August 19, 2026

**Transmitted Electronically**

Mr. Jay Fleming
Safety Service Director
City of Van Wert
515 E. Main St.
Van Wert, Ohio 45891

**Re:** **Van Wert City**
**Notice of Violation (NOV)**
**NOV**
**Drinking Water**
**Van Wert County**
**PWS ID: OH8100611**

**Subject:** **Partial Resolution of Violation - Sanitary Survey - Facility ID# 8159424, Community PWS Extension Request**

Dear Mr. Fleming:

Thank you for your responses to Violation #5 from Ohio EPA's Dec. 5, 2023, Notice of Violation (NOV) letter regarding the Limited Scope Site Visit (LSSV) conducted on Nov. 7, 2023. On Aug. 7, 2026, Ohio EPA received the City of Van Wert's extension request for completing repairs to the reservoir intake sluice gates. Ohio EPA approves the extension request.

The City's response and the status of the remaining violations are discussed below.

**Outstanding Notice of Violation**

1. **Ohio EPA 2023 LSSV NOV Citation #5 –** In accordance with OAC Rule 3745-83-01(H)(1), "The owner and operator shall ensure that all facilities and equipment necessary for the treatment and distribution of water shall be maintained at a minimum so as to function as intended." In accordance with OAC Rule 3745-83-01(H)(2), "In the event that the treatment facilities or equipment no longer function as intended, corrective action (which may include additional maintenance or modifications of the public water system) shall be taken by the owner."

    (a) The City of Van Wert is in violation of OAC Rule 3745-83-01(H)(1) for failure to maintain the reservoir intake sluice gates. The reservoir intakes have multiple levels; however, the sluice gates are not operable.

    (b) To mitigate the violation related to failure to maintain the reservoir intake sluice gates, the City of Van Wert must inspect the reservoir intake sluice gates and repair the sluice gates to function as intended and allow withdrawal of water from each level.

    (c) Provide Ohio EPA with a schedule for inspecting and repairing the reservoir intake sluice gates.

    (d) On Jan. 4, 2024, Ohio EPA received correspondence from the City of Van Wert, which included the following: *"The sluice gate valves at the reservoir intake structures have not been operational for over 30 years and has never created a problem with our ability to adequately treat the water. However, we are working with diving contractor to come up with a cost to perform the work. As you are aware we have other items that are far more mission critical to the day to day operation of the plant. This project will be budgeted for completion in 2025."*

    (e) Ohio EPA's Jan. 29, 2024, partial resolution of violation (PROV) letter established Dec. 31, 2025, as the deadline for completing repairs to the reservoir intake sluice gates.

(f) During the June 20, 2024, sanitary survey, City representatives noted that the City will attempt to have the reservoir intake sluice gates inspected in 2024, and repairs will be completed in 2025.

(g) On Aug. 15, 2024, Ohio EPA received correspondence from the City of Van Wert, which included the following: *"We will make every effort to address these valves in the summer of 2025. We still want to make note that these valves have caused no operational issues for the last 40 years. We will want to have more discussion on this once we determine the cost and ability to make these repairs."*

(h) During the June 4, 2025, LSSV, City representatives indicated that the reservoir intakes will be inspected by a diver during the summer of 2025 to determine the sluice gate repairs that are necessary to allow withdrawal of water from each level.

(i) On Dec. 17, 2025, Ohio EPA received the City's extension request via email. The extension request included the following: *"We have been working with Solomon Diving Inc. to facilitate the replacement of the (6) reservoir valves. It has been difficult to complete because of the scheduling of the dives to collect all necessary data. This is now complete and we have a quote. (see attachment) The purpose of this letter is to request an extension until September 1st of 2026 to complete the work.*

*"We appreciate your consideration for this request. However, We are requesting that we have a meeting early next year to discuss. The trash screens have been replaced on all 6 valve locations. Please see the quote for $443,390 to complete the valve replacement. This is a lot of money for almost no benefit. The purpose of the meeting is to discuss option or alternatives that we can agree to reduce this cost. At this price we will have to add this to the THM project because it will have to be bid out. The project will be bid to have work completed during the summer of 2026…"* The City's email included a proposal from Solomon Diving, Inc. for the underwater removal and replacement of six (6) sluice gates for the North and South reservoirs (three each) including operating stems, stem guides, operators and two (2) 3/8" thick aluminum diamond plate access hatches.

(j) Ohio EPA's Jan. 8, 2026, PROV letter established Sept. 1, 2026, as the deadline for completing repairs to the reservoir intake sluice gates.

(k) On Aug. 7, 2026, Ohio EPA received the City's extension request via email. The extension request included the following: *"The TTHM reduction project (Spray Aeration) and the reservoir intake sluice gate replacement project were combined into a single project that received Ohio EPA Plan Approval on July 10, 2026. After receiving Plan Approval the City approved the project to be issued for bid. Below is a proposed revised schedule for the required improvements:*

*September 10, 2026 – Open bids*

*October, 2026 – Contract documents completed for approval by City and Contractor.*

*November 9, 2026 – Construction activities commence. However it is not known when the contractor would mobilize on site.*

*September 5, 2027 – Construction substantial completion, spray aeration equipment and sluice gates installed and operational…"*

(l) Ohio EPA approves the City's extension request for completing repairs to the reservoir intake sluice gates. **The City of Van Wert has not addressed Violation #5 from the Dec. 5, 2023, LSSV NOV. However, the corrective action schedule provided is acceptable for both the LSSV NOV and Order No. 15 of the June 17, 2024, Director's Final Findings and Orders. The deadline for completing repairs to the reservoir intake sluice gates is Sept. 5, 2027. Please provide documentation of repairs to Ohio EPA when the City resolves the violation.**

2. **Ohio EPA July 18, 2024, Sanitary Survey NOV [2024 Survey NOV] Citation #5 -** In accordance with OAC Rule 3745-95-06 (C)(3), "The consumer shall, on any premises on which any containment principle backflow preventer required by rules 3745-95-04 and 3745-95-05 of the Administrative Code are installed, have thorough inspections and operational tests made of the backflow preventers at the time of installation or repair, and as may be reasonably required by the supplier of water or the director, but in all cases at least once every twelve months." In accordance with OAC Rule 3745-95-06(C)(2), it shall be the duty of the supplier of water to see that the tests and inspections required under this paragraph are made.

   (a) The City of Van Wert is in violation of OAC Rule 3745-95-06 (C)(2) and (3) for failing to require thorough inspections and operational tests made of containment principle backflow prevention devices at least once every 12 months. City records provided to Ohio EPA on May 10, 2024, indicate that containment principle backflow prevention devices have not been tested at least once every 12 months.

   (b) The City of Van Wert must see that thorough inspections and operational tests are made of containment principle backflow prevention devices at the time of installation or repair and at least once every 12 months.

   (c) Provide Ohio EPA with a schedule for returning to compliance with OAC Rule 3745-95-06(C)(2) and (3).

   (d) On Aug. 15, 2024, Ohio EPA received correspondence from the City of Van Wert, which included the following: *"We have sent letters to all users that are in violation. We are actively working on a plan as to how we will deal with the non-compliance group. This may be as strict as discontinuing service until compliance is achieved. This is a complex issue for us but we do believe we can make a substantial improvement in this situation by April 1st, 2025."*

   (e) Ohio EPA's Sept. 26, 2024, PROV letter established April 1, 2025, as the deadline for returning to compliance with OAC Rule 3745-95-06(C)(2) and (3).

   (f) On April 30, 2025, Ohio EPA received an extension request from the City of Van Wert for returning to compliance with OAC Rule 3745-95-06 (C)(2) and (3). The extension request included the following: *"My solution to this is going to be moving one man, who has been involved with backflow, to a spot that will allow him to work on this exclusively. In my conversation with him, we believe he can inspect all facilities by October 1st, 2025 and also get the testing requirements all up to date…"*

   (g) Ohio EPA's May 12, 2025, PROV letter established Oct. 1, 2025, as the deadline for returning to compliance with OAC Rule 3745-95-06(C)(2) and (3).

   (h) On Sept. 30, 2025, Ohio EPA received the City of Van Wert's backflow records spreadsheet via email. Ohio EPA reviewed the City's backflow records and determined that the City had not returned to compliance with OAC Rule 3745-95-06(C)(2) and (3). Ohio EPA provided an email response to the City and requested written correspondence describing the steps that will be taken to return to compliance and the date when compliance will be achieved.

(i) On Oct. 1, 2025, Ohio EPA received the City's extension request via email. The City's email correspondence described the steps that will be taken to return to compliance including shutting off service to non-compliant accounts. The City requested that the corrective action schedule be extended to April 1, 2026.

(j) Ohio EPA's Oct. 14, 2025, PROV letter established April 1, 2026, as the deadline for returning to compliance with OAC Rule 3745-95-06(C)(2) and (3).

(k) On April 2, 2026, and June 5, 2026, Ohio EPA received the City of Van Wert's backflow records spreadsheet via email. Ohio EPA reviewed the City's backflow records and determined that the City has not returned to compliance with OAC Rule 3745-95-06(C)(2) and (3). Ohio EPA provided email responses to the City on April 14, 2026, May 4, 2026, and June 8, 2026, and requested written correspondence describing the steps that will be taken to return to compliance and the date when compliance will be achieved. Ohio EPA discussed the corrective action schedule with the City on June 8, 2026, and established Dec. 31, 2026, as the deadline for returning to compliance with OAC Rule 3745-95-06(C)(2) and (3).

(l) **The City of Van Wert has not addressed Violation #5 from the July 18, 2024, Sanitary Survey NOV. The deadline for returning to compliance with OAC Rule 3745-95-06(C)(2) and (3) is Dec. 31, 2026.**

3. **Ohio EPA 2024 Survey NOV Citation #6 -** In accordance with OAC Rule 3745-95-03(B)(1), "The supplier of water shall conduct or cause to be conducted periodic on-site investigation of all premises at least every five years to identify changes in water use practices so that new, previously unidentified, or increased hazards to the public water system are identified and mitigated." In accordance with OAC Rule 3745-95-03(B)(2), "In lieu of conducting an on-site investigation at each premises, the supplier of water for all community public water systems may document, in writing, an alternate, on-going, methodology to identify changes in water use practices that may represent a new, previously unidentified, or increased hazard to the public water system. At a minimum, a water use survey questionnaire must be used to document the evaluation of each premises. An on-site investigation is required when a potential new or increased hazard is suspected to confirm the degree of risk and how the hazard will be addressed." In accordance with OAC Rule 3745-95-03(B)(3), "In lieu of conducting an on-site investigation at each residential premises, the supplier of water may institute an on-going educational campaign to inform consumers of common backflow hazards created during residential water use and provide a reporting mechanism for suspected cross-connections." In accordance with OAC Rule 3745-95-03(B)(3)(a), "An educational campaign may use local media and advertising resources, but must also include information directly delivered, either electronically or hard copy, to each residential service connection. Information must be delivered annually." In accordance with OAC Rule 3745-95-03(B)(3)(b), "If providing backflow prevention education information to residential customers electronically, whether through the annual consumer confidence report or otherwise, a direct website link must be provided and clearly identified in such a manner that customers understand information in the link provides education on backflow prevention and cross connection control."

(a) The City of Van Wert is in violation of OAC Rule 3745-95-03(B)(1) for failing to either conduct or cause to be conducted periodic on-site investigations of all premises at least every five years or comply with the requirements of OAC Rule 3745-95-03(B)(2) and (3).

(b) Provide Ohio EPA with a schedule for returning to compliance with OAC Rule 3745-95-03(B)(1) or OAC Rule 3745-95-03 (B)(2) and (3).

(c) On Aug. 15, 2024, Ohio EPA received correspondence from the City of Van Wert, which included the following: *"As far as residential customers are concerned we have mailed out the Backflow Brochure and have a link to it on the bill each month as well as on our website. We are going to start this year to do the inspections. The goal is to complete 20% yet this year and completing 20% each year to meet the 5 year rule."*

(d) Ohio EPA's Sept. 26, 2024, PROV letter established Dec. 31, 2028, as the deadline for returning to compliance with OAC Rule 3745-95-03(B)(1).

(e) During the June 4, 2025, LSSV, City representatives indicated that the on-site investigations should be complete by the end of June 2025.

(f) **The City of Van Wert has not addressed Violation #6 from the July 18, 2024, Sanitary Survey NOV. However, the corrective action schedule provided is acceptable. The deadline for returning to compliance with OAC Rule 3745-95-03(B)(1) is Dec. 31, 2028.**

**Summary of Violations Resolved**

| Originating NOV | Resolved Violation # | PROV Letter Date |
|---|---|---|
| July 18, 2024, Sanitary Survey NOV | 7 | June 12, 2025 |
| | 8-18 | Jan. 16, 2025 |
| Dec. 5, 2023, LSSV NOV | 6 | Aug. 21, 2025 |
| | 3 | Sept. 26, 2024 |
| | 4 | May 1, 2024 |
| Oct. 31, 2022, LSSV NOV | 1 | Aug. 21, 2025 |
| | 2 | Jan. 29, 2024 |

**Conclusion**

Please be advised that the outstanding violations cited above will continue until the violations have been properly resolved. Failure to comply with Chapter 6109 of the Ohio Revised Code and rules promulgated thereunder may result in an administrative or civil penalty of up to $25,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the resolution of violations, the City of Van Wert shall submit written correspondence describing the steps that will be taken and dates when compliance will be achieved.

Should you have any questions, please feel free to contact me by email at justin.bowerman@epa.ohio.gov or by phone at 419.373.4118.

Sincerely,

Justin Bowerman

Justin W. Bowerman
Environmental Specialist III
Division of Drinking and Ground Waters

/rew

ec: Van Wert County Health Department
Donald Lippi, Superintendent
Josh Caldwell, Operator
Donald Mengerink, Jr., ORC Distribution
Jake Meinerding, P.E., Jones and Henry Engineers, Ltd.
Lara Schramm, AP3, DDAGW
Michael Deal, Manager, DDAGW
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MacKenzie Hull, Environmental Specialist II, DDAGW
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