

OHIO E.P.A.

JUL 18 2014

ENVIRONMENTAL PROTECTION AGENCY

Effective Date JUL 18 2014

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:
James Pindell
~~17315 Bloomrose Road~~
~~Williamsburg, OH 45176~~
1799 CHANEY ROAD
MIDLAND, OHIO 45148 *JP*
Respondent,

DIRECTOR'S FINAL
FINDINGS AND ORDERS

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 *Dir. Cassler* Date: 7-18-14

I. JURISDICTION

These Director's Findings and Orders (Orders) are issued to James Pindell (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 1 Wastewater Treatment Certificate (WW1-1007238-91).
2. Respondent is employed by Clermont County Water Resources as an operator of record for its Arrowhead Park Wastewater Treatment Plant (Arrowhead Plant).

3. A chemical drum was mistakenly installed at the Arrowhead Plant, where a different type of drum should have been installed. This installation error should have resulted in effluent violations, but the effluent reports that Respondent created showed no violations. Clermont County Water Resources investigated and determined that Respondent was using outdated and improper testing techniques that concealed effluent violations.
4. Pursuant to OAC Rule 3745-7-09(B)(1), a certified operator is responsible for performing his duties in a responsible and professional manner consistent with standard operating procedures and best management practices and to report all instances of noncompliance with applicable regulations to the facility supervisor.
5. In violation of OAC Rule 3745-7-09(B)(1), Respondent failed to perform his duties in a responsible and professional manner by failing to follow standard operating procedures and best management practices as documented by Finding No. 3.
6. Respondent's actions documented in Finding No. 3 constitute the submission of misleading, inaccurate or false reports to a governmental organization or employer.
7. In accordance with OAC Rule 3745-7-12(A)(4), the Director may suspend or revoke the certificate of an operator upon finding that the operator has operated in a manner that endangers the public health or welfare.
8. Respondent's actions documented in Finding No. 3 constitute operating in a manner that endangers the public health or welfare.
9. In accordance with OAC Rule 3745-7-12(A)(2), the Director may suspend or revoke the certificate of an operator upon finding that the operator performed his duties in a negligent or incompetent manner.
10. Respondent's actions documented in Finding No. 3 constitute performing his duties in a negligent or incompetent manner.
11. In accordance with OAC Rule 3745-7-12(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 Chapter 6109 or 6111.
12. Respondent's actions documented in Finding No. 3 constitute violations of ORC Chapter 6111.

V. ORDERS

1. In accordance with OAC Rule 3745-7-12, upon the effective date of these Orders, Respondent's Class I Wastewater Treatment Certificate (WW1-1007238-91), is suspended for a period of two years.
2. Within ten days of the effective date of these Orders, Respondent shall return his Class I Wastewater Treatment Certificate in accordance with the provisions in Section X of these Orders.
3. Before Respondent's Wastewater Treatment Certificate can be reinstated, Respondent must take and pass the Class 1 Wastewater Treatment examination.
4. Before Respondent's Wastewater Treatment Certificate can be reinstated, Respondent must meet with the Ohio EPA Advisory Council to discuss the duties and responsibilities of a Class 1 Operator of Record.
5. After Respondent completes the requirements of Orders 1 through 4 to the satisfaction of the Operator Certification Advisory Council and he obtains approval for reinstatement from the Operator Certification Advisory Council, his certificates may be reinstated.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon the reinstatement of his Class 1 Wastewater Treatment Certificate.

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 Respondent's operation of wastewater treatment systems.

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 hereto. 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

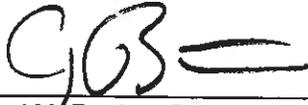
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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



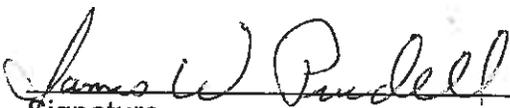
Craig W. Butler, Director

JUL 18 2014

Date

IT IS SO AGREED:

James Pindell


Signature

6/5/2014
Date