

JUN -2 2006

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: : Case No. 04-WS-006  
: :  
SEVEN CREEKS SPRING, : : DIRECTOR'S FINAL  
: : FINDINGS AND ORDERS  
Respondent. : :

Pursuant to Chapter 6109., and sections 119.09 et seq. of the Ohio Revised Code, and the rules of the Ohio Environmental Protection Agency, the Director of Environmental Protection hereby makes the following Findings and issues the following Orders:

FINDINGS

1. On August 5, 2004, the Director of the Ohio Environmental Protection Agency (Director) issued a proposed order designating the water sources for the Seven Creeks Spring Transient Non-Community Water System, PWS ID: 4102112, as surface water sources.
2. On or about September 3, 2004, Tom Galownia, on behalf of Seven Creeks Spring and Anthony Galownia (the owner of the property upon which the Spring is located), sent a request for an adjudication hearing to the Director regarding the Director's August 5, 2004 proposed designation.
3. Following the filing of the request for an adjudication hearing, the parties engaged in settlement discussions.
4. As a result of the parties' settlement discussions, a Stipulation and Settlement Agreement was filed in this case on March 7, 2006.
5. The March 7, 2006 Stipulation and Settlement Agreement, at page 2, paragraph 6, states:

Water from the spring is captured for the Seven Creeks Spring PWS through three water traps, one which is located at the based [sic] of a natural sandstone formation known as the "Big Rock", with two others located within the earthen hillside to the side of this formation. These water traps do not constitute wells which meet the requirements for wells as set forth in O.A.C. Chapter 3745-9. These three water sources are subject to influences from surface waters." (Bracketed material added.)

1 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  
Michael A. Shapiro 6/2/06

6. The March 7, 2006 Stipulation and Settlement Agreement, at page 2, paragraph 1 of the Settlement Agreement, states:

"The Spring as currently being used by the Seven Creeks Spring PWS should be designated as being a surface water source pursuant to O.A.C. 3745-81-76."

7. No adjudication hearing has been held in this matter.

8. Given that the parties agree that the water sources for the Seven Creeks Spring Transient Non-Community Water System, PWS ID: 4102112, should be designated as surface water sources, there remain no unresolved issues of fact or law requiring the convening of an adjudication hearing. Therefore, Case No. 04-WS-006 is moot and should be dismissed.

9. The parties have entered into a legally binding agreement wherein they have agreed that the Seven Creeks Spring, as currently being used by the Seven Creeks Spring PWS, should be designated as being a surface water source pursuant to O.A.C. 3745-81-76.

10. The Hearing Officer assigned to this case has issued a Report and Recommendation recommending that this case be dismissed and that the Director issue a final action designating the subject water sources as surface water sources pursuant to O.A.C. 3745-81-76.

11. No objection to the Hearing Officer's Report and Recommendation has been filed.

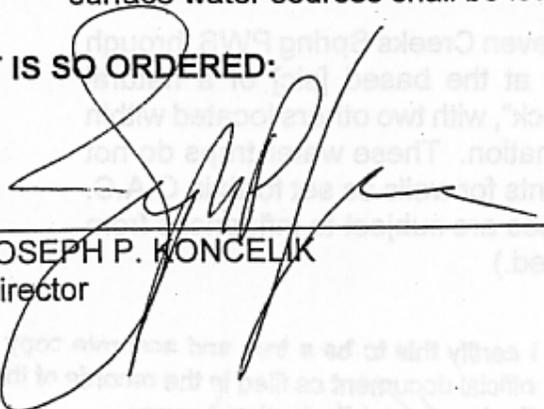
12. The recommendations of the Hearing Officer are lawful and reasonable and are hereby adopted.

### ORDERS

1. Ohio EPA Case No. 04-WS-006 is hereby dismissed, effective immediately.

2. The August 5, 2004 proposed order designating the water sources for the Seven Creeks Spring Transient Non-Community Water System, PWS ID: 4102112, as surface water sources shall be issued as a final action.

IT IS SO ORDERED:

  
\_\_\_\_\_  
JOSEPH P. KONCELIK  
Director

JUN 2 2006

\_\_\_\_\_  
Date



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center  
122 S. Front Street  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049  
Columbus, OH 43216-1049

CERTIFIED MAIL

Re: Jefferson County  
Seven Creeks Springs  
Transient Non-Community Water System  
PWS ID: 4102112

Designation of Water Sources  
Surface Water

Effective Date: JUN 9 2006

REGISTERED DIRECTOR'S JOURNAL

OHIO E.P.A.  
JUN - 9 2006

Seven Creeks Springs  
939 Seven Creeks Road  
Steubenville, OH 43952

Dear Owner:

For the purpose of the surface water treatment rules contained in Chapter 3745-81 of the Ohio Administrative Code (OAC), the Division of Drinking and Ground Waters (DDAGW) has conducted a survey and evaluation of the raw water source(s) of your public water system. The survey and evaluation covered well construction, sanitary well isolation, and history of bacterial contamination and waterborne disease outbreaks. As a result of this evaluation and subsequent engineering review of your water sources' susceptibility to biological contamination, the Division has recommended that the Director of the Environmental Protection Agency, in accordance with Rule 3745-81-76 of the OAC, designate at least one of your water sources as surface water. Ground water and surface water are defined in paragraphs (JJ) and (SSS) of Rule 3745-81-01 of the OAC, respectively.

This letter is your notice of the Director's Finding which formalizes the designation of at least one of your water sources as a surface water, under Rule 3745-81-76 of the OAC. Your sources indicated on Attachment A as "S" meet the definition of Paragraph 3745-81-01 (SSS)(1) (surface water open to the atmosphere) and your sources indicated as "Y" meet the definition of Paragraph 3745-81-01(SSS)(2) (ground water under the direct influence of surface water) and are hereby designated as surface water. Your sources indicated as "G" meet the definition of Paragraph 3745-81-01(JJ) (ground water) and are hereby designated as ground water.

Based on this Finding, your public water system must, therefore comply with the applicable rules of the OAC, which are detailed below. The water source designation worksheet and other information on which this evaluation is based are available for your review at either your Ohio EPA district office or at the Ohio EPA's Division of Drinking and Ground Waters office in Columbus.

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio

Bob Taft, Governor  
Bruce Johnson, Lieutenant Governor  
Joseph P. Koncelik, Director

Michael Shapiro 6/9/06

This document is a final action of the Director and will be public noticed as required by Rule 3745-47-07 (A) of the Ohio Administrative Code.

Rules 3745-81-71, 3745-81-72, 3745-81-73, 3745-81-74, 3745-81-75, and 3745-81-76 require that within 18 months of the effective date of this notification your water system provide filtration treatment and disinfection which will reliably achieve 99.9 percent (3 log) removal or inactivation of *Giardia lamblia* and 99.99 percent (4 log) removal or inactivation of viruses. Surface water systems serving a combined population of at least 10,000 are also required to provide 99 percent (2 log) removal of *Cryptosporidium*. Removal refers to physical removal through clarification and filtration; inactivation refers to disinfection through chlorination or other means.

In addition, surface water treatment plants serving a combined population of at least 10,000 must also produce finished water turbidities no greater than 0.3 NTU (1 NTU for slow sand filters) in at least 95 percent of their samples. Surface water treatment plants serving a combined population of less than 10,000 must also produce finished water turbidities no greater than 0.5 NTU (1 NTU for slow sand filters) in at least 95 percent of their samples.

Beginning January 1, 2005, surface water treatment plants serving a combined population of less than 10,000 will also be required to provide 99 percent (2 log) removal of *Cryptosporidium* and the finished water turbidity standard which must be met in at least 95 percent of samples will be lowered to 0.3 NTU. To get a copy of these rules, send your request to Ohio EPA, Legal Records Section, P.O. Box 1049, Columbus, Ohio 43216-1049; be sure to include the mailing address of your water system.

The requirements of these rules become enforceable for your system within 18 months of this Finding. This will allow you until then to prepare to meet the requirements in these rules.

Your options for achieving compliance include, but may not be limited to:

- a. installation of approved filtration treatment and disinfection which complies with OAC Rule 3745-81-73;
- b. eliminating the construction and isolation defects of your existing well(s) so that it (they) may be re-evaluated and redesignated as ground water;
- c. abandonment of those wells designated as surface water and installation of adequate approved ground water sources;
- d. abandonment of your surface water source(s) and installation of an approved hauled water system; or
- e. abandonment of your surface water source(s) and purchasing water from an approved public water system.

Whatever option you choose must be operational within 18 months. You are requested to respond in writing to your district office within forty-five (45) calendar days following the effective date of this finding as to how your system intends to comply with the above rules. Your response should list the proposed steps you intend to take to ensure compliance and the dates by which those steps are to be completed.

Plans for any proposed changes to your public water system must be approved by the Director of the Environmental Protection Agency in accordance with section 6109.07 of the ORC before the start of construction. Your district office representative will work with you and your consultants in developing approvable plans.

The Ohio EPA intends to vigorously enforce the surface water treatment requirements of the state's drinking water rules. Any questions you may have regarding treatment may be directed to your Ohio EPA district representative at:

Southeast District Office

740-385-8501

Sincerely,

Joseph P. Koncelik  
Director  
Ohio Environmental Protection Agency

JPK/JS/fbs  
LETTER5.SWD

cc: Journal Room  
Southeast District Office, DDAGW  
Rotary File

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**Attachment A**

Re: Jefferson County  
Seven Creeks Springs  
Non-Community Water System  
PWSID: 4102112

Designation of Water Sources  
Surface Water

Effective Date: JUN 9 2006

Seven Creeks Springs  
939 Seven Creeks Road  
Steubenville, OH 43952

The Director of the Ohio Environmental Protection Agency has designated at least one of your water sources as a surface water, under Rule 3745-81-76 of the OAC. Your sources that are indicated as "S" meet the definition of Paragraph 3745-81-01 (SSS) (1) (surface water open to the atmosphere); and your sources that are indicated as "Y" meet the definition of Paragraph 3745-81-01 (SSS) (2) (ground water under the direct influence of surface water) and are hereby designated as surface water. Your sources indicated as "G" meet the definition of Paragraph 3745-81-01 (JJ) (ground water) and are hereby designated as ground water.

1)	Spring Intake - S	25)	49)
2)	Spring - S	26)	50)
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