



Administrative Penalty Program – Frequently Asked Questions

This information has been prepared to help you understand the Division of Drinking and Ground Waters' (DDAGW) Save a Dime. Sample on Time! administrative penalty program.

What is the purpose of this program?

This program was developed to reduce total coliform (TC) and nitrate monitoring violations at public water systems (PWSs). Not monitoring for these contaminants creates uncertainty about the quality of water being delivered to customers. This program protects public health through increased monitoring of drinking water quality and provides a deterrent to violations by making it more cost effective to sample than to receive a violation. On average, TC and nitrate samples cost \$30 and \$25, respectively. Failing to sample will now result in a penalty of \$150 or more for each violation via Streamlined Orders (SO).

What kinds of violations will result in a penalty?

Failure to collect your nitrate or TC samples (both routine and repeat samples) during the required time frame is a violation that will result in a penalty. These acute contaminants can cause adverse health effects within a short time period, so sampling for them is essential. Violations for other contaminants are not included in this program at this time.

I have missed samples before and did not receive a penalty. Why am I receiving a penalty now?

The administrative penalty program began Jan. 1, 2014. The program will assess a penalty to PWSs that fail to sample during their required time frame for TC or nitrate.

Who will be assessed the penalty?

The PWS owner will receive the penalty; however, an operator's role in ensuring compliance of the PWS makes it essential for them to be aware of the penalty program.

Can't you waive the penalty this time?

Each PWS will receive one free pass. After Jan. 1, 2014, the first time that a PWS fails to monitor for TC or nitrate, they will receive a warning letter without a penalty. After the warning letter, the PWS will be assessed a penalty of \$150 or more for each additional TC or nitrate monitoring violation regardless of the reason.

What if there is an emergency and I cannot get the samples collected on time? Will I get a penalty?

Regardless of the reason, each PWS will only receive one free pass. Future TC and nitrate monitoring violations will result in a penalty of \$150 or more.

What if the laboratory was at fault?

Each PWS will only receive one free pass, regardless of the reason for the violation. If the sample was missed because of a laboratory error, you should address the issue with your laboratory. Violations by laboratories of their reporting obligations will be independently enforced by Ohio EPA.

How am I supposed to know when to sample?

A sampling schedule is mailed to each PWS annually. All monitoring schedules can also be accessed from the Ohio EPA website at epa.ohio.gov/ddagw/pws.aspx. You should know and understand your monitoring schedule in order to complete timely monitoring and reporting.

What if I need to take repeat samples in response to a TC positive result? Additionally, what if those repeat samples fall into my PWS next monitoring period?

Ohio EPA recommends sampling at the beginning of the monitoring period. When a PWS is required to collect repeat samples in response to positive results, the repeat samples do NOT count towards routine compliance. If repeat samples are collected in the following monitoring period, the PWS will still be required to collect a routine sample.

Administrative Penalty Program FAQ

What is your authority to give me a penalty?

Ohio EPA's authorities to assess penalties are located in Ohio Revised Code Section 6109.23 and Ohio Administrative Code Rule 3745-81-04.

What happens if I get a couple of penalties in a year? Will my license to operate be taken away?

Continued noncompliance will result in escalated enforcement such as Findings and Orders, additional penalties, or the issuance of a conditioned, suspended, or revoked license to operate.

How can I avoid a penalty?

Simply conduct all monitoring on time as required. Ohio EPA recommends sampling early in your monitoring period so that you have time to collect a replacement sample and avoid the penalty in the event that the original sample cannot be analyzed. If you have difficulty collecting your samples consistently, consider hiring a company that provides water sample collection services. Go to epa.ohio.gov/portals/28/documents/pws/DWSample.pdf for a list of service providers.

What is the process after receiving an SO and penalty?

Agreement Approach:

Ohio EPA will initially send an SO explaining the violations, a proposed penalty of \$150 per violation and a commitment to conduct required monitoring in the future. If you sign the agreement and pay the penalty, the penalty may not be appealed. You have thirty (30) days from the date of the receipt of the SO letter to submit the payment and signed agreement. Payment shall be made by either tendering a check or money order for the penalty amount, made payable to "Treasurer, State of Ohio" or by going online to the eBusiness Center at <https://ebiz.epa.ohio.gov/>. If you paid online the signed SO can be emailed to Kaitlyn.Barrie@epa.ohio.gov. The signed agreement and check should be sent together to:

Ohio EPA – DDAGW
Lazarus Government Building
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Kaitlyn Barrie

Disagreement Approach:

If you do not sign the SO for any reason, Ohio EPA will issue unilateral Administrative Orders (AO) with an increased penalty, ranging between \$250 and \$1,000 depending on the PWS population size (see table). The AOs may be appealed by filing a notice with the Environmental Review Appeals Commission within 30 days. The appeal must be accompanied by a filing fee of \$70. You may also be required to retain an attorney. More detailed information on filing an appeal is contained in the AO. If this approach is chosen and not appealed, the PWS will have 45 days to submit payment.

PWS Size (# of people Served)	Penalty Amount (per violation)
25 to 3,300 or 15 service connections	\$250
3,301 to 6,700	\$500
6,701 to 10,000	\$750
10,001 or more	\$1,000

How is the penalty money used?

The penalty payment is put into the Drinking Water Protection Fund and is used to administer the Safe Drinking Water Act in Ohio. More information about this fund can be found in the Ohio Revised Code 6109.30.

Contact:

Any questions about your monitoring schedule should be directed to your Ohio EPA District Office. Questions specific to the administrative penalty program should be directed to Kaitlyn Barrie, DDAGW Compliance Assurance Section, at (614) 644-2752 or Kaitlyn.Barrie@epa.ohio.gov.



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Sample on time!**