

OHIO E.P.A.

JAN 26 2011

Effective Date JAN 26 2011

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 Hollymeyer, Gary :
Spanner and Leona Spanner :
Trustees :
1073 Hillsboro Mile #1N
Hillsboro, FL 33062

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

Respondent,

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Country Side 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 there under.

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.

 Date: 1-26-11

IV. FINDINGS

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

1. Respondent owns and operates a "public water system" (PWS) as defined by ORC § 6109.01, which is also a "community" water system as defined by Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID# 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 approximately 180 persons.
4. On November 17, 2009, the Director issued Findings and Orders (November 17, 2009 F&Os) to Respondent for violations of OAC Rules 3745-81-11(B); 3745-81-21(A)(1)(a); 3745-81-86(C), (D)(4)(a), and (d); 3745-96-01(E); 3745-96-04(C); 3745-85-01(B); 3745-81-32; and 3745-81-60(D).
5. 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.
6. The Director issued Respondent a 2009 chemical contaminant monitoring schedule (2009 monitoring schedule), effective January 1, 2009, which required compliance monitoring of five lead and copper samples from the period of June 1 to September 30, 2009.
7. In violation of November 17, 2009 F&Os, OAC Rule 3745-81-86(D)(4)(d) and the 2009 monitoring schedule, Respondent failed to collect five lead and copper samples in the compliance monitoring period of June 1 to September 30, 2009.
8. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS having violations shall notify the persons served by the PWS of violations.
9. In violation of November 17, 2009 F&Os and 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 five lead and copper samples during the compliance monitoring period of June 1 to September 30, 2009.

10. In violation of November 17, 2009 F&Os, Respondent failed to install a flow controller, just upstream of the chlorine injection point, to allow for chlorine to be injected evenly into the distribution system.
11. In accordance with OAC Rule 3745-83-01(I), the owner or operator of a PWS shall record daily chlorine usage and maximum and minimum daily production numbers on monthly operating reports.
12. In violation of OAC Rule 3745-83-01(I), Respondent failed to submit by the tenth day of the following month, daily chlorine usage, and maximum and minimum daily production numbers on monthly operating reports for April and May 2010.
13. On August 4, 2010, in response to a June 4, 2010 Ohio EPA letter regarding noncompliance with the November 17, 2009 F&Os, Respondent submitted plans to Ohio EPA for arsenic removal treatment.
14. In violation of November 17, 2009 F&Os, Respondent has failed to respond in writing within thirty (30) days to the August 6, 2010 Ohio EPA comment letter regarding the plans submitted by Respondent on August 4, 2010.
15. In accordance with OAC Rule 3745-81-11(B), the MCL for arsenic is 0.010 mg/L.
16. In violation of OAC Rule 3745-81-11(B), Respondent exceeded the arsenic MCL with a running annual average of 0.013 mg/L during the April 1 to June 30, 2009 monitoring period; of 0.014 mg/L during the July 1 to September 30, 2009 monitoring period; of 0.015 mg/L during the October 1 to December 31, 2009 monitoring period; of 0.012 mg/L during the January 1 to March 31, 2010 monitoring period; of 0.013 mg/L during the April 1 to June 30, 2010 monitoring period; and of 0.017 mg/L during the July 1 to September 30, 2010 monitoring period.
17. In accordance with ORC § 6109.31, no person shall violate this chapter or any rule adopted under it. Each violation cited above represents a separate violation of ORC § 6109.31.
18. In accordance with OAC Rule 3745-84-03, Respondent submitted an application and application fee for a 2011 license to operate (LTO) on December 29, 2010.
19. 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.

V. ORDERS

1. From the effective date of these Orders, the LTO for Respondent's PWS is issued with the conditions listed in Orders # 2 through # 11, for the period of January 30, 2011 to January 30, 2012, in accordance with OAC Rule 3745-84-06.
2. From the effective date of these Orders, Respondent shall prominently display the conditioned LTO at the office of the PWS and notify the PWS customers of the conditioned status of the license in the consumer confidence report, pursuant to OAC Chapter 3745-96, in accordance with OAC Rule 3745-84-04(D)(1).
3. Within thirty (30) days of the effective date of these Orders, Respondent shall remedy the violation in Finding No. 9 by issuing a public notification and 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 failing to collect five lead and copper samples during the compliance monitoring period of June 1 to September 30, 2009.
4. From the effective date of these Orders, Respondent shall comply with all current and future monitoring schedules for the PWS issued by the Director, including but not limited to lead and copper monitoring.
5. Within thirty (30) days of the effective date of these Orders, Respondent shall submit plans to install a flow controller, just upstream of the chlorine injection point, to allow for chlorine to be injected evenly into the distribution system. Respondent shall submit plans to Ohio EPA, CDO, DDAGW, DOCC, P.O. Box 1049, Columbus, Ohio 43216-1049.
6. Within thirty (30) days of plan approval to install a flow controller in accordance with Order No. 5, Respondent shall complete installation and submit documentation supporting compliance with requirements of approved plan to Ohio EPA, CDO, DDAGW, DOCC, P.O. Box 1049, Columbus, Ohio 43216-1049.
7. Within sixty (60) days of the effective date of these Orders, Respondent shall respond in writing to address comments noted by Ohio EPA in the plan review comment letter sent to Environmental Engineering Services on August 6, 2010 and submit all documentation required by Ohio EPA necessary for plan approval.

8. Within sixty (60) days of Director's detail plan approval and OAC Chapter 3745-91, Respondent shall commence installation/construction of the selected treatment for arsenic removal.
9. Within nine (9) months of Director's detail plan approval, 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.
10. Within nine (9) months of Director's detail plan approval, in accordance with the approved plans and OAC Chapter 3745-91, Respondent shall complete installation and commence operation of the treatment for arsenic removal.
11. From the effective date of these Orders, and within seven (7) days after the deadlines given in Orders No. 8, 9, and 10 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.

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.

X. 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: Todd Kelleher

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 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.

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, 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
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:

Ohio Environmental Protection Agency



Scott J. Nally, Director

JAN 26 2011

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

COUNTRY SIDE MOBILE HOME
PWS ID: OH2500612

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.

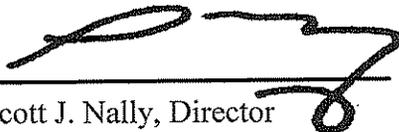
THIS LICENSE WILL EXPIRE ON JANUARY 30, 2012

APPLICATION FOR RENEWAL IS REQUIRED TO BE SUBMITTED TO THE OHIO EPA AT LEAST THIRTY
DAYS PRIOR TO THIS DATE.

EFFECTIVE DATE: **JANUARY 30, 2011**

EXPIRATION DATE: **JANUARY 30, 2012**

LICENSE NUMBER: **2500612-784266-2011**


Scott J. Nally, Director

Country Side Mobile Home Park Orders

From the effective date [which is January 26, 2011] of the Ohio EPA Director's Final Findings and Orders, the license to operate (LTO) for Country Side Mobile Home Park's public water system (PWS) is issued with the conditions listed below for the period of January 30, 2011 to January 30, 2012, in accordance with Ohio Administrative Code (OAC) Rule 3745-84-06.

1. From the effective date of the Orders, the LTO for Respondent's PWS is issued with the conditions listed in Orders # 2 through # 11, for the period of January 30, 2011 to January 30, 2012, in accordance with OAC Rule 3745-84-06.
2. From the effective date of the Orders, Respondent shall prominently display the conditioned LTO at the office of the PWS and notify the PWS customers of the conditioned status of the license in the consumer confidence report, pursuant to OAC Chapter 3745-96, in accordance with OAC Rule 3745-84-04(D)(1).
3. Within thirty (30) days of the effective date of the Orders, Respondent shall remedy the violation in Finding No. 9 by issuing a public notification and 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 failing to collect five lead and copper samples during the compliance monitoring period of June 1 to September 30, 2009.
4. From the effective date of the Orders, Respondent shall comply with all current and future monitoring schedules for the PWS issued by the Director, including but not limited to lead and copper monitoring.
5. Within thirty (30) days of the effective date of the Orders, Respondent shall submit plans to install a flow controller, just upstream of the chlorine injection point, to allow for chlorine to be injected evenly into the distribution system. Respondent shall submit plans to Ohio EPA, CDO, DDAGW, DOCC, P.O. Box 1049, Columbus, Ohio 43216-1049.
6. Within thirty (30) days of plan approval to install a flow controller in accordance with Order No. 5, Respondent shall complete installation and submit documentation supporting compliance with requirements of approved plan to Ohio EPA, CDO, DDAGW, DOCC, P.O. Box 1049, Columbus, Ohio 43216-1049.
7. Within sixty (60) days of the effective date of the Orders, Respondent shall respond in writing to address comments noted by Ohio EPA in the plan review comment letter sent to Environmental Engineering Services on August 6, 2010 and submit all documentation required by Ohio EPA necessary for plan approval.
8. Within sixty (60) days of Director's detail plan approval and OAC Chapter 3745-91, Respondent shall commence installation/construction of the selected treatment for arsenic removal.
9. Within nine (9) months of Director's detail plan approval, 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.
10. Within nine (9) months of Director's detail plan approval, in accordance with the approved plans and OAC Chapter 3745-91, Respondent shall complete installation and commence operation of the treatment for arsenic removal.
11. From the effective date of the Orders, and within seven (7) days after the deadlines given in Orders No. 8, 9, and 10 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.