Office
347 North Dunbridge Road
Bowling Green, Ohio 43402-9398
Att: Enforcement Supervisor

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

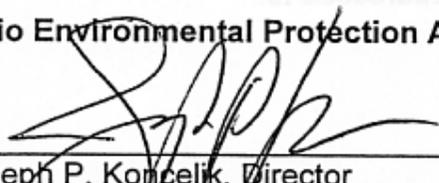
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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



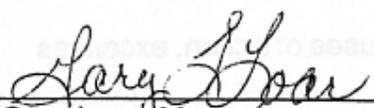
Joseph P. Koncelik, Director

 OCT 3 2005

Date

IT IS SO AGREED:

Village of Metamora



Gary Loar, Mayor

 9/12/05

Date