



OHIO E.P.A.

FEB 11 2015

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

ENTERED DIRECTOR'S JOURNAL

Donald Daley
1655 North Ridge Road
Vermilion, Ohio 44089

RE: Donald Daley
DFFO
Water and Wastewater Certification
Lorain County
Certificate: WS3-1013411-81

Issuance Date: February 11, 2015
Effective Date: February 11, 2015

CERTIFIED MAIL
9171082133393715021020

**Subject: Emergency Order Effective Immediately
pursuant to ORC 6109.05(B) and OAC 3745-47-19**

Dear Mr. Daley:

I am writing with regard to your Class 3 Water Supply Certificate issued to you by Ohio EPA pursuant to Ohio Administrative Code (OAC) 3745-7. On September 4th, 2013, Director Nally issued a proposed revocation of your Class 3 Water Supply Certificate and Class 4 Wastewater Certificate based on violations of Ohio Revised Code (ORC) Chapters 6109 and 6111, and the rules thereunder. Since the issuance of the proposed revocation, I have determined that you continued to violate the requirements of ORC Chapter 6109, and the rules adopted thereunder. Numerous violations have continued to occur at every public water system in which you are designated as an operator of record, but more specifically in at least the following instances:

1. Vermilion Water Treatment Plant Turbidity Exceedance: As Operator of Record, you failed to oversee the technical operation of the public water system, failed to meet minimum staffing requirements, failed to keep accurate records, failed to take action when all of the individual filters exceeded 1.0 NTU, and failed to take proper actions when the Vermilion Water Treatment Plant exceeded a turbidity of 1.0 NTU on January 10, 2015. When you were notified on January 10, 2015 that the turbidity of the finished water was 1.97 NTU you took no action to address the situation, failed to immediately notify the owner of the public water system, and failed to provide notice to Ohio EPA within 24 hours. Additionally, your failure to issue a timely boil advisory exposed over 10,000 residents of the City of Vermilion, including children and other sensitive populations, to potentially unsafe drinking water. The lack of action on this occurrence, and continued inability and failure to comply with the requirements of ORC Chapter 6109, and the rules adopted thereunder, presents a continued threat to public health and welfare requiring emergency action.
2. Poplar Village Mobile Home Park Violations: As Operator of Record you failed to monitor for total coliform bacteria for August 2014, failed to correct the significant

deficiency for failure to maintain a minimum chlorine residual on at least the following occasions: June 6, 2014; June 18, 2014; July 2, 2014; July 16, 2014; July 26, 2014; July 27, 2014; August 12, 2014; August 14, 2014; August 21, 2014; September 21, 2014; September 27, 2014; September 28, 2014; September 29, 2014; and September 30, 2014. You also failed to take an entry point chlorine sample on at least the following occasions: For STU1: July 21, 2014; July 22, 2014; September 23, 2014; September 24, 2014; and September 26, 2014. For STU2: September 13, 2014; September 14, 2014; September 24, 2014; and September 26, 2014.

3. Five Point Mobile Home Park: As Operator of Record, you failed to appropriately investigate and promptly resolve an operational issue which resulted in periodic high levels of chlorine delivered to customers of the public water system.
4. Pleasant Acres Mobile Home Park Violations: As Operator of Record you failed to recognize and notify Ohio EPA of an operational issue which resulted in periodic high levels of chlorine delivered to customers of the public water system (July 16, 2014; July 31, 2014; and July 31, 2014). Upon discovery by Ohio EPA and notification of the issue to Uni-Tech, you failed to ensure prompt resolution of the operational problem. As Operator of Record you failed, on at least two occasions, to maintain an appropriate chlorine residual for 5 days in April 2014 at both the entry point and distribution, and for 6 days at the entry point and 5 days in the distribution during May 2014.

In violation of OAC 3745-7-09, your actions as a certified operator constitute: failure to perform your duties in accordance with standard operating procedures and best management practices; failure to operate and maintain public water systems, sewerage systems, treatment works and appurtenances so as not to endanger the health or safety of persons working in or around the facility, the public at large, or the environment due to negligence or incompetence; failure to perform responsible and effective onsite management and supervision of the technical operations of the public water system (PWS), treatment works, or sewerage system where you are the operator of record; and failure to immediately notify the agency of items that require notification in accordance with ORC Chapters 6109.

These violations, culminating with the events at the Vermilion Water Treatment Plant, represent a continued threat to the public health or welfare. Due to these continued violations of ORC Chapter 6109 and the rules adopted thereunder, I hereby determine and declare that a water supply emergency exists and that immediate action is required to protect public health or welfare and the owner or operator of a public water system has not taken such action. I am issuing this emergency order in accordance with ORC 6109.05(B), and with the issuance of this emergency order, I hereby order you:

1. Not to function or serve as Operator of Record at any PWS after fourteen (14) days from the effective date of these orders;
2. Immediately not to interfere with others serving as an Operator of Record at a PWS; and
3. To immediately comply with all requirements of ORC Chapter 6109, and the rules adopted thereunder.

This order will remain in effect for 90 days, unless the director extends the effectiveness of the order for additional periods in accordance with ORC 6109.05(B).

In accordance with ORC 6109.05(B) and OAC 3745-47-19, you may request a hearing within ten days after receipt of this order. If a hearing is requested in accordance with ORC 6109.05(B) and OAC 3745-47-19, the hearing will be held within forty-eight hours to consider the issues raised by the adjudication hearing request. If necessary to obtain necessary evidence, the hearing examiner may continue the adjudication hearing, but shall reconvene the adjudication hearing as soon as possible and not later than 20 days. At an adjudication hearing you may appear in person, or be represented by your attorney, or by such representative as is permitted to practice before this Agency, or you may present your position, arguments, or contentions in writing. At the hearing you may present evidence and examine witnesses appearing against you. The request for a hearing shall be in writing and shall specify the issues of fact and law to be contested. Requests for a hearing shall be submitted in writing to the Hearing Clerk, Ohio EPA, P.O. Box 1049, Columbus, Ohio 43216-1049.

Sincerely,



Craig W. Butler, Director
Ohio Environmental Protection Agency

cc: Indian Village Mobile Home Park, Trace Meyer, 216 West Wayne Street, Maumee, OH 43537
Five Point Mobile Home Park, Trace Meyer, 216 West Wayne Street, Maumee, OH 43537
Village of Kelley's Island, Scott Stevenson, PO Box 469, Kelley's Island, OH 43438
Pleasant Acres Mobile Home Community, LLC, Joseph F. Badalamenti, 44140 Riverview Ridge, Clinton Township, MI 48083
Lake Erie Utilities Company, Greg Myers, PO Box 29, Middle Bass Island, OH 43446
Erie Island Resort & Marina, Keith E. Sparks, 4495 West Darr-Hopfinger Road, Port Clinton, OH 43452
St. Hazards, Edmund Gudenas, 1233 Fox Road, PO Box 69, Middle Bass Island, OH 43446
Poplar Village Mobile Home Park, Robert Merchant, HAP III, LLP, PO Box 1649, Oakdale, CA 95361

ec: Beth Messer, Assistant Chief, DDAGW
Holly Kaloz, Manager, DDAGW-CO
Andrew Barienbrock, Manager, DDAGW-CO
Ellen Gerber, DDAGW-NWDO
Ann Fischbein, OEPA-Legal
Colin Bennett, OEPA-Legal
L. Scott Helkowski, Attorney General's Office
Molly Reitter, Attorney General's Office
Kelly McCloud, Attorney General's Office
David Emerman, Attorney General's Office



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

Issue Date: September 4, 2013

CERTIFIED MAIL
9171082133393715019195

Donald Daley
1655 N Ridge Rd
Vermilion, OH 44089

RE: Proposed Revocation of Class 3 Water Supply Certificate and Class 4 Wastewater Certificate

Dear Mr. Daley:

I am writing with regard to your Class 3 Water Supply Certificate and your Class 4 Wastewater Certificate issued to you by Ohio EPA pursuant to Ohio Administrative Code (OAC) Chapter 3745-7. Information collected by Ohio EPA during site visits and reviews of log books and other documentation submitted to Ohio EPA for several facilities which listed you as the operator of record, demonstrate you have violated Ohio Revised Code (ORC) Chapters 6109 and 6111, and the rules adopted thereunder. The inspections and records review revealed a number of violations, which are documented in the attachments to this letter. Additionally, a review of the log books indicated the times in the log books on at least one occasion were not reflective of the amount of time necessary to travel from one facility to the next. The review of the log books and monthly operating reports (MORs) also indicates you were pinning MORs as the operator of record but rarely visited the facilities.

In violation of OAC Rule 3745-7-09, your actions as documented in the attachments constitute: failure to perform your duties in a responsible and professional manner consistent with standard operating procedures and best management practices; failure to operate and maintain public water systems, sewerage systems, treatment works, and appurtenances so as not to endanger the health or safety of persons working in or around the facility, the public at large, or the environment due to negligence or incompetence; failure to report all instances of noncompliance with applicable regulations to the operator of record or facility supervisor; failure to provide responsible and effective on site management and supervision of the technical operation of the public water system, treatment works, or sewerage system; and failure to immediately notify the permittee or owner of a public water system, sewerage system, or treatment works, and ensure the agency and, if applicable, the local regulatory agency, is notified of items that require notification in accordance with ORC Chapters 6109 or 6111, the rules adopted thereunder, or the facility's NPDES permit.

Your actions constitute: the performance of the duties of an operator in a negligent or incompetent manner; the knowing or negligent submission of misleading, inaccurate or false reports, documents or applications; operating in a manner endangering the public health or welfare; and operating in such a manner as to have violated or caused to be violated

provisions of ORC Chapters 6109 and 6111. These alleged actions occurred during your employment with various facilities and involve actions related to your obligations as a certified operator.

Pursuant to OAC Rule 3745-7-12(A), the director may revoke the certificate of an operator upon finding that the operator has performed the duties of an operator in a negligent or incompetent manner, knowingly or negligently submitted misleading, inaccurate or false reports, documents or applications, operated in a manner endangering the public health or welfare, or operated in such a manner as to have violated or caused to be violated provisions of ORC Chapters 6109 or 6111. Accordingly, I am proposing to revoke your Class 3 Water Supply Certificate WS3-1013411-81 and Class 4 Wastewater Certificate WW4-1013411-83. This revocation is issued as a proposed action pursuant to ORC Chapter 119 and OAC Chapter 3745-49. You may continue to perform as a certified operator until such date as revocation is made final.

Under ORC Chapters 119, 6111, and 6109, this action of the director will become final unless you or an objector requests an adjudication hearing. As provided by ORC Sections 119.07 and 3745.07, a request for an adjudication hearing must be received by Ohio EPA within thirty (30) days of the date of issuance of this action. At an adjudication hearing you may appear in person, or be represented by your attorney, or by such representative as is permitted to practice before this Agency, or you may present your position, arguments, or contentions in writing. At the hearing you may present evidence and examine witnesses appearing against you. The request for a hearing shall be in writing and shall specify the issues of fact and law to be contested. Requests for a hearing shall be submitted in writing to the Hearing Clerk, Ohio EPA, P.O. Box 1049, Columbus, Ohio 43216-1049.

Sincerely,



Scott J. Nally
Director

Attachments

cc: Operator file
ec: Holly Kaloz, CAS Manager, DDAGW-CO
Susan Schell, ELO Manager, DDAGW-CO
Ellen Gerber, District Manager, DDAGW-NWDO
Nancy Rice, District Manager, DDAGW-NEDO
Rich Blasick, District Manager, DSW-NEDO
Elizabeth Wick, District Manager, DSW-NWDO
Andrew Barienbrock, Operator Certification Supervisor, DDAGW-CO
Kimberly Rhoads, Legal

List of Attachments

Butternut Ridge Apartments (07/27/12, 08/01/13)
Columbia Schools (07/26/06, 03/03/10, 03/20/13, 08/01/13)
EMSNET (08/01/13)
French Creek (10/28/08, 12/31/09, 10/18/12, 08/01/13)
Indian Village Mobile Home Park (MHP) (03/01/13, 08/01/13)
Lake Erie Utilities PWS (09/28/11, 12/15/11, 04/09/12, 05/17/12, 06/06/12, 06/12/12,
06/20/12, 11/23/12, 01/15/13, 03/01/13)
Lake Erie Utilities WWTP (06/12/12, 08/08/12, 10/15/12, 01/03/13, 08/01/13)
Norwalk Elks Lodge (10/29/08, 06/05/09, 03/03/10, 04/08/10, 05/24/12, 08/01/13)
Pleasant Acres PWS (08/01/13)
Pleasant Acres WWTP (07/17/13, 08/01/13)
Poplar Village PWS (07/17/13, 08/01/13)
SBS Garage (11/22/11, 07/24/13, 08/01/13)
Sheffield Schools (04/06/11, 12/19/11, 06/05/12, 05/02/13, 08/01/13)
St. Hazards PWS (12/16/11, 08/10/11, 05/02/12, 08/28/12)
St. Hazards WWTP (08/10/11, 06/12/12)
US 6/23 Retail Sales (01/04/11, 04/27/12, 08/01/13)
Vermilion PWS (08/01/13)
Vermilion WWTP (05/08/13, 08/01/13)
Wood Valley MHP (07/17/13, 08/01/13)