

OHIO E.P.A.

Effective Date NOV 17 2009

NOV 17 2009

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Paul Spanner Trust :
c/o Marcia Hollmeyer, Gary :
Spanner and Leona Spanner, :
Trustees :
5800 Griffiths Lane :
Powell, Ohio 43065 :

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.

Re: Country Side Mobile Home Park
4977 Avery Road
Dublin, Ohio 43016

By: [Signature] Date: 11-17-09

Respondent,

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Paul Spanner Trust (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 Country Side Mobile Home Park, which is also a "community water system" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWSID#OH2500612) at Country Side Mobile Home Park is located at 4977 Avery Road, Dublin, (Franklin County), Ohio, 43016.
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 180 persons.
4. On March 3, 2003, Respondent's PWS was designated by the Director as a Class A PWS in accordance with OAC Rule 3745-7-03.
5. In July 2007, Respondent drilled a new well (Well #2) under emergency conditions, Respondent's preexisting well (Well #1) was abandoned, and Well #2 was approved by the Director on November 19, 2007.
6. In accordance with OAC Rule 3745-7-03(B)(4), a PWS with ground water treatment to remove any chemical contaminant (i.e. arsenic) with a maximum contaminant level (MCL) and a design flow of less than 0.5 million gallons per day shall be classified as a Class I system.
7. In accordance with OAC Rule 3745-81-23(E)(2)(a), a community PWS scheduled by the Director to monitor for arsenic in 2005 which detected arsenic above 0.008 milligrams per liter (mg/L) was required to collect a sample for arsenic analysis quarterly in 2006. These samples were required to determine compliance with the arsenic MCL in OAC Rule 3745-81-11(B).
8. 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. Pursuant to the 2006 monitoring schedule, Respondent was required to monitor for arsenic quarterly.
9. In accordance with OAC Rule 3745-81-23(E)(2)(a) and the 2006 monitoring schedule, Respondent monitored for arsenic quarterly in 2006. Arsenic samples taken by Respondent were 0.0130 mg/L on March 14, 2006, 0.0170 mg/L on May 30, 2006, 0.0140 mg/L on August 29, 2006, and 0.0260 mg/L on December 11, 2006.

10. On or about January 1, 2007, the Director issued a chemical contaminant monitoring schedule to Respondent (2007 monitoring schedule) for the compliance period that began on January 1, 2007 and ended on December 31, 2007. Pursuant to the 2007 monitoring schedule, Respondent was required to monitor for arsenic quarterly.
11. In accordance with OAC Rule 3745-81-23(E)(2)(a) and the 2007 monitoring schedule, Respondent monitored for arsenic quarterly in 2007. Arsenic samples taken by Respondent were 0.0140 mg/L on March 2, 2007, 0.0310 mg/L on May 7, 2007, 0.0040 mg/L on September 4, 2007, and 0.0090 mg/L on December 12, 2007.
12. On or about January 1, 2008 the Director issued a chemical contaminant monitoring schedule to Respondent (2008 monitoring schedule) for the compliance period that began on January 1, 2008 and ended on December 31, 2008. Pursuant to the January 1, 2008 monitoring schedule, Respondent was required to monitor for arsenic quarterly. On January 22, 2008, the Director issued a revised chemical contaminant monitoring schedule to Respondent, and pursuant to the revised schedule Respondent was required to monitor for arsenic monthly. On April 18, 2008, the Director issued a second revised chemical contaminant monitoring schedule to Respondent, returning Respondent's required monitoring frequency for arsenic to quarterly for the remainder of 2008.
13. In accordance with OAC Rule 3745-81-23(E)(2)(a), and the 2008 monitoring schedules, Respondent monitored for arsenic in 2008. Arsenic samples taken by Respondent were 0.0180 mg/L on January 23, 2008; <0.0030 mg/L on January 31, 2008; 0.0240 mg/L on February 27, 2008; 0.0120 mg/L on March 11, 2008; 0.0164 mg/L on April 29, 2008; 0.0046 mg/L on May 26, 2008; <0.0030 mg/L on June 19, 2008; 0.0075 mg/L on September 29, 2008; 0.0122 mg/L on October 28, 2008; and 0.0169 mg/L on November 24, 2008.
14. On or about January 1, 2009, the Director issued a chemical contaminant monitoring schedule to Respondent (2009 monitoring schedule) for the compliance period that began on January 1, 2009 and ends on December 31, 2009. Pursuant to the 2009 monitoring schedule, Respondent is required to monitor for arsenic quarterly.
15. In accordance with OAC Rule 3745-81-23(E)(2)(a), and the 2009 monitoring schedule, Respondent monitored for arsenic during the first quarter of 2009, and the arsenic sample taken by Respondent was 0.0172 mg/L on March 25, 2009.
16. In accordance with OAC Rule 3745-81-23(H)(2), for PWSs which are conducting monitoring at a frequency greater than annual, compliance with the MCL for arsenic

- is determined by a running annual average 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 a PWS fails to collect the required number of samples, compliance with the MCL (average concentration) will be based on the total number of samples collected.
17. In accordance with OAC Rule 3745-81-11(B), the MCL for arsenic is 0.010 mg/L.
 18. In violation of OAC Rule 3745-81-11(B), Respondent exceeded the arsenic MCL with a running annual average of 0.0150 mg/L during the July 1 through September 30, 2006 monitoring period; of 0.0180 mg/L during the October 1 to December 31, 2006 monitoring period; of 0.0180 mg/L during the January 1 to March 31, 2007 monitoring period; of 0.0210 mg/L during the April 1 through June 30, 2007 monitoring period; of 0.0190 mg/L during the July 1 through September 30, 2007 monitoring period; of 0.0150 mg/L during the October 1 to December 31, 2007 monitoring period; of 0.0150 mg/L during the January 1 to March 31, 2008 monitoring period; of 0.011mg/L during the October 1 to December 31, 2008 monitoring period; and of 0.012 mg/L during the January 1 to March 31, 2009 monitoring period .
 19. In accordance with OAC Rule 3745-81-21(A)(1)(a), a community water system using only ground water and serving a population of less than or equal to one thousand persons shall monitor with at least one total coliform sample per month.
 20. In violation of OAC Rule 3745-81-21(A)(1)(a), Respondent failed to collect at least one total coliform bacteria sample during the months of January 2004, May 2004, and April 2007.
 21. In accordance with OAC Rule 3745-81-86(D)(4)(a), a small or medium sized 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.
 22. In accordance with OAC Rule 3745-81-86(C), systems conducting reduced monitoring under OAC Rule 3745-81-86(D)(4) shall collect at least one sample from at least five sites during each monitoring period specified. Such reduced monitoring sites shall be representative of the sites required for standard monitoring.
 23. In accordance with OAC Rule 3745-81-86(D)(4)(d), systems monitoring annually or less frequently shall conduct the lead and copper tap water monitoring during the months of June, July, August, or September unless the Director has approved a different sampling period in accordance with paragraph (D)(4)(d)(i) of this rule.
 24. In violation of OAC Rule 3745-81-86(C), (D)(4)(a) and (d), Respondent failed to

collect five lead and copper samples in the annual monitoring periods of June to September 2002, and June to September 2003.

25. In accordance with OAC Rule 3745-96-01(E), each community water system shall deliver a report to its customers and meet the requirements of OAC Rule 3745-96-04(B) by July first annually. Each report shall contain data collected during, or prior to, the previous calendar year as prescribed in OAC Rule 3745-96-02(D)(3).
26. In accordance with OAC Rule 3745-96-04(C), by July first annually, each community water system shall provide to the Director the following information:
 - a) a copy of the report [Consumer Confidence Report (CCR)]; and
 - b) a distribution certification, on a form acceptable to the Director, certifying that the CCR has been distributed to customers, a good faith effort to reach non-bill paying customers has been completed, and that the information is correct and consistent with the compliance monitoring data previously submitted to the Director.
27. In violation of OAC Rule 3745-96-01(E) and OAC Rule 3745-96-04(C), Respondent failed to prepare and mail or otherwise directly deliver a copy of the 2003 CCR to each customer and by July first of the following year. Respondent subsequently returned to compliance by submitting the 2004 CCR.
28. In accordance with OAC Rule 3745-81-21(A), PWSs shall collect total coliform routine samples at sites which are representative of water throughout the distribution system according to a written sample siting plan. Such plans are subject to review and revision by the Director.
29. In violation of OAC Rule 3745-81-21(A), Respondent has failed to prepare a written bacteriological sample siting plan, since at least March 9, 2005.
30. In accordance with OAC Rule 3745-85-01(B), each community water system shall prepare and maintain a written contingency plan for providing safe drinking water to its service area under emergency conditions.
31. In violation of OAC Rule 3745-85-01(B), Respondent had failed to prepare a written contingency plan for providing safe drinking water to its service area under emergency conditions during the years 2005 through 2008. Respondent's emergency contingency plan was updated on December 8, 2008.
32. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS shall provide public notification for violations and submit copies of the required public notice and verification forms to Ohio EPA.

33. 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:
 - a) failing to collect five lead and copper samples during the annual monitoring periods of June through September 2002, and June through September 2003; and
 - b) exceeding the arsenic MCL during the July 1 to September 30, 2006; October 1 to December 31, 2006; January 1 to March 31, 2007; April 1 through June 30, 2007; July 1 through September 30, 2007; October 1 to December 31, 2007; January 1 to March 31, 2008; and October 1 to December 31, 2008.
34. In accordance with OAC Rule 3745-81-60(D), a PWS 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.
35. On December 15, 2008, Ohio EPA provided Respondent with a letter identifying numerous regulatory deficiencies observed at Respondent's PWS during a December 9, 2008 sanitary survey.
36. In violation of OAC Rule 3745-81-60(D), Respondent has failed to respond to the Director, in writing, within forty-five days following receipt of the December 15, 2008 sanitary survey letter, indicating how and on what schedule the significant deficiencies noted in the survey letter will be addressed by Respondent.
37. In accordance with OAC Rule 3745-81-21(A)(5), based on the results of a sanitary survey, the Director may increase the frequency of total coliform monitoring.
38. As indicated in the December 15, 2008 sanitary survey letter, Respondent shall continue to collect special raw bacteria samples from Well # 2, due to the close proximity of Respondent's waste water treatment to Well #2.
39. From February 27 to March 25, 2007, Respondent's park manager successfully conducted a pilot study (to evaluate the effectiveness of a Media G2 filter in the removal of arsenic from their water) on Well #1. On July 20, 2007, Ohio EPA sent conditional acceptance of the pilot study results to Respondent, contingent on the requirement that the iron and manganese levels in Well #2 tested at comparable levels to those in abandoned Well #1.
40. Each violation cited above represents a separate violation of ORC § 6109.31.

V. ORDERS

1. Within thirty (30) days of the effective date of these Orders, Respondent shall remedy the violations in Finding No. 33 by issuing a public notification and by submitting copies of the required public notice and verification form to the Ohio EPA, Division of Drinking and Ground Waters (DDAGW), Central Office (CO), Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049, in accordance with OAC Rule 3745-81-32, for:
 - a) failing to collect five lead and copper samples during the annual monitoring periods of June through September 2002, and June through September 2003; and
 - b) exceeding the arsenic MCL during the July 1 to September 30, 2006; October 1 to December 31, 2006; January 1 to March 31, 2007; April 1 through June 30, 2007; July 1 through September 30, 2007; October 1 to December 31, 2007; January 1 to March 31, 2008; October 1 to December 31, 2008; and January 1 to March 31, 2009 monitoring periods.
2. From the effective date of these Orders, and for as long as Respondent operates the PWS, Respondent shall issue public notice for all MCL violations in accordance with OAC Rule 3745-81-32.
3. From the effective date of these Orders, and for as long as Respondent operates the PWS, Respondent shall comply with all current and future chemical contaminant monitoring schedules issued by the Director.
4. From the effective date of these Orders, and for as long as Respondent operates the PWS, Respondent shall comply with total coliform bacteria monitoring and MCL requirements, in accordance with OAC Rules 3745-81-21 and 3745-81-14, respectively.
5. From the effective date of these Orders, and for as long as Respondent operates the PWS, Respondent shall revise and update as necessary, but at least annually, the contingency plan required by OAC Rule 3745-85-01(B), in accordance with OAC Rule 3745-85-01(E)(1).
6. From the effective date of these Orders, and for as long as Respondent operates the PWS Respondent shall provide to its customers an annual CCR, in accordance with OAC Chapter 3745-96.
7. Respondent shall complete one of the following activities:
 - a) Within six (6) months from the effective date of these Orders, Respondent shall submit detail plans to Ohio EPA, Central District Office, Division of Drinking and Ground Water, Engineering, P.O. Box 1049, Columbus, Ohio

43216-1049, for the connection to the City of Columbus PWS in accordance with OAC Chapter 3745-91.

- b) Within six (6) months of the effective of these Orders, Respondent shall hire an engineer and submit plans for arsenic removal treatment in accordance with the best available technology recommendations in OAC Rule 3745-81-11(E).
8. If Respondent chooses to connect to the City of Columbus PWS, Respondent shall comply with Order No. 7a, and shall complete the connection to the City of Columbus PWS according to the following schedule:
 - a. Within four (4) months of detail plan approval, in accordance with the detail plans approved by Ohio EPA and OAC Chapter 3745-91, Respondent shall complete installation/construction of the connection of Country Side MHP to the City of Columbus PWS; properly disconnect and discontinue the use of the existing drinking water well (PWSID#2500612) for potable water use; and commence operation of the connection to the Columbus PWS.
 - b. Within sixty (60) days of connection to the City of Columbus PWS, Respondent shall properly abandon the Country Side MHP well (PWSID#2500612), in accordance with OAC Chapter 3745-9.
9. If Respondent chooses to install arsenic removal treatment, Respondent shall comply with Order No. 7b as well as Order Nos. 10-14.
10. Within three (3) months of detail plan approval, in accordance with detail plans approved by Ohio EPA and OAC Chapter 3745-91, Respondent shall commence installation/construction of the selected treatment for arsenic removal.
11. Prior to commencing operation of the treatment for arsenic removal, Respondent shall hire and retain at minimum a Class I certified operator, in accordance with OAC Rule 3745-7-03, ensure the Class 1 certified operator is physically present at 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 compliance with OAC Chapter 3745-7.
12. Within nine (9) months of detail plan approval, in accordance with the detail plans approved by Ohio EPA and OAC Chapter 3745-91, Respondent shall complete installation and commence operation of the treatment for arsenic removal.
13. Within twelve (12) months of completion of the installation and commencement of operation of the arsenic treatment system, Respondent shall achieve compliance with the arsenic MCL.

14. Within seven (7) days after the deadlines given in Orders No. 8a, 8b, 10, 11, and 12 above, Respondent shall send written notification of compliance with the requirements of each of the Orders to Ohio EPA, CDO, DDAGW, DOCC, P.O. Box 1049, Columbus, Ohio 43216-1049.
15. Within thirty (30) days of receipt 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.
16. From the effective date of these Orders, and for as long as Respondent's PWS utilizes a well with an inadequate sanitary isolation radius from Respondent's wastewater treatment plant, Respondent shall continue to collect monthly both a special raw bacteria sample from Well #2 and a routine bacteria sample from the distribution system.
17. Within thirty (30) days of the effective date of these Orders, Respondent shall address the following deficiencies at Respondent's PWS observed during the December 9, 2008 sanitary survey, and submit documentation supporting compliance with requirements to Ohio EPA, CDO, DDAGW, DOCC, P.O. Box 1049, Columbus, Ohio 43216-1049:
 - a) Maintain a copy of Respondent's updated contingency plan at the PWS plant and submit a copy of the updated plan to Ohio EPA.
 - b) Complete a bacteria sample siting plan, identifying routine sampling sites along with three repeat sample sites (within five service connections of each routine site).
 - c) Maintain a written log of all operational and maintenance activities performed at the PWS's plant and in the PWS's distribution system.
 - d) Record daily chlorine usage, and maximum and minimum daily production numbers on monthly operating reports.
 - e) Install a flow controller, just upstream of the chlorine injection point, to allow for chlorine to be injected evenly into the distribution system.

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(E).

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 Environmental Protection Agency
Central District Office
Division of Drinking and Ground Waters, DOCC
P.O. Box 1049, Columbus, OH 43216-1049

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 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. Except for the right to seek civil or administrative penalties against Respondent for violations specifically cited 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:

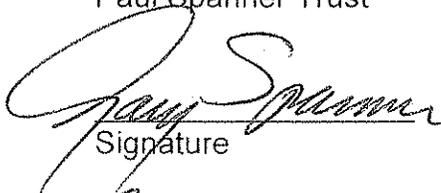
Ohio Environmental Protection Agency


Chris Korleski, Director

NOV 17 2009
Date

IT IS SO AGREED:

Paul Spanner Trust


Signature

10/27/09
Date

GARY SPANNER, Trustee
Printed or Typed Name and Title