

**IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO**

STATE OF OHIO ex rel.	:	CASE NO. _____
MICHAEL DeWINE,	:	
OHIO ATTORNEY GENERAL	:	JUDGE _____
Environmental Enforcement Section	:	
30 East Broad St., 25th Floor	:	
Columbus, Ohio 43215	:	
	:	
PLAINTIFF,	:	
	:	
v.	:	
	:	
PINEVIEW PINES	:	
ESTATES, LLC	:	
C/O Rex A. Wolfgang, Statutory Agent	:	
246 High Street	:	
Hamilton, Ohio 45011,	:	
	:	
And	:	
	:	
TIMOTHY DEARWESTER	:	
5730 Farmersville-West Carrollton Road	:	
West Carrollton, Ohio 45449	:	
	:	
	:	
DEFENDANTS.	:	

COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES

Tim Dearwester and Pineview Pines Estates, LLC (collectively “Defendants”) have operated the public water system that serves the residents of the Pineview Pines Estates Mobile Home Park, in a manner that creates risks to human health. Defendants’ operation of the public water system has violated and continues to violate Ohio’s Safe Drinking Water Laws as found in Ohio Revised Code (“R.C.”) Chapter 6109 and the rules promulgated thereunder.

Therefore, the State of Ohio, through its Attorney General Mike DeWine, at the written request of the Director of the Ohio Environmental Protection Agency (“Director” and “Ohio

EPA,” respectively), institutes this action against Defendants to enforce Ohio’s Safe Drinking Water Laws.

Pursuant to Rule 8(A) of the Ohio Rules of Civil Procedure, Plaintiff states that this Complaint seeks civil penalties in excess of twenty-five thousand dollars (\$25,000.00).

GENERAL ALLEGATIONS

1. Tim Dearwester (“Dearwester”) is a proper party to this Complaint. Dearwester is, and at all times relevant to this Complaint has been, a “person” as that term is defined under R.C. 1.59(C), 6109.01(C), and Ohio Administrative Code (“Ohio Adm.Code”) 3745-81-01(UUU).
2. Pineview Pines Estates is a mobile home park (“MHP”) located at 5730 Farmersville-West Carrollton Road, West Carrollton, Montgomery County, Ohio 45449. Dearwester is, and at all times relevant to this Complaint has been, the owner of Pineview.
3. Pineview Pines Estates, LLC (Pineview) is a proper party to this Complaint. Pineview is, and at all times relevant to this Complaint has been, a “person” as that term is defined under R.C. 1.59(C), 6109.01(C), and Ohio Administrative Code (“Ohio Adm.Code”) 3745-81-01(UUU).
4. Pineview Pines Estates, LLC is a domestic limited liability company in good standing with the Secretary of State of Ohio since July, 16, 2008.
5. Dearwester, personally or as a member of Pineview, caused, participated in, allowed, and/or controlled the actions, omissions, and violations of law alleged in these claims. In addition or in the alternative, Dearwester failed to exercise authority that he possessed and/or failed to expend or authorize necessary resources in order to comply with duties imposed by law.
6. Pineview is, and at all times relevant to this Complaint has been, a “supplier of water,” within the meaning of Ohio Adm.Code 3745-81-01(TTTT). Pineview owns and operates a

“public water system” (“PWS”) as defined in R.C. 6109.01(A) and Ohio Adm.Code 3745-81-01(DDDD), which is, and was at all times relevant to this Complaint, located at 5730 Farmersville-West Carrollton Road, West Carrollton, Montgomery County, Ohio 45449, and has been assigned PWS ID No. 5702212.

7. The Pineview PWS is a “community water system” within the meaning of R.C. 6109.01(E) and Ohio Adm.Code 3745-81-01(DDDD)(1), and a Class 1 Public Water System as classified pursuant to Ohio Adm.Code 3745-7-03.
8. Pineview’s PWS obtains its drinking water from “ground water” as defined in Ohio Adm.Code 3745-81-01(UU) and is a “ground water system” within the meaning of Ohio Adm.Code 3745-81-01(WW).
9. Pineview regularly serves a population of approximately 400 persons.
10. Defendants have a conditioned license to operate the Pineview public water system. Until March 2015, Defendants had an unconditioned license to operate the Pineview public water system.
11. Pursuant to Ohio Adm.Code 3745-7-02(A), each person owning or operating a PWS shall designate one or more operators of record who shall have a valid certification of a class equal to or greater than the classification of the PWS, to oversee the technical operation of the PWS.
12. Pursuant to Ohio Adm.Code 3745-7-03(B)(4), a community water system using ground water treated only by adding a disinfectant and serving less than two and a half million gallons per day shall be classified as a Class 1 public water system.
13. Per the above definition, Defendants’ public water system has been classified by the Director as a Class 1 public water system since October 14, 1999.

14. Pursuant to Ohio Adm.Code 3745-84-02(A), no person shall operate or maintain a public water system in Ohio without a public water system license to operate issued by the Director.
15. Pursuant to Ohio Adm.Code 3745-84-02(D), a person who seeks to operate a PWS shall submit a complete application for a PWS license, along with the appropriate fee, to the Director not less than thirty (30) days prior to operation of the PWS.
16. Pursuant to R.C. 6109.12, every owner or operator of PWS shall have analyses of the water made at such intervals and in such a manner as may be ordered by the Director. Records of results of such analyses shall be maintained and reported to the Director.
17. Pursuant to authority under R.C. Chapter 6109 and R.C. 3745.01, the Director issued Director's Final Findings and Orders ("Orders") to Defendants. Timothy Dearwester signed the Orders on March 4, 2015. The Director signed the Orders on April 21, 2015.
18. The Orders were officially journalized on April 22, 2015. Orders were not appealed. A true and accurate copy of the April 22, 2015 Director's Final Findings and Orders is attached as Exhibit A and incorporated herein.
19. Pursuant to R.C. 6109.31, no person shall violate R.C. Chapter 6109, a rule adopted under it, or any order or any term or condition of a license issued by the Director. Each day of noncompliance is a separate violation.
20. The general allegations set forth in paragraphs one (1) through nineteen (19) are hereby incorporated by reference into each and every count of this Complaint as if fully rewritten therein.

COUNT ONE
FAILURE TO MAINTAIN REQUIRED MINIMUM CHLORINE RESIDUALS

21. Pursuant to Ohio Adm.Code 3745-83-01(C)(1), all community public water systems shall maintain a minimum chlorine residual of at least two-tenths milligrams per liter free chlorine, or one milligram per liter combined chlorine measured at representative points throughout the distribution system.
22. Defendants failed to maintain a minimum chlorine residual of at least two-tenths milligrams per liter free chlorine, or one milligram per liter combined chlorine measured at representative points throughout the distribution system from at least October 26, 2015 until November 2, 2015.
23. Defendants failed to maintain a minimum chlorine residual of at least two-tenths milligrams per liter free chlorine, or one milligram per liter combined chlorine measured at representative points throughout the distribution system during the December 12, 2015 and January 18, 2016 water service disruptions.
24. The acts and omissions alleged in this Count constitute violations of Ohio Adm.Code 3745-83-01, for which Defendants are subject to injunctive relief pursuant to R.C. 6109.32, and for which Defendants are liable to pay civil penalties of up to twenty-five thousand dollars (\$25,000.00) for each day of each violation pursuant to R.C. 6109.33, including every day of violation occurring after the filing of this Complaint and on other dates as yet unknown.

COUNT TWO
FAILURE TO MAINTAIN REQUIRED MINIMUM PRESSURE

25. Pursuant to Ohio Adm.Code 3745-83-01(E), community water systems shall maintain a minimum pressure of twenty pounds per square inch gauge at ground levels at all points in

the distribution system under all conditions of flow other than conditions caused by line breaks, extreme fire flows, or other extraordinary circumstances.

26. Defendants failed to consistently maintain a minimum pressure of twenty pounds per square inch at ground levels at all points in Defendant's PWS' distribution system from at least October 26, 2015 to November 2, 2015.
27. The acts and omissions alleged in this Count constitute violations of Ohio Adm.Code 3745-83-01, for which Defendants are subject to injunctive relief pursuant to R.C. 6109.32, and for which Defendants are liable to pay civil penalties of up to twenty-five thousand dollars (\$25,000.00) for each day of each violation pursuant to R.C. 6109.33, including every day of violation occurring after the filing of this Complaint and on other dates as yet unknown.

COUNT THREE
FAILURE TO NOTIFY OHIO EPA OF WATER SERVICE DISRUPTIONS

28. Pursuant to Ohio Adm.Code 3745-83-01(H)(4), the owner or operator shall report to the appropriate Ohio EPA district office as soon as possible, but within twenty-four hours, the discovery of any serious plant or distribution system breakdown or any condition causing or likely to cause: any discharge of water not in accordance with R.C.6109 or the rules adopted thereunder; any major interruption in service or disinfection; or any hazard for employees, consumers, the public or the environment.
29. Defendants failed to notify Ohio EPA's Southwest District Office of water service disruptions that occurred on October 26, 2015.
30. The acts and omissions alleged in this Count constitute violations of Ohio Adm.Code 3745-83-01, for which Defendants are subject to injunctive relief pursuant to R.C. 6109.32, and for

which Defendants are liable to pay civil penalties of up to twenty-five thousand dollars (\$25,000.00) for each day of each violation pursuant to R.C. 6109.33.

COUNT FOUR
VIOLATION OF DIRECTOR'S FINAL FINDINGS AND ORDERS - ORDER NO. 5

31. Revised Code 6109.31 prohibits any person from violating R.C. 6109.01 to R.C. 6109.21, any rule adopted under it, or any order by the Director of Environmental Protection under it. Each day of each violation is a separate offense.
32. Order No. 4 of the April 22, 2015 Director's Final Findings and Orders ("F&Os") required Defendants to hire a licensed plumber to inspect the water system components of the Pineview PWS and make recommendations for necessary repairs to ensure the reliable delivery of safe drinking water within seven (7) days of the effective date of the F&Os.
33. Order No. 4 required Defendants to submit a copy of a contract between Mr. Dearwester and a qualified person for the work within ten (10) days of the effective date of the Orders.
34. Order No. 4 required the inspection to address the cause of severe water hammering occurring in the system, the integrity of the water wells and pressure tank, and assess the overall condition of the system.
35. Order No. 5 of the F&Os required Defendants within fourteen (14) days of the effective date of the Orders to take all necessary corrective actions to permanently reduce the water hammer in the system so it no longer poses a threat to the integrity of the water system.
36. In an attempt to comply with Order No. 4, Mr. Dearwester hired a licensed well driller to inspect Pineview's PWS and alterations were subsequently made to Pineview's PWS in an effort to reduce the water hammer.

37. In violation of Order No. 5, Defendants have failed to perform necessary corrective actions to permanently reduce the water hammer in the PWS and Pineview's PWS continues to have disruptions of water service due to water line breaks.

38. The conduct and omissions alleged in this Count constitute violations of the Director's F&Os and R.C. 6109.31, for which Defendants are subject to injunctive relief pursuant to R.C. 6109.32, and for which Defendants are liable to pay a civil penalty of up to twenty-five thousand dollars (\$25,000.00) for each day of each violation, including every day of violation occurring after the filing of this Complaint, pursuant to R.C. 6109.33.

COUNT FIVE
VIOLATION OF DIRECTOR'S FINAL FINDINGS AND ORDERS - ORDER NO. 6

39. Revised Code 6109.31 prohibits any person from violating R.C. 6109.01 to R.C. 6109.21, any rule adopted under it, or any order by the Director of Environmental Protection under it. Each day of each violation is a separate offense.

40. Order No. 6 of the F&Os required Defendants, within four (4) weeks of their effective date, to repair the west well to an operable condition and connect it to the water system to serve as a back-up source in accordance with detailed plans previously approved by the Director on January 6, 2015.

41. To this date, Pineview has failed to successfully repair the west well to the extent that it remains in operable condition to serve as a back-up source, in violation of Order No. 6 of the F&Os.

42. The conduct and omissions alleged in this Count constitute violations of the Director's F&Os and R.C. 6109.31, for which the Defendants are subject to injunctive relief pursuant to R.C. 6109.32, and for which the Defendants are liable to pay a civil penalty of up to twenty-five

thousand dollars (\$25,000.00) for each day of each violation, including every day of violation occurring after the filing of this Complaint, pursuant to R.C. 6109.33.

COUNT SIX
FAILURE TO DESIGNATE AN OPERATOR OF RECORD

43. Ohio Administrative Code 3745-7-02 and 3745-7-03 require that a Class 1 PWS designate an Operator of Record holding a valid Class 1 certificate or higher.
44. Defendants operate a Class 1 PWS.
45. Defendants failed to hire or designate an operator of record holding a valid Class 1 certificate or higher from December 1, 2014 to December 21, 2014.
46. The conduct or omissions alleged in this Count constitute violations of R.C. 6109.31, Ohio Adm.Code 3745-7-02, and Ohio Adm.Code 3745-7-03, for which Defendants are subject to injunctive relief pursuant to R.C. 6109.32, and for which Defendants are liable to pay civil penalties of up to twenty-five thousand dollars (\$25,000.00) for each day of violation pursuant to R.C. 6109.33.

COUNT SEVEN
FAILURE TO COMPLY WITH TOTAL TRIHALOMETHANES AND HALOACETIC ACIDS FIVE MONITORING SCHEDULE

47. Ohio Administrative Code 3745-81-24(C) requires that a groundwater community PWS with a population less than 10,000 people and that treats its water with chlorine monitor for total trihalomethanes (TTHM) and haloacetic acids five (HAA5) with one sample per year during warmest temperature months. The PWS must monitor according to a schedule provided by the Director.
48. In December 2012, the Director issued a 2013 chemical contaminant monitoring schedule to Pineview for the compliance period of January 1, 2013 through December 31, 2013. The monitoring schedule required Pineview to collect TTHM and HAA5 samples between July 1,

2013 and September 30, 2013. A true and accurate copy of the 2013 Chemical Contaminant Monitoring Schedule is attached at Exhibit B.

49. Defendants failed to monitor for TTHM and HAA5 during the monitoring period of July 1, 2013 through September 30, 2013.
50. Defendants failed to sample for TTHM and HAA5 until September 14, 2014.
51. The conduct or omissions alleged in this Count constitute violations of R.C. 6109.31 and 6109.04, and Ohio Adm.Code 3745-81-24(C)(1), for which Defendants are subject to injunctive relief pursuant to R.C. 6109.32, and for which Defendants are liable to pay civil penalties of up to twenty-five thousand dollars (\$25,000) for each day of violation pursuant to R.C. 6109.33.

COUNT EIGHT
FAILURE TO SUBMIT A COMPLETE 2013
CONSUMER CONFIDENCE REPORT

52. Ohio Administrative Code 3745-96-01(E) requires owners and/or operators of a community water system to deliver a consumer confidence report (“CCR”) to its customers annually by July 1 of the subsequent calendar year, consisting of information on the quality of water delivered by the system and characterizing the risks of exposure to contaminants in the drinking water.
53. Ohio Administrative Code 3745-96-02(D)(3) requires that each report contain data collected during, or prior to, the previous calendar year.
54. The CCR distributed by Defendants for 2013 omitted required information regarding the failure to monitor for TTHM and HAA5 during the monitoring period of July 1, 2013 through September 30, 2013.

55. The conduct or omissions alleged in this Count constitute a violation of R.C. 6109.31, Ohio Adm.Code 3745-96-01(E), and Ohio Adm.Code 3745-96-02(D), for which Defendants are subject to injunctive relief pursuant to R.C. 6109.32, and for which Defendants are liable to pay civil penalties of up to twenty-five thousand dollars (\$25,000.00) for each day of violation pursuant to R.C. 6109.33.

COUNT NINE
FAILURE TO RESPOND
TO THE DIRECTOR'S SANITARY SURVEY LETTER

56. Ohio Administrative Code 3745-81-60(D) requires that a PWS respond to the Director, in writing, within thirty (30) days following the receipt of a sanitary survey letter, indicating how and on what schedule the PWS will address any significant deficiencies noted in the survey.

57. On September 26, 2014, the Ohio EPA sent Pineview a letter summarizing a sanitary survey conducted on September 22, 2014 and identifying significant deficiencies noted during the survey. A true and accurate copy of the sanitary survey letter is attached as Exhibit C.

58. Defendants failed to respond to the sanitary survey letter in writing and failed to identify a schedule for correcting significant deficiencies noted in that letter within thirty (30) days of receiving the letter. Defendants still have not corrected those significant deficiencies.

59. The conduct or omissions alleged in this Count constitute violations of R.C. 6109.31 and Ohio Adm.Code 3745-81-60(D), for which Defendants are subject to injunctive relief pursuant to R.C. 6109.32, and for which Defendants are liable to pay civil penalties of up to twenty-five thousand dollars (\$25,000) for each day of violation pursuant to R.C. 6109.33, including every day of violation after filing of the Complaint.

COUNT TEN
FAILURE TO MAINTAIN AN UPDATED
WRITTEN CONTINGENCY PLAN

60. Ohio Administrative Code 3745-85-01(B) requires that each community PWS prepare and maintain a written contingency plan for providing safe drinking water to its service area under emergency conditions.
61. Ohio Administrative Code 3745-85-01(D) requires that the written contingency plan include a statement of amounts budgeted for emergency use, a statement showing who can authorize expenditures for such purpose, and the terms and conditions of expenditures.
62. Ohio Administrative Code 3745-85-01(E) requires the contingency plan to be revised and updated as necessary, but at least annually.
63. Defendants failed to maintain an updated, written contingency plan for providing safe drinking water to its service area under emergency conditions in 2013 and 2014.
64. Pineview submitted an updated contingency plan on January 13, 2015, but that contingency plan failed during a service disruption that began on October 26, 2015. On October 26, 2015, Ohio EPA discovered that Pineview residents were without drinking water. During that service disruption, Pineview's residents only obtained drinking water after Ohio EPA and the Ohio Manufactured Homes Commission interceded with Pineview's staff to remedy the extended water service disruption.
65. That contingency plan also failed during the November 12, 2015 and December 18, 2016 water service disruptions.
66. These events were not in compliance with Defendants' contingency plan. Upon information and belief, during the service disruptions Mr. Dearwester failed to authorize expenditures to fix the water system's problems within a reasonable period of time, and as a result,

Defendants' Operator of Record, manager, and maintenance staff had limited ability to respond to the emergencies.

67. The conduct or omissions alleged in this Count constitute violations of R.C. 6109.31 and Ohio Adm.Code 3745-85-01, for which Defendants are subject to injunctive relief pursuant to R.C. 6109.32, and for which Defendants are liable to pay civil penalties of up to twenty-five thousand dollars (\$25,000) for each day of violation pursuant to R.C. 6109.33, including every day of violation after the filing of the Complaint.

COUNT ELEVEN
FAILURE TO ADDRESS SIGNIFICANT DEFICIENCIES

68. Ohio Administrative Code 3745-81-01(NNNN) defines a significant deficiency as a defect which causes an unacceptable risk to public health.

69. Ohio Administrative Code 3745-81-60(F) requires that a PWS using ground water must correct significant deficiencies identified in the sanitary survey report within one hundred twenty (120) days, or earlier if required, of receiving written notification from the Director of significant deficiencies.

70. A Notice of Violation citing the failure to designate an operator of record holding a valid Class 1 certificate or higher, failure to respond to the Director's sanitary survey letter dated September 26, 2014, and the failure to maintain an updated, written contingency plan for providing safe drinking water to its service area under emergency conditions was sent to Defendants on December 15, 2014. That Notice required corrective actions to address the significant deficiencies identified in the September 26, 2014 sanitary survey letter to be completed by December 22, 2014.

71. Defendants failed to correct all of the significant deficiencies identified in the September 26, 2014 sanitary survey letter within the schedule set by the Director in the December 15, 2014 Notice of Violation.
72. A Notice of Violation citing the failure to notify the Ohio EPA of service disruptions, inadequacy of the contingency plan, failure to maintain the appropriate minimum chlorine residual, and the failure to maintain a minimum pressure of twenty pounds per square inch gauged at ground levels at all points in Pineview's distribution system was sent to Defendants on November 12, 2015. That Notice required corrective actions to address the above identified significant deficiencies completed by December 12, 2015.
73. Defendants failed to correct all of the significant deficiencies identified in the November 12, 2015 Notice of Violation within the schedule set by the Director.
74. On December 12, 2015, Defendants' failure to correct the significant deficiencies identified in the November 12, 2015 Notice of Violation resulted in another service water disruption for the residents of Pineview. Residents were without drinking water until at least December 14, 2015.
75. On January 17, 2016, Defendants' failure to correct the significant deficiencies identified in the November 12, 2015 Notice of Violation resulted in yet another service disruption for the residents of Pineview. Residents were without safe drinking water from January 16, 2016 to January 20, 2016. As of January 20, 2016, residents were under a boil advisory and relying on park staff to provide bottled water.
76. The conduct or omissions alleged in this Count constitute violations of R.C. 6109.31 and Ohio Adm.Code 3745-81-60(F) for which Defendants are subject to injunctive relief pursuant to R.C. 6109.32, and for which Defendants are liable to pay civil penalties of up to

twenty-five thousand dollars (\$25,000) for each day of violation pursuant to R.C. 6109.33, including every day of violation after filing of the Complaint.

COUNT TWELVE
FAILURE TO TIMELY SUBMIT A
COMPLETE LICENSE TO OPERATE APPLICATION

77. Pursuant to Ohio Adm.Code 3745-84-02(A), no person shall operate or maintain a PWS in the State of Ohio without a license issued by the Director.
78. In accordance with Ohio Adm.Code 3745-84-02(D), a person who seeks to operate a PWS shall submit a complete application for a PWS license, along with the appropriate fee, to the Director not less than thirty (30) days prior to operation of the PWS.
79. Defendants sought and received a license to operate the Pineview water system for 2014. In order to maintain that license to operate, they were required to submit an application to Ohio EPA pursuant to Ohio Adm.Code 3745-84.
80. Defendants failed to timely submit a complete license to operate application and fee to the Director for the year 2015. Defendants' license to operate application was due by December 31, 2014. Defendants did not submit a license to operate application until March 12, 2015. Defendants' 2014 license to operate expired on January 30, 2015.
81. On May 29, 2015, Ohio EPA issued Pineview a Conditioned License to Operate. This License was issued under the condition that Defendants comply with the Director's F&Os. The License allowed conditioned operation through January 30, 2016; however, to date, Defendants have failed to meet the condition of the License.
82. The acts and omissions alleged in this Count constitute violations of R.C. 6109.31 and Ohio Adm.Code 3745-84-02, for which Defendants are subject to injunctive relief pursuant to R.C. 6109.32, and for which Defendants are liable to pay civil penalties of up to twenty-five

thousand dollars (\$25,000.00) for each day of each violation pursuant to R.C. 6109.33, including every day of violation occurring after the filing of this Complaint.

COUNT THIRTEEN
VIOLATION OF DIRECTOR'S FINAL FINDINGS AND ORDERS -
ORDERS NO. 8 AND 9

83. Revised Code 6109.31 prohibits any person from violating R.C. 6109.01 to R.C. 6109.21, any rule adopted under it, or any order by the director of environmental protection under it. Each day of each violation is a separate offense.
84. Order No. 8 required Defendants to pay a twelve thousand dollars (\$12,000.00) in settlement of Ohio EPA's civil penalty claims.
85. Order No. 9 permitted Defendants, in lieu of paying the twelve thousand dollars, to implement a Supplemental Environmental Project (SEP) consisting of installing a new well and connecting it to the PWS within three (3) months of the effective date of the F&Os. Also, Mr. Dearwester was required to complete three (3) courses included in the Utility Management Series offered by the Ohio Rural Community Assistance Program.
86. To this Date, Defendants have failed to pay the civil penalty or implement the identified SEP, and Mr. Dearwester has failed to attend any trainings, all in violation of Orders No. 8 and 9 of the Director's F&Os.
87. The conduct and omissions alleged in this Count constitute violations of the April 21, 2015 Director's F&Os and R.C. 6109.31, for which the Defendants are subject to injunctive relief pursuant to R.C. 6109.32, and for which the Defendants are liable to pay a civil penalty of up to twenty-five thousand dollars (\$25,000.00) for each day of each violation, including every day of violation occurring after the filing of this Complaint, pursuant to R.C. 6109.33.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

- A. Issue an order permanently enjoining Defendants from violating R.C. Chapter 6109 and the rules adopted under that Chapter.
- B. Issue an order permanently enjoining Defendants' representatives, employees, heirs, successors, or assigns, under the names that they presently use or any other names they use through any corporate or other device; and those acting in concert and participation with Defendants directly or indirectly, from engaging in the acts or practices of which Plaintiff complains.
- C. Order Defendants to comply with the current and all future public water system monitoring schedules provided by the Director, including, but not limited to, monitoring for TTHM and HAA5 and other contaminants and all required parameters in the drinking water.
- D. Order Defendants to hire a professional engineer (P.E.) within thirty (30) days to complete a comprehensive evaluation of all aspects of Pineview's entire public water system (source, treatment and distribution system) and to submit a report to the Director for approval of recommended actions to ensure the long-term integrity of the PWS. The report shall include a schedule of completing any identified actions.
- E. Order Defendants to complete the approved actions required under Paragraph D within the approved time period to ensure the long-term integrity of the water system, in accordance with Ohio Adm.Code 3745-91-03(C).
- F. Order Defendants to maintain a minimum chlorine residual of at least two-tenths milligrams per liter free chlorine, or one milligram per liter combined chlorine

measured at representative points throughout the distribution system in accordance with Ohio Adm.Code 3745-83-01.

- G. Order Defendants to maintain a minimum pressure of twenty pounds per square inch gauge at ground levels at all points in the distribution system under all conditions of flow other than conditions caused by line breaks, extreme fire flows, or other extraordinary circumstances in accordance with Ohio Adm.Code 3745-83-01.
- H. Order Defendants to maintain an operator of record with a Class 1 or greater certification to oversee the technical operation of their PWS in accordance with Ohio Adm.Code 3745-7-02(A)(1).
- I. Order Defendants to provide to customers, by July 1st annually, an accurate Consumer Confidence Report containing data for the Pineview Pines Estates Public Water System collected during or prior to, the previous calendar year; and provide a copy of the Report as distributed and a distribution certification in accordance with Ohio Adm.Code 3745-96.
- J. Order Defendants to maintain and update an accurate and effective written contingency plan for providing safe drinking water to its service area under emergency conditions in accordance with Ohio Adm.Code 3745-85-01.
- K. Order Defendants to correct all of the significant deficiencies identified in the September 26, 2014 sanitary survey report and the November 12, 2015 Notice of Violation in accordance with Ohio Adm.Code 3745-81-60.
- L. Order Defendants to report to the appropriate Ohio Environmental Protection Agency District Office as soon as possible, but within twenty-four hours, the discovery of any serious plant or distribution system breakdown or condition causing or likely to

cause: any discharge of water not in accordance with R.C. Chapter 6109 or the rules adopted thereunder; any major interruption in service or disinfection; or any hazard for employees, consumers, the public or the environment in accordance with Ohio Adm.Code 3745-83-01.

- M. Order Defendants to pay the twelve thousand dollars (\$12,000.00) which they agreed to pay in the Director's F&Os, plus applicable interest, or, in the alternative, complete the Supplemental Environmental Project to which they agreed in the Director's F&Os.
- N. Order Defendants, pursuant to R.C. 6109.33, to pay to the State of Ohio civil penalties of up to twenty-five thousand dollars (\$25,000) per day for each day Defendants have violated R.C. Chapter 6109 or the rules promulgated thereunder as described in this Complaint, including for each day in violation after the filing of this Complaint.
- O. Order Defendants to pay attorney fees and other enforcement expenses incurred by Ohio EPA and the Office of the Ohio Attorney General;
- P. Order Defendants to pay all costs of this action; and
- Q. Grant any other relief this Court deems to be necessary and appropriate, and to retain jurisdiction of this suit for the purpose of making any order or decree which it may deem necessary at any time to enforce Defendants' compliance with, and to carry out this Court's judgment.

Respectfully submitted,

MICHAEL DEWINE
OHIO ATTORNEY GENERAL

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