

OHIO E.P.A.

Effective Date MAR 13 2006

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ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:
Zion Christian School
6102 County Route 207
Millersburg, Ohio 44654

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Respondent,

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Zion Christian School (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 (PWS) 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 PWS which is a "non-transient non-community water system" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.

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

B. Corey Jackson Date 3-13-06

2. Respondent's PWS (PWS ID 3839412) is located at 6102 County Route 207, Millersburg (Holmes County), Ohio. The PWS serves a non-transient population of one hundred (100) persons.
3. On March 19, 1999, the Director issued Final Findings and Orders (1999 Orders) to Respondent (copy attached hereto and incorporated as if fully rewritten herein).
4. Pursuant to ORC § 6109.31, no person shall violate ORC Chapter 6109, any rule adopted under it or any Order; each day of noncompliance is a separate violation.
5. In violation of ORC § 6109.31 and the 1999 Orders, Respondent has failed to comply with Orders Nos. 6, 7, 8, and 11 of the 1999 Orders.
6. In accordance with OAC Rule 3745-81-21(A)(2)(a), a non-community water system using only ground water and serving not more than one thousand (1,000) persons shall monitor with at least one sample each calendar quarter that the non-community water system provides water to the public.
7. In violation of OAC Rule 3745-81-21(A)(2)(a), Respondent failed to monitor with at least one total coliform sample during the July through September 2000, October through December 2000, April through June 2001, and July through September 2004 calendar quarters.
8. In accordance with OAC Rule 3745-81-14(B), a PWS which monitors with fewer than forty (40) samples per month is in compliance with the maximum contaminant level (MCL) for total coliforms when no more than one sample during a month is total coliform-positive.
9. In violation of OAC Rule 3745-81-14(B), Respondent exceeded the total coliform monthly MCL in November 2002 and October 2003 when more than one sample was total coliform-positive.
10. 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 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.
11. 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.

12. In violation of OAC Rules 3745-81-14 (D) and 3745-81-21 (B)(1), Respondent failed to monitor with a set of four repeat samples within twenty-four (24) hours of being notified of routine total-coliform positive results on August 7, 2003, October 30, 2003, and October 21, 2004, and exceeded the total coliform acute MCL. Respondent monitored untimely on September 18, 2003, November 13, 2003, and December 3, 2004.
13. In accordance with OAC Rule 3745-81-21(A), a PWS shall collect total coliform routine samples at sites which are representative of water throughout the distribution system according to a written sample siting plan.
14. From at least June 30, 2003, to September 30, 2005, in violation of OAC Rule 3745-81-21(A), Respondent failed to prepare and maintain a written sample siting plan for the collection of total coliform routine samples at sites which are representative of water throughout the distribution system.
15. On December 15, 2000, Ohio EPA 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.
16. In accordance with OAC Rule 3745-81-24 and Respondent's 2001 monitoring schedule, Respondent was required to monitor for volatile organic chemicals (VOCs) during the January 2001 through June 2001 monitoring period.
17. In violation of OAC Rule 3745-81-24 and Respondent's 2001 monitoring schedule, Respondent failed to monitor for VOCs during the January through June 2001 monitoring period. Respondent monitored untimely on August 9, 2001.
18. In accordance with OAC Rule 3745-81-86(D)(1)(b)(ii) and (D)(4)(a), all small and medium PWSs that do not exceed the lead and copper action level during two consecutive six-month monitoring periods may reduce the frequency of sampling to once per year.
19. In violation of OAC Rule 3745-81-86 (D)(1)(b)(ii) and (D)(4)(a), Respondent failed to monitor for lead and copper during the June 1 through September 30, 2002, June 1 through September 30, 2003, June 1 through September 30, 2004, and June 1 through September 30, 2005 annual monitoring periods.
20. In accordance with ORC § 6109.07(A) and 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.

21. In violation of ORC § 6109.07(A) and OAC Rule 3745-91-02(A), Respondent failed to submit plans and receive director's approval prior to the June 2003 installation of two pressure tanks and a water softener at the PWS.
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 total coliform bacteria monthly MCL for November 2002 and October 2003.
24. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification for exceeding the total coliform bacteria acute MCL for August 2003, October 2003, and October 2004, when Respondent failed to collect four repeat samples within twenty-four (24) hours after being notified of the positive result.
25. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification for the failure to conduct total coliform monitoring during the July through September 2000, October through December 2000, April through June 2001, July through September 2002, and July through September 2004 calendar quarters.
26. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification for failing to monitor for lead and copper during the June 1 through September 30, 2000, June 1 through September 30, 2001, June 1 through September 30, 2002, June 1 through September 30, 2003, June 1 through September 30, 2004, and June 1 through September 30, 2005 annual monitoring periods.
27. In violation of OAC Rule 3745-81-32 Respondent failed to issue public notification for failing to monitor for VOCs during the January through June 2001 monitoring period
28. Each violation 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, and for as long as Respondent operates a PWS, Respondent shall comply with lead and copper monitoring and reporting requirements, in accordance with OAC Rules 3745-81-86 through 3745-81-90.

3. From the effective date of these Orders, Respondent shall comply with all past and future chemical contaminant monitoring schedules issued by Ohio EPA.
4. If Ohio EPA should require any revisions to the detail plans submitted on January 31, 2006, Respondent shall make any changes or modifications and/or submit any additional information to Ohio EPA, NEDO, DDAGW, within one (1) month of receiving a comment letter from Ohio EPA.
5. Respondent shall pay the amount of three thousand (\$3,000.00) dollars in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6109. Within sixty (60) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for three thousand (\$3,000.00) dollars. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying Respondent, to:

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

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.

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 payment referenced in Order No. 4) shall be addressed to:

Ohio EPA, 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.

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

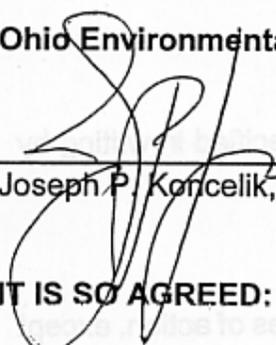
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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

MAR 13 2006

Date

IT IS SO AGREED:

Zion Christian School



Signature

2-17-06

Date

FIRMAN MILLER (BOARD MEMBER)

Printed or Typed Name and Title