OHIO E.P.A.

DEC -5 2005

ENTERED DIRECTOR'S JOURNA

Effective Date DEC 5 2005

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:		DIRECTOR'S FINAL
Village of Rock Creek	:	FINDINGS AND ORDERS
3081 West Water Street	:	
Rock Creek, OH 44084	:	

Respondent,

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Village of Rock Creek (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 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.

2. Respondent's PWS (PWS ID# 0401111) is located at 3081 West Water Street, Rock Creek, Ashtabula County, Ohio, 44084.

I certify this to be a true and accurate copy of the official documents filed in the records of the Ohio Environmental Protection Agency.

Date 12-5-05

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 550 persons.

4. In accordance with OAC Rule 3745-7-03(A), the Director classified Respondent's PWS as a Class I PWS.

5. In accordance with OAC Rule 3745-7-02(A)(1), the owner of a PWS shall place the direct supervision for the technical operation and maintenance of the PWS under the responsible charge of a certified operator having a valid certification of a class at least equal to that required by that PWS classification.

6. In accordance with OAC Rule 3745-81-71(C), the owner of a PWS using a surface water source shall place the operation of the PWS in the responsible charge of a person holding a PWS operator's certificate at least equal to that required by the PWS classification under OAC Chapter 3745-7.

7. In violation of OAC Rules 3745-7-02(A)(1) and OAC Rule 3745-81-71(C), as of November 10, 2005, Respondent's PWS using a surface water source has failed to be operated under the responsible charge of at least a full time Class I certified operator. Respondent's current operator in responsible charge of the water treatment plant, Terry Rau II, does not hold a valid water supply operator certification. Respondent hired a Class II certified operator, Josh Goodridge, as the technical supervisor to assist in overseeing the operation of the PWS.

8. In accordance with OAC Rule 3745-89-02(A), the only analyses that may be acceptable to the Director are those performed by an individual conducting analyses as designated on the valid and unexpired laboratory certificate of approval.

9. In violation of OAC Rule 3745-89-02(A), as of November 10, 2005, Respondent's PWS has failed to be operated with an analyst designated on the laboratory certificate of approval to conduct sample analysis.

10. In accordance with OAC Rule 3745-89-03(D)(16), applicants for laboratory certification to perform plant control tests may designate individuals for operational approval. If any individual is designated for operational approval, the application shall designate an individual responsible for preparation of standards and reagents and for the required monthly and quarterly calibrations and standardizations.

11. Respondent's current operator in responsible charge of the water treatment plant, Terry Rau II, has an operational laboratory certification from Ohio EPA's Division of Environmental Services. In violation of OAC Rule 3745-89-03(D)(16), since at least November 10, 2005, Respondent's designated responsible individual is no longer performing such duties at the laboratory and Respondent has failed to designate

another acceptable individual for preparation of standards and reagents and for the required monthly and quarterly calibrations and standardizations.

12. In accordance with OAC Rule 3745-81-28, analytical results for the purpose of determining compliance with this chapter may be considered only if they have been determined and reported by a laboratory certified by the Director under OAC Chapter 3745-89.

13. In accordance with OAC Rules 3745-81-74 and 3745-81-75, a PWS using surface water is required to monitor and report for, among other parameters, turbidity, pH, chlorine and temperature.

14. In violation of OAC Rule 3745-81-28, as of November 10, 2005, Respondent has failed to have pH and temperature analyzed, as required by OAC Rules 3745-81-74 and 3745-81-75, in accordance with OAC Chapter 3745-89. Respondent has taken its turbidity results to an appropriately certified laboratory for analysis.

15. Each of the violations cited above represents a separate violation of ORC § 6109.31.

V. ORDERS

1. On or before January 21, 2006, Respondent shall employ and place in responsible charge the services of a full time water treatment plant operator with at least an Ohio EPA Class I certification in accordance with OAC Rules 3745-7-02 and 3745-81-71. Respondent shall continue to employ the services of a water treatment plant operator with at least a Class I certification until the water line connection with the Ashtabula County Department of Environmental Services is completed and operation of the connection has fully commenced. Respondent shall demonstrate in writing to Ohio EPA, Northeast District Office (NEDO), Division of Drinking and Ground Waters (DDAGW), 2110 East Aurora Road, Twinsburg, Ohio 44087-1969 that it has employed and placed a Class I certified operator in responsible charge.

2. From the effective date of these Orders and until Respondent complies with Order No. 1, Respondent shall continue to retain the services of at least a Class I certified operator as a technical supervisor 7 days per week/2 hours per day. Should Respondent enter into an alternative agreement for the interim services of a technical supervisor, Respondent shall submit this agreement in writing to Ohio EPA, Northeast District Office (NEDO), Division of Drinking and Ground Waters (DDAGW), 2110 East Aurora Road, Twinsburg, Ohio 44087-1969.

3. From the effective date of these Orders and until Respondent complies with Order No. 1, Respondent shall continue to retain the services of the existing water treatment plant operator, Terry Rau II. Should Respondent enter into an alternative agreement with another interim operator, Respondent shall submit this agreement in writing to Ohio EPA, NEDO, DDAGW.

4. Within seven (7) days of the effective date of these Orders, Respondent's water treatment plant operator, Terry Rau II, shall request from Ohio EPA, Division of Environmental Services, full lab certification and obtain such certification as soon as possible, but no later than January 21, 2006, in accordance with OAC Rule 3745-89-02.

5. From the effective date of these Orders, Respondent's water plant operator shall collect samples as required by the OAC and analyze such samples for pH, chlorine and temperature.

6. Within seven (7) days of the effective date of these Orders, Respondent shall investigate the possibility of designating another acceptable individual responsible for preparation of standards and reagents and for the required monthly and quarterly calibrations and standardizations through submission of potential designees to Ohio EPA's Division of Environmental Services, Laboratory Certification Unit, 1571 Perry Street, Columbus, Ohio 43201-2670, in accordance with OAC Rule 3745-89-03. The designee may be the technical supervisor or some other individual meeting the requirements of the Laboratory Certification Unit.

7. From the effective date of these Orders, Respondent's drinking water compliance samples, other than pH, chlorine and temperature, shall be analyzed by a laboratory and analyst with full certification by Ohio EPA for the parameter requiring analysis, in accordance with OAC Rule 3745-81-28. By January 21, 2006, all drinking water compliance samples shall be analyzed by a laboratory and analyst with full certification by Ohio EPA in accordance with OAC Rule 3745-81-28.

8. Respondent shall submit monthly operating reports by the tenth day of the following month beginning with the month following the effective date of these Orders, in accordance with OAC Rule 3745-83-01.

9. Respondent shall comply with its chemical contaminant monitoring schedule for the calendar year 2005 and all subsequent monitoring schedules issued by Ohio EPA.

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 as defined in OAC Rule 3745-33-03(D)(4) for a municipal facility.

VII. 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.

VIII. 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 44087-1969
Attn: Enforcement Coordinator

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

IX. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with these Orders and/or for the violations described herein. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to ORC Chapter 6109. or any other applicable law in the future. Nothing herein shall restrict the right of Respondent to raise any administrative, legal or equitable

claim or defense with respect to such further actions which Ohio EPA may seek to require of Respondent. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

X. EFFECTIVE DATE

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

IT IS SO ORDERED:

Ohio Environmental Protection Agency

Joseph P. Koncelik, Director

DEC 5 2005
Date