



State of Ohio Environmental Protection Agency

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June 16, 2010

Mr. Chad Johnson
15965 Kellogg Road
Bowling Green, Ohio 43402

Re: Chad R. Johnson, Case No. 09-OC-024

Dear Mr. Johnson:

I have enclosed a certified copy of the journalized, Final Findings and Orders (Orders).

If you have any questions concerning compliance with the Orders, please call me at (614) 644-2752.

Sincerely,

Andrew Barenbrock
Environmental Supervisor
Operator Certification Unit

cc: Max E. Rayle, Esq. (w/enclosures)
Margaret Malone, Esq (w/enclosures)
W. Samuel Wilson, Esq. (w/enclosures)
Zona Clements, Hearing Clerk (w/enclosures)
Operator File (w/enclosures)
Beth Messer, DDAGW (w/enclosures)
Ellen Gerber, NWDO-DDAGW (w/enclosures)

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

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.

BY: Daryl Hassler Date: 6-16-10

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

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OHIO EPA - DDAGW

In the Matter of:

Case No. 09-OC-024

CHAD R. JOHNSON,

DIRECTOR'S FINAL FINDINGS AND ORDERS

Applicant.

Pursuant to Chapter 6109., and sections 119.09 et seq. of the Ohio Revised Code, and the Rules of the Ohio Environmental Protection Agency, the Director of Environmental Protection hereby makes the following Findings and issues the following Orders:

FINDINGS

1. Chad R. Johnson is the holder of a Class III Public Water Supply Operator Certificate (WS3-1011289-94) and a Class III Wastewater Treatment Operator Certificate (WW3-1011289-89.)
2. On February 3, 2009, the Director of the Ohio EPA ("Director") sent a letter to Mr. Johnson proposing to revoke Mr. Johnson's Class III Public Water Supply Operator Certificate (WS3-1011289-94) and Mr. Johnson's Class III Wastewater Treatment Operator Certificate (WW3-1011289-89.).
3. On February 27, 2009, Mr. Johnson, by and through counsel, Max E. Rayle, Esq., filed Objections and Request for Adjudication Hearing regarding the Director's February 3, 2009 proposed revocations. Mr. Johnson's Request for Adjudication was timely filed.
4. The parties have engaged in settlement discussions in an attempt to resolve this matter. These settlement discussions have produced an agreement between the parties for the settlement of Mr. Johnson's February 27, 2009 Request for Adjudication Hearing.
5. On April 20, 2010, the parties filed a "Settlement Agreement."
6. Paragraphs 4 through 6 of the April 20, 2010 Settlement Agreement state:

"4. Mr. Johnson agrees to notify all of the organizations/owners of the public water systems and wastewater treatment plants other than the City of Bowling

OHIO E.P.A.
JUN 16 2010
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Green of his intent to terminate his employment with them within 14 days of the execution of this Agreement. Mr. Johnson agrees to carbon copy each notification to the Ohio EPA's Northwest District Office and Ohio EPA's operator certification unit.

5. Mr. Johnson agrees to send to the Ohio EPA Northwest District Office and Ohio EPA's operator certification unit a letter informing each when a termination notification has been sent to all employers notified in accordance with Paragraph 4 and that the notification of employers is complete.

6. Upon receipt of each of the carbon copies and a letter from Mr. Johnson verifying that all outside employers have been notified in accordance with paragraphs 4 and 5 of this agreement, the Staff agrees that the Director will modify the proposed action under appeal and issue a Final Action that includes the following conditions:

- a. Mr. Johnson agrees to be ordered not to submit to the Ohio EPA an application for the Class IV Water Supply examination before September 11, 2010.
- b. Mr. Johnson agrees to be ordered by the Director that within 45 days of the execution of this agreement, Mr. Johnson will permanently terminate all outside employment at all public water systems and wastewater treatment plants other than his current position with the City of Bowling Green Public Water System. Furthermore, Mr. Johnson agrees to be ordered not to maintain any other outside employment at a public water system or wastewater treatment plant so long as he is employed in his current full-time position as the Assistant Superintendent of the City of Bowling Green's PWS or in the event he is promoted to Acting Superintendent of the City of Bowling Green's PWS.
- c. The Staff agrees that in the event the Superintendent of the City of Bowling Green's PWS retires and Mr. Johnson is eligible for and offered the position of Acting Superintendent, the Staff will work with the City to ensure that Mr. Johnson can act as the Operator of Record in accordance with the provisions of O.A.C. 3745-7-03(C)(2)(e)."

7. On April 28, 2010, the parties filed a "Joint Request to Withdraw Director's Proposed Revocation Dated February 3, 2009 and Respondents February 27, 2009 Objections and Requests for Adjudication Hearing."

8. Given the fact that the parties have entered into a Settlement Agreement, there remain no unresolved issues of law or fact requiring the convening of an adjudication hearing in this case. Therefore, Ohio EPA Case No. 09-OC-024 is moot and should be dismissed.

9. Given the fact that the parties have jointly requested that the Director withdraw the February 3, 2009 proposed revocation of Chad Johnson's Class III Water Supply Certificate No. WS3-1011289-94 and Mr. Johnson's Class III Wastewater Treatment Certificate No. WW3-1011289-89, the Director should withdraw his February 3, 2009 proposed revocation.
10. No adjudication hearing has been held in this matter.
11. The Hearing Officer assigned to this case has issued a Report and Recommendation recommending that Ohio EPA Case No. 09-OC-024 be dismissed and that the Director's February 3, 2009 proposed order be withdrawn.
12. No objection to the Hearing Officer's recommendations has been filed.
13. The recommendations of the Hearing Officer are lawful and reasonable and are hereby adopted.

ORDERS

1. Ohio EPA Case No. 09-OC-024 is hereby dismissed.
2. The February 3, 2009 proposed order to revoke Chad Johnson's Class III Water Supply Certificate No. WS3-1011289-94 and to revoke Mr. Johnson's Class III Wastewater Treatment Certificate No. WW3-1011289-89 is hereby withdrawn.

IT IS SO ORDERED:



CHRIS KORLESKI
Director

JUN 16 2010

Date