

OHIO E.P.A.

OCT 26 2006

ENTERED DIRECTOR'S JOURNAL

Effective Date OCT 26 2006

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

The Village of Paulding
116 South Main Street
Paulding, Ohio 45879

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: 10-26-06

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Village of Paulding (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), which is also 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# 6300411) is located at 901 McDonald Pike, Paulding (Paulding County), Ohio, 45879.
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 3,595 persons.
4. In accordance with OAC Rule 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).
5. In accordance with OAC Rule 3745-81-24(C)(14), for PWSs monitoring quarterly for TTHM, compliance is determined by a running annual arithmetic average of all samples taken at each sampling point. If the running annual arithmetic average of quarterly averages covering any consecutive four quarter period of any sampling point exceeds the MCL, then the PWS is in violation of the MCL.
6. In violation of OAC Rule 3745-81-12(B), 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, and January through March 2006 quarters. Respondent has returned to compliance with the MCL for TTHM.
7. In accordance with OAC Rule 3745-81-23(B)(2), all PWSs which are surface water systems shall monitor for nitrate monthly.
8. In violation of OAC Rule 3745-81-23(B)(2), Respondent failed to monitor for nitrate during the month of October 2002. Respondent untimely sampled on November 21, 2002.
9. On February 18, 2003, the Director issued a chemical contaminant monitoring schedule to Respondent (2003 monitoring schedule) for the compliance period that began on January 1, 2003 and ended on December 31, 2003.
10. In accordance with OAC Rule 3745-81-24 and Respondent's 2003 monitoring schedule, Respondent was required to monitor for synthetic organic chemicals (SOCs) during the month of May 2003.

11. In violation of OAC Rule 3745-81-24 and Respondent's 2003 monitoring schedule, Respondent failed to monitor for SOCs during the month of May 2003. Respondent untimely sampled on June 11, 2003.
12. In accordance with OAC Rule 3745-81-73(A)(1)(a), version effective January 1, 2002 through December 31, 2004, all PWSs that use conventional filtration or direct filtration treatment to treat surface water shall meet the following requirement: turbidity levels of representative samples of filtered water shall be less than or equal to 0.5 nephelometric turbidity units (NTU) in at least ninety-five per cent (95%) of the samples analyzed each month.
13. In violation of OAC Rule 3745-81-73(A)(1)(a), version effective January 1, 2002 through December 31, 2004, the turbidity levels of the representative samples of the filtered water from Respondent's PWS were not less than or equal to 0.5 NTU in at least ninety-five per cent (95%) of the samples analyzed during the months of May 2003, December 2003, and January 2004.
14. In accordance with OAC Rule 3745-81-73(A)(1), version effective January 1, 2005 until present, all PWSs that use conventional filtration or direct filtration treatment to treat surface water shall meet the following requirement: turbidity levels of representative samples of filtered water shall be less than or equal to 0.3 NTU in at least ninety-five per cent (95%) of the samples analyzed each month.
15. In violation of OAC Rule 3745-81-73(A)(1), version effective January 1, 2005 until present, the turbidity levels of the representative samples of the filtered water from Respondent's PWS were not less than or equal to 0.3 NTU in at least ninety-five per cent (95%) of the samples analyzed during the months of January 2005, March 2005, April 2005, May 2005, June 2005, July 2005, and September 2005. Respondent has returned to compliance with the requirement for turbidity levels.
16. In accordance with OAC Rule 3745-81-73(A)(2), the turbidity level of representative samples of the PWS's filtered water shall not exceed 1 NTU for all PWSs that use conventional filtration or direct filtration treatment to treat surface water.
17. In violation of OAC Rule 3745-81-73(A)(2), the turbidity levels of representative samples of the filtered water from Respondent's PWS exceeded 1 NTU during the months of March 2005 and April 2005.

18. In accordance with OAC Rule 3745-96-01(E), version effective May 1, 2001 through June 30, 2004, each community water system shall deliver a consumer confidence report (CCR) to its customers and meet the requirements of OAC Rule 3745-96-04(B) by July first annually. Each CCR shall contain data collected during, or prior to, the previous calendar year as prescribed in OAC Rule 3745-96-02.
19. In violation of OAC Rule 3745-96-01(E), Respondent failed to provide the proper information in the 2001, 2003, and 2004 CCRs.
20. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS shall provide public notification for violations.
21. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification for failing to monitor for SOCs during the May 2003 monitoring period.
22. Each violation cited above represents a separate violation of ORC § 6109.31.

V. ORDERS

1. Within thirty (30) days of the date of noncompliance with any treatment technique requirements of OAC Rules 3745-81-72 and 3745-81-73, Respondent shall make interim improvements to the water treatment plant. Such improvements may consist of, but are not limited to, optimization of the existing chemical feed, installation of alternative chemical feed equipment for the addition of polymers/ chemicals to improve turbidity removal, and/or rebuilding the filters.
2. Within ten (10) days of the date of noncompliance with any treatment technique requirements of OAC Rules 3745-81-72 and 3745-81-73, if construction and/ or detail plans should be required for any PWS major substantial change as defined in OAC Rule 3745-91-01 which necessitates Director's approval, Respondent shall contact Ohio EPA Northwest District Office (NWDO), Division of Drinking and Ground Waters (DDAGW), 347 North Dunbridge, Bowling Green, Ohio 43402, to discuss an agreeable timeframe for such work to be performed and completed.
3. Within sixty (60) days from the effective date of these Orders, Respondent shall submit a General Plan (three copies), in accordance with OAC Rule 3745-91-02(C), to Ohio EPA, NWDO, DDAGW, 347 North Dunbridge Road, Bowling Green, Ohio 43402, Attn: Justin Bowerman, for review and approval. The General Plan shall describe modifications to the existing surface water treatment plant to address compliance with disinfection byproducts and turbidity and/ or construction of a new water treatment plant. The General Plan shall include a detailed compliance schedule with applicable milestone dates of significant events that are necessary to attain compliance. Additionally, the General Plan shall include:

- (A) an assessment of current and reasonably foreseeable requirements based on monitoring data from the proposed source water;
 - (B) a description of alternatives considered and the rationale for the approach selected to provide water service;
 - (C) an engineering description of the existing facilities and the facilities to be constructed, including the construction phases and plans for future expansion; and
 - (D) the engineering description shall include an estimate of all the costs of any required construction, operation, maintenance, and anticipated sources of funds to cover estimated costs.
4. If the Ohio EPA approval of the General Plan indicates that a pilot study or demonstration study is not necessary, Order Nos. 5 - 8 will not be required.
 5. Within sixty (60) days of Ohio EPA approval of the General Plan, Respondent shall submit a pilot study protocol to Ohio EPA, Central Office (CO), DDAGW, Engineering Section (ES), Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43215-1049, for review and approval. The pilot study protocol shall describe the procedures necessary to evaluate the source water for the water treatment system identified as the preferred alternative in the General Plan.
 6. If Ohio EPA should require any revisions to the pilot study protocol, Respondent shall make any such changes or modifications and/or submit any additional information to Ohio EPA, CO, DDAGW, ES, within thirty (30) days of receiving a written comment letter from Ohio EPA.
 7. Within sixty (60) days of approval of the pilot study protocol, Respondent shall conduct a pilot scale demonstration study.

Within sixty (60) days of completion of the pilot study, Respondent shall submit a report in which the data collected, results of the data analysis, and the conclusions and recommendations are presented in an acceptable format to Ohio EPA, CO, DDAGW, ES, for review and approval. Data should also be submitted in an agreed upon electronic format. The report should also include all other data collected during start-up prior to each test period. For each operation mode performed during the demonstration study, the pertinent parameters (raw water source, chemical type and dose, pH, etc.) should be clearly defined and presented in the report.

8. If Ohio EPA should require any revisions to the pilot study, Respondent shall make any changes or modifications and/or submit any additional information to Ohio EPA, CO, DDAGW, ES, within thirty (30) days of receiving a comment letter from Ohio EPA. If the pilot study is not acceptable because the treatment failed to demonstrate sufficient consistent and reliable treatment, a revised pilot study protocol is required to be submitted to Ohio EPA, CO, DDAGW, ES, within ninety (90) days of receiving a written comment letter from Ohio EPA.
9. Within two hundred and seventy (270) days after pilot report approval (if required), Respondent shall submit detail plans to Ohio EPA, NWDO, DDAGW for the modifications to the existing plant in accordance with OAC Chapter 3745-91 or construction of a new water treatment plant. If it is determined that a pilot is not necessary, detail plans shall be submitted within two hundred and seventy (270) days from the approval of the General Plan.
10. If Ohio EPA should require any revisions to the detail plans (Order No. 9), Respondent shall make any changes or modifications and/or submit any additional information to Ohio EPA, CO, DDAGW, ES, within thirty (30) days of receiving a written comment letter from Ohio EPA.
11. Within one hundred and twenty (120) days of detail plan approval, Respondent shall award the contract for the modifications to the existing plant or construction of a new water treatment plant.
12. Within one hundred and eighty (180) days of detail plan approval, Respondent shall begin construction of the modifications to the existing plant or construction of a new water treatment plant.
13. Within eighteen (18) months of detail plan approval, should Respondent refurbish the existing water treatment plant, in accordance with the approval of such detail plans (Order No. 9 and OAC Chapter 3745-91), Respondent shall complete construction to meet all applicable treatment requirements of OAC Chapter 3745-81 and OAC Rule 3745-91-09. Within twenty-four (24) months of detail plan approval, should Respondent construct a new water treatment plant, in accordance with the approval of such detail plans (Order No. 9 and OAC Chapter 3745-91), Respondent shall complete construction to meet all applicable treatment requirements of OAC Chapter 3745-81 and OAC Rule 3745-91-09.
14. Within ninety days (90) after the deadline given in Order No. 13, Respondent shall be in compliance with the surface water treatment techniques.
15. Within one hundred eighty days (180) after the deadline given in Order No. 13, Respondent shall be in compliance with the disinfection byproduct MCLs.

16. Within ten (10) business days after the deadlines given in Order Nos. 12 and 13, Respondent shall send written notification of compliance with the requirements of each of the Orders to Ohio EPA, NWDO, DDAGW.
17. 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 No. 21. Respondent shall provide Ohio EPA with copies of all public notices and verification forms to Ohio EPA, NWDO, DDAGW.
18. Respondent shall comply with its chemical contaminant monitoring schedule for the calendar year 2006 and all subsequent monitoring schedules issued by Ohio EPA.
19. For as long as Respondent owns and operates a PWS, Respondent shall continue to comply with the CCR requirements of OAC Chapter 3745-96.
20. Respondent shall pay the amount of nineteen thousand six hundred dollars (\$19,600.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6109. Within fourteen (14) days after the effective date of these Orders, payment to Ohio EPA shall be made by official check made payable to "Treasurer, State of Ohio" for four thousand nine hundred dollars (\$4,900.00) 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

21. In lieu of paying three thousand nine hundred and twenty dollars (\$3,920.00) dollars 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 \$3,920.00 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 three thousand nine hundred and 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, OH 43216 - 1049

22. Should Respondent fail to fund the SEP within the required timeframe set forth in Order No. 21, Respondent shall pay to Ohio EPA \$3,920.00 of the civil penalty in accordance with the procedures in Order No. 20.
23. In lieu of paying the remaining ten thousand seven hundred and eighty dollars (\$10,780.00) of civil penalty, Respondent shall implement a SEP consisting of the looping of distribution system lines and the elimination of dead end water mains to optimize the PWS distribution system. Respondent shall complete this SEP at a cost of at least \$10,780.00 in accordance with the following schedule:
 - A. On or before January 15, 2007, Respondent shall submit plans to Ohio EPA, NWDO, DDAGW, outlining and detailing the SEP. If Ohio EPA identifies any deficiencies in Respondent's submittal, Ohio EPA will notify Respondent and Respondent shall, in writing within fourteen (14) days of receiving Ohio EPA's comments, respond to address such deficiencies;
 - B. On or before March 17, 2007, Respondent shall initiate the SEP in accordance with the plans submitted to Ohio EPA;
 - C. On or before November 15, 2007, Respondent shall complete the SEP in accordance with the plans submitted to Ohio EPA; and
 - D. Within seven (7) days after the deadlines provided in Order Nos. 23 B and 23C, Respondent shall submit written notification of compliance with the requirements of each Order, including but not limited to the total amount of monies expended to complete the SEP, to Ohio EPA, NWDO, DDAGW.
24. Should Respondent fail to complete the SEP in Order No. 23 within the required timeframes, Respondent shall pay to Ohio EPA ten thousand seven hundred and eighty dollars (\$10,780.00) of civil penalty in accordance with the procedures in Order No. 20. Should Respondent fail to expend at least \$10,780.00 to complete the SEP in Order No. 23, Respondent shall submit any deficiency amount to Ohio EPA in accordance with the procedures in Order No. 20. Payment of either of these amounts shall be due within thirty (30) days of the deadline in Order No. 23C.

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)(4) for a municipal facility.

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 payments referenced in Order Nos. 20 through 24) shall be addressed to:

Ohio Environmental Protection Agency
Northwest District Office
Division of Drinking and Ground Waters
347 North Dunbridge Road
Bowling Green, Ohio 43402
Attn: Justin Bowerman

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

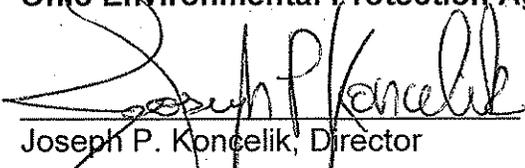
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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 26 2006
Date

IT IS SO AGREED:

Village of Paulding



Signature

10-11-06
Date

Greg A. White Mayor
Printed or Typed Name and Title