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Effective Date JUN 19 2007

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ENTERED DIRECTOR'S JOURNAL BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:
Todd Newman
353 Market Street
Kenton, OH 43326

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Respondent,

I certify this to be a true and accurate copy of the
official documents as filed in the records of the Ohio
Environmental Protection Agency.

PREAMBLE

It is agreed by the Parties hereto as follows:

By: *Donna Jackson* Date: 6-19-07

I. JURISDICTION

These Director's Findings and Orders (Orders) are issued to Todd Newman (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Chapters 6109 and 6111 and § 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapters 6109 and 6111 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent holds a Class I Water Supply Certificate number WS1-1008395-90 and a Class I Wastewater Treatment Certificate number WW1-1008395-91.
2. Respondent was the operator of record for the Ohio Department of Transportation (ODOT) District One Rest Area public water systems (PWSs) and wastewater treatment plants (WWTPs).

3. The Director of Ohio EPA has entered into Findings and Orders with ODOT regarding the District One PWSs (Attachment I) and the District One WWTPs (Attachment II).
4. ODOT has conducted an administrative investigation in regard to the drinking water and wastewater violations. A copy of the report is enclosed as Attachment III. The Findings of the report indicated that the Respondent was negligent in performing his duties relating to the ODOT drinking water and wastewater systems. ODOT terminated the Respondent in January of 2006.
5. In accordance with OAC Rule 3745-7-12(A)(3), the director may suspend or revoke the certification of an operator upon finding that the operator has knowingly or negligently submitted misleading, inaccurate or false reports to the Ohio EPA.
6. In violation of OAC Rule 3745-7-12(A)(3), Respondent's entries into the "SWIMware" computer program for color, odor and turbidity were recorded as 0's for every day for every plant where he was considered the operator in responsible charge. Information documented in Attachment III indicates that the Respondent did not measure appropriate values and was not aware of the appropriate method for filing out the monthly operating report.
7. In accordance with OAC Rule 3745-7-12(A)(2), the director may suspend or revoke the certification of an operator upon finding that the operator has performed the duties of an operator in a negligent or incompetent manner.
8. In accordance with OAC Rule 3745-12(A)(4), the director may suspend or revoke the certification of an operator upon finding that the operator has operated in a manner endangering the public health or welfare.
9. In accordance with OAC Rule 3745-12(A)(5), the director may suspend or revoke the certification of an operator upon finding that the operator has operated in such a manner to have violated or caused to be violated any provisions of ORC Chapters 6109 or 6111.
10. In violation of OAC Rules 3745-7-12(A)(2), 3745-7-12(A)4) and 3745-7-12(A)(5), Respondent performed his duties in a negligent or incompetent manner, operated in a manner endangering public health and welfare and operated in a such a manner to have violated or caused to be violated provisions of ORC Chapters 6109 and 6111. Violations listed in paragraphs 8, 9, 11, 12, 13, 16, 17, 18, 20, 22, 23, 24, 39, 40, 42, 43 and 45 of Attachment I and paragraphs 3, 6, 7, 10, 14, 18 and 31 of Attachment II document the Respondent's failure to properly conduct monitoring, failure to meet maximum contaminant levels, failure to submit reports and failure to properly maintain facilities which resulted in violations of the provisions of ORC Chapters 6109 and 6111.

11. Each violation cited above represents a separate violation of ORC § 6109.31 and 6111.46.

V. ORDERS

1. Upon the effective date of these Orders, Respondent's Class I Water Supply and Class I Wastewater Treatment certifications are revoked for five (5) years.
2. Within ten (10) days of the effective date of these Orders, Respondent shall return his Class I Water Supply and Class I Wastewater Treatment certificates in accordance with the provisions in Paragraph X below. Respondent has indicated that he has destroyed the above referenced certificates.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon the submission of his Class I Water Supply and Class I Wastewater Treatment certificates in accordance with Paragraph X below.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to the Respondent's a public water system or treatment works.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the Parties. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Operator Certification Unit
Division of Drinking and Ground Waters
PO Box 1049
Columbus, Ohio 43216-1049
Attn: Andrew Barienbrock, Environmental Supervisor, DDAGW

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a Party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such Party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency


Chris Korleski, Director

6/14/07
Date

IT IS SO AGREED:

Todd Newman


Signature

05-07-07
Date

