

OHIO E.P.A.

Effective Date FEB 10 2011

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ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

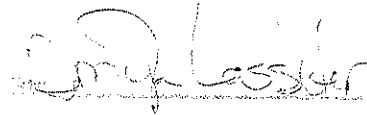
In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

East End Water Company :
Attn: Rick Calendine :
211 East Main Street :
P.O. Box 333 :
Gratiot, Ohio 43740 :

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,

 Date: 2-10-11

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the East End Water Company (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.

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# OH4566112) is located at 18150 National Road SE, Gratiot, (Licking County), Ohio, 43740.

3. Respondent's PWS obtains its drinking water from a "groundwater" source as defined by OAC Rule 3745-81-01 and serves a population of approximately 32 persons.
4. In accordance with OAC Rule 3745-84-02(A), no person shall operate or maintain a PWS in the state of Ohio without a PWS license issued by the Director.
5. In violation ORC § 6109.21 and OAC Rule 3745-84-02(A), since at least November 15, 2007 to the effective date of these Orders, Respondent has been operating and maintaining a PWS without a license to operate (LTO).
6. In accordance with OAC Rule 3745-7-02(A)(1), each person owning or operating a PWS shall designate one or more operator of record to oversee the technical operation of the PWS or each water treatment plant and distribution system within the PWS. Each operator of record shall have a valid certification of a class equal to or greater than the classification of the PWS, distribution system or water treatment plant.
7. In accordance with OAC Rule 3745-7-03(B), a community PWS serving a population of no more than 250, and which uses only ground water and does not perform precipitative softening or treat for a contaminant with an maximum contaminant level shall be classified as a Class A PWS. Respondent is classified as a Class A PWS.
8. In violation of OAC Rule 3745-7-02(A)(1), from at least November 15, 2007 to the effective date of these Orders, Respondent has failed to designate an operator of record with a valid Class A certification or above to oversee the technical operation of the PWS.
9. In accordance with OAC Rule 3745-81-21(A)(1)(a), a community water system using groundwater and serving not more than one thousand (1000) persons shall monitor with at least one total coliform bacteria sample each month that the water system provides water to the public.
10. In violation of OAC Rule 3745-81-21(A)(1)(a), Respondent failed to monitor for total coliform bacteria during the August 2010, September 2010 and December 2010 monitoring periods.
11. 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.

12. In accordance with ORC § 6109.12, every owner or operator of a PWS shall have analyses of the water made at such intervals and in such manner as may be ordered by Ohio EPA. Records of the results of such analyses shall be maintained and reported as required by Ohio EPA.
13. In accordance with OAC Rule 3745-81-31, PWSs are responsible for ensuring the results of a test, analysis or measurement is reported to Ohio EPA within ten days after the month in which the test, analysis or measurement was made or within ten days of the end of the monitoring period, whichever is sooner.
14. In accordance with OAC Rule 3745-83-01(C)(1), all community PWSs shall maintain a minimum of at least two-tenths milligram per liter free chlorine or one milligram per liter combined chlorine measured at representative points in the distribution system.
15. In accordance with OAC Rule 3745-83-01(G) and (I), all community PWSs shall monitor at least daily and submit monthly operating reports by the tenth day of the following month.
16. In accordance with OAC Rule 3745-84-03, Respondent submitted an application and application fee for a LTO on January 13, 2011.
17. 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 No. 2 through No. 10, for the period of February 10, 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. On or before March 31, 2011, Respondent shall comply with OAC Rule 3745-7-02(A)(1) by ensuring an operator of record with a valid class A certification or above is designated to oversee the technical operation of the PWS. On or before April 15, 2011, Respondent shall submit to Ohio EPA, at the address in Section X, the attached Operator of Record Notification Form as evidence of compliance.

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.
5. From the effective date of these Orders, Respondent shall comply with total coliform bacteria monitoring requirements, in accordance with OAC Rules 3745-81-21.
6. From the effective date of these Orders, Respondent shall report results to Ohio EPA in accordance with OAC Rule 3745-81-31.
7. From the effective date of these Orders, Respondent shall begin performing operational analyses including, but not limited to monitoring for free and combined chlorine residuals on forms acceptable to the Director, in accordance with OAC Rule 3745-83-01(G).
8. From the effective date of these Orders, Respondent shall, in accordance with OAC Rule 3745-83-01(I), submit monthly operating reports, signed by the operator of record, to Ohio EPA, CDO, DDAGW, P.O. Box 1049, Columbus, Ohio 43216-1049, no later than the tenth of the month following the end of the period for which the report was prepared.
9. On or before March 31, 2011, Respondent shall submit a general plan for approval of the existing public water system, in accordance with requirements in OAC Chapter 3745-91. This general plan should include a description of measures to be taken to ensure compliance with ORC Chapter 6109 and OAC rules adopted thereunder, as well as a schedule for achieving compliance.
10. On or before March 31, 2011, Respondent shall submit a capability assurance plan, in accordance with requirements in OAC Chapter 3745-87.

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: Julie Gillenwater

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:

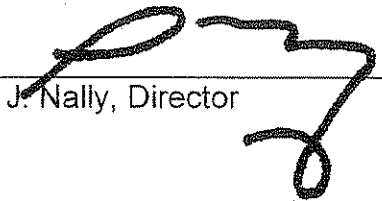
Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215

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

FEB 10 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

EAST END WATER CO

PWS ID: OH4566112

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: FEBRUARY 10, 2011

EXPIRATION DATE: JANUARY 30, 2012

LICENSE NUMBER: 4566112-798846-2011

A handwritten signature in black ink, appearing to read "Scott J. Nally".

Scott J. Nally, Director

EAST END WATER COMPANY--ORDERS

Effective Date: February 10, 2011

1. From the effective date of the Director's Final Findings and Orders issued February 10, 2011, the 2011 License to Operate (LTO) renewal for Respondent's PWS is issued with the conditions listed in Orders No. 2 through 10, for the period of February 10, 2011 to January 30, 2012, in accordance with Ohio Administrative Code (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. On or before March 31, 2011, Respondent shall comply with OAC Rule 3745-7-02(A)(1) by ensuring an operator of record with a valid class A certification or above is designated to oversee the technical operation of the PWS. On or before April 15, 2011, Respondent shall submit to Ohio EPA, at the address in Section X, a completed **Ohio EPA Operator of Record (ORC) Notification** as evidence of compliance.
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.
5. From the effective date of these Orders, Respondent shall comply with total coliform bacteria monitoring requirements, in accordance with OAC Rules 3745-81-21.
6. From the effective date of these Orders, Respondent shall report results to Ohio EPA in accordance with OAC Rule 3745-81-31.
7. From the effective date of these Orders, Respondent shall begin performing operational analyses including, but not limited to monitoring for free and combined chlorine residuals on forms acceptable to the Director, in accordance with OAC Rule 3745-83-01(G).
8. From the effective date of these Orders, Respondent shall, in accordance with OAC Rule 3745-83-01(I), submit monthly operating reports, signed by the operator of record, to Ohio EPA, CDO, DDAGW, P.O. Box 1049, Columbus, Ohio 43216-1049, no later than the tenth of the month following the end of the period for which the report was prepared.
9. On or before March 31, 2011, Respondent shall submit a general plan for approval of the existing public water system, in accordance with requirements in OAC Chapter 3745-91. This general plan should include a description of measures to be taken to ensure compliance with Ohio Revised Code Chapter 6109 and OAC rules adopted thereunder, as well as a schedule for achieving compliance.
10. On or before March 31, 2011, Respondent shall submit a capability assurance plan, in accordance with requirements in OAC Chapter 3745-87.