OHIO E.P.A.

MAY 21 2009

ENTERED DIRECTOR'S JOURNAL

Effective Date MAY 21 2009

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

The Golf Club
Att: C. Thomas Rice, President
4522 Kitzmiller Rd.
P.O. Box 369
New Albany, Ohio 43054

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: _____ Date: 5.21.2009

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 Golf Club (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, with the exception of requirements of Order #'s 1 and 3.

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) as defined by ORC § 6109.01, which is also a "nontransient noncommunity water system" as defined in Ohio Administrative Code (OAC) Rule 3745-81-01.

2. Respondent's PWS (PWS ID# OH2565912) is located at 4522 Kitzmiller Road (Franklin County), Ohio, 43054.

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 3745-7-03(B)(4), a PWS is classified as a Class I public water system when the PWS treats for arsenic to meet the arsenic MCL.

5. In accordance with OAC Rule 3745-81-11(B), the maximum contaminant level (MCL) for arsenic is 0.010 milligrams/liter (mg/L).

6. In accordance with OAC Rule 3745-81-23(H)(2), compliance with the MCL for arsenic is determined by the running annual average (RAA). A PWS is not considered in violation until it has completed one year of quarterly sampling unless any one sample result would cause the RAA to exceed the MCL.

7. In violation of OAC Rule 3745-81-11(B), as determined by OAC Rule 3745-81-23(H)(2), Respondent exceeded the arsenic MCL when their arsenic RAA was greater than 0.010 mg/L during the monitoring periods of July 1 through September 30, 2007, October 1 through December 31, 2007, January 1 through March 31, 2008, April 1 through June 30, 2008, July 1 through September 30, 2008, and October 1 through December 31, 2008. Respondent's RAA calculated through the monitoring period October 1 through December 31, 2008 is 0.016 mg/L.

8. In accordance with OAC Rule 3745-81-32(C), a PWS must provide public notice of the PWS's arsenic MCL violation within thirty (30) days of the MCL violation. The PWS must repeat the notice every three months as long as the violation persists.

9. In violation of OAC Rule 3745-81-32(C), Respondent has failed to provide public notice for the arsenic MCL violations for the monitoring periods of July 1 through September 30, 2007, October 1 through December 31, 2007, January 1 through March 31, 2008, April 1 through June 30, 2008, July 1 through September 30, 2008, and October 1 through December 31, 2008.

10. Each violation cited above represents a separate violation of ORC § 6109.31.

V. ORDERS

1. From the effective date of these Orders, Respondent shall comply with all current and subsequent contaminant monitoring schedules issued by the Ohio EPA.

2. Within fourteen (14) days of these Orders, Respondent shall post public notice in accordance with OAC Rule 3745-81-32 for the violations listed in Finding #9. Respondent shall provide copies of all public notices and verification forms within ten (10) days of posting to Ohio EPA at the address listed in Section X.

3. From the effective date of these Orders, and for as long as Respondent operates the PWS, Respondent shall post public notice in accordance with OAC Rule 3745-81-32 for all violations issued.

4. Within ninety (90) days of the effective date of these Orders, Respondent shall submit detail plans to Ohio EPA for arsenic removal treatment in accordance with OAC Chapter 3745-91, unless a pilot study or demonstration study is required for the preferred treatment system.

5. In the event that the preferred treatment system requires a pilot study or demonstration study, within sixty (60) days of the effective date of these Orders, Respondent shall submit a pilot study or demonstration protocol for the arsenic treatment option to Ohio EPA for review and approval.

6. Within thirty (30) days of Ohio EPA approval of the pilot or demonstration study protocol, Respondent shall commence with the approved study.

7. Within sixty (60) days of completion of the pilot or demonstration study, Respondent shall submit a report for review and approval, in which the data collected, results of data analysis, and the conclusions and recommendation are presented in an acceptable format, to Ohio EPA, Central Office, Division of Drinking and Ground Waters, Engineering, P.O. Box 1049, Columbus, Ohio 43216-1049.

8. Within ninety (90) days after pilot or demonstration study approval, Respondent shall submit detail plans to Ohio EPA for arsenic removal treatment in accordance with OAC Chapter 3745-91.

9. 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.

10. Within ninety (90) days 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 arsenic removal system.

11. Within seven (7) days after the deadline given in Order #10 above, Respondent shall send written notification of compliance with the Order to Ohio EPA.

12. Upon completion of the installation of the arsenic removal system, Respondent shall hire and retain the services of a Class I or higher operator, in accordance with OAC Rule 3745-7-03.

13. Within twelve (12) months of the completion of the arsenic removal system, Respondent shall achieve compliance with the arsenic MCL.

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 the appropriate office as identified in these Orders:

Ohio EPA, Central Office
Lazarus Government Center
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Kenneth Baughman, DDAGW-CO

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 other 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, 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

MAY 21 2009
Date

IT IS SO AGREED:

The Golf Club

Signature

4-25-09
Date

JACK DINGLE
Printed or Typed Name and Title