



Mike DeWine, Governor  
Jon Husted, Lt. Governor  
Laurie A. Stevenson, Director

December 27, 2021

**TRANSMITTED ELECTRONICALLY**

**NOTICE OF VIOLATION**

The Honorable Benjamin Kyle  
Mayor of Hubbard  
P.O. Box 307  
Hubbard, OH 44425-0307

RE: Hubbard City PWS  
Notice of Violation  
Drinking Water Program  
Trumbull County  
PWS ID # OH7801415

**Subject: Significant Deficiency; Waterline Found in Sanitary Sewer Manhole  
Facility ID # 7859123, (COMM)**

Dear Mayor Kyle:

On December 9, 2021, a PWS representative confirmed the presence of a waterline in the sanitary sewer manhole at or near 6895 Truck World Blvd in Hubbard, Ohio. In response, I conducted an inspection of Ohio EPA records to determine if the director had issued plan approval for the installation of this waterline project. The purpose of my inspection was to determine your facility's compliance with Ohio's drinking water laws as found in Chapter 6109 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). My inspection included a review of records associated with facility operations.

During the inspection, Ohio EPA observed the following violations of Chapter 6109 of the ORC and Chapter 3745 of the OAC.

**SIGNIFICANT DEFICIENCY**

During the inspection of records and evaluation of information provided to Ohio EPA, a significant deficiency was identified. In accordance with OAC rules 3745-81-60 and 3745-81-61, your public water system shall respond in writing within 30 days of the date of this letter indicating how and on what schedule the public water system will address the following significant deficiencies. Whenever feasible, a public water system shall correct a significant deficiency within 30 days of notification. When a public water system is not able to complete a corrective action for a significant deficiency within 30 days, the system shall submit a plan within 30 days of the date of the notice of violation with a schedule for completing corrective actions and correct the significant deficiency according to the schedule accepted by the director. Consultation with your Ohio EPA district office representative prior to submitting a plan is encouraged.

Failure to correct a significant deficiency violation in accordance with a schedule accepted by the Director represents a treatment technique violation and the water system would be required to issue a Tier 2 public notice to their water consumers.

1. **Management – Application for Approval of Plans:** In accordance with OAC Rule 3745-91-02, No person shall begin construction or installation of a public water system, or make a substantial change in a public water system, until plans therefor have been approved by the director of environmental protection, unless exempted pursuant to paragraphs (D) to (F) of this rule. An application for approval of plans for such construction, installation, or substantial change in a public water system, as required by section 6109.07 of the Revised Code, shall be submitted to the district office, and shall consist of all of the following:
  - (1) Three copies of plan drawings as specified by rule 3745-91-03 of the Administrative Code (two copies if the facility is or will be owned by a public entity).
  - (2) One copy of specifications as specified by rule 3745-91-04 of the Administrative Code.
  - (3) One copy of a data sheet as specified by rule 3745-91-05 of the Administrative Code.
  - (4) One copy of supporting information as specified by rule 3745-91-06 of the Administrative Code.
  - (5) A submittal letter as specified by rule 3745-91-07 of the Administrative Code.

“The Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Mangers’ Recommended Standards for Water Works 2012” (Ten States Standards or TSS) shall be used as a guide in the technical review of plans submitted under Chapter 3745-91.

Ten States Standards Part 8 – Distribution System Piping and Appurtenances provides standards for the separation distances from contamination sources in 8.8.1 General, 8.8.2 Parallel installation, and 8.8.6 Sewer manholes that appear to be applicable to the violations identified during my inspection of Ohio EPA records.

- (a) The PWS has confirmed the presence of a waterline in the sanitary sewer manhole at 6985 Truck World Blvd., Hubbard, Ohio. The location of this waterline does not meet the standards referenced in “The Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Mangers’ Recommended Standards for Water Works 2012”. As constructed, this waterline provides a pathway of entry for microbial or other contamination and causes, or has the potential to cause, an unacceptable risk to health or could affect the reliable delivery of safe drinking water to the PWS’s customers.
- (b) In addition, based upon my review, Ohio EPA records did not demonstrate the PWS had received plan approval for the installation of this waterline extension project as required by the rule cited above. Similarly, PWS representatives have not been able to produce any documentation to show that the PWS received plan approval from the director for the installation of this waterline extension project (Plan No. NE-889-WS).
- (c) ***As stated above, whenever feasible, a public water system shall correct a significant deficiency within thirty days of notification. Please provide a written response indicating how your PWS will mitigate the unacceptable risk to health or the reliable delivery of safe drinking water to the PWS’s consumers by rerouting this waterline outside the sanitary sewer manhole. This response***

***should also include a schedule for the submission of plans for approval by the director for the waterline extension project (Plan No NE-889-WS) previously returned to the PWS in correspondence dated June 8, 1990.***

If you have already resolved the violations listed above, thank you, and please provide documentation supporting compliance.

If you have not yet addressed the violations, please submit a compliance plan on how the PWS plans to correct the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to [christopher.maslo@epa.ohio.gov](mailto:christopher.maslo@epa.ohio.gov).

If circumstances delay resolution of violations, Hubbard City PWS shall submit written correspondence describing the steps that will be taken and dates when compliance will be achieved.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Section 6109.23 and 6109.33 of the Ohio Revised Code.

At this time, we will not be issuing hard-copy mail. This letter is an official response from Ohio EPA that will be maintained as a public record. If you have any questions regarding this letter, or any other matter involving your water system, please feel free to contact me at (330) 963-1164, or by e-mail at [christopher.maslo@epa.ohio.gov](mailto:christopher.maslo@epa.ohio.gov).

Sincerely,



Chris Maslo  
Environmental Specialist  
Division of Drinking and Ground Waters

CM/ams

Enclosure: Significant Deficiency Fact Sheet

cc: Aaron F. Mueller, Environmental Supervisor, Ohio EPA, NEDO, DDAGW  
Allen Tyler, Environmental Supervisor, Ohio EPA, NEDO, DDAGW  
Environmental Health Director, Trumbull County Combined Health District  
The Honorable Benjamin Kyle, Mayor, City of Hubbard  
Edward Palestro, Utilities Director, City of Hubbard  
George Ginnis, Operator of Record, City of Hubbard