



**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](http://www.idem.IN.gov)

**Eric J. Holcomb**  
*Governor*

**Brian C. Rockensuess**  
*Commissioner*

July 3, 2024

Via Electronic Mail to: [bcorey@oolitic.in.gov](mailto:bcorey@oolitic.in.gov), [broglin.jrb@gmail.com](mailto:broglin.jrb@gmail.com)

Brenda Corey, Council President  
Oolitic Water Works  
P.O. Box 227  
Oolitic, IN 47451

Jon Broglin, Council Vice President  
Oolitic Water Works  
P.O. Box 47  
Oolitic, IN 47451

Dear Ms. Corey and Mr. Broglin:

Re: Adoption of Agreed Order  
Commissioner, Indiana Department  
of Environmental Management  
v.  
Oolitic Water Works  
PWSID No. IN5247005  
Case No. 2024-29952-D  
Oolitic, Lawrence County

This is to inform you that the Agreed Order in the above-referenced case has been approved and adopted by the Indiana Department of Environmental Management. A copy of the Agreed Order is enclosed.

Please note the terms of compliance contained in the Agreed Order. The time frames for compliance are effective upon your receipt of this correspondence (Effective Date). The invoice for payment of the civil penalty is attached. Payment should be made payable to the "Environmental Management Special Fund" and include the Case Number 2024-29952-D for processing.

If you have any questions, please contact Samantha Clements, Environmental Manager, Water Enforcement Section, at (317) 232-8767 or [SClement@idem.in.gov](mailto:SClement@idem.in.gov).

Sincerely,

Jessica Irvine, Chief  
Water Enforcement Section  
Office of Water Quality

Enclosures

Adoption of Agreed Order Cover Letter:  
Case No. 2024-29952-D  
Oolitic Water Works  
PWSID No. IN5247005  
Oolitic, Lawrence County  
Page 2

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



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STATE OF INDIANA )
)
COUNTY OF MARION )
SS: BEFORE THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

COMMISSIONER OF THE DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT, )

Complainant, )

v. )

Case No. 2024-29952-D

OOLITIC WATER WORKS, )

Respondent. )

AGREED ORDER

Complainant and Respondent desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order. Pursuant to Indiana Code (IC) 13-30-3-3, entry into the terms of this Agreed Order does not constitute an admission of any violation contained herein. Respondent's entry into this Agreed Order shall not constitute a waiver of any defense, legal or equitable, which Respondent may have in any future administrative or judicial proceeding, except a proceeding to enforce this order.

I. FINDINGS OF FACT

- 1. Complainant is the Commissioner (Complainant) of the Indiana Department of Environmental Management (IDEM), a department of the State of Indiana created by IC 13-13-1-1.
2. Respondent owns and/or operates a community public water system (PWS) with PWSID No. IN5247005 serving 1189 persons. The PWS is located at 109 Main Street, Oolitic, Lawrence County, Indiana (the Site).
3. IDEM has jurisdiction over the parties and the subject matter of this action pursuant to IC 13-30-3.
4. Pursuant to IC 13-30-3 et seq., IDEM issued a Notice of Violation via Certified Mail to:



Carl Baker, Town Council President  
Oolitic Water Works  
109 Main Street  
Oolitic, IN 47451

Annette Norrick, Town Clerk  
Oolitic Water Works  
109 Main Street  
Oolitic, IN 47451

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 8-2.5-2(b) the maximum contaminant level (MCL) for total trihalomethanes (TTHM) and haloacetic acid (HAA5) are 0.080 mg/L and 0.060 mg/L, respectively.

Pursuant to 327 IAC 8-2.5-2(b)(1), a PWS must comply with the MCLs for TTHM and HAA5 as a locational running annual average (LRAA) at each monitoring location beginning at the date specified for compliance in section 11(c) of this rule.

IDEM records indicate that Respondent's LRAA(s) at one or more sampling points exceeded the MCL for TTHM during the first, second, third, and fourth quarters of 2023, in violation of 327 IAC 8-2.5-2(b)(1).

On June 5, 2024, the Town of Oolitic submitted documentation that included a demonstration of two consecutive quarters of compliance with TTHM LRAA requirements for the demonstration periods ending on February 28, 2024 and May 31, 2024, respectively.

8. Pursuant to 327 IAC 8-2.1-16, a PWS which exceeds the MCL required pursuant to 327 IAC 8-2.5-2, is required to notify persons served by the PWS of such exceedance, in the manner provided for in these rules.

IDEM records indicate that Respondent failed to provide public notice for exceedances of the MCL for TTHM as a LRAA during the first, second, and third quarters of 2023 in violation of 327 IAC 8-2.1-16.

On June 4, 2024, IDEM received the public notice and certification form for the exceedances of the MCL for TTHM as a LRAA during the first, second, and third quarters of 2023.

9. 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 8 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. Beginning upon of the Effective Date, Respondent shall monitor for TTHM and HAA5 at the frequency required by 327 IAC 8-2.5-12(a)(2) and 327 IAC 8-2.5-20.
3. In the calendar quarter following the Effective Date, Respondent shall demonstrate two (2) consecutive quarters of compliance with the MCLs for TTHM as a LRAA at each monitoring location (Compliance Demonstration). It is the responsibility of Respondent to maintain compliance with the MCLs for TTHM and HAA5 as a LRAA, as required by 327 IAC 8-2.5-2(b)(1), after completion of the Compliance Demonstration.
4. In the event that violation(s) occur during the Compliance Demonstration, within 30 days of the violation, Respondent shall develop and submit to IDEM, for approval, an Additional Action Plan (AAP) which identifies the additional actions that Respondent will take to achieve and maintain compliance with the terms and conditions of the Permit. The AAP, if required, shall include an implementation and completion schedule, including specific milestone dates.
5. The plan required by Order Paragraph 4 is subject to IDEM approval. In the event IDEM determines that any plan submitted by Respondent is deficient or otherwise unacceptable, Respondent shall revise and resubmit the plan to IDEM in accordance with IDEM's notice. After three submissions of such plan by Respondent, IDEM may seek civil enforcement of this Order.
6. Upon receipt of written notification from IDEM, Respondent shall immediately implement the approved plan(s) and adhere to the milestone dates therein. The approved AAP shall be incorporated into the Agreed Order and shall be deemed an enforceable part thereof.
7. Following completion of the actions included in the AAP, Respondent shall demonstrate two (2) consecutive quarters of compliance with the MCLs for TTHM as a LRAA at each monitoring location (Compliance Demonstration).
8. Beginning with the first calendar quarter following IDEM's approval of the AAP, Respondent shall submit to IDEM a written progress report within 10 days of the end of each calendar quarter which identifies the compliance actions implemented

during each quarter ending March 31<sup>st</sup>, June 30<sup>th</sup>, September 30<sup>th</sup>, and December 31<sup>st</sup> until completion of the AAP.

9. Immediately upon the Effective Date, for future monitoring and/or reporting violations, Respondent shall provide public notice to the State within 10 days and notify the public pursuant to 40 CFR 141.861(a)(4).
10. All submittals required by this Agreed Order, unless Respondent is notified otherwise in writing by IDEM, shall be sent to:

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

11. Respondent is assessed and agrees to pay a civil penalty of One Thousand Six Hundred Forty-Two Dollars (\$1,642). 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 2024-29952-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](http://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 2024-29952-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 2024-29952-D is required to complete the process.

12. 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:

<b>Paragraph:</b>	<b>Violation:</b>	<b>Stipulated Penalty:</b>
2	Failure to monitor and report for TTHM and/or HAA5	\$300 per violation.
3, 7	For violations during the Compliance Demonstration.	\$500 per violation.
4, 5	Failure to submit or modify the AAP, if required, within the given time period.	\$300 per week late, or part thereof.
6	Failure to implement and meet any milestone date set forth in the approved AAP.	\$500 per week late, or part thereof.
8	Failure to submit to IDEM a written report of progress within 10 days of each calendar quarter.	\$300 per violation.
9	If applicable, failure to provide public notice.	\$300 per week, or part thereof.

13. Stipulated penalties shall be due and payable no later than the 30<sup>th</sup> day after Respondent receives written notice that IDEM has determined a stipulated penalty is due, the 30<sup>th</sup> 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.
14. 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.
15. 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.

16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.



Agreed Order: Case No. 2024-29952-D  
Oolitic Water Works  
PWSID No. IN5247005  
Oolitic, Lawrence County  
Page 7

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**TECHNICAL RECOMMENDATION:**  
Department of Environmental Management

By:

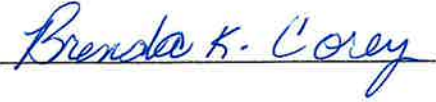


Jessica Irvine, Chief  
Water Enforcement Section  
Office of Water Quality

Date: June 11, 2024

**RESPONDENT:**  
Oolitic Water Works

By:



Printed: Brenda Corey  
Title: President - Oolitic Town Council

Date: June 25th, 2024

**COUNSEL FOR RESPONDENT:**

By:

  
James G. Pittman

Date: June 24, 2024

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT THIS 26th DAY OF June, 2024

For the Commissioner:



Martha Clark Mettler  
Assistant Commissioner  
Office of Water Quality

# INVOICE

**Please Remit To:**

INDIANA DEPT. OF ENVIRONMENTAL MANAGEMENT  
PO BOX 3295  
INDIANAPOLIS IN 46206-3295

Page: 1  
Invoice No: 000374816  
Invoice Date: 07/02/2024  
Customer Number: CST100011252  
Bill Type: 075  
Payment Terms: NET 30  
Due Date: 08/01/2024

**Bill To:**

TOWN OF OOLITIC  
BRENDA COREY  
OOLITIC WATER WORKS  
PO BOX 227  
OOLITIC IN 47451

AMOUNT DUE: 1,642.00 USD

Amount Remitted

Note Address Changes Above  Email Address: \_\_\_\_\_

Write the invoice number on your check and return the upper portion of this invoice.

For billing questions, please email us at [BILLING@IDEM.IN.GOV](mailto:BILLING@IDEM.IN.GOV)

Line	Adj	Identifier	Description	Quantity	UOM	Unit Amt	Net Amount
1		2024-29952-D	AGREED ORDER	1.00	EA	1,642.00	1,642.00
<p>- Accounts Receivable is accepting payments online by e-Check, MasterCard, Visa, American Express or Discover. Please visit <a href="http://www.in.gov/idem">www.in.gov/idem</a>. Under Online Services, click Online Payment options and follow the prompts.</p> <p>-You may also call us at 317-234-3099 to pay by MasterCard, Visa, American Express or Discover.</p> <p>-A processing fee of \$0.40 plus 2.06% will be charged for credit card payments. A processing fee of \$0.15 will be charged for eCheck payments.</p> <p>- Pursuant to the Agreed Order for the Case Number noted above in the identifier field, please remit the civil penalty within thirty (30) days of the effective date of the Agreed Order.</p>							

TOTAL AMOUNT DUE : 1,642.00

Please write the invoice number on your check and return the upper portion of this invoice with remittance.