OHIO E.P.A.

DEC 30 2011

ENTERED DIRECTOR'S JOURNAL

Effective Date DEC 30 2011

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Joy D. Sommer Trust :
12550 State Route 362 W1 :
Minster, Ohio 45865 :
Attn: Jeffrey Sommer, Trustee

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: Joy Lassiter Date: 12-30-11

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Joy D. Sommer Trust (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 systems 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.

IV. FINDINGS

The Director of Ohio EPA (Director) has determined the following findings:

1. Respondent owns and operates "public water systems" (PWSs) at both Lake View Village Mobile Home Park (Lake View Village MHP) and West Lake Village Mobile Home Park (West Lake Village MHP), which are "community water systems" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.

2. Lake View Village MHP (PWS ID# OH7501312) serves a population of 60 and is located at 12550 State Route 362-W1, Minster, (Shelby County), Ohio 45865. West Lake Village MHP (PWS ID# OH7501512) serves a population of 85 and is located

at 12550 State Route 362-W1, Minster, (Shelby County), Ohio, 45865.

3. Each of the Respondent's PWSs obtains its drinking water from a separate "ground water" source as defined by OAC Rule 3745-81-01.

4. On September 20, 2010, the Director issued Findings and Orders (2010 Orders) to Respondent.

5. As of the date of these Orders, Respondent is in violation of the 2010 Orders; specifically Orders No. 6 through 17 (see attached copy of 2010 Orders), which requires installation of treatment systems at both PWSs to reliably reduce arsenic levels below the maximum contaminant level (MCL).

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

7. In accordance with OAC Rule 3745-81-23 (H)(2), for PWSs which are conducting 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 a PWS fails to collect the required number of samples, compliance with the MCL (average concentration) will be based on the total number of samples collected.

8. In violation of OAC Rule 3745-81-11(B), for Lake View Village MHP, Respondent exceeded the arsenic MCL during July to September 2010 monitoring period with a RAA of 0.011 mg/L and October to December 2010 monitoring period with a RAA of 0.011 mg/L.

9. In violation of OAC Rule 3745-81-11(B), for West Lake Village MHP, Respondent exceeded the arsenic MCL during the October to December 2010 monitoring period with a RAA of 0.011 mg/L.

10. In accordance with OAC Rule 3745-83-01(I)(1), the owner or operator of a PWS required to monitor in accordance with OAC Rule 3745-83-01 (G) and (H) shall prepare an operation report for each month of operation on forms acceptable to the Director.

11. 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.

12. In violation of OAC Rule 3745-83-01(I)(1) and (2), Respondent failed to submit monthly operating reports for the months of January through December 2010 and

failed to submit monthly operating reports in a timely manner for the months of January through November 2011 for both PWSs.

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

14. Respondent explored the option of connecting Lake View Village MHP and West Lake Village MHP PWSs to a nearby community PWS to eliminate the need for treatment for arsenic, but determined that the PWSs could not connect to another PWS. Respondent is therefore proceeding with the installation of treatment for arsenic and iron reduction at both PWSs and has submitted a schedule indicating detailed plans for Lake View Village MHP and West Lake Village MHP PWSs will be submitted to Ohio EPA by December 31, 2011.

15. 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.

16. In accordance with OAC Rule 3745-84-03, Respondent submitted an application and application fee for license to operate (LTO) renewals for West Lake Village MHP on December 1, 2011 and Lake View Village MHP on December 5, 2011.

17. In accordance with OAC Rule 3745-84-06(A), the Director may condition an LTO at any time to require corrections of violations of ORC Chapter 6109 and the administrative rules adopted there under.

V. ORDERS

1. From the effective date of these Orders through January 30, 2013, the LTO renewals for Respondent's PWSs are issued with the conditions listed in Orders No. 2 through 11, in accordance with OAC Rule 3745-84-06.

2. From the effective date of these Orders, Respondent shall prominently display the conditioned LTOs at the offices of the PWSs, in accordance with OAC Rule 3745-84-04(D).

3. From the effective date of these Orders, Respondent shall comply with all current and future contaminant monitoring schedules issued by the Director.

4. From the effective date of these Orders, Respondent shall comply with arsenic monitoring and reporting requirements, in accordance with OAC Rule 3745-81-23.

5. From the effective date of these Orders, Respondent shall prepare an operation report for each PWS for each month of operation in a format acceptable to the Director, and the monthly operation report shall be submitted to the Ohio EPA no

later than the tenth of the month following the month for which the report was prepared, in accordance with OAC Rule 3745-83-01.

6. Within thirty (30) days from the effective date of these Orders, Respondent shall submit separate detail plans for each PWS for arsenic and iron reduction systems (three copies), in accordance with OAC Chapter 3745-91, to Ohio EPA. Respondent shall include a description of any ongoing treatment waste disposal or wastewater discharge issues in the detail plans.

7. Within thirty (30) days of receipt of notification, Respondent shall respond in writing to address any comments or deficiencies noted by Ohio EPA on the detail plans or other documentation submitted by Respondent for the arsenic and iron reduction system.

8. Within three (3) months of detail plan approval by Ohio EPA, in accordance with OAC Chapter 3745-91, Respondent shall complete installation and commence operation of the selected treatment for arsenic and iron reduction for both PWSs.

9. Within sixty (60) days of the effective date of these Orders, Respondent shall hire and retain a Class I or higher certified operator in accordance with OAC Rule 3745-7-03; prior to this requirement, Respondent shall continue to comply with OAC Rule 3745-7-02 by maintaining a certified Class A or higher operator as designated operator of record for the PWSs.

10. Within twelve (12) months of completion of the installation and commencement of operation of the arsenic and iron reduction system, Respondent shall maintain continuous compliance with the arsenic and iron MCL at both PWSs.

11. Within seven (7) days after the deadlines given in Orders No. 8 and 9, Respondent shall send written notification of compliance with the requirements of the Orders to Ohio EPA to the address in Section IX.

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 responsible officials 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 PWSs.

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

Except as noted otherwise in specific orders, 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: David Secor

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

X. 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.

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 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

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

Scott J. Nally, Director

DEC 30 2011
Date

OHIO E.P.A.

SEP 20 2010

Effective Date SEP 20 2010

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Joy D. Sommer Trust :
12550 State Route 362 W1 :
Minster, Ohio 45865 :
Attn: Jeffrey Sommer, Trustee

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,

By: [signature] Date: 9-20-10

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Joy D. Sommer Trust (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 systems 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.

IV. FINDINGS

The Director of Ohio EPA (Director) has determined the following findings:

1. Respondent owns and operates "public water systems" (PWSs) at both Lake View Village Mobile Home Park (Lake View Village MHP) and West Lake Village Mobile Home Park (West Lake Village MHP), which are also "community water systems" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.

2. Lake View Village MHP (PWS ID# OH7501312) serves a population of 60 and is located at 12550 State Route 362-W1, Minster, (Shelby County), Ohio, 45865. West Lake Village MHP (PWS ID# OH7501512) serves a population of 85 and is located at 12550 State Route 362-W1, Minster, (Shelby County), Ohio, 45865.

3. Each of Respondent's PWSs obtains its drinking water from a separate "ground water" source as defined by OAC Rule 3745-81-01.

4. In accordance with OAC Rule 3745-7-03(B)(4), a PWS with ground water treatment to remove any chemical contaminant with a maximum contaminant level (MCL) and a design flow of less than 0.5 million gallons per day shall be classified as a Class I system.

5. The Director issued chemical contaminant monitoring schedules for both of Respondent's PWSs for the following compliance periods:

   a. The 2007 monitoring schedule was issued on or about January 1, 2007 for the compliance period that began on January 1, 2007 and ended on December 31, 2007;

   b. The 2008 monitoring schedule was issued on or about January 1, 2008 for the compliance period that began on January 1, 2008 and ended on December 31, 2008; and,

   c. The 2009 monitoring schedule was issued on or about January 1, 2009 for the compliance period that began on January 1, 2009 and ended on December 31, 2009.

   Respondent was required to monitor for arsenic quarterly pursuant to these monitoring schedules.

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

7. In accordance with OAC Rule 3745-81-23(H)(2), for PWSs which are conducting 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 a PWS fails to collect the required number of samples, compliance with the MCL (average concentration) will be based on the total number of samples collected.

8. In violation of OAC Rule 3745-81-11(B), for Lake View Village MHP, Respondent exceeded the arsenic MCL during the October to December 2008 monitoring period with a RAA of 0.011mg/L; the January to March 2009 monitoring period with a RAA of 0.011 mg/L; the April to June 2009 monitoring period with a RAA of 0.012 mg/L; and the July to September 2009 monitoring period with a RAA of 0.011 mg/L.

9. Respondent's current RAA for arsenic at Lake View Village MHP is 0.010 mg/L.

10. In violation of OAC Rule 3745-81-11(B), for West Lake Village MHP, Respondent exceeded the arsenic MCL during the October to December 2007 monitoring period with a RAA of 0.011 mg/L; the January to March 2009 monitoring period with a RAA of 0.011 mg/L; and, the April to June 2009 monitoring period with a RAA of 0.011mg/L.

11. Respondent's current RAA for arsenic at West Lake Village MHP is 0.010 mg/L.

12. In accordance with OAC Rule 3745-81-86(C) and (D), a system serving a population of less than one hundred and one persons shall collect a total of five samples for lead and copper from five different sampling locations in accordance with the schedule provided by the Director.

13. In accordance with OAC Rule 3745-81-86(D)(4), a small PWS that does not exceed either the lead or copper action level during three consecutive years of monitoring may reduce the frequency for lead and copper monitoring from annually to once every three years.

14. Respondent was issued a notice of violation on January 26, 2009 for violation of OAC Rule 3745-81-86(D)(4), stating failure to monitor lead and copper tap samples from at least five appropriate sampling locations during the June 1 to September 30, 2008 triennial monitoring period at Lake View Village MHP. Lead and copper results were untimely submitted by Respondent on January 30, 2009 for results of samples taken on September 25, 2008, returning Lake View Village MHP to compliance.

15. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS shall provide public notification for violations and submit copies of the required public notice and verification forms to the Director.

16. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification and submit copies of the required public notices and verification forms for:

    a. exceeding the arsenic MCL during the January to March 2009 monitoring period at Lake View Village MHP; and,

b. exceeding the arsenic MCL during the January to March 2009 monitoring period at West Lake Village MHP.

17. In accordance with OAC Rule 3745-96-01(E), each community water system shall deliver a report to all of its customers by July first annually. Each report shall contain data collected during, or prior to, the previous calendar year.

18. In accordance with OAC Rule 3745-96-01 to 3745-96-04, by July first annually, each community water system shall provide to the Director the following information:

a. a copy of the Consumer Confidence Report (CCR) for the previous calendar year; and,

b. a distribution certification, on a form acceptable to the Director, certifying that the report has been distributed to customers, a good faith effort to reach non-bill paying customers has been completed, and that the information is correct and consistent with the compliance monitoring data previously submitted to the Director.

19. In violation of OAC Rule 3745-96-01 to 3745-96-04, Respondent failed to prepare and distribute the 2006 CCR for West Lake Village MHP to each customer by July 1, 2007. Also, Respondent failed to submit a copy of the 2006 CCR and distribution certification form to Ohio EPA by July 1, 2007. A completed copy of the 2006 CCR for West Lake Village MHP was untimely received by Ohio EPA on August 14, 2007.

20. In accordance with OAC Rule 3745-82-02, the secondary MCL for iron is 0.3 mg/L.

21. Well analysis for Lake View Village MHP indicates an iron level of 2.15 mg/L in the raw water.

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

V. ORDERS

1. Within thirty (30) days of the effective date of these Orders, Respondent shall remedy the violations listed in Finding No. 16 by issuing a public notification and by submitting copies of the required public notices and verification forms to the Ohio EPA, Division of Drinking and Ground Waters (DDAGW), Central Office (CO), Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049, Attn: Julie Gillenwater, in accordance with OAC Rule 3745-81-32, for:

a. exceeding the arsenic MCL during the January to March 2009 monitoring period at Lake View Village MHP; and,

b. exceeding the arsenic MCL during the January to March 2009 monitoring period at West Lake Village MHP.

2. Order Nos. 3-17 pertain to both Lake View Village MHP (PWS ID# OH7501312) and West Lake Village MHP (PWS ID# OH7501512).

3. From the effective date of these Orders, Respondent shall comply with all current and future contaminant monitoring schedules issued by the Director.

4. From the effective date of these Orders, Respondent shall comply with arsenic monitoring and reporting requirements, in accordance with OAC Rule 3745-81-23.

5. From the effective date of these Orders, Respondent shall issue public notice for all violations in accordance with OAC Rule 3745-81-32.

6. Respondent shall install a treatment system for each PWS to reliably reduce arsenic levels to below the MCL.

   a. If Respondent chooses to use conventional oxidation/filtration arsenic and iron reduction systems (i.e., greensand), within sixty days (60) days of the effective date of these Orders, Respondent shall submit separate detail plans for each PWS for the conventional oxidation/filtration arsenic and iron reduction systems (three copies) in accordance with OAC Chapter 3745-91 to Ohio EPA. Respondent shall include a description of any ongoing treatment waste disposal or wastewater discharge issues in the detail plans. Respondent's compliance with Order Nos. 7-12 will not be required. Respondent will be required to comply with Order Nos. 13-17; or,

   b. If Respondent chooses to use alternative arsenic and iron reduction systems, within sixty (60) days of the effective date of these Orders, Respondent shall submit pilot study protocols for the alternative systems and shall comply with Order Nos. 7-17. One pilot study may be acceptable for both PWSs if a comparison of raw water from each well shows similar water chemistry. If not, separate equipment will have to be installed at each PWS and separate pilot studies will have to be conducted.

7. If Ohio EPA should require any revisions to the pilot study protocol, Respondent shall make any such changes or modifications and/or submit any additional information to Ohio EPA within thirty (30) days of receiving a written comment letter from Ohio EPA.

8. Within thirty (30) days of Ohio EPA approval of the pilot study protocol, Respondent shall commence the pilot study.

9. Within sixty (60) days of completion of Respondent's pilot study, Respondent shall submit a report, presented in an acceptable format for review and approval, which contains the data collected, results of the data analysis, and the conclusions and recommendations from the pilot study, to: Ohio EPA, DDAGW, Central Office Engineering, 50 West Town Street, Suite 700, Columbus, Ohio 43215. Data shall also be submitted in an agreed-upon electronic format. The report shall also include all other data collected during start-up prior to each test period. For each operation mode performed during the pilot study, the pertinent parameters (raw water source, chemical type and dose, pH, etc.) shall be clearly defined and presented in the report.

10. If the pilot study is not acceptable because the treatment failed to demonstrate sufficient, consistent, and reliable treatment, a revised pilot study protocol is required to be submitted to Ohio EPA within thirty (30) days of receiving a written comment letter from Ohio EPA, or Respondent can choose to pursue a conventional oxidation/filtration treatment approach and return to Order No. 6a, and submit two separate sets of detail plans within sixty (60) days of receiving the written comment letter from Ohio EPA which states the pilot study protocol(s) is not acceptable.

11. Within thirty (30) days of approval of the revised pilot study protocol(s), Respondent shall commence the revised pilot study, and within sixty (60) days of completion of the pilot study, Respondent shall submit a report(s) as specified in Order No. 9.

12. Within sixty (60) days of pilot study report approval, Respondent shall submit detail plans for each arsenic and iron reduction system (three copies) in accordance with OAC Chapter 3745-91 to Ohio EPA. Respondent shall include a description of any ongoing treatment waste disposal or wastewater discharge issues in the detail plans.

13. Within thirty (30) days of receipt of notification, Respondent shall respond in writing to address any comments or deficiencies noted by Ohio EPA on the detail plans or other documentation submitted by Respondent for the arsenic and iron reduction system.

14. Within six (6) months of detail plan approvals by Ohio EPA, in accordance with OAC Chapter 3745-91, Respondent shall complete installation and commence operation of the selected treatment for arsenic and iron reduction.

15. Within six (6) months of detail plan approvals by Ohio EPA, Respondent shall hire and retain a Class I or higher certified operator in accordance with OAC Rule 3745-7-03; prior to this requirement Respondent shall continue to comply with OAC Rule 3745-7-02 by maintaining a certified Class A or higher operator as the designated operator of record for the PWSs.

16. Within twelve (12) months of completion of the installation and commencement of operation of the arsenic and iron reduction system Respondent shall maintain continuous compliance with the arsenic MCL.

17. Within seven (7) days after the deadlines given in Order Nos. 14 and 15, Respondent shall send written notification of compliance with the requirements of each of the Orders to Ohio EPA at the address in Section X.

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 responsible officials 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 PWSs.

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 noted otherwise in specific orders, 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: David Secor

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 agree 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

SEP 20 2010
Date

IT IS SO AGREED:

Joy D. Sommer Trust

D. Joy Sommer
Signature

9-1-10
Date

D. JOY SOMMER OWNER
Printed or Typed Name and Title

OhioEPA

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

LAKE VIEW VILLAGE MHP

PWS ID: OH7501312

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, 2013

APPLICATION FOR RENEWAL IS REQUIRED TO BE SUBMITTED TO THE OHIO EPA AT LEAST THIRTY DAYS PRIOR TO THIS DATE.

EFFECTIVE DATE: **DECEMBER 30, 2011**

EXPIRATION DATE: **JANUARY 30, 2013**

LICENSE NUMBER: **7501312-839306-2012**

Scott J. Nally, Director

Conditional LTO

LAKE VIEW VILLAGE MHP ORDERS

Effective Date: December 30, 2011

1. From the effective date of these Orders through January 30, 2013, the LTO renewal for Respondent's PWS is issued with the conditions listed in Orders No. 2 through 11, in accordance with OAC Rule 3745-84-06.

2. Respondent shall prominently display the conditioned LTO at the office of the PWS.

3. Respondent shall comply with all current and future contaminant monitoring schedules issued by the Director.

4. Respondent shall comply with arsenic monitoring and reporting requirements.

5. Respondent shall prepare an operation report for each month of operation in a format acceptable to the Director, and the monthly operation report shall be submitted to the Ohio EPA no later than the tenth of the month following the month for which the report was prepared.

6. Within thirty (30) days from the effective date of these Orders, Respondent shall submit detail plans for arsenic and iron reduction systems (three copies), in accordance with OAC Chapter 3745-91 to Ohio EPA. Respondent shall include a description of any ongoing treatment waste disposal or wastewater discharge issues in the detail plans.

7. Within thirty (30) days of receipt of notification, Respondent shall respond in writing to address any comments or deficiencies noted by Ohio EPA on the detail plans or other documentation submitted by Respondent for the arsenic and iron reduction system.

8. Within three (3) months of detail plan approval by Ohio EPA, in accordance with OAC Chapter 3745-91, Respondent shall complete installation and commence operation of the selected treatment for arsenic and iron reduction.

9. Within sixty (60) days of the date of these Orders, Respondent shall hire and retain a Class I or higher certified operator in accordance with OAC Rule 3745-7-03; prior to this requirement, Respondent shall continue to comply with OAC Rule 3745-7-02 by maintaining a certified Class A or higher operator as designated operator of record for the PWS.

10. Within twelve (12) months of completion of the installation and commencement of operation of the arsenic and iron reduction system, Respondent shall maintain continuous compliance with the arsenic MCL.

11. Within seven (7) days after the deadlines given in Orders No. 8 & 9, Respondent shall send written notification of compliance with the requirements of the Orders to Ohio EPA.

Ohio EPA

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

WEST LAKE VILLAGE MHP PWS

PWS ID: OH7501512

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, 2013

APPLICATION FOR RENEWAL IS REQUIRED TO BE SUBMITTED TO THE OHIO EPA AT LEAST THIRTY DAYS PRIOR TO THIS DATE.

EFFECTIVE DATE: **DECEMBER 30, 2011**

EXPIRATION DATE: **JANUARY 30, 2013**

LICENSE NUMBER: **7501512-840917-2012**

Scott J. Nally, Director

Compliance Copy

WEST LAKE VILLAGE MHP ORDERS

Effective Date: December 30, 2011

1. From the effective date of these Orders through January 30, 2013, the LTO renewal for Respondent's PWS is issued with the conditions listed in Orders No. 2 through 11, in accordance with OAC Rule 3745-84-06.

2. Respondent shall prominently display the conditioned LTO at the office of the PWS.

3. Respondent shall comply with all current and future contaminant monitoring schedules issued by the Director.

4. Respondent shall comply with arsenic monitoring and reporting requirements.

5. Respondent shall prepare an operation report for each month of operation in a format acceptable to the Director, and the monthly operation report shall be submitted to the Ohio EPA no later than the tenth of the month following the month for which the report was prepared.

6. Within thirty (30) days from the effective date of these Orders, Respondent shall submit detail plans for arsenic and iron reduction systems (three copies), in accordance with OAC Chapter 3745-91 to Ohio EPA. Respondent shall include a description of any ongoing treatment waste disposal or wastewater discharge issues in the detail plans.

7. Within thirty (30) days of receipt of notification, Respondent shall respond in writing to address any comments or deficiencies noted by Ohio EPA on the detail plans or other documentation submitted by Respondent for the arsenic and iron reduction system.

8. Within three (3) months of detail plan approval by Ohio EPA, in accordance with OAC Chapter 3745-91, Respondent shall complete installation and commence operation of the selected treatment for arsenic and iron reduction.

9. Within sixty (60) days of the date of these Orders, Respondent shall hire and retain a Class I or higher certified operator in accordance with OAC Rule 3745-7-03; prior to this requirement, Respondent shall continue to comply with OAC Rule 3745-7-02 by maintaining a certified Class A or higher operator as designated operator of record for the PWS.

10. Within twelve (12) months of completion of the installation and commencement of operation of the arsenic and iron reduction system, Respondent shall maintain continuous compliance with the arsenic MCL.

11. Within seven (7) days after the deadlines given in Orders No. 8 & 9, Respondent shall send written notification of compliance with the requirements of the Orders to Ohio EPA.