

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY
STATE OF OHIO**

In the Matter of:

KENTON E. QUINT, III

Respondent.

Case No. 01-CT-001

**Hearing Examiner
Sam Wilson**

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**STIPULATION AND SETTLEMENT AGREEMENT
PRELIMINARY STATEMENT**

The parties hereto, Respondent Kenton E. Quint, III ("Respondent" or "Quint"), and the Staff of the Ohio Environmental Protection Agency ("Staff" or "Ohio EPA"), have engaged in settlement discussions and, having reached an agreement, do jointly hereby stipulate and agree to the following:

STIPULATIONS

1. On December 20, 2000, the Director of Ohio EPA ("Director") issued a notice of a proposed action to the Respondent titled "Suspension of Certificates: Wastewater Operator I Certificate No. 04-82-04, Public Water System Operator II Certificate No. 02-88-18, with an effective date of January 22, 2001. On March 21, 2001, the Director issued an amended proposed action for the sole purpose of correcting Respondent's wastewater operator certificate number. Respondent's Wastewater Operator I Certificate No. is 1-90-107 not 04-82-04. This proposed action is for the revocation of Respondent's Wastewater Operator I Certificate No. 1-90-107 and his Public Water System Operator II Certificate No. 02-88-18. The proposed action was brought pursuant to Rule 3745-7-12 of the Ohio Administrative Code ("O.A.C.").
2. On January 3, 2001, Respondent filed a request for an adjudication hearing to contest the Director's proposed action as described in the preceding paragraph. The adjudication request was filed in a timely manner.

3. The parties have engaged in settlement discussions in an attempt to resolve this dispute.

4. The discussions have produced an agreement by the parties for the settlement of Respondent's request for an adjudication hearing.

WHEREAS, the parties do wish to conclude the proceedings, without an adjudication hearing of any questions of fact or law, and without admissions of any issue of fact or law by entering into this Stipulation and Settlement Agreement.

THEREFORE, the parties have agreed as follows:

SETTLEMENT AGREEMENT

1. Within seven (7) days after the Director issues his Final Action, Respondent agrees to relinquish to the Ohio EPA his Wastewater Operator I Certificate No. 01-90-107 (hereinafter "WWO Certificate") and his Public Water System Operator II Certificate No. 02-88-18 (hereinafter "PWSO Certificate").

2. Respondent may file an application seeking reinstatement of his WWO Certificate in accordance with O.A.C. 3745-7-12 after a period of twelve (12) months following the date of issuance of the Director's Final Action. Respondent may likewise file an application seeking reinstatement of his PWSO Certificate in accordance with O.A.C. 3745-7-12 after a period of three (3) months following the date of issuance of the Director's Final Action. In accordance with O.A.C. 3745-7-12, the Director may reinstate the Respondent's WWO Certificate and/or PWSO Certificate upon the presentation of evidence, satisfactory to the Director, that warrants the reinstatement of Respondent's WWO Certificate and/or PWSO Certificate.

3. Issuance of the Director's Final Action does not guarantee the reinstatement of Respondent's WWO Certificate and/or PWSO Certificate.

4. Respondent hereby agrees to and hereby moves to voluntarily withdraw his request for an adjudication hearing upon entering into this Stipulation and Settlement Agreement.

5. The parties agree to recommend that the Director's Final Action be identical in form and substance to Exhibit 1 attached to this Stipulation and Settlement Agreement.

6. If the Director accepts the parties' recommendations and issues a Final Action identical to the one set forth Exhibit 1, Respondent agrees to accept and comply with such action, and waives any and all rights to contest the reasonableness or lawfulness of the Director's Final Action before the Environmental Review Appeals Commission.

7. The parties agree and recommend that the Hearing Examiner issue a Report and Recommendation to the Director incorporating the parties' agreement as contained in this Stipulation and Settlement Agreement. Specifically, the parties request that the Report and Recommendation recommend that the Director accept Respondent's withdrawal of his request for an adjudication hearing and dismiss this appeal, and issue a Final Action identical to Exhibit 1.

8. If the Hearing Officer submits a Report and Recommendation to the Director recommending the issuance of a Final Action identical to Exhibit 1, the parties waive the right to file objections to such Report and Recommendation.

9. This Agreement shall in no way be construed as an admission by the Staff of Ohio EPA that the terms contained in the Proposed Action originally issued were not lawful or reasonable.

10. The parties agree that if the Director's Final Action is appealed by any other entity to the Environmental Review Appeals Commission or any Court that all the parties to this Agreement retain the right to intervene and participate in such appeal.

11. This Stipulation and Settlement Agreement with attached Exhibit 1 is the entire agreement between the parties. No prior oral or written communications between the parties shall bind either party or control or be a part of this Agreement.

12. In order to resolve disputed claims, Respondent enters into this Agreement but does so without admission of fact, violation or liability and in lieu of further action by the Ohio EPA. Respondent agrees that this Agreement is lawful and reasonable and agrees to comply with the terms of the Agreement.

IN WITNESS WHEREOF, the below signatures are binding in the parties.

Respectfully submitted,

BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO

Kenton E. Quint III 14 Jun 01

KENTON E. QUINT, III pro se
207 North Warner Street
Forest, Ohio 45843
(419) 273-~~2505~~
3332
K1014

Respondent, pro se

Stefan J. Schmidt 6-12-01

STEFAN J. SCHMIDT (0047358)
TODD DEBOE (0072034)
Assistant Attorneys General
Environmental Enforcement Section
30 E. Broad Street, 25th Floor
Columbus, Ohio 43215-3428
(614) 466-2766

Attorneys for the Staff of Ohio EPA

Date of Issue: _____

Kenton E. Quint III
207 N. Warner St.
Forest, OH 45843

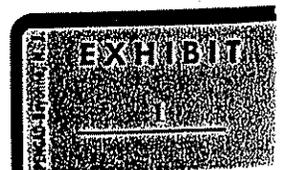
Re: Suspension of Certificates:
Wastewater Operator I Certificate No. 04-82-04
Public Water System Operator II Certificate No. 02-88-18

Dear Mr. Quint:

Pursuant to Rule 3745-7-12 of the Ohio Administrative Code (attached), Wastewater Operator I Certificate, No.1-90-107, effective July 25, 1990, Certificate renewed thereafter, is suspended for an initial period of one (1) year from the date of issuance of this action, which suspension may be extended in one year periods thereafter. Pursuant to Rule 3745-7-12 of the Ohio Administrative Code, Public Water System Operator II Certificate, No. 02-88-18, effective December 20, 1988, Certificate renewed thereafter, is suspended for an initial period of three (3) months from the date of issuance of this action, which suspension may be extended in one year periods thereafter.

This final action is being issued due to your performance of duties as a Wastewater Operator in a grossly negligent and/or incompetent manner, operating the Village of Forest wastewater treatment facility in a manner endangering the public health and welfare, and causing the violations of Chapter 6111. of the Ohio Revised Code.

You are hereby instructed to return your Operator Certificates, via certified mail, to Julie Gillenwater, Division of Drinking of Ground Water, 122, South Front Street, P.O. Box 1049, Columbus, Ohio 43216-1049, within seven (7) days of the effective date of this action. In accordance with Rule 3745-7-12 of the Administrative Code, you may not be in responsible charge of a public water system or wastewater works during the periods of suspension. Within thirty (30) days prior to the end of each suspension, you must submit to the Advisory Board of Examiners information regarding your work activities during the suspension. You may be reinstated at the end of the suspension or the suspension may be extended upon review of this information, as is appropriate.



This final action was proceeded by a proposed action which was issued on December 20, 2000. On January 3, 2001, you filed a timely request for an adjudication hearing to contest the proposed action. This final action encompasses the settlement agreement that was reached by you and Ohio EPA in order to conclude the adjudication proceedings without an adjudication hearing.

This is a final action of the Director and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to Ohio Revised Code Section 3745.04. The appeal must be in writing, and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. A copy of the appeal is also requested to be sent to the Office of the Attorney General, Environmental Enforcement Section. An appeal may be filed with the Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street, Room 300
Columbus, Ohio 43215

Sincerely,

Christopher Jones
Director