OHIO E.P.A.

JUN 29 2012

ENTERED DIRECTOR'S JOURNAL

Effective Date JUN 29 2012

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Immanuel Fellowship :
c/o: James Martin :
7878 Twp. Rd. 602 :
Fredericksburg, OH 44627 :

Respondent,

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Immanuel Fellowship (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.

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: [signature] Date: 6-29-12

IV. FINDINGS

The Director of Ohio EPA (Director) has determined the following findings:

1. Respondent owns and operates a "public water system" (PWS), which is also a "transient non-community water system" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.

2. Respondent's PWS (PWS ID# 8563712) is located at 3533 Tolbert Rd., Wayne County, Wooster, Ohio, 44691.

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 60 persons.

4. In accordance with OAC Rule 3745-81-21(A)(2)(a), a non-community water system using only ground water or purchased water and serving not more than one thousand persons shall monitor with at least one sample each calendar quarter that the non-community water system provides water to the public.

5. 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 coliform bacteria when no more than one sample during the month is total coliform-positive.

6. In violation of OAC Rule 3745-81-14(B), Respondent exceeded the total coliform MCL when more than one sample was total coliform-positive during the monitoring periods of October 1 through December 31, 2007, December 1 through December 31, 2007, February 1 through 28, 2008, April 1 through June 30, 2010, January 1 through March 31, 2011, July 1 through September 30, 2011, October 1 through October 31, 2011, November 1 through November 30, 2011, December 1 through December 31, 2011, January 1 through January 31, 2012, January 1 through March 31, 2012, March 1 through March 31, 2012, and April 1 through April 30, 2012.

7. In accordance with OAC Rule 3745-81-14(C), a PWS is in violation of the MCL for total coliforms, and may pose an acute risk to human health, if any repeat sample collected in accordance with OAC Rule 3745-81-21 is Escherichia coli-positive (E. coli-positive) or total coliform-positive following an E. coli-positive routine sample.

8. In violation of OAC Rule 3745-81-14(C), Respondent collected five routine samples in October 2011, two of which were E. coli-positive, followed by 4 repeat samples that were all total coliform-positive. Two of the four samples were also E. coli-positive.

9. 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 hours of being notified of the positive result.

10. In violation of OAC Rule 3745-81-21(B)(1), Respondent failed to collect the required four repeat samples for total coliform within the required time period following five total coliform-positive routine samples and one E. coli-positive sample on November 21, 2011.

11. In accordance with OAC Rule 3745-81-42(A)(2), within twenty-four hours of notification of a total coliform-positive sample, a ground water system shall collect at least one ground water source sample from each ground water source in use at the time the total coliform-positive sample was collected.

12. In violation with OAC Rule 3745-81-42(A)(2), Respondent failed to collect a ground water source sample within the required time period during the November 2011 compliance period. Four repeat samples, which count as groundwater source samples for "minimal sources" were collected by Respondent in excess of 14 days, after the total coliform-positive sample (well rehabilitation work precluded the timely collection of samples).

13. In accordance with OAC Rule 3745-81-23(F) and (H), where nitrate monitoring indicates that the MCL has been exceeded, the results of analysis of the initial and confirmation samples shall be averaged to determine the water system's compliance.

14. In accordance with OAC Rule 3745-81-11(A), the MCL for nitrate is 10 milligrams per liter (mg/L).

15. In violation of OAC Rule 3745-81-11(A), as determined by OAC Rule 3745-81-23(F) and (H), Respondent exceeded the MCL for nitrate during the monitoring periods of January 1 through March 31, 2010, April 1 through June 30, 2010, January 1 through March 31, 2011, April 1 through June 30, 2011, and January 1 through March 31, 2012.

16. In accordance with OAC Rule 3745-81-43(A)(4), Ohio EPA provided written notification on November 9, 2011 to the Respondent of their significant deficiency and the requirement of corrective actions under the ground water rule.

17. In accordance with OAC Rule 3745-81-43(A)(6), the PWS shall implement one or more of the following corrective action alternatives:

a) Correct all significant deficiencies;

b) Provide an alternate source of water from an approved Ohio EPA source;

c) Eliminate the source(s) of contamination;

d) Provide treatment that reliably achieves at least 4-log treatment of viruses (using inactivation, removal, or a director-approved combination of 4-log virus inactivation and removal) before or at the first customer for the ground water source. The installation of 4-log treatment of viruses would require, at a minimum, installation of chlorination with retention, a Class I certified operator, daily testing, and monthly report submission.

18. In accordance with OAC Rule 3745-81-44(A), a ground water system with a significant deficiency is in violation of the treatment technique requirement if, within one hundred twenty days of receiving written notice from the Director of the significant deficiency, the system:

    1) Does not complete corrective action in accordance with any applicable corrective action plan review processes or other guidance and direction, including specified interim actions and measures, as acceptable to the Director, or

    2) Is not in compliance with a Director-approved corrective action plan and schedule.

19. In accordance with OAC Rule 3745-81-44(A), Respondent responded to the November 9, 2011 ground water rule corrective action requirement by removing the well casing and re-installing to a greater depth and re-grouting the well on November 29, 2011. Ohio EPA conducted sampling on January 4, 2012 and results indicated the presence of nitrate exceeding the MCL and total coliform bacteria present in the raw water.

20. 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 all current and future monitoring schedules issued by the Director.

2. From the effective date of these Orders, Respondent shall comply with total coliform bacteria monitoring requirements, including both routine and repeat samples, in accordance with OAC Rule 3745-81-21.

3. Based on Finding 19, the prior corrective action attempted by Respondent to correct the PWS deficiency has failed to address the nitrate and total coliform issues with the well.

4. Within sixty (60) days of the effective date of these Orders, Respondent shall submit documentation verifying that Respondent has received approval from the Wayne County Health Department for the installation of a hauled water drinking water system.

5. Within one hundred twenty (120) days of the effective date of these Orders, Respondent shall install a hauled water drinking water system that is under the jurisdiction and complies with all requirements set forth by the Wayne County Health Department.

6. Within thirty (30) days of installing a hauled water drinking water system, the plumbing from the existing drinking water well shall be permanently separated from the hauled water drinking water system plumbing and all non-potable water lines and fixtures (outdoor hose bibs, etc.) shall be marked as "non-potable."

7. If Respondent does not utilize the existing drinking water well for non-potable uses, Respondent shall properly abandon and seal the existing drinking water well at the PWS in accordance with OAC Chapter 3745-9 within thirty (30) days of commencing operation of the new water source.

8. If Respondent abandons the well, Respondent shall submit a copy of the well sealing report required by section ORC §1521.05 to Ohio EPA, in accordance with OAC Rule 3745-9-10(D), within thirty (30) days of sealing the existing drinking water well.

9. If Respondent fails to obtain Wayne County Health Department approval for a hauled water drinking water system, Respondent shall complete Orders Nos. 10 through 22.

10. Respondent shall submit a General Plan (three copies) within thirty (30) days of Wayne County Health Department denial for a hauled water drinking water system, in accordance with OAC Chapter 3745-91, to address in Section X for review and approval. The General Plan shall describe at least three (3) different options for complying with the nitrate and total coliform MCL; shall include a cost estimate of each option; and, shall include a detailed compliance schedule with applicable milestone dates of significant events that are necessary to attain compliance. Additionally, the General Plan shall include:

    a. A description of the options considered for nitrate and total coliform reduction and the rationale for the approach selected;

b. An engineering description of the existing facilities;

c. A description of the option selected, including construction phases, an estimate of all the costs of any required construction, and operation and/or maintenance;

d. If treatment for nitrate and total coliform is chosen, then a description of any treatment waste disposal and/or wastewater discharge issues; and,

e. Anticipated sources of funding to cover these estimated costs.

11. If Ohio EPA should require any revisions to the General Plan, Respondent shall make any such changes or modifications and/or submit any additional information to Ohio EPA within thirty (30) days of receiving a written comment letter from Ohio EPA.

12. If Ohio EPA approval of the General Plan indicates that a pilot study is not necessary, Order Nos. 13 through 17 will not be required

13. Within sixty (60) days of Ohio EPA approval of the General Plan, Respondent shall submit a pilot study protocol to Ohio EPA, Central Office DDAGW Engineering, 50 West Town St., Suite 700, Columbus, OH 43215, for review and approval. The pilot study protocol shall describe the procedures necessary to evaluate the water treatment system identified as the preferred option in the General Plan.

14. If Ohio EPA should require any revisions to the pilot study protocol, Respondent shall make any such changes or modifications and/or submit any additional information to Ohio EPA within thirty (30) days of receiving a written comment letter from Ohio EPA.

15. Within thirty (30) days of Ohio EPA approval of the pilot study protocol, Respondent shall commence the pilot study.

16. Within sixty (60) days of completion of the pilot study, Respondent shall submit a report, presented in an agreed-upon format acceptable for review and approval to: Ohio EPA, Central Office DDAGW Engineering, 50 West Town St., Suite 700, Columbus, OH 43215. This report shall contain the data collected, results of the data analysis, and the conclusions and recommendations form the pilot study. The report shall also include all other data collected during start-up prior to each test period. For each operation mode preformed during the pilot study, the pertinent parameters (raw water source, chemical type and dose, pH, etc.) shall be clearly defined and presented in the report.

17. If Ohio EPA should require any revisions to the pilot study report, Respondent shall make any changes or modifications and submit any additional information to Ohio EPA within thirty (30) days of receiving a comment letter from Ohio EPA. If the pilot study is not acceptable because the treatment failed to demonstrate sufficient consistent and reliable treatment, a revised pilot study protocol is required to be submitted to Ohio EPA within ninety (90) days of receiving a written comment letter from Ohio EPA.

18. Within sixty (60) days after the approval of the pilot study report (if required), Respondent shall submit detail plans to Ohio EPA for modification to the existing plant in accordance with OAC Chapter 3745-91. If it is determined that a pilot is not necessary, detail plans shall be submitted within sixty (60) days of approval of General Plan.

19. Within sixty (60) days of detail plan approval, Respondent shall begin construction in accordance with detail plans approved by Ohio EPA and OAC Chapter 3745-91.

20. Within three (3) months of detail plan approval by Ohio EPA, in accordance with detail plans approved by Ohio EPA and OAC Chapter 3745-91, Respondent shall complete installation and commence operation of the selected treatment (if treatment is selected) for nitrate and total coliform.

21. Within thirty (30) days of commencing operation of selected treatment (if treatment is selected) installed in Order No. 20, Respondent shall achieve compliance with the nitrate and total coliform MCL in accordance with OAC Rules 3745-81-11(A) and 3745-81-14(C).

22. Within seven (7) days after meeting the deadlines given in Order Nos. 19 and 20 above, Respondent shall send written notification of compliance with the requirements of each of the Orders to the address in Section X.

23. Prior to commencing operation of treatment for nitrate and total coliform, if treatment is selected, Respondent shall hire and retain at minimum a Class I certified operator and ensure the Class I certified operator is physically present at the Respondent's PWS, to oversee the technical operation of the PWS, for at least three days per week for a minimum of 1.5 hours per week; and is maintaining an onsite record of the date and times of his/her arrival to and departure from Respondent's PWS, in accordance with OAC Chapter 3745-7.

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 shall be addressed to:

Ohio EPA, Northeast District Office
Division of Drinking and Ground Waters
2110 East Aurora Rd., Twinsburg, OH 44087
Attn: Dave Maschak

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, 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 cite 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

Scott J. Nally, Director

JUN 29 2012
Date

IT IS SO AGREED:

Immanuel Fellowship

James Martin
Signature

06-14-2012
Date

James Martin
Printed or Typed Name

Trustee
Title