



State of Ohio Environmental Protection Agency

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

May 8, 2008  
Phil Haberman, Owner  
Cochran's Lit-le Lambs Learning Center  
4970 Columbus Road  
Centerburg, Ohio 43011

RE: Knox County  
Cochran's Lit-le Lambs Learning Center  
Nontransient Noncommunity Public Water System  
PWS ID: #4243112

CERTIFIED MAIL  
9171082133393109730125

Dear Mr. Haberman:

Enclosed herein are Director's Final Findings and Orders (Orders) that require certain measures be taken to address human health concerns at the Cochran's Lit-le Lambs Learning Center (Cochran's) public water system (PWS). The Ohio Environmental Protection Agency (EPA) has failed to receive a response from you regarding the August 8, 2007 proposal to negotiate Findings and Orders.

Cochran's has exceeded the arsenic maximum contaminant level of 10 µg/L during the July through September 2006, October through December 2006, January through March 2007, April through June 2007, and July through September 2007 monitoring periods. Additionally, Cochran's failed to collect routine total coliform samples during the January 2007 monitoring period and failed to monitor for lead and copper during the June through September 2006 monitoring period. These requirements are found in Ohio Administrative Code Chapter 3745-81 and Ohio Revised Code Chapter 6109.

To address these violations, I am issuing Unilateral Administrative Orders. The Orders require payment of an administrative penalty. Should you fail to comply with these Orders, the Ohio EPA may pursue further action, including litigation and additional penalties.

Sincerely,

Chris Korleski  
Director

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

Phil Haberman  
Cochran's Lit-le Lambs Learning Center  
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Enclosures

cc: Beth Messer, Environmental Manager, DDAGW-CO  
Scot Foltz, Environmental Manager, DDAGW-CDO  
Susan Hampton, District Office Compliance Coordinator, DDAGW-CDO  
Kim Rhoads, Office of Legal Services  
Knox County Health Department  
Ohio Department of Jobs and Family Services – Child Care Licensing

OHIO E.P.A.

MAY - 8 2008

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Cochran's Lit-le Lambs  
Learning Center  
4970 Columbus Road  
Centerburg, Ohio 43011

DIRECTOR'S FINAL  
FINDINGS AND ORDERS

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.

Respondent,

By: [Signature] Date: 5-8-08

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to the Cochran's Lit-le Lambs Learning Center (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/or 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), which is also a nontransient noncommunitiy water system as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID# 4243112) is located at 4970 Columbus Road, Knox County, Centerburg, Ohio, 43011. 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 90 persons.

3. In accordance with OAC Rule 3745-81-11(B), effective January 1, 2006, the maximum contaminant level (MCL) for arsenic is 0.010 milligrams per liter (mg/L) for all nontransient noncommunity PWSs.
4. In accordance with OAC Rule 3745-81-23(H)(2), for PWSs which conduct monitoring at a frequency greater than annual, compliance with the MCL for arsenic is determined by a running annual average (RAA) at each sampling point. The PWS will not be considered in violation of the MCL until it has completed one year of quarterly sampling. If, however any one sample result would cause the RAA to exceed the MCL, then the PWS is out of compliance immediately.
5. In violation of OAC Rules 3745-81-11(B) and 3745-81-23(H)(2), Respondent exceeded the MCL for arsenic during the July through September 2006, October through December 2006, January through March 2007, April through June 2007, and July through September 2007 monitoring periods.
6. In accordance with OAC Rule 3745-81-14(B), a PWS which monitors with fewer than forty samples per month is in compliance with the MCL for total coliform when no more than one sample during a month is total coliform-positive.
7. In violation of OAC Rule 3745-81-14(B), Respondent exceeded the total coliform bacteria MCL for August 2004 and March 2005 when more than one sample during the month was total coliform-positive.
8. In accordance with OAC Rule 3745-81-21(A)(2)(a), a noncommunity 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 noncommunity water system provides water to the public.
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 (24) hours of being notified of the positive result.
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 (acute MCL).
11. In violation of OAC Rule 3745-81-14(D) and 3745-81-21(B)(1), Respondent exceeded the microbiological acute MCL by failing to monitor with a set of four repeat samples within twenty-four (24) hours of being notified of a routine total coliform-positive result on December 29, 2004, March 29, 2005, and June 27, 2005.
12. In accordance with OAC Rule 3745-81-21(B)(6), when a PWS monitors with fewer than five samples per month and one or more samples are total coliform-

positive, the PWS is required to monitor with at least five samples during the next month that the PWS provides water to the public.

13. In violation of OAC Rule 3745-81-21(B)(6), Respondent failed to monitor with at least five samples in the months of September 2004, January 2005, April 2005, and January 2007 following total coliform-positive sample results in the preceding months.
14. In accordance with OAC Rule 3745-81-86(D)(4)(a), a small or medium-size water system that does not exceed either the lead or copper action level during two consecutive six-month monitoring periods may reduce the number of samples and frequency of sampling to once per year.
15. On December 16, 2005, the Director issued a chemical contaminant monitoring schedule to Respondent (2006 monitoring schedule) for the compliance period that began on January 1, 2006 and ended on December 31, 2006.
16. In violation of OAC Rule 3745-81-86(D)(4)(a) and Respondent's 2006 monitoring schedule, Respondent failed to monitor for lead and copper during the June through September 2006 monitoring period.
17. On December 10, 2004, the Director issued a chemical contaminant monitoring schedule to Respondent (2005 monitoring schedule) for the compliance period that began on January 1, 2005 and ended on December 31, 2005.
18. In accordance with OAC Rule 3745-81-24 and Respondent's 2005 monitoring schedule, Respondent was required to monitor for volatile organic chemicals (VOCs) during the January through March 2005 monitoring period.
19. In violation of OAC Rule 3745-81-24 and Respondent's 2005 monitoring schedule, Respondent failed to monitor for VOCs during the January through March 2005 monitoring period.
20. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS shall provide public notification for violations.
21. In violation of OAC Rule 3745-81-32, Respondent failed to provide public notification for exceeding the arsenic MCL during the October through December 2006, January through March 2007, April through June 2007, and July through September 2007 monitoring periods as cited in Finding No. 5.
22. In violation of OAC Rule 3745-81-32, Respondent failed to provide public notification for the failure to monitor for total coliform as required during the month of January 2007 as cited in Finding No. 13.
23. In violation of OAC Rule 3745-81-32, Respondent failed to provide public notification for the failure to monitor for lead and copper during the June through September 2006 monitoring period as cited in Finding No. 16.

24. On November 21, 2005, Ohio EPA met with Respondent to sign a bilateral compliance agreement (BCA) prompted by Respondent's status as a microbiological significant non-complier. The BCA included a requirement to submit a plan to address arsenic in the drinking water in anticipation for the rule change in January 2006, which lowered the arsenic MCL from 0.050 mg/L to 0.010 mg/L. Respondent signed the document on November 22, 2005, however, Respondent failed to submit a plan for reducing arsenic in the drinking water.
25. Each violation cited above represents a separate violation of ORC § 6109.31.

#### **V. ORDERS**

1. From the effective date of these Orders, and for as long as Respondent operates a PWS, Respondent shall comply with total coliform bacteria monitoring and MCL requirements, in accordance with OAC Rule 3745-81-14 and OAC Rule 3745-81-21, respectively.
2. Within thirty (30) days of the effective date of these Orders, Respondent shall remedy the violations described in Finding Nos. 21, 22, and 23 by issuing a public notice and submitting verification of issuance in accordance with OAC Rule 3745-81-32 for:
  - a. exceeding the arsenic MCL
  - b. failure to monitor with total coliform repeat samples
  - c. failure to monitor for lead and copper.
3. Respondent shall comply with its chemical contaminant monitoring schedule for the calendar year 2008 and all subsequent monitoring schedules issued by the Director.
4. Within sixty (60) days of the effective date of these Orders, Respondent shall submit detail plans for arsenic removal treatment or for an alternative water source.
5. Within (60) days of Director's plan approval of arsenic removal treatment or an alternative water source, Respondent shall install and commence operation of treatment in accordance with approved plans or connect to and fully utilize water from an alternative water source.
6. Within thirty (30) days of notification, Respondent shall respond in writing to address any comments or deficiencies noted by Ohio EPA on any plan or other documentation submitted by Respondent.
7. If Respondent installs treatment to remove arsenic, Respondent shall be in compliance with the arsenic MCL, in accordance with OAC Rule 3745-81-11(B) as determined by OAC Rule 3745-81-23(H)(2), within twelve (12) months of initiation of operation.

8. Within seven (7) days of commencement of treatment or connection to an alternative water source, Respondent shall notify Ohio EPA in writing.
9. If Respondent connects to an alternative source of water, within sixty (60) days of connection, Respondent shall properly abandon its well(s) in accordance with OAC Chapter 3745-9.
10. Within thirty (30) days of the effective date of these Orders, Respondent shall pay the amount of five thousand two hundred fifty dollars (\$5,250.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6109. Payment shall be made by an official check made payable to "Treasurer, State of Ohio". The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the 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(D).

#### **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.

### **X. NOTICE**

All documents required to be submitted by Respondent pursuant to these Orders (with the exception of the penalty payment in Order No. 10) shall be addressed to:

Ohio Environmental Protection Agency  
Central District Office  
Division of Drinking and Ground Waters  
P.O. Box 1049  
Columbus, Ohio 43216  
Attn: Susan Hampton

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

### **XI. 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.

### **XII. 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 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:

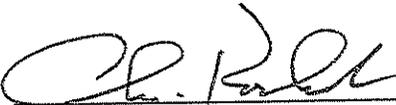
Environmental Review Appeals Commission  
309 South Fourth Street, Room 222  
Columbus, OH 43215

**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 AND AGREED:**

**Ohio Environmental Protection Agency**

  
Chris Korleski, Director

5/7/08  
Date

