OHIO E.P.A.

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ENTERED DIRECTOR'S JOURNAL

Effective Date FEB 9 2007

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:
Revis L. Osborne :
538 Sparks Rd. :
Ray, Ohio 45672 :
:

Respondent,

DIRECTOR'S
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.

By: [signature] Date: 2-9-07

PREAMBLE

It is agreed by the Parties hereto as follows:

I. JURISDICTION

These Director's Findings and Orders ("Orders") are issued to Revis L. Osborne ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") 6109, 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 Chapter 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 III Wastewater Treatment certificate, number WW3-1007116-02 that expires on December 31, 2006.

2. Respondent was the Chief Plant Operator from 1993 to late 1996 when he was promoted to Superintendent of the wastewater works at the City of Jackson.

3. In accordance with Ohio Administrative Code (OAC) Rule 3745-7-12(A)(2) the Director may suspend or revoke the certification(s) of an operator upon finding that the operator has performed the duties of an operator in a grossly negligent or incompetent manner.

4. In violation of OAC Rule 3745-7-12(A)(2), Respondent knowingly operated and was aware of the regular use of a main plant bypass at the City of Jackson's wastewater treatment plant (WWTP) during his employment as the Chief Plant Operator and Superintendent. During an investigation by a joint task force including the Ohio EPA Special Investigations Unit (SIU) and U.S. EPA, Respondent indicated he was aware of the bypass and had never reported any information regarding the use of the bypass to Ohio EPA.

5. In accordance with OAC Rule 3745-7-12(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.

6. In violation of OAC Rule 3745-7-12(A)(4), Respondent knowingly and negligently operated an internal bypass directing flow away from complete secondary treatment, chlorination, dechlorination and final effluent sampling. This flow discharged directly into Salt Lick Creek. The discharge of partially treated wastewater constitutes a threat to public health and welfare.

7. 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 violated or caused to be violated any Chapter of 6109 or 6111 of the Ohio Revised Code (ORC).

8. Respondent's operation of treatment plant bypasses and failure to report such bypasses as described in paragraphs 4 and 6 above, constitute violations of Chapter 6111.04 of the ORC.

V. ORDERS

Respondent's Class III Wastewater Treatment certificate, number WW3-1007116-02 is hereby revoked for a period of one (1) year beginning on the effective date of these orders. Respondent is hereby ordered to return his Class III Wastewater Treatment certificate, number WW3-1007116-02 in accordance with the provisions of paragraph X, below.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate one (1) year from the effective date of these orders. In accordance with OAC 3745-7-12, Respondent may not apply for certification during the one (1) year effective period of the revocation of certification. After this period of ineligibility has expired, Respondent may apply for examination for certification as a Class III operator.

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 operation of Respondent's wastewater 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

Director

Date 2/7/07

IT IS SO AGREED:

Revis L. Osborne

Signature

Date 1-28-07

REVIS L. OSBORNE
Printed or Typed Name