

16-CRB-219

IN THE MAHONING COUNTY COURT  
COURT NO. 3 – SEBRING, OHIO

MAHONING COUNTY  
COURT NO.  
JUL 13 2016

**STATE OF OHIO**

Plaintiff,

vs.

**JAMES V. BATES**

30222 Carey Rd.  
Salem, Ohio 44460

Defendant.

**COMPLAINT (3 Counts)**

FILED  
ANTHONY VIVO, CLERK

By Attorney General (Prosecutor)  
Upon Affidavit

Charges: Non-Compliance with  
Drinking Water Notification Rules,  
Violation of R.C. 6109.31(A)

Unclassified Misdemeanor,  
pursuant to R.C. 6109.99(A)

Complainant, Ohio Attorney General Michael DeWine, by and through his duly authorized Assistant Ohio Attorneys General, prosecuting attorneys in this matter pursuant to Crim. R. 2(G) and statutory authority provided in R.C. Section 6109.32, having received a written request from the Director of the Ohio Environmental Protection Agency to initiate a criminal prosecution, being duly sworn states that Affiant Ronald Fodo, an Ohio Environmental Protection Agency Investigator with the Special Investigations Unit, has filed a sworn affidavit, a copy of which is attached hereto and incorporated by reference, stating that:

**COUNT ONE**

On or about the 20<sup>th</sup> day of September, 2015 and continuing through the 18th day of December, 2015, in the City of Sebring, Mahoning County, Ohio, **James V. Bates**, as the operator of record of the Village of Sebring public water system, did recklessly violate drinking water notification rules adopted under Chapter 6109 of the Ohio Revised Code, namely Ohio Adm.Code 3745-81-80(G)(1) and/or Ohio Adm.Code 3745-81-85(D) by failing to deliver timely

a consumer notice of individual lead tap water monitoring results for triennial lead and copper testing to persons served by the water system at twenty (20) separate sites that were initially sampled on August 11, 2015, within thirty (30) days after the system learned of the tap monitoring results on August 20, 2015, the criminal offense of **Non-Compliance with Drinking Water Notification Rules**, a violation of Section 6109.31(A) of the Ohio Revised Code, the delinquent notice period for the failure to provide a consumer notice in accordance with drinking water rules constituting ninety (90) days of non-compliance for the initial samples.

Upon this affidavit complainant states that James V. Bates, on and between the above dates and at the above place did violate Ohio Revised Code Section 6109.31(A), an unclassified misdemeanor, with a potential penalty upon being found guilty of a violation, pursuant to Ohio Revised Code Section 6109.99(A), of a fine of not more than ten thousand (\$10,000) dollars for each day of non-compliance, or imprisonment of not more than four (4) years, or both.

### COUNT TWO

On or about the 11<sup>th</sup> day of October, 2015 and continuing through the 18<sup>th</sup> day of December, 2015 in the City of Sebring, Mahoning County, Ohio, **James V. Bates**, as the operator of record of the Village of Sebring public water system, did recklessly violate drinking water notification rules adopted under Chapter 6109 of the Ohio Revised Code, namely Ohio Adm.Code 3745-81-80(G)(1) and/or Ohio Adm.Code 3745-81-85(D) by failing to deliver timely a consumer notice of individual lead tap water monitoring results for triennial lead and copper testing to persons served by the water system at ten (10) separate sites where repeat samples were taken on September 1 and 2, 2015 and on September 15 and 16, 2015 respectively, within thirty (30) days after the system learned of the tap monitoring results on September 10, 2015 and

on September 24, 2015 respectively, the criminal offense of **Non-Compliance with Drinking Water Notification Rules**, a violation of Section 6109.31(A) of the Ohio Revised Code, the delinquent notice period for the failure to provide a consumer notice in accordance with drinking water rules constituting at least sixty-four (64) days of non-compliance for the repeat samples.

Upon this affidavit complainant states that James V. Bates, on and between the above dates and at the above place did violate Ohio Revised Code Section 6109.31(A), an unclassified misdemeanor, with a potential penalty upon being found guilty of a violation, pursuant to Ohio Revised Code Section 6109.99(A), of a fine of not more than ten thousand (\$10,000) dollars for each day of non-compliance, or imprisonment of not more than four (4) years, or both.

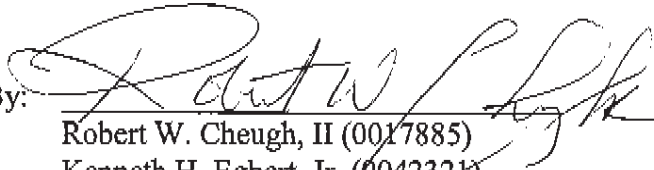
### **COUNT THREE**

On or about the 30<sup>th</sup> day of November, 2015 and continuing through the 15th day of January, 2016 in the City of Sebring, Mahoning County, Ohio, **James V. Bates**, as the operator of record of the Village of Sebring public water system, did recklessly violate drinking water notification rules adopted under Chapter 6109 of the Ohio Revised Code, namely Ohio Adm.Code 3745-81-80(G)(2), Ohio Adm.Code 3745-81-32, and/or Ohio Adm.Code 3745-81-85(A) and (B), as a water system that exceeded the lead action level based on tap waters collected in accordance with Ohio Adm. Code 3745-81-86, by failing to deliver timely system-wide public education materials within sixty (60) days after the end of the monitoring period in which the exceedance occurred, namely the triennial lead and copper monitoring period ending September 30, 2015, the criminal offense of **Non-Compliance with Drinking Water Notification Rules**, a violation of Section 6109.31(A) of the Ohio Revised Code, the delinquent

notice period for the failure to provide system-wide notice in accordance with drinking water rules constituting forty-seven (47) days of non-compliance.

Upon this affidavit complainant states that James V. Bates, on and between the above dates and at the above place did violate Ohio Revised Code Section 6109.31(A), an unclassified misdemeanor, with a potential penalty upon being found guilty of a violation, pursuant to Ohio Revised Code Section 6109.99(A), of a fine of not more than ten thousand (\$10,000) dollars for each day of non-compliance, or imprisonment of not more than four (4) years, or both.

MICHAEL DEWINE  
OHIO ATTORNEY GENERAL


By: 

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STATE OF OHIO :  
COUNTY OF MAHONING : ss

Before me, a Notary Public within and for said county and state, personally appeared the above named Assistant Ohio Attorney General Robert W. Cheugh, II, who acknowledged that he did sign this document and the same his free act and deed.

Sworn to and subscribed before me by Assistant Ohio Attorney General Robert W. Cheugh, II, and in testimony whereof, I have hereunto set my hand and official seal on this 13<sup>th</sup> day of July, 2016.

  
\_\_\_\_\_  
Notary Public  
My Commission expires \_\_\_\_\_, 20\_\_

16-CRB-219

MAHONING COUNTY  
COURT #3

JUL 13 2016

**AFFIDAVIT  
RONALD FODO**FILED  
ANTHONY VIVO, CLERK

I, Ronald Fodo, the affiant, having been sworn and duly cautioned, do hereby state that:

1. I am an Environmental Specialist II currently employed by the Ohio Environmental Protection Agency (hereinafter "Ohio EPA") in the Special Investigations Unit (hereinafter "SIU") and assigned to Ohio EPA's Northeast District Office. I have been employed in this position since May, 1993.

2. I have obtained a Bachelor of Science Degree in Zoology from The Ohio State University. In addition, I have received specialized training in the investigation of environmental crimes presented by the Northeast Environmental Enforcement Project ("NEEP") and the Federal Law Enforcement Training Center ("FLETC"). Further, I have taken a forty (40) hour Hazardous Waste Response for First Responders Course and annual eight (8) hour refresher courses.

3. My job duties and responsibilities include conducting criminal investigations and collecting evidence related to environmental crimes under state law, including violations of Ohio's Safe Drinking Water Laws, as defined in Ohio Revised Code ("R.C.") Chapter 6109, and in the Ohio Administrative Code ("Ohio Adm.Code") Chapter 3745.

4. Based upon evidence gathered during my investigation initiated on January 24, 2016, credible and probative evidence exists which establishes that James V. Bates ("Bates"), the former operator of record of the Village of Sebring public water system, has committed the criminal offenses of Non-Compliance with Drinking Water Rules (3 counts) by recklessly failing to provide timely consumer notice of tap water results, within thirty (30) days of receiving lab

results, to persons within the water system who had sites sampled and tested as part of the system's triennial lead and copper monitoring in 2015, in violation of Ohio Adm.Code 3745-81-80(G)(1) and/or Ohio Adm.Code 3745-81-85(D) (2 counts), violations of R.C. Section 6109.31(A) and subject to the penalty set forth in R.C. Section 6109.99(A); and by recklessly failing to provide timely system-wide public education, within sixty (60) days of the end of the June 1, 2015 through September 30, 2015 lead and copper monitoring period, due to the Village of Sebring public water system's exceedance in the action level for lead as part of the system's triennial lead and copper monitoring in 2015, in violation of Ohio Adm.Code 3745-81-80(G)(2), Ohio Adm.Code 3745-81-32, and/or Ohio Adm.Code 3745-81-85(A) and (B) (1 count), a violation of R.C. Section 6109.31(A) and subject to the penalty set forth in R.C. Section 6109.99(A).

5. The facts and circumstances gathered as evidence during my investigation, which are the basis of each of the counts charged in the Complaint, are as follows: the Village of Sebring public water system (PWS ID# OH5001911) is a mid-size community water system which was required to conduct lead and copper sampling and testing at locations or sites within the public water system every three (3) years, the most recent triennial lead and copper monitoring occurring in 2012 and in 2015.

6. Pursuant to Ohio Adm. Code 3745-7-01(O)(3), an "operator of record" is the "on-site certified operator ... responsible for the technical operation of ... a public water system." An operator of record is required to provide for the "[r]esponsible and effective on-site management and supervision of the public water system ...." Ohio Adm. Code 3745-7-09(C)(1). Since at least 1993, James V. Bates had been the operator of record for the Village of Sebring public

water system and on multiple occasions, including in 2012 and 2015, was responsible for compliance with triennial lead and copper monitoring and notification requirements.

7. Public water systems are required to conduct monitoring of tap water for lead. Ohio Adm. Code 3745-81-80(H). For the Village of Sebring, samples were collected every three years during the monitoring period, which runs from June 1 to September 30. Ohio Adm. Code 3745-31-86(D)(4)(c) and (d). Revised Code 6109.10 requires the public water system to “identify and provide notice to persons that may be affected by lead contamination of their drinking water.” R.C. 6109.10(C). This section also states that the “notice shall be provided notwithstanding the absence of a violation of any drinking water standard.” R.C. 6109.10(C). Ohio Adm. Code 3745-81-85(D) requires the public water system to provide notice to individual tap owners of all monitoring results within thirty (30) days of receipt of the results.

8. James V. Bates was the Water Treatment Superintendent for the Village of Sebring and Class III Water Supply Operator of Sebring’s public water system during multiple triennial lead and copper sampling and testing periods, including 2012 and the most recent monitoring period of June 1, 2015 through September 30, 2015. Superintendent Bates, as the operator of record, was the person responsible for compliance with the monitoring and notification requirements concerning the Village of Sebring’s triennial lead and copper testing.

9. When test results show that more than ten per cent (10%) of the samples collected during a monitoring period are greater than 0.015 mg/L (or 15 µg/L), a lead action level exceedance has occurred. Ohio Adm. Code 3745-81-80(C)(1). In other words, if the ninetieth

percentile lead level is greater than 15 µg/L, then the action level for lead has been exceeded. Public water systems that exceed the lead action level are then required to implement (1) source water treatment requirements under Ohio Adm. Code 3745-81-83; and (2) the public education requirements of Ohio Adm. Code 3745-81-85. Ohio Adm. Code 3745-81-80(E) and (G). A failure to comply with any of Ohio EPA's rules related to the control of lead and copper in drinking water is considered a violation of Ohio's primary drinking water regulations for lead and copper. *See* Ohio Adm. Code 3745-81-80(K).

10. In reviewing Drinking Water Lead and Copper Monitoring Report records the Village of Sebring kept and submitted to Ohio EPA, the first set or initial tap water samples for the Village of Sebring's lead and copper monitoring period of June 1, 2015 through September 30, 2015 were collected from twenty (20) separate sites within the Sebring public water system on August 11, 2015. These tap water samples were submitted to and tested by Ream & Haager Lab, an independent, third-party laboratory. I reviewed reported lab test results and obtained email records from Ream & Haager Lab which verified that the lab emailed the test results of these first set or initial tap water samples to James V. Bates on August 20, 2015.

11. Ohio Adm.Code 3745-81-85(D), the consumer notification of results reporting requirement, provides that all water systems shall provide a notice of the individual tap results from lead tap water monitoring carried out under the triennial lead and copper monitoring requirements of rule 3745-81-86 to the persons served by the water system at the specific sampling site from which the sample was taken (e.g., the occupants of the residence where the tap was tested), no later than thirty (30) days after the system learns of the tap monitoring results.



James V. Bates, however, failed to provide the consumer notice of the initial tap monitoring results timely to the persons/occupants of the twenty (20) residences where the tap water samples were collected. Bates identified and certified the date of mail delivery of the consumer notice as December 18, 2015 on a required Consumer Notice Verification form he completed in his handwriting and submitted to the Ohio EPA's Division of Drinking and Ground Water. The delinquent notice period totaling ninety (90) days of non-compliance after the thirty (30) day notification deadline of September 19, 2015 for the initial test results, a violation of R.C. Section 6109.31(A).

12. Again, in reviewing Drinking Water Lead and Copper Monitoring Report records the Village of Sebring kept and submitted to Ohio EPA, the second and third set or, in other words, repeat tap water samples from ten (10) separate sites within the Sebring public water system were collected on September 1, 2015 and on September 15, 2015, respectively. These samples were again tested at Ream & Haager Lab, an independent, third-party laboratory. I reviewed the reported lab results and obtained email records from Ream & Haager Lab which verified that the lab emailed the test results of these second and third set or repeat samples to James V. Bates on September 10, 2015 and September 24, 2015, respectively.

13. Ohio Adm.Code 3745-81-85(D), the consumer notification of results reporting requirement, provides that all water systems shall provide a notice of the individual tap results from lead tap water monitoring carried out under the triennial lead and copper monitoring requirements of rule 3745-81-86 to the persons served by the water system at the specific sampling site from which the sample was taken (e.g., the occupants of the residence where the

tap was tested), no later than thirty (30) days after the system learns of the tap monitoring results. James V. Bates, however, failed to provide the consumer notice of the second and third set of sampling results, or repeat tap monitoring results, timely to the persons/occupants of the twenty (20) residences where the tap water samples were collected. Bates identified and certified the date of mail delivery of the consumer notice as December 18, 2015 on a required Consumer Notice Verification form he completed in his handwriting and submitted to the Ohio EPA's Division of Drinking and Ground Water. The delinquent notice period totaling at least sixty-four (64) days of non-compliance after the thirty (30) day notification deadlines of October 10, 2015 and October 24, 2015 for the second and third set of repeat sample test results, a violation of R.C. Section 6109.31(A).

14. Ohio Adm. Code 3745-81-80(C)(3) explains how to calculate the ninetieth percentile of lead in order to determine whether a lead action level exceedance has occurred for a public water system. According to this rule, results are placed in ascending order and assigned a consecutive whole number – with the lowest result as “1” and the highest result as the total number of samples collected. *Id.* The total number of samples collected during the monitoring period is then multiplied by 0.9. *Id.* The contaminant concentration in the numbered sample that corresponds with the number yielded with this calculation is the ninetieth percentile contaminant level. *Id.*

15. Applying this calculation to the Drinking Water Lead and Copper Monitoring Report record of lab results received by James V. Bates from the August 20, 2015 initial sampling of the Village of Sebring public water system for its triennial lead and copper monitoring in 2015,

Bates would have organized the results from lowest to highest and assigned each result in order 1 through 20. Bates then would multiply 20 by 0.9, which is 18. If sample result 18 is greater than 15 µg/L, then an action level exceedance would occur.

Sample No.	Result (µg/L)
1	<1.00
2	<1.00
3	<1.00
4	1.00
5	2.00
6	3.00
7	3.00
8	3.00
9	3.00
10	4.00
11	5.00
12	5.00
13	5.00
14	8.00
15	9.00
16	11.00
17	14.00
<b>18</b>	<b>24.00</b>
19	28.00
20	34.00

Result No. 18 of the August 20, 2015 initial sample results was 24.0 µg/L. Therefore, an action level exceedance for lead occurred.

16. James V. Bates elected to collect 10 additional samples in an attempt to have the Village of Sebring public water system not exceed an action level exceedance for lead for the monitoring period ending September 30, 2015. For this additional sampling, Bates selected sample sites that, based on the August 20, 2015 results, were below 15 µg/L. These additional samples, the second set as part of repeat sampling, were collected on September 1 and 2, 2015, with the lab results provided to Bates on September 10. Applying the ninetieth percentile calculation to all of the results, Bates would have organized the results from lowest to highest

and assigned each result in order 1 through 30. Bates then would multiply 30 by 0.9, which is 27. If sample result 27 is greater than 15  $\mu\text{g/L}$ , then an action level exceedance would occur.

Sample No.	Result ( $\mu\text{g/L}$ )
1	<1.00
2	<1.00
3	<1.00
4	1.00
5	1.17
6	1.44
7	1.45
8	1.48
9	1.83
10	2.00
11	3.00
12	3.00
13	3.00
14	3.00
15	4.00
16	4.53
17	5.00
18	5.00
19	5.00
20	5.25
21	5.27
22	8.00
23	9.00
24	11.00
25	11.20
26	14.00
<b>27</b>	<b>21.60</b>
28	24.00
29	28.00
30	34.00

Result No. 27 of all of the sampling results at that time (the initial and second set), was 21.6  $\mu\text{g/L}$ . Again, a review of these results indicates that an action level exceedance for lead occurred.

17. James V. Bates again elected to collect 10 additional samples in an attempt to have the Village of Sebring public water system not exceed an action level exceedance for lead for the monitoring period ending September 30, 2015. Bates again selected sample locations that during the prior sampling events were below 15  $\mu\text{g/L}$ . These additional samples, the third set as part of repeat sampling, were collected on September 15 and 16, 2015, with the lab results provided to Bates on September 24. Results from these third set of samples were then added to the results received August 20, 2015 and September 10, 2015. Applying this calculation to all of the results, Bates would have organized the results from lowest to highest and assigned each result in order 1 through 40. Bates then would multiply 40 by 0.9, which is 36. If sample result 36 is greater than 15  $\mu\text{g/L}$ , then an action level exceedance would occur.

Sample No.	Result ( $\mu\text{g/L}$ )
1	<1.00
2	<1.00
3	<1.00
4	1.00
5	1.17
6	1.44
7	1.45
8	1.48
9	1.83
10	2.00
11	3.00
12	3.00
13	3.00
14	3.00
15	4.00
16	4.53
17	5.00
18	5.00
19	5.00
20	5.25
21	5.27
22	8.00
23	9.00
24	9.00

25	11.00
26	11.20
27	12.00
28	12.00
29	13.00
30	13.00
31	14.00
32	14.00
33	14.00
34	16.00
35	18.00
<b>36</b>	<b>21.00</b>
37	21.60
38	24.00
39	28.00
40	34.00

Result No. 36 of all of the sample results (initial, second, and third) was 21.00 µg/L. Again, a review of these results indicates that an action level exceedance for lead occurred.

18. When a public water system experiences a lead level exceedance, the requirement to deliver public education materials to the public is triggered. Ohio Adm. Code 3745-81-85(A). The public water system is to deliver the public education materials within sixty (60) days following the end of the monitoring period – in this case the monitoring period ended on September 30, 2015, thus the public notification deadline was November 29, 2015. Ohio Adm. Code 3745-81-85(B)(2).

19. James V. Bates acknowledged during my January 27, 2016 interview that after he received the third set of testing results from the laboratory on September 24, 2015, he had a conversation with Inspector Chris Maslo (“Inspector Maslo” or “Maslo”), an Environmental Specialist with Ohio EPA’s Division of Drinking and Ground Waters at the Northeast District

Office, that the sample results indicated an exceedance of the lead action level for the Village of Sebring's public water system. The next day, on September 25, 2015, Inspector Maslo sent an email to Bates which included an internet link to additional information on lead and copper monitoring and with instructions for complying with rules and making notifications. By letter dated December 3, 2015, Inspector Maslo informed the Village of Sebring that as a result of the lead action level exceedance, public education materials should have been delivered by November 29, 2015. James V. Bates was copied on this letter. On January 5, 2016, Inspector Maslo again emailed Bates and indicated that Bates had not provided any of the required public education materials to the Ohio EPA for the 2015 lead action level exceedance. By letter dated January 15, 2016, Inspector Maslo, again, notified Bates that the public education materials were to have been delivered by November 29, 2015. As of January 15, 2016, the public education materials required by Ohio Adm. Code 3745-81-85 had not been delivered.

20. Based on the three (3) sets of laboratory test results James V. Bates received on August 20, 2015, September 10, 2015, and September 24, 2015 related to the Village of Sebring's triennial copper and lead sampling for the monitoring period June 1, 2015 through September 30, 2015, the lead action level was exceeded and Bates was aware of the lead exceedance. Due to exceeding the lead action level, Ohio Adm.Code 3745-81-85(A) and (B) requires a public water system to deliver public education materials and conduct public education tasks, system-wide notification, within sixty (60) days after the end of the monitoring period in which the exceedance occurred. Bates was required to deliver public education materials and ensure that public education tasks were conducted no later than November 29, 2015. The system-wide notification requirements did not begin to occur until January 15, 2016, forty-seven (47) days of

non-compliance after the sixty (60) day notification deadline of November 29, 2015, a violation of R.C. Section 6109.31(A).

21. James V. Bates, as the operator of record, was aware of and disregarded the requirement of consumer notification of tap water results thirty (30) days after receiving the lab results for the initial and repeat samplings, along with the requirement of public notification of a lead exceedance within sixty (60) days after the monitoring period for the 2015 triennial lead and copper monitoring for the Village of Sebring public water system. Bates was aware of and complied with the consumer notice requirement previously during triennial lead and copper monitoring. In reviewing documents submitted to Ohio EPA from the 2012 triennial lead and copper monitoring for the Village of Sebring, Bates completed in his handwriting and submitted to Ohio EPA on the Lead Consumer Notice Issuance verification form that he timely issued the Consumer Notice to all locations that were sampled in 2012 within thirty (30) days of receiving sample results. Thus, at the time he committed the drinking water notification offenses alleged in this matter, Bates was aware of and had complied with the consumer notification requirement during the 2012 triennial lead and copper monitoring while employed as the operator of the Village of Sebring public water system, based upon documents Ohio EPA received from Bates during the previous triennial monitoring.

22. Also, in reviewing records from Ohio EPA's Division of Drinking and Ground Water Operator Certification Program, James V. Bates received contact hours for lead and copper update training in 2005 and contact hours for changes to the lead and copper rule in 2013. Training materials included public education requirements for exceeding the action level for



lead. Thus, Bates had previous training regarding compliance with drinking water notification requirements specific to lead and copper monitoring at the time he committed the drinking water notification offenses charged in this matter.

23. James V. Bates, as the operator of record of the Village of Sebring public water system, was aware of and disregarded the drinking water notification requirements also based on information he received from the Ream & Haager lab concerning sampling results and from Ohio EPA regarding non-compliance during the time period of September, 2015 through January, 2016. During my January 27, 2016 interview, Bates acknowledged that he was the only person with the Village of Sebring who received the analytical results from the laboratory. He received the sample results electronically, but did not print them out. When Bates received the third set of laboratory results on September 24, 2015, he knew there was a lead exceedance. On September 25, 2015, Inspector Maslo spoke with Bates directly and informed him that continuing to collect additional samples in an effort to get below the lead action level at that point in time at the end of the monitoring period was unacceptable. Inspector Maslo then sent an email to Bates summarizing this conversation. Bates acknowledged during my January 27, 2016 interview that when Inspector Maslo spoke with Bates in September, Maslo told Bates about the public education paperwork and a press release Bates had to do. Bates did not create a public education document based on an Ohio EPA template until January 8, 2016 but did not intend to distribute it until January 15, 2016, significantly beyond the sixty (60) day deadline of November 29, 2015.

24. Further, Ohio EPA provided multiple written documents to James V. Bates regarding non-compliance during the time period of September, 2015 through January, 2016 that Bates completely disregarded in committing the charged drinking water notification offenses. Besides providing the internet link to forms in Inspector Maslo's September 25, 2015 email to Bates, Inspector Maslo sent Bates an email on December 3, 2015 and provided forms and instructions for the distribution of tap water results to consumers' homes where lead sampling had been conducted and forms for the distribution of public information. That same day, Ohio EPA sent a letter signed by Inspector Maslo regarding an Action Level Exceedance of Lead and Copper Rule to the Village of Sebring, noting the November 29, 2015 deadline for the delivery of public education materials. Finally, on November 23, 2015, Ohio EPA sent a "Reminder Letter" to the Village of Sebring with instructions for complying with rules and making notifications to the respective sampling locations within thirty (30) days of receiving the sample results.

*Ronald Fodo*

\_\_\_\_\_  
 Ronald Fodo  
 Investigator, Special Investigations Unit,  
 Ohio EPA- Northeast District Office

STATE OF OHIO :  
 COUNTY OF MAHONING : ss

Before me, a Notary Public within and for said county and state, personally appeared the above named Ronald Fodo, who acknowledged that he did sign this document and the same his free act and deed.

Sworn to and subscribed before me by Ronald Fodo, and in testimony whereof, I have hereunto set my hand and official seal on this \_\_\_th day of July, 2016.

*J. J. Barnett*  
 \_\_\_\_\_  
 Notary Public  
 My Commission expires \_\_\_\_\_, 20\_\_