

Effective Date

JAN 14 2009

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Precision Wood Products, Inc.
2456 Aukerman Creek Road
P.O. Box 10
Camden, Ohio 45311

Respondent,

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Precision Wood Products, Inc. (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: Danica Lassiter Date: 1-14-09

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 noncommunity water system as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID# 6837312) is located at 2456 Aukerman Creek Road, Camden, (Preble County), Ohio, 45311.
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 35 persons.
4. 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.
5. In accordance with OAC Rule 3745-81-23(H)(2), 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.
6. 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 2007, October through December 2007, January through March 2008, April through June 2008, and July through September 2008 monitoring periods. Currently, Respondent's RAA is 20 ug/L.
7. On June 12, 2008, Respondent submitted a proposed schedule to Ohio EPA for the installation of treatment to reduce arsenic in the drinking water including dates for a demonstration study, demonstration study report, and final installation.
8. In accordance with OAC Rule 3745-7-03(B)(4), a PWS with ground water treatment to remove any chemical contaminant with an MCL (arsenic, nitrate, etc.) shall be classified as a Class 1 PWS and must have an Operator of Record with a valid certification of at least equal or greater than a Class 1.
9. Each violation cited above represents a separate violation of ORC § 6109.31.

V. ORDERS

1. Respondent shall comply with its chemical contaminant monitoring schedule for the calendar year 2008 and all subsequent monitoring schedules issued by the Director.
2. Within thirty (30) days of the effective date of these Orders, Respondent shall submit protocol, if applicable, for a demonstration study or testing of arsenic removal treatment to exhibit consistent and reliable treatment of the arsenic to below the arsenic MCL.
3. Within one hundred eighty (180) days of approval of the protocol for the demonstration study for arsenic removal treatment, Respondent shall complete the demonstration and submit a report of the demonstration study for the approval to the Ohio EPA.
4. Within ninety (90) days of approval of the demonstration study report for the arsenic removal treatment, Respondent shall submit detail plans to the Ohio EPA for the effective removal of arsenic to comply with the arsenic MCL specified in OAC Rule 3745-81-11(B).
5. Within thirty (30) days of detail plan approval, in accordance with Director's plan approval and OAC Chapter 3745-81, Respondent shall complete final installation of the treatment to reduce arsenic.
6. Within twelve (12) months of the initiation of operation of the treatment to reduce 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).
7. Within seven (7) days after the deadline given in Order No. 5, Respondent shall send written notification of compliance with the requirements of this Order to Ohio EPA, SWDO, DDAGW, as specified in Section X of these Orders.
8. Within thirty (30) days of notification, Respondent shall respond in writing to address any comments or deficiencies noted by Ohio EPA on any demonstration study protocol, plan, or other documentation submitted by Respondent.
9. Within ninety (90) days of the effective date of these Orders, Respondent shall retain a certified Class 1 Operator of Record for the required minimum staffing time.
10. Within thirty (30) days of notification, Respondent shall notify the public, in accordance with OAC Rule 3745-81-32, for exceedances of the arsenic MCL. Sent the public notice and verification form to Ohio EPA, Central Office, DDAGW, Attn: Emily Cushman, P.O. Box 1049, 43216.

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

Except as otherwise required by a specific Order, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Southwest District Office
Division of Drinking and Ground Waters
401 East Fifth Street
Dayton, Ohio 45402
Attn: Dave Secor, District Office Compliance Coordinator

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 the 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:

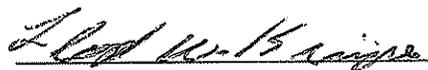
Ohio Environmental Protection Agency


Chris Korleski, Director

JAN 14 2009
Date

IT IS SO AGREED:

Precision Wood Products, Inc.


Signature

12-8-08
Date

Lloyd W. Biazie
Printed or Typed Name and Title