



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

November 20, 2012

Mr. Tedd Ashman, Mayor
Village of Camden
56 North Main Street
P.O. Box 1
Camden, Ohio 45311

CERTIFIED MAIL

9171082133393715017719

Village of Camden
Preble County
Community public water system
PWS ID: #6800112

Dear Mayor Ashman:

On October 7, 2011, I referred the Village of Camden to the Ohio Attorney General's Office for civil enforcement to address violations of Ohio's safe drinking water requirements that had occurred and were continuing to occur at your public water system. These violations were primarily related to delays in the Village's efforts to develop a new source of water to replace the Village's wellfield that was rendered unusable because of salt contamination emanating from the R. Good Enterprise, LLC site. At that time, the Village was continuing to use the Klapper well to supply water to its residents in violation of plan approval which required the Village to cease using the Klapper well by March 15, 2011.

As you know, we attempted to resolve this matter through negotiated Findings and Orders that were proposed on April 18, 2011. As originally proposed, the Orders would have required the Village to do two things, namely, (1) construct a temporary connection to Southwest Regional Water District (SW Regional) and (2) develop a new source of water and construct a new drinking water plant.

The Village objected to the expense and adequacy of the connection to SW Regional and lobbied to eliminate the proposed requirement to connect to SW Regional based on its assertion that it could bring a new source on line in a timely manner. While Ohio EPA had significant reservations concerning the Village's ability to accomplish this task in a timely manner, we agreed to proceed down that path. However to address the agency's concerns about timeliness, the Orders included a proposed civil penalty, the vast majority of which would only become due if certain deadlines were not met regarding the development of new wells and construction of both the temporary and permanent treatment plants.

By mid-September 2011, the language of those Orders was largely negotiated by our respective attorneys. At this point in time, the Village had yet to submit for plan approval for

the new wells or temporary treatment. After repeated communications to the Village regarding the need to finalize/sign the Orders went unanswered, I made the decision to refer the matter to the Ohio Attorney General's Office on October 7, 2011. Weeks later, after the case had been referred, we learned that the reason for the lack of communication from the Village was that the Village had "reconsidered" its position regarding civil penalties as well as concerns about including the SW Regional connection as a contingent requirement if certain deadlines were not met.

During the past twelve months since the case was referred, the Village did bring the new wells on line with both the temporary and permanent treatment plants. Considering this fact, I have asked that the case be returned to Ohio EPA from the Attorney General's Office.

While I am very pleased that the citizens of Camden are now being supplied with drinking water that meets requirements under Ohio's safe drinking water laws, this does not excuse the fact that the choices made by Camden forced the citizens of the Village to endure marginal water quality from the Klapper well much longer than necessary. Ohio EPA first recommended the Village establish an emergency connection with SW Regional in August 2010, and in fact, the Village actively pursued that connection during the Fall of 2010. The Village then decided not to connect to SW Regional and to not comply with the March 15, 2011 deadline to stop using the Klapper well. While I know the Village continues to believe that the SW Regional connection was untenable for financial and operational reasons, I do not share your perspective. While I agree that it did not represent a permanent solution to Camden's situation, a fact that was explicitly recognized in the initial draft of the Orders, it was the quickest and most viable interim solution for the Village to provide drinking water to its citizens that met all applicable drinking water requirements in the timeframes required.

Because of the seriousness of these violations and the impacts caused by these violations, I continue to believe a penalty is warranted and thus I am assessing an administrative penalty in the amount of \$2,000.00. With this administrative Order, I consider the enforcement matter with the Village of Camden to be resolved.

Sincerely,



Scott J. Nally
Director

Enclosure

cc: Mike Baker, Chief, DDAGW
Todd Kelleher, DDAGW, CO
Jeff Davidson, Unit Manager, DDAGW-SWDO
Bill Fischbein, Legal

OHIO E.P.A.

Effective Date NOV 20 2012

NOV 20 2012

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Village of Camden :
56 North Main Street :
P.O. Box 1 :
Camden, Ohio 45311 :

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,

D. Mya Cassiter Date: 11-20-12

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Village of Camden (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), which is also a "community water system" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.
2. Respondent's PWS (PWS ID# 6800112) is located in Camden (Preble County), Ohio, 45311.

3. Respondent's PWS obtains its drinking water through the use of two wells from a "ground water" source (located on the Jered Property) as defined by OAC Rule 3745-81-01 and serves a population of approximately 2,046 persons. During 2010, Respondent obtained its drinking water through the use of three wells located in a different well field.
4. Respondent's PWS is designated by the Director as a Class I PWS in accordance with OAC Rule 3745-7-03.
5. On August 3, 2010, Respondent began receiving complaints from consumers regarding the taste of Respondent's drinking water. Respondent shut off well #3 and began using well #2 on August 3, 2010. Results from sampling of well #3 conducted on August 4, 2010 showed chloride levels five times greater than the secondary maximum contaminant level (SMCL), as defined by OAC Rule 3745-82-02, and cyanide at half the maximum contaminant level (MCL), as defined by OAC Rule 3745-81-11. Results from sampling of well #2 conducted on August 10, 2010 showed chloride levels greater than twice the SMCL. Respondent shut off well #2 and began using water from well #1 on August 25, 2010. Results from sampling of well #1 conducted on August 30, 2010 showed chloride levels greater than the SMCL. Additional monitoring at well #1 showed that chloride levels continued to increase.
6. On September 2, 2010, the Village of Camden council (Council) approved the measure to pursue the connection to the Southwest Regional Water (SWR) District PWS.
7. On September 10, 2010, the Council rescinded approval for the measure to pursue the connection to the SWR Water District PWS.
8. In accordance with ORC § 6109.05 (B), the Director issued Unilateral Administrative Orders to the Respondent on September 14, 2010, effective for 90 days. The emergency orders required the following:

Respondent shall continue to provide bottled water, at least 2 gallons per day per household, until an alternative approved water source is obtained;

By October 30, 2010, Respondent shall use an alternative approved water supply, which meets all primary and secondary drinking water standards in accordance with OAC Chapters 3745-81 and 3745-82, and provides a capacity of at least 160,000 gallons of water per day¹;

Respondent shall submit detailed plans for the option chosen in Order 2 by September 30, 2010.

¹160,000 gallons of water per day is considered a minimum for an immediate, interim

- measure. Final plan approval of a permanent solution would require meeting approved capacity.
9. In accordance with ORC 6109.31, no person shall violate an order of the Director.
 10. Respondent reinitiated its pursuit of the connection to the SWR Water District PWS and submitted detail plans for the connection to the SWR District PWS on October 18, 2010.
 11. On October 26, 2010, the Director approved the detail plans for the connection to the SWR District PWS.
 12. Respondent submitted detail plans for a temporary well (Klapper well) on October 27, 2010.
 13. On November 15, 2010, the Director approved the detail plans for the Klapper well with the following Special Condition: The temporary use of the Klapper well, disinfection, and iron sequestration must be discontinued by March 15, 2011 or fourteen (14) days after the connection to Southwest Regional Water becomes available, whichever comes first; the Klapper well lacks adequate isolation to be considered for use as a permanent production well for the Village of Camden.
 14. In accordance with ORC 6109.07, no person shall operate a public system without plan approval or operate in a manner in violation of the plan approval. The November 15, 2010 plan approval expired on March 15, 2011.
 15. In violation of ORC 6109.31 and the October 30, 2010 deadline specified in the September 14, 2010 orders, Respondent began using an approved alternative water supply (Klapper well) on November 18, 2010.
 16. In violation of ORC 6109.07 and the November 15, 2010 Director's plan approval, Respondent failed to discontinue the use of the Klapper well by the March 15, 2011 deadline.
 17. Respondent's historical maximum daily water use exceeded the capacity of the Klapper well.
 18. In accordance with OAC Rule 3745-83-01(I)(1), the owner or operator of a PWS shall prepare an operation report for each month of operation on forms acceptable to the Director.
 19. In accordance with OAC Rule 3745-83-01(I)(2), the monthly operation report shall be submitted to the district office no later than the tenth of the month following the month for which the report was prepared.

20. In violation of OAC Rule 3745-83-01(I)(2), Respondent failed to submit a monthly operation report for December 2010 by January 10, 2011.
21. In accordance with OAC Rule 3745-83-01(C)(1), all community public water systems shall maintain a minimum chlorine residual of at least two-tenths milligram per liter free chlorine, or one milligram per liter combined chlorine at representative points throughout the distribution system.
22. In violation of OAC Rule 3745-83-01(C)(1), Respondent failed to maintain the required minimum chlorine residual on four days in February 2011.

V. ORDERS

1. Within thirty (30) days of the effective date of these Orders, Respondent shall pay Ohio EPA the amount of two thousand dollars (\$2,000.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6109. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$2,000.00. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official check required by Section V of these Orders.

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. 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. 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.

X. 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:

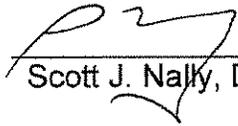
Environmental Review Appeals Commission
77 South High Street, 17th Floor
Columbus, OH 43215

XI. 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

NOV 20 2012

Date