

OHIO E.P.A.

DEC 29 2006

Effective Date DEC 29 2006

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

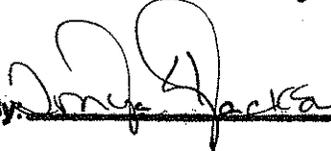
DIRECTOR'S FINAL
FINDINGS AND ORDERS

Plainview Christian School Board :
c/o Plainview Christian School :
8270 Amish Pike :
Plain City, Ohio 43064 :

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

By:  Date: 12-29-06

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Plainview Christian School Board (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 Plainview Christian School which is 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: 4939412), is located at 8270 Amish Pike (Madison County), Ohio.
3. Respondent's PWS obtains its drinking water from a "ground water" source as defined by OAC Rule 3745-81-01 and serves a population of one hundred and twenty seven (127) persons.
4. 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 shall monitor with at least five samples during the next month that the PWS provides water to the public.
5. In violation of OAC Rule 3745-81-21(B)(6), Respondent failed to monitor with five samples during September 2003 following a total coliform-positive sample collected on August 26, 2003.
6. 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 (24) hours of being notified of the positive result.
7. 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 (acute microbiological MCL).
8. In violation of OAC Rules 3745-81-21(B)(1) and 3745-81-14(D), Respondent failed to monitor with a set of four repeat samples within twenty-four (24) hours of being notified of a routine total coliform-positive sample result on November 25, 2003, thereby incurring an acute microbiological MCL violation.
9. In accordance with OAC Rule 3745-81-11(B), effective January 1, 2006 the MCL for arsenic is 0.010 milligrams per liter (mg/L) for all nontransient noncommunity PWSs.
10. On September 11, 2000, July 15, 2003, and January 5, 2006, Respondent collected arsenic samples with the results of 0.028 mg/L, 0.019 mg/L, and 0.018 mg/L, respectively. Based on this sample data, Respondent will most likely exceed the arsenic MCL within a year.
11. In accordance with OAC Rule 3745-91-02(A), no person shall begin construction or installation of a PWS, or make a substantial change in a PWS, until plans therefor have been approved by the Director.

12. In violation of OAC Rule 3745-91-02(A), Respondent made a substantial change to its PWS when treatment to remove arsenic from the drinking water was installed in June 2006 without receiving Director's plan approval.
13. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS shall provide public notification for violations.
14. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification for the failure to collect five total coliform samples in the month following a coliform positive result during September 2003.
15. Each of the violations cited above represents a separate violation of ORC § 6109.31.

V. ORDERS

1. From the effective date of these Orders, Respondent shall comply with total coliform bacteria monitoring and MCL requirements, in accordance with OAC Rules 3745-81-21 and 3745-81-14, respectively.
2. From the effective date of these Orders, Respondent shall comply with arsenic monitoring requirements, in accordance with OAC Rule 3745-81-23.
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 violation identified in Finding No. 14. Respondent shall provide Ohio EPA with copies of all public notices and verification forms.
4. Within thirty (30) days of the effective date of these Orders, Respondent shall submit as-built plans for the treatment system installed to remove arsenic, in accordance with OAC Chapter 3745-91.
5. Within thirty (30) days of the effective date of these Orders, Respondent shall submit protocol of the arsenic treatment pilot study to demonstrate consistent and reliable treatment of arsenic to below the arsenic MCL.
6. Within ninety (90) days of the effective date of these Orders, Respondent shall submit a report of the pilot study for approval to Ohio EPA that demonstrates the arsenic treatment can consistently and reliably remove arsenic to below the arsenic MCL.

7. Within one hundred twenty (120) days of the effective date of these Orders, Respondent shall submit detail plans to the Ohio EPA for the effective removal of arsenic to comply with the arsenic MCL specified in OAC Rule 3745-81-11(B). Detail plans are to include the results of the arsenic treatment pilot study to demonstrate consistent and reliable treatment of arsenic to below the arsenic MCL.
8. Within six (6) months of the effective date of these Orders, should the current treatment installed fail to reduce arsenic below the MCL for Respondent, in accordance with ORC § 6109.07(A) and OAC Chapter 3745-91, Respondent shall submit approvable pilot study protocol, if applicable, or detail plans to Ohio EPA, CDO, DDAGW for either an alternative treatment to reduce or connection to an alternative water source that complies with all requirements of ORC Chapter 6109. and rules adopted thereunder.
9. Within twelve (12) months of initiation of operations of the treatment to remove arsenic, Respondent shall be in compliance with the arsenic MCL in accordance with OAC Rule 3745-81-11(B) as determined by OAC Rule 3745-81-23(H)(2).
10. Within thirty (30) days of notification, Respondent shall respond in writing to address any comments or deficiencies noted by Ohio EPA on any pilot study protocol, plan, or other documentation submitted by Respondent.
11. Respondent shall pay 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. 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 four hundred fifty dollars (\$450.00). 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
12. In lieu of paying one thousand three hundred fifty dollars (\$1,350.00) of the civil penalty, Respondent shall implement a supplemental environmental project (SEP) at the Plainview Christian School of providing bottled water, for drinking purposes and food preparation, within thirty (30) days of an exceedance of the MCL for arsenic until completion of the construction of operations of the treatment to remove arsenic.
13. Should Respondent not exceed the MCL for arsenic before the completion of the construction of operations of the treatment to remove arsenic, Respondent shall pay to Ohio EPA one thousand three hundred fifty dollars (\$1,350.00) of the civil penalty in accordance with the procedures in Order No. 11.

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 Plainview Christian School.

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) shall be addressed to:

Ohio Environmental Protection Agency
Central District Office - Division of Drinking and Ground Waters
122 South Front Street
Columbus, Ohio 43215
Att: Enforcement Supervisor

The documents required to be submitted by Respondent pursuant to Order Nos. 5 and 6 shall be addressed to:

Ohio Environmental Protection Agency
Central Office - Division of Drinking and Ground Waters
122 South Front Street
Columbus, Ohio 43215
Att: Maria Lucente

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA reserves its rights to seek civil or administrative penalties against Respondent for violations specifically cited in these Orders. 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. Except for the right to seek civil or administrative penalties against Respondent for violations specifically cited in these Orders, which right Ohio EPA does not waive, 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

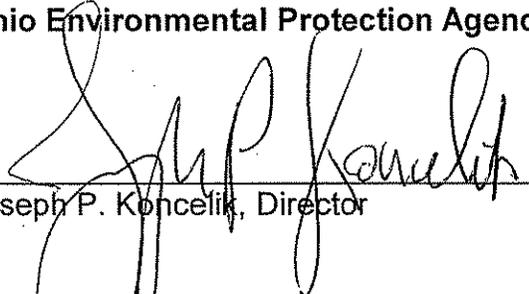
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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

DEC 29 2006
Date

IT IS SO AGREED:

Plainview Christian School Board



Signature

11-28-06
Date

Steve Helmuth
Printed or Typed Name and Title