

OHIO E.P.A.

NOV 28 2006

ENTERED DIRECTOR'S JOURNAL

Effective Date NOV 28 2006

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Ohio Department of Natural :
Resources, Division of Parks :
1952 Belcher Drive, Building C-3 :
Columbus, Ohio 43224 :

Respondent,

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Ohio Department of Natural Resources (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.

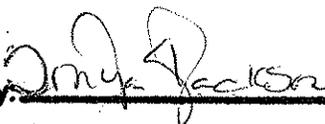
II. PARTIES BOUND

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 at Salt Fork State Park 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.

**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.**

By:  Date: 11-28-06

IV. FINDINGS

The Director of Ohio EPA (Director) has determined the following findings:

1. Respondent owns and operates a "public water system" (PWS), at Salt Fork State Park 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# 3052811) is located at Salt Fork State Park, 14755 Cadiz Road, Lore City, (Guernsey County), Ohio, 43755.
3. Respondent's PWS obtains its drinking water from a "surface water" source as defined by OAC Rule 3745-81-01 and serves a nontransient population of 60 persons.
4. In accordance with OAC Rules 3745-81-12(B), a surface water system serving fewer than ten thousand persons is in compliance with the maximum contaminant level (MCL) for total trihalomethanes (TTHM) if the running annual average is not greater than 0.080 milligrams per liter (mg/L) and is in compliance with the MCL for haloacetic acids five (HAA5) if the running annual average is not greater than 0.060 mg/L. TTHM and HAA5 are two types of disinfection byproducts (DBPs).
5. In accordance with OAC Rule 3745-81-24(C)(14), for PWSs monitoring quarterly, compliance with the MCLs for TTHM and HAA5 shall be based on a running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples taken at each sampling point. If the running annual arithmetic average of quarterly averages covering any consecutive four-quarter period exceeds the MCL, the PWS is in violation of the MCL.
6. In violation of OAC Rule 3745-81-12(B), as determined by OAC Rule 3745-81-24(C)(14), Respondent exceeded the MCL for TTHM in the July through September 2004, October through December 2004, January through March 2005, April through June 2005, July through September 2005, October through December 2005, January through March 2006, and the April through June 2006 monitoring periods when the TTHM running annual average was greater than 0.080 mg/L. Respondent's current running annual average is 0.328 mg/L.
7. In violation of OAC Rule 3745-81-12(B), as determined by OAC Rule 3745-81-24(C)(14), Respondent exceeded the MCL for HAA5 in the January through March 2005, April through June 2005, July through September 2005, and the October through December 2005 monitoring periods when the HAA5 running annual average was greater than 0.060 mg/L.

8. In accordance with OAC Rule 3745-81-23, PWSs shall monitor for inorganic chemicals (IOCs) according to a schedule provided by the Director.
9. On March 5, 2001, the Director issued a chemical contaminant monitoring schedule to Respondent (2001 monitoring schedule) for the compliance period that began on January 1, 2001 and ended on December 31, 2001.
10. In accordance with OAC Rule 3745-81-23 and Respondent's 2001 monitoring schedule, Respondent was required to monitor for IOCs during the January through June 2001 monitoring period.
11. In violation of OAC Rule 3745-81-23 and Respondent's 2001 monitoring schedule, Respondent failed to monitor for IOCs (specifically fluoride) during the January through June 2001 monitoring period. Respondent sampled untimely on June 12, 2002.
12. In accordance with OAC Rule 3745-81-86(D)(4)(d), PWSs monitoring annually or less frequently shall conduct the lead and copper tap water monitoring during the month of June, July, August or September.
13. In violation of OAC Rule 3745-81-86(D)(4)(d), Respondent failed to monitor for lead and copper during the June through September 2002 monitoring period. Respondent sampled untimely on September 4, 2003.
14. In accordance with OAC Rule 3745-81-24, nontransient noncommunity PWSs shall monitor for organic chemicals according to a schedule provided by the Director.
15. On February 27, 2004, the Director issued a chemical contaminant monitoring schedule to Respondent (2004 monitoring schedule) for the compliance period that began on January 1, 2004 and ended on December 31, 2004.
16. In accordance with OAC Rule 3745-81-24 and Respondent's 2004 monitoring schedule, Respondent was required to monitor for synthetic organic chemicals (SOCs) during the May through July 2004 monitoring period.
17. In violation of OAC Rule 3745-81-24 and Respondent's 2004 monitoring schedule, Respondent failed to monitor for SOC's during the May through July 2004 monitoring period. Respondent sampled untimely on October 6, 2004.
18. In accordance with OAC Rule 3745-81-24 and Respondent's 2004 monitoring schedule, Respondent was required to monitor for volatile organic chemicals (VOCs) during the April through June 2004 monitoring period.

19. In violation of OAC Rule 3745-81-24 and Respondent's 2004 monitoring schedule, Respondent failed to monitor for VOCs during the April through June 2004 monitoring period. Respondent sampled untimely on September 8, 2004.
20. In accordance with OAC Rule 3745-95-06(C), it shall be the duty of the water consumer to maintain any backflow prevention device in proper working order and in continuous operation, and it shall be the duty of the supplier of water to see that the required tests and inspections are made. The consumer shall have thorough inspections and operational tests made of the backflow prevention devices at the time of installation or repair, and as reasonably may be required by the supplier of water or the Director. These inspections and tests shall be performed by the supplier of water or a person approved by the supplier.
21. In violation of OAC Rule 3745-95-06(C) and (D), Respondent has failed have backflow prevention devices inspected, at least annually, by a person qualified to test and inspect the devices, since at least the October 5, 2004 sanitary survey to the effective date of these Orders.
22. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS shall provide public notification for violations.
23. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification for exceeding the HAA5 MCL during the April through June 2005 monitoring period.
24. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification for failing to monitor for VOCs during the April through June 2004 monitoring period.
25. In accordance with the Director's plan approval on January 26, 2006, Respondent began a pilot study of the treatment to reduce DBPs in March 2006. The anticipated completion of this project is scheduled for approximately September 2011.
26. In accordance with OAC Rule 3745-91-02, Respondent received Director's Plan approval for Granular Activated Carbon (GAC) filters on May 16, 2006 to reduce DBPs. The installation of the GAC filters is expected to bring Respondent in compliance with the MCLs for TTHM and HAA5 by, or before, approximately September 2007. Until that time, Respondent will likely continue to exceed the MCLs for TTHM and HAA5 and violate OAC Rule 3745-81-12(B).
27. On September 13, 2006, Respondent completed the installation of the GAC filters, in accordance with Director's plan approval on May 16, 2006.
28. Each violation cited above represents a separate violation of ORC § 6109.31.

V. ORDERS

1. Respondent shall comply with its chemical contaminant and distribution monitoring schedules for the calendar year 2006 and all subsequent monitoring schedules issued by Ohio EPA.
2. Respondent shall operate and maintain all parts of the water treatment plant and distribution system, including, but not limited to, the GAC filters in accordance with Director's plan approval and OAC Rule 3745-91.
3. Within thirty (30) days of the effective date of these Orders, Respondent shall notify the public, in accordance with OAC Rule 3745-81-32, for the violations identified in Finding Nos. 23 and 24. Respondent shall provide copies of the public notice and verification form to the Ohio EPA, Southeast District Office (SEDO), Division of Drinking and Ground Waters (DDAGW).
4. Within sixty (60) days of the effective date of these Orders, Respondent shall comply with the inspection and record keeping requirements for backflow prevention devices in accordance with OAC Rule 3745-95-06(C) and (D).
5. On or before September 13, 2007, Respondent shall achieve compliance with the MCLs for TTHM and HAA5.
6. By May 31, 2007, Respondent shall complete a pilot study, in accordance with the Director's plan approval, and submit the report for review and approval by Ohio EPA, Central Office (CO), DDAGW.
7. Within twelve (12) months after pilot report approval, Respondent shall submit detail plans to Ohio EPA, SEDO, DDAGW for the construction and installation of the microfiltration treatment, in accordance with OAC Chapter 3745-91.
8. Within six (6) months of the detail plan approval of the microfiltration treatment, Respondent shall begin construction and installation, in accordance with Director's plan approval, of the microfiltration treatment.
9. Within twenty four (24) months of the detail plan approval for the microfiltration treatment, Respondent shall complete construction and installation, in accordance with Director's plan approval, of the microfiltration treatment.
10. Within seven (7) business days after the deadlines given in Order Nos. 4, 8 and 9, Respondent shall send written notification of compliance with the requirements of each of the Orders to Ohio EPA, SEDO, DDAGW.

11. Within sixty (60) 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.
12. Respondent shall pay the amount of ten thousand six hundred dollars (\$10,600.00) 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 eight thousand four hundred eighty dollars (\$8,480.00) of the total amount. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

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

13. In lieu of paying two thousand one hundred twenty dollars (\$2,120.00) of civil penalty, Respondent shall within thirty (30) days of the effective date of these Orders, fund a Supplemental Environmental Project (SEP) by making a contribution in the amount of \$2,120.00 to the Ohio EPA's Clean Diesel School Bus Fund (Fund 5CD). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for two thousand one hundred twenty dollars. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

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

A copy of each check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216 -1049

14. Should Respondent fail to fund the SEP within the required timeframe set forth in Order No. 13, Respondent shall pay to Ohio EPA \$2,120.00 of the civil penalty in accordance with the procedures in Order No. 12.

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).

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 at Salt Fork State Park.

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 in Order Nos. 12 and 13) shall be addressed to:

Ohio Environmental Protection Agency
Southeast District Office
Division of Drinking and Ground Waters
2195 Front Street
Logan, Ohio 43138
Att: Enforcement Manager

or for the documents required to be submitted by Respondent pursuant to Order No. 6 shall be addressed to:

Ohio Environmental Protection Agency
Central Office
Division of Drinking and Ground Waters
122 South Front Street
Columbus, Ohio 43215
Attn: Engineering Unit

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

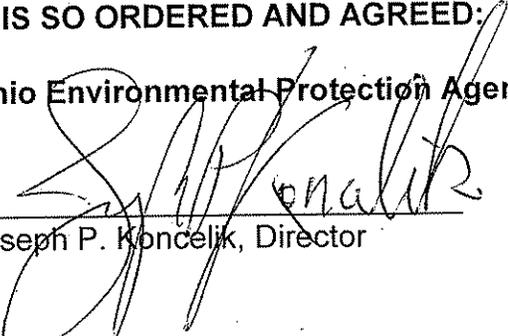
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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

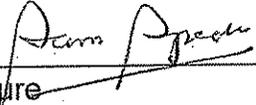


Joseph P. Koncelik, Director

NOV 28 2006
Date

IT IS SO AGREED:

Ohio Department of Natural Resources



Signature

10/17/06
Date

SAM SPECK, Director
Printed or Typed Name and Title

OSNR