OHIO E.P.A.

JUL - 1 2008

ENTERED DIRECTOR'S JOURNAL

Effective Date JUL 1 2008

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Village of Metamora :
114 East Main Street :
Metamora, OH 43540 :

Respondent,

DIRECTOR'S FINAL
FINDINGS AND ORDERS

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: [signature] Date: 07-01-08

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Village of Metamora (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 the public water system (PWS) 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 Chapters 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 PWS as defined by ORC § 6109.01 and a "community water system" as defined by Ohio Administrative Code (OAC) Rule 3745-81-01.

2. Respondent's PWS (PWS ID: OH2600711) obtains its drinking water from a "surface water" source as defined by OAC Rule 3745-81-01, is located at 3985 State Route 120, Metamora (Fulton County), Ohio, 43540, and serves a population of 995 persons.

3. The Director issued Final Findings and Orders to Respondent on October 3, 2005. To date, Respondent has failed to complete certain requirements for compliance contained in these previous Orders, and, as a result, Respondent continues to exceed the maximum contaminant level (MCL) for total trihalomethanes (TTHM).

4. In accordance with OAC Rule 3745-81-24(C)(4), surface water PWSs serving 500 to 9,999 persons shall monitor with the minimum monitoring frequency of one TTHM water sample per quarter per treatment plant.

5. In accordance with OAC Rule 3745-81-24(C)(14), for PWSs monitoring quarterly, compliance with the MCL for TTHM shall be based on a running annual arithmetic average (RAA), computed quarterly, of quarterly arithmetic averages of all samples taken at each sampling point. If the RAA of quarterly averages covering any consecutive four-quarter period exceeds the MCL, the PWS is in violation of the MCL. In accordance with OAC Rule 3745-81-12(B), community water systems are in compliance with TTHM MCL if the RAA is not greater than 0.080 milligrams per liter (mg/L).

6. In violation of OAC Rule 3745-81-12(B), as determined by OAC Rule 3745-81-24(C)(14), Respondent exceeded the MCL for TTHM during the monitoring periods: October through December 2004, January through March 2005, April through June 2005, July through September 2005, October through December 2005, January through March 2006, April through June 2006, July through September 2006, October through December 2006, January through March 2007, April through June 2007, July through September 2007, and October through December 2007. Respondent's current RAA is 0.140 mg/L.

7. Each of the violations cited above represents a separate violation of ORC § 6109.31.

V. ORDERS

1. The Director's Final Findings and Orders issued on October 3, 2005 are hereby terminated. These Orders, as outlined below, hereby incorporate the outstanding requirements of the previous set of Orders.

2. Respondent shall comply with its current and future contaminant monitoring schedules issued by Ohio EPA.

3. Respondent shall provide public notice for TTHM MCL violations once every three (3) months, in accordance with OAC Rule 3745-81-32, until compliance is attained with the TTHM MCL.

4. Within sixty (60) days of the effective date of these Orders, Respondent shall submit to Ohio EPA for approval a Distribution System Optimization Plan (DSOP), prepared in accordance with OAC Rule 3745-81-78(G)(2).

5. Within thirty (30) days of notification, Respondent shall address any comments or deficiencies noted by Ohio EPA on the DSOP.

6. Within thirty (30) days of Ohio EPA approval of the DSOP, Respondent shall implement the DSOP.

7. Within sixty (60) days of the effective date of these Orders, Respondent shall perform jar test evaluations with ferric chloride, powdered activated carbon, potassium permanganate ($KMnO_4$), and alum to determine if adjustments in treatment will reduce total organic carbon (TOC) and TTHM concentrations in the finished water.

8. Within ninety (90) days of the effective date of these Orders, Respondent shall submit a report to Ohio EPA, Northwest District Office (NWDO), 347 North Dunbridge Road, Bowling Green, Ohio 43402-9398 detailing results of the jar test evaluation.

9. Within one hundred twenty (120) days of the effective date of these Orders, if jar test evaluations indicate reduction of TOC and TTHM concentrations in finished water, Respondent shall submit detail plans for the chemical feed system(s) to Ohio EPA, NWDO.

10. Within thirty (30) days of approval of the chemical feed system(s), Respondent shall install and commence operations of the chemical feed system(s).

11. Within one hundred twenty (120) days of the effective date of these Orders, Respondent shall submit detail plans, in accordance with OAC Rule 3745-91-02, to Ohio EPA, NWDO to address the waterline connection to Northeast Water District of Fulton County. Additionally, Respondent shall include with the detail plans a disinfection byproduct (DBP) formation study to assess how the connection to Northeast Water District of Fulton County will affect the concentrations of DBPs.

12. Within twelve (12) months of the effective date of these Orders, if Respondent determines that connection with Northeast Water District of Fulton County is not feasible, Respondent shall submit detail plans for the installation of granular activated carbon (GAC) filter units to Ohio EPA, NWDO.

13. Within thirty (30) months of the effective date of these Orders, Respondent shall connect with Northeast Water District of Fulton County, or complete installation of GAC filter units at the existing water treatment plant, and demonstrate that the PWS is in compliance with the TTHM MCL.

14. Thirty (30) days prior to connecting to Northeast Water District of Fulton County, Respondent shall submit plans to Ohio EPA, NWDO, DDAGW documenting how the treatment plant will be physically separated from the distribution.

15. Within thirty (30) days of connecting to Northeast Water District of Fulton County, Respondent shall cease operation and physically separate the existing water treatment plant from the distribution system.

16. Should Respondent fail to comply with the timeframe in Order #13, Respondent shall pay administrative penalties for the violations outlined in Attachment A, which may be assessed pursuant to ORC § 6109.23, of three thousand dollars ($3,000.00) to Ohio EPA to be deposited into the Drinking Water Protection Fund established by ORC § 6109.30. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" and submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent. Payment shall be made within thirty-one (31) months of the effective dates of these Orders.

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(D).

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. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders, unless otherwise stated, shall be addressed to:

Ohio Environmental Protection Agency
Division of Drinking and Ground Waters
Lazarus Government Building
P.O. Box 1049
Columbus, OH 43216-1049
Attn: Kenneth Baughman

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

X. RESERVATION OF RIGHTS

Ohio EPA reserves its rights to seek civil penalties against Respondent for violations specifically cited in these Orders, and reserves all other rights, privileges and causes of action.

XI. 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 Section 3745.04 of the Ohio Revised Code. 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 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

XII. 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

Chris Korleski, Director

JUL 1 2008
Date

ATTACHMENT A

TTHM MCL exceedances for the following violation periods:

October-December 2007

January – March 2008
April - June 2008
July – September 2008
October - December 2008

January – March 2009
April – June 2009
July – September 2009
October - December 2009

January – March 2010
April – June 2010
July – September 2010