



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

June 26, 2024

Via Certified Mail No.:
7000 0520 0023 5049 8276

Lucas Collom, Operator
Lyford Water Works
6826 West Parkewood Drive
Rosedale, IN 47874

Dear Mr. Collom:

Re: Notice of Violation and
Proposed Agreed Order
Indiana Department of
Environmental Management
v.
Lyford Water Works
PWSID No. IN5261002
Case No. 2024-29953-D
Rosedale, Parke County

This is to advise that the Indiana Department of Environmental Management (IDEM) has conducted an investigation of Lyford Water Works. As a result of that investigation, IDEM has made a preliminary determination that violations exist. Pursuant to Indiana Code 13-30-3-3, enclosed please find a Notice of Violation and a proposed Agreed Order, setting forth IDEM's specific findings of violation and the actions necessary to resolve them.

You may request a settlement conference to discuss the allegations and the necessary corrective actions, which may include a compliance schedule. Payment of a civil penalty will also be discussed. The civil penalty amount noted in the proposed Agreed Order is a preliminary figure for settlement discussion purposes only and is based on the alleged violations set forth in the Notice of Violation.

To resolve this matter as provided for in the enclosed Agreed Order, sign, and return the entire document to me at the following address:

Office of Water Quality – IGCN 1255
Indiana Department Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251



A State that Works

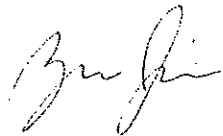
The enclosed proposed Agreed Order is subject to the final approval of IDEM. No Agreed Order is binding on IDEM until the Agreed Order has been approved and adopted by the appropriate IDEM official. IDEM retains the right to withdraw from the proposed Agreed Order if IDEM becomes aware of facts or considerations that indicate that the Agreed Order is unfair, inappropriate, or inconsistent with state law or the Safe Drinking Water Act.

IDEM is not required to extend the offer of entry into an Agreed Order for more than 60 days. You may enter into an Agreed Order without admitting that the violations occurred. If an Agreed Order is not entered into, IDEM may proceed to issue a unilateral Notice and Order of the Commissioner requiring compliance with the environmental laws, rules, and/or permits, including payment of a civil penalty.

Please be advised the local health department has been notified of these violations.

Please contact me at (317)-234-3123 or rjulian@idem.in.gov within 15 days. At that time, we can discuss any questions or set up a settlement conference.

Sincerely,



Ryan Julian, Case Manager
Water Enforcement Section
Office of Water Quality

Enclosures

cc: Parke County Health Department
<http://www.in.gov/idem>



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Eric J. Holcomb
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NOTICE OF VIOLATION

Via Certified Mail No.:
7000 0520 0023 5049 8276
Lucas Collom, Operator
Lyford Water Works
6826 West Parkewood Drive
Rosedale, IN 47874

Case No. 2024-29953-D

Pursuant to Indiana Code (IC) 13-30-3-3, the Indiana Department of Environmental Management (IDEM) issues this Notice of Violation. Based on an investigation, IDEM has reason to believe that Lyford Water Works (Respondent), has violated environmental rules. The violations are based on the following:

1. Respondent owns and/or operates a community public water system (PWS) with PWSID No. IN5261002, serving 972 persons. The PWS is located at 8842 South US 41, Rosedale, Parke County, Indiana (the Site).
2. A Community Water System (CWS) as defined by 327 Indiana Administrative Code (IAC) 8-2-1(12) is a PWS that serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.
3. 327 Indiana Administrative Code (IAC) 8-2-2 states that each PWS shall comply with all provisions of this rule and 327 IAC 8-2.1.
4. Pursuant to 327 IAC 8-2.5-12(a)(2), a PWS using ground water and serving less than 3,300 persons, shall monitor TTHM and HAA5 at no fewer than 2 locations once per year.

Pursuant to 327 IAC 8-2.5-20, a PWS shall report TTHM and HAA5 monitoring result to IDEM within ten (10) days after the end of any quarter in which monitoring is required.

IDEM records indicate that Respondent failed to monitor TTHM and HAA5 samples during 2021, 2022, and 2023 and failed to report monitoring results to IDEM, in violation of 327 IAC 8-2.5-12(a)(2) and 327 IAC 8-2.5-20.

5. 327 IAC 8-2-8.2 states IDEM shall evaluate each PWS during a sanitary survey to determine if deficiencies exist.



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6. 327 IAC 8-2-8.2(f) states significant deficiencies are conditions found during a sanitary survey that have a potential to cause an immediate risk to human health; or any deficiency that was found during a previous sanitary survey but not has been corrected; or the PWS is not in compliance with a correction schedule approved by the commissioner.
7. Pursuant to 327 IAC 8-2-8.2(h), PWSs using ground water shall respond in writing to any deficiency found during a sanitary survey that is reported to the PWS using ground water by the commissioner. Response requirements are as follows:
 1. The response must:
be made within thirty (30) days of receipt of the report; and
indicate:
 - i. how the PWS will address deficiencies found during the sanitary survey; and
 - ii. on what schedule the PWS will address deficiencies found during the sanitary survey.

On May 9, 2022, IDEM conducted a sanitary survey at the Site in which significant deficiencies were found. An Inspection Summary Letter dated May 13, 2022, was sent to the Respondent requiring a written response to IDEM within 30 days. Respondent provided a response to the sanitary survey on July 22, 2022, however the response did not adequately address the deficiencies. To date, Respondent has failed to submit a response adequately addressing all deficiencies found during the sanitary survey or a schedule the PWS will use to address those deficiencies, in violation of 327 IAC 8-2-8.2(h).

10. Pursuant to 327 IAC 8-2.1-7, owners or operators of a PWS must give public notice for failure to perform water quality monitoring, as required by drinking water regulations.

IDEM records indicate that Respondent failed to notify persons served by the PWS of the failure to monitor at least one sample for TTHM and HAA5 during the years of 2021, 2022, and 2023, in violation of 327 IAC 8-2.1-7

In accordance with IC 13-30-3-3, the Commissioner herein provides notice that violations may exist and offers an opportunity to enter into an Agreed Order providing for the actions required to correct the violations and, as necessary and appropriate, for the payment of a civil penalty. The Commissioner is not required to extend this offer for more than 60 days.

As provided in IC 13-30-3-3, an alleged violator may enter into an Agreed Order without admitting that the violations occurred. IDEM encourages settlement by Agreed Order, thereby resulting in quicker correction of the environmental violations and avoidance of extensive litigation. Timely settlement by Agreed Order may result in a reduced civil penalty. Also, settlement discussions will allow the opportunity to present any mitigating factors that may be relevant to the violations.

If an Agreed Order is not entered into within 60 days of receipt of this Notice of Violation, the Commissioner may issue a Notice and Order under IC 13-30-3-4 containing the actions that must be taken to correct the violations and requiring the payment of an appropriate civil penalty. Pursuant to IC 13-30-4-1, the Commissioner may assess penalties of up to \$25,000 per day for each violation.

Please contact Ryan Julian, Case Manager, at (317) 234-3123 or rjulian@idem.in.gov, within 15 days after receipt of this Notice to discuss resolution of this matter.

For the Commissioner:



Date: June 26, 2024

Jessica Irvine, Chief
Enforcement Section
Office of Water Quality

cc: Parke County Health Department
<http://www.in.gov/idem>

Lucas Collom, Operator
Lyford Water Works
6826 West Parkewood Drive
Rosedale, IN 47874

6. 327 Indiana Administrative Code (IAC) 8-2-2 states that each PWS shall comply with all provisions of this rule and 327 IAC 8-2.1.
7. Pursuant to 327 IAC 8-2.5-12(a)(2), a PWS using ground water and serving less than 3,300 persons, shall monitor TTHM and HAA5 at no fewer than 2 locations once per year.

Pursuant to 327 IAC 8-2.5-20, a PWS shall report TTHM and HAA5 monitoring result to IDEM within ten (10) days after the end of any quarter in which monitoring is required.

IDEM records indicate that Respondent failed to monitor TTHM and HAA5 samples during 2021, 2022, and 2023 and failed to report monitoring results to IDEM, in violation of 327 IAC 8-2.5-12(a)(2) and 327 IAC 8-2.5-20.

8. 327 IAC 8-2-8.2 states IDEM shall evaluate each PWS during a sanitary survey to determine if deficiencies exist.
9. 327 IAC 8-2-8.2(f) states significant deficiencies are conditions found during a sanitary survey that have a potential to cause an immediate risk to human health; or any deficiency that was found during a previous sanitary survey but not has been corrected; or the PWS is not in compliance with a correction schedule approved by the commissioner.
10. Pursuant to 327 IAC 8-2-8.2(h), PWSs using ground water shall respond in writing to any deficiency found during a sanitary survey that is reported to the PWS using ground water by the commissioner. Response requirements are as follows:
 1. The response must:
 - be made within thirty (30) days of receipt of the report; and
 - indicate:
 - i. how the PWS will address deficiencies found during the sanitary survey; and
 - ii. on what schedule the PWS will address deficiencies found during the sanitary survey.

On May 9, 2022, IDEM conducted a sanitary survey at the Site in which significant deficiencies were found. An Inspection Summary Letter dated May 13, 2022, was sent to the Respondent requiring a written response to IDEM within 30 days.

Respondent provided a response to the sanitary survey on July 22, 2022, however the response did not adequately address the deficiencies. To date, Respondent has failed to submit a response adequately addressing all deficiencies found during the sanitary survey or a schedule the PWS will use to address those deficiencies, in violation of 327 IAC 8-2-8.2(h).

11. Pursuant to 327 IAC 8-2.1-7, owners or operators of a PWS must give public notice for failure to perform water quality monitoring, as required by drinking water regulations.

IDEM records indicate that Respondent failed to notify persons served by the PWS of the failure to monitor at least one sample for TTHM and HAA5 during the years of 2021, 2022, and 2023, in violation of 327 IAC 8-2.1-7

12. Orders of the Commissioner are subject to administrative review by the Office of Environmental Adjudication under IC 4-21.5; however, in recognition of the settlement reached, Respondent acknowledges notice of this right and waives any right to administrative and judicial review of this Agreed Order.

II. ORDER

1. This Agreed Order shall be effective (Effective Date) when it is adopted by Complainant or Complainant's delegate (as evidenced by signature), and the adopted Agreed Order has been received by Respondent. This Agreed Order shall have no force or effect until the Effective Date. In addition to addressing the violations cited in Paragraphs 7 through 11 of the Findings of Fact above, this Agreed Order also addresses any additional violations of these same rules that may have occurred subsequent to the issuance of the Notice of Violation and prior to the Effective Date.
2. Within 15 days of the Effective Date, Respondent shall submit to IDEM for review a Stage 2 Disinfection Byproducts Rule (DBPR) compliance monitoring plan (CMP) for monitoring TTHM and HAA5, using the attached Stage 2 DBPR CMP form. The CMP is required to include:
 - A. Compliance Monitoring Locations;
 - B. Compliance Monitoring Dates; and
 - C. Compliance Calculation Procedures.
3. The CMP is subject to IDEM review and approval, in the event IDEM finds Respondent's CMP deficient, Respondent shall revise and resubmit the CMP, in accordance with IDEM's notification(s).
4. Respondent, upon receipt of written notification from IDEM, shall immediately implement the approved CMP and adhere to the milestone dates therein. The

approved CMP shall be incorporated into the Agreed Order and shall be deemed an enforceable part thereof.

5. Within 30 days of the Effective Date, Respondent shall monitor for TTHM and HAA5 at the locations and dates specified in Respondent's CMP. This will count as the required TTHM and HAA5 samples for 2024.

It is the responsibility of Respondent to continue sampling TTHM and HAA5 annually, as specified in the CMP, after completion of the sampling required by this paragraph.

6. Within 10 days of becoming aware of a TTHM and HAA5 MCL exceedance, Respondent shall submit notification to IDEM of the MCL exceedance. Respondent shall complete all requirements to resolve the MCLs as instructed by IDEM's notification(s).
7. Within 30 days of the Effective Date, Respondent shall respond in writing to all deficiencies noted in the Sanitary Survey conducted on May 9, 2022. The response must indicate:
 1. how Respondent will address deficiencies found during the sanitary survey; and
 2. on what schedule (milestone dates) Respondent will address deficiencies found during the sanitary survey.
8. The written response required by Order Paragraph 4 is subject to IDEM approval. In the event IDEM determines that the written response submitted by Respondent is deficient or otherwise unacceptable, Respondent shall revise and resubmit the written response to IDEM in accordance with IDEM's notice. After three submissions of such written response by Respondent, IDEM may seek civil enforcement of this Order.
9. Respondent, upon receipt of written notification from IDEM, shall immediately implement the approved written response and adhere to the milestone dates therein. The approved written response shall be incorporated into the Agreed Order and shall be deemed an enforceable part thereof.
10. Within 10 days of each required milestone included in the written response, Respondent shall submit to IDEM a written progress report or notification of completion for each milestone.
11. Within 30 days of the Effective Date, Respondent shall update the enclosed "System Basic Information Summary" document by either marking corrections or stating that the information is accurate directly on the attached document. Once completed, the document shall be submitted to the address in Order Paragraph 9.

12. All submittals required by this Agreed Order, unless Respondent is notified otherwise in writing by IDEM, shall be sent to:

Ryan Julian, Enforcement Case Manager
Office of Water Quality – IGCN 1255
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251

13. Respondent is assessed and agrees to pay a civil penalty of Three Thousand Nine Hundred and Thirty-Seven Dollars (\$3,937). Respondent shall pay the civil penalty by the due date printed on the invoice, as attached.

Civil and stipulated penalties are payable to the "Environmental Management Special Fund" by mail, phone, or online following the instructions below:

Mail:

Civil and stipulated penalties are payable by check to the "Environmental Management Special Fund." Checks shall include the Case Number 2024-29953-D of this action and shall be mailed to:

Indiana Department of Environmental Management
Accounts Receivable
IGCN, Room 1340
100 North Senate Avenue
Indianapolis, IN 46204

Online:

Accounts Receivable is accepting payments online by e-Check, Master Card, Visa, or Discover. Please visit www.IN.gov/IDEM. Under Online Services, click Online Payment options and follow the prompts. A processing fee of \$1 plus 1.99% will be charged for credit card payments. A processing fee of \$1 will be charged for e-Check payments. The Case Number 2024-29953-D of this action is required to complete the process.

Phone:

Accounts Receivable also accepts payments by phone at 317-234-3099. Follow the instructions for Master Card, Visa, or Discover payments. A processing fee of \$1 plus 1.99% will be charged for credit card payments. A processing fee of \$1 will be charged for e-Check payments. The Case Number 2024-29953-D is required to complete the process.

14. In the event the terms and conditions of the following paragraphs are violated, Complainant may assess and Respondent shall pay a stipulated penalty in the following amount:

Paragraph:	Violation:	Stipulated Penalty:
2	Failure to submit a Stage 2 DBPR CMP for monitoring TTHM and HAA5 to IDEM for review/approval.	\$300 per week late, or part thereof.
3	Failure to timely revise and resubmit the CMP, as required by IDEM.	\$200 per week late, or part thereof.
4	Failure to timely implement the approved CMP and meet any milestones in an approved plan(s).	\$350 per week late, or part thereof.
5	Failure to monitor TTHM and HAA5 at the locations and dates specified in the CMP.	\$350 per missed sample.
6	Failure to comply with any part of this paragraph after a MCL exceedance.	\$400 per week for violation of any part of this paragraph.
7	Failure to submit a written response within the required time period.	\$250 per week, or part thereof
8	Failure to modify the written response, if required, within the given time period.	\$300 per week late, or part thereof.
9	Failure to meet and/or implement any milestone date set forth in the approved written response.	\$350 per week late, or part thereof.
10	Failure to submit to IDEM a written progress report or notification of completion for each milestone, within the given time period.	\$150 per week late, or part thereof.
11	Failure to submit the "System Basic Information Summary" document in the manner specified.	\$100 per week, or part thereof.

15. Stipulated penalties shall be due and payable no later than the 30th day after Respondent receives written notice that IDEM has determined a stipulated penalty is due, the 30th day being a "Due Date." IDEM may notify Respondent at any time that a stipulated penalty is due. Failure to notify Respondent in writing in a timely manner of a stipulated penalty assessment shall not waive IDEM's right to collect such stipulated penalty or preclude IDEM from seeking additional relief against Respondent for violation of this Agreed Order. Neither assessment nor payment of stipulated penalties shall preclude IDEM from seeking additional relief against Respondent for a violation of this Agreed Order. Such additional relief includes any remedies or sanctions available pursuant to Indiana law, including, but not limited to, civil penalties pursuant to IC 13-30-4.

16. This Agreed Order shall apply to and be binding upon Respondent, its successors and assigns. Respondent's signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent. No change in ownership, corporate, or partnership status of Respondent shall in any way alter its status or responsibilities under this Agreed Order.
17. In the event that the monies due to IDEM pursuant to this Agreed Order are not paid on or before their Due Date, Respondent shall pay interest on the unpaid balance and any accrued interest at the rate established by IC 24-4.6-1. The interest shall be computed as having accrued from the Due Date until the date that Respondent pays any unpaid balance. The interest shall continue to accrue on the first of each month until the civil penalty and any interest accrued are paid in full. Such interest shall be payable to the "Environmental Management Special Fund." and shall be payable to IDEM in the manner specified above.
18. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if this Agreed Order did not contain the invalid terms.
19. Respondent shall provide a copy of this Agreed Order, if in force, to any subsequent owners or successors before ownership rights are transferred. Respondent shall ensure that all contractors, firms and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
20. This Agreed Order is not and shall not be interpreted to be a permit or a modification of an existing permit. This Agreed Order, and IDEM's review or approval of any submittal made by Respondent pursuant to this Agreed Order, shall not in any way relieve Respondent of its obligation to comply with the requirements of its applicable permits or any applicable Federal or State law or regulation.
21. Complainant does not, by his approval of this Agreed Order, warrant or aver in any manner that Respondent's compliance with any aspect of this Agreed Order will result in compliance with the provisions of any permit, order, or any applicable Federal or State law or regulation. Additionally, IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of Respondent's efforts to comply with this Agreed Order.
22. Nothing in this Agreed Order shall prevent or limit IDEM's rights to obtain penalties or injunctive relief under any applicable Federal or State law or regulation, except that IDEM may not, and hereby waives its right to, seek additional civil penalties for the same violations specified in the Notice of Violation.
23. Nothing in this Agreed Order shall prevent IDEM (or anyone acting on its behalf) from communicating with the United States Environmental Protection Agency (US

EPA) or any other agency or entity about any matters relating to this enforcement action. IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of such communications with the US EPA or any other agency or entity.

24. This Agreed Order shall remain in effect until Respondent has complied with the terms and conditions of this Agreed Order and IDEM issues a Resolution of Case (close out) letter to Respondent.

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Tier 2

Public Notice Instructions

You are required to provide the enclosed public notice within thirty (30) days upon learning of the violation, using one or more of the following methods:

Community water systems must use one of the following methods:

- Hand or direct delivery
- Mail, as a separate notice or included with the water bill
- Publishing in newspaper within the area served

Non-community water systems must use one of the following methods:

- Hand or direct delivery
- Mail
- Posting in conspicuous locations

You may need to use additional methods because notice must be provided in a manner reasonably calculated to reach all persons served. You may modify the enclosed notice to tailor it to your specific situation, **but you must include all the required elements and the mandatory health effects language in *italics*.**

After issuing the notice:

Send a copy of each type of notice and the enclosed certification form within ten (10) days from the time you issue the notice to the following address:

ppoon@idem.in.gov

or

IDEM OWQ - Drinking Water Branch, 66-34
Attn: Peter Poon
100 N. Senate Ave.
Indianapolis, IN 46204-2251

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER
MONITORING REQUIREMENTS NOT MET FOR
LYFORD WATER WORKS**

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. The results of regular monitoring are an indicator of whether or not our drinking water meets EPA's health standards. The 2021 to 2023 testing for TTHM/HAA5 was either not performed or failed to comply with all the requirements of the Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR); therefore, we cannot be sure of the quality of the water at that time.

What should I do?

You do not need to use an alternative (e.g., bottled) water supply. However, if you have specific health concerns, consult your doctor.

What does this mean?

This is not an immediate risk. If it had been, you would have been notified immediately. Some people who drink trihalomethanes in excess of the Maximum Contaminant Level (MCL) over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer. Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.

What Happened? What is being done? (Explain below the reason, corrective action, and when the system expects to be or was back in compliance.)

We anticipate resolving the problem within _____
estimated time frame

For more information, please contact _____ at
name of contact

_____ or _____
phone number mailing address

Please share this information with all other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Certification Form for Public Notice

PWSID# IN5261002 PWS Name: Lyford Water Works

For Situation: Failure to sample and/or report results

Occurring: 2021 to 2023

The public water system indicated above hereby affirms that the public notice has been provided to consumers in accordance with the delivery, content, and format requirements and deadline in 327 IAC 8-2.1-7

Name & Signature of System Representative: _____ Date: _____