

OHIO E.P.A.

Effective Date FEB 02 2012

FEB -2 2012

ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL  
FINDINGS AND ORDERS

Valleyview Estates MHP :  
c/o Mark Anthony :  
15111 State Route 664 South :  
Logan, Ohio 43138 :

Respondent,

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to Valleyview Estates Mobile Home Park (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 Valleyview Estates Mobile Home Park, which is also a "community water systems" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID#3700312) is located at 9560 State Route 664 North Logan, Hocking County, Logan, Ohio, 43138.

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.

By:  Date: 2/2/2012

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 35 persons.
4. In accordance with OAC Rule 3745-81-86(D)(4), a small PWS that does not exceed either the lead or copper action level during three consecutive years of monitoring may reduce the frequency for lead and copper monitoring from annually to once every three years.
5. On or about January 1, 2011 the Director issued a chemical contaminant monitoring schedule to Respondent (2011 monitoring schedule) for the compliance period that began on January 1, 2011 and ended on December 31, 2011. Pursuant to the 2011 monitoring schedule, Respondent was required to monitor for lead and copper with 5 samples between June 1, 2011 and September 30, 2011.
6. In violation of 3745-81-86(D)(4) and Respondent's 2011 Lead and Copper Monitoring Schedule, Respondent failed to collect triennial lead and copper monitoring samples during the June 1 through September 30, 2011 monitoring period.
7. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS having violations shall notify all persons served by the PWS of these violations.
8. In accordance with OAC Rule 3745-81-32(A)(3), within ten days of completing the public notification requirements under OAC Rule 3745-81-32 for the initial public notice and any repeat notices, a PWS must submit to the Director a completed verification form indicating full compliance with the public notification regulations. The PWS must include with this certification a representative copy of each type of notice distributed, published, posted, and made available to the persons served by the system and to the media.
9. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification and submit copies of the required public notice and verification form for failing to collect triennial lead and copper monitoring samples during the June 1 through September 30, 2011 monitoring period.
10. Each violation cited above represents a separate violation of ORC § 6109.31.
11. In accordance with OAC Rule 3745-84-03(B) and (D), a person holding a PWS license or license renewal issued by the Director under ORC § 6109.21, who is proposing to continue operating the PWS, shall submit a pre-application, application and the appropriate fee, not less than thirty (30) days prior to the expiration date of the license.

12. In accordance with OAC Rule 3745-84-03, Respondent submitted an application and application fee for a 2012 license to operate (LTO) renewal on January 3, 2012.
13. In accordance with OAC Rule 3745-84-06(A), the Director may condition a LTO at any time to require corrections of violations of ORC Chapter 6109 and the administrative rules adopted thereunder.
14. On October 21, 2011, Respondent signed a Bilateral Compliance Agreement (BCA), with Ohio EPA and agreed to take measures to comply with Ohio's safe drinking water laws and regulations, in the manner specified by the BCA.

#### **V. ORDERS**

1. From the effective date of these Orders through January 30, 2013, the LTO renewal for Respondent's PWS is issued with the conditions listed in Orders # 2 through # 11, in accordance with OAC Rule 3745-84-06.
2. From the effective date of these Orders, Respondent shall prominently display the conditioned LTO, in accordance with OAC Rule 3745-84-04(D).
3. From the effective date of these Orders, Respondent shall comply with all current and future monitoring schedules issued by the Director.
4. From the effective date of these Orders, Respondent shall comply with total coliform bacteria monitoring requirements, including routine, repeat and ground water rule samples, and maximum contaminant level (MCL) requirements, in accordance with OAC Rule 3745-81-21, 3745-81-14, 3745-81-41 and 3745-81-42, respectively.
5. From the effective date of these Orders, Respondent shall comply with lead and copper monitoring requirements, in accordance with OAC Rule 3745-81-86.
6. Within thirty (30) days of the effective date of these Orders, Respondent shall issue public notification for the failure to collect triennial lead and copper monitoring samples during the June 1 through September 30, 2011 monitoring period, and shall submit copies of the required public notice and verification forms to Ohio EPA, Division of Drinking and Ground Waters (DDAGW), Central Office, P.O. Box 1049, Columbus, Ohio 43216-1049, in accordance with OAC Rule 3745-81-32.

7. From the effective date of these Orders, Respondent shall issue public notice for all monitoring and MCL violations, in accordance with OAC Rule 3745-81-32.
8. From the effective date of these Orders, Respondent shall prepare and mail or otherwise directly deliver an annual consumer confidence report (CCR), containing data collected during or prior to the previous calendar year, to each customer by July first annually; and provide a copy of the CCR distributed and a distribution certification to the Director, in accordance with OAC Chapter 3745-96.
9. From the effective date of these Orders, Respondent shall monitor total chlorine residuals, in accordance with OAC Rules 3745-81-70 and 3745-83-01(G)(1) & (2); and submit Ohio EPA form 5002 Water Plant / Distribution System Monthly Operating Report within the first ten days following the end of each monitoring quarter, in accordance with OAC Rule 3745-83-01(I)(2).
10. From the effective date of these Orders, Respondent shall comply with all PWS LTO renewal requirements in OAC Chapter 3745-84.
11. From the effective date of these Orders, Respondent shall respond to the Director in writing, within forty-five days following receipt of a sanitary survey letter, indicating how and on what schedule the PWS will address any significant deficiencies noted in the survey, in accordance with OAC Rule 3745-81-60(D).

#### **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate upon renewal of the LTO for Respondent's PWS or upon any subsequent LTO action by the Director.

#### **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. NOTICE**

Except as specifically required by an individual Order, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Division of Drinking and Ground Waters  
Lazarus Government Building  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: Christel Sherron

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

### **X. 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 action 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.

### **XI. APPEAL RIGHTS**

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC § 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio," which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental

Review Appeals Commission at the following address:

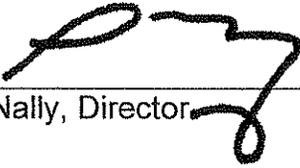
Environmental Review Appeals Commission  
77 South High Street, 17th Floor  
Columbus, OH 43215

**XIII. 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**

  
\_\_\_\_\_  
Scott J. Nally, Director

FEB 02 2012  
\_\_\_\_\_  
Date



State of Ohio Environmental Protection Agency

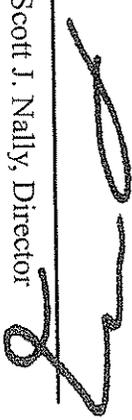
**CONDITIONAL LICENSE TO OPERATE OR MAINTAIN  
A PUBLIC WATER SYSTEM**

THE OHIO EPA, PURSUANT TO SECTION 6109.21 OF THE OHIO REVISED CODE, HEREBY ISSUES THIS  
LICENSE TO OPERATE OR MAINTAIN A PUBLIC WATER SYSTEM TO

**VALLEYVIEW ESTATES MHP PWS  
PWS ID: OH3700312**

THE LICENSEE IS OBLIGATED TO ENSURE THAT THE PUBLIC WATER SYSTEM IS OPERATED AND  
MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 6109 OF THE OHIO REVISED  
CODE, ALL OTHER APPLICABLE STATUTES AND THE ADMINISTRATIVE RULES ADOPTED THEREUNDER.  
**THIS LICENSE WILL EXPIRE ON JANUARY 30, 2013**  
APPLICATION FOR RENEWAL IS REQUIRED TO BE SUBMITTED TO THE OHIO EPA AT LEAST THIRTY  
DAYS PRIOR TO THIS DATE.

EFFECTIVE DATE: **FEBRUARY 2, 2012**  
EXPIRATION DATE: **JANUARY 30, 2013**  
LICENSE NUMBER: **3700312-840523-2012**

  
Scott J. Nally, Director

## Valleyview Estates Mobile Home Park Orders

From the effective date of the Ohio EPA Director's Final Findings and Orders through January 30, 2013, the license to operate (LTO) for Valleyview Estates Mobile Home Park public water system (PWS) is issued with the conditions listed below, in accordance with Ohio Administrative Code (OAC) Rule 3745-84-06.

1. From the effective date of these Orders, Respondent shall prominently display the conditioned LTO, in accordance with OAC Rule 3745-84-04(D).
2. From the effective date of these Orders, Respondent shall comply with all current and future monitoring schedules issued by the Director.
3. From the effective date of these Orders, Respondent shall comply with total coliform bacteria monitoring requirements, including routine, repeat and ground water rule samples, and maximum contaminant level (MCL) requirements, in accordance with OAC Rule 3745-81-21, 3745-81-14, 3745-81-41 and 3745-81-42, respectively.
4. From the effective date of these Orders, Respondent shall comply with lead and copper monitoring requirements, in accordance with OAC Rule 3745-81-86.
5. Within thirty (30) days of the effective date of these Orders, Respondent shall issue public notification for the failure to collect triennial lead and copper monitoring samples during the June 1 through September 30, 2011 monitoring period, and shall submit copies of the required public notice and verification forms to Ohio EPA, Division of Drinking and Ground Waters (DDAGW), Central Office, P.O. Box 1049, Columbus, Ohio 43216-1049, in accordance with OAC Rule 3745-81-32.
6. From the effective date of these Orders, Respondent shall issue public notice for all monitoring and MCL violations, in accordance with OAC Rule 3745-81-32.
7. From the effective date of these Orders, Respondent shall prepare and mail or otherwise directly deliver an annual CCR, containing data collected during or prior to the previous calendar year, to each customer by July first annually; and provide a copy of the CCR distributed and a distribution certification to the Director, in accordance with OAC Chapter 3745-96.
8. From the effective date of these Orders, Respondent shall Monitor total chlorine residuals, in accordance with OAC Rules 3745-81-70 and 3745-83-01(G)(1) & (2); and submit Ohio EPA form 5002 Water Plant / Distribution System Monthly Operating Report within the first ten days following the end of each monitoring quarter, in accordance with OAC Rule 3745-83-01(I)(2).
9. From the effective date of these Orders, Respondent shall comply with all PWS LTO renewal requirements in OAC Chapter 3745-84.
10. From the effective date of these Orders, Respondent shall respond to the Director in writing, within forty-five days following receipt of a sanitary survey letter, indicating how and on what schedule the PWS will address any significant deficiencies noted in the survey, in accordance with OAC Rule 3745-81-60(D).