



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

JAN 25 2016

ENTERED DIRECTOR'S JOURNAL

James V. Bates
30222 Carey Road
Salem, OH 44460

RE: James V. Bates
DFFO
Water Certification
Columbiana County
Certificate: WS3-1013830-90

Issuance Date: January 25, 2016
Effective Date: January 25, 2016

CERTIFIED MAIL

91 7108 2133 3937 1502 6636

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

Dear Mr. Bates:

I am writing with regard to your Class 3 Water Supply Certificate issued to you by Ohio EPA pursuant to Ohio Administrative Code (OAC) Chapter 3745-7. An investigation into your actions as an Operator of Record, including the events surrounding the recent lead action level exceedance at the Village of Sebring public water system (PWS), has indicated that you have violated provisions of OAC Chapter 3745-7.

In violation of OAC 3745-7-09, your actions as a certified operator constitute: performing your duties in a negligent or incompetent manner; operating in a manner which endangers public health or welfare; submitting misleading, inaccurate, or false reports; failing to perform your duties in a manner consistent with standard operating procedures and best management practices; failing to perform responsible and effective onsite management and supervision; and operating in such a manner to have violated or caused to be violated provisions of Ohio Revised Code (ORC) Chapter 6109.

These violations, including the events surrounding the lead action level exceedance at the Village of Sebring PWS, represent a continued threat to the public health or welfare. On January 25, 2016, I issued a proposed revocation of your Class 3 Water Supply Certificate based on those violations of ORC Chapter 6109, and the rules thereunder. Due to the severity of the threat to public health because of these 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 to:

1. Immediately cease functioning or serving as an Operator of Record at the Village of Sebring PWS;
2. Immediately not interfere with others serving as an Operator of Record at the Village of Sebring PWS; and

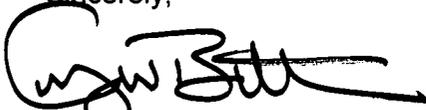
3. Immediately comply with all requirements of ORC Chapter 6109, and the rules adopted thereunder.

Ohio EPA previously took action against you for violations of OAC 3745-7-09. The investigation into the recent lead exceedance demonstrates that you have not improved your compliance record and continue to not comply with Ohio EPA regulations.

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: Sebring Village
Malvern Village
Premier Park Estates
Winona Water Supply
Ohio Drill and Tool Co.
Eagle Pass Golf Course
Knox Elementary West Branch PWS
Damascus Elementary PWS
Skyland Hills MHP
The Christadelphians PWS
- ec: Holly Kaloz, Manager, DDAGW-CO
Nancy Rice, Manager, DDAGW-NEDO
Dave Maschak, DOCC, DDAGW-NEDO
Andrew Barienbrock, Supervisor, DDAGW-CO
Colin Bennett, Ohio EPA, Office of Legal Services
Dale Vitale, Attorney General's Office
Lawrence Helkowski, Attorney General's Office