



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

June 30, 2009

David Leist
7925 Kings Ridge Circle
Fairborn, OH 45324

RE: Director's Findings and Orders

CERTIFIED MAIL

9171082133393109723868

Dear Mr. Leist:

I have enclosed a certified copy of the journalized, agreed upon Final Findings and Orders. This document is a final action of the Director and will be public noticed as required by Rule 3745-47-07(A) of the Ohio Administrative Code.

If you have any questions concerning compliance with these Findings and Orders, please feel free to contact me at (614) 728-1216.

Sincerely,

Andrew Barienbrock
Environmental Supervisor
Operator Certification Unit

Enclosure

cc: Paul Kavanagh, Esq. (w/enclosure)
Beth Messer, DDAGW-CO (w/enclosure)
Larry Reeder, DSW-CO (w/enclosure)
Jeff Davidson, DDAGW-SWDO (w/enclosure)
Jim Simpson, DSW-SWDO (w/enclosure)
Kim Rhoads, Office of Legal Services (w/enclosure)
Carol Hester, PIC (w/enclosure)
File

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



OHIO E.P.A.

Effective Date JUN 30 2009

JUN 30 2009

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: :
David G. Leist :
7925 Kings Ridge Circle :
Fairborn, OH 45324 :

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Respondent,

PREAMBLE

It is agreed by the Parties hereto as follows:

I. JURISDICTION

These Director's Findings and Orders (Orders) are issued to David G. Leist (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 (Director) has determined the following findings:

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: J. Lassiter Date: 6-30-09

1. Respondent holds a Class I Water Supply Certificate, number WS1-1010516-94. Respondent also holds a Class III Wastewater Treatment Certificate, number WW3-1010516-96.
2. Respondent was the operator of record for Clark County's six public water systems and the Clark County Southwest Regional Wastewater Treatment Plant (CCSRWTP).
3. In accordance with OAC Rule 3745-7-12(A), the Director may suspend or revoke the certification of an operator upon a finding of violation(s).
4. The Director finds that Respondent's actions while performing his operator certification duties constitute violations which warrant suspension or revocation of his certifications.
5. Respondent disputes the finding of the Director above.
6. Respondent indicates that he does not wish to continue working as a certified operator in Ohio and does not intend to maintain his certifications.
7. On December 31, 2008, Respondent's Class I Water Supply Certificate, number WS1-1010516-94 and Class III Wastewater Treatment Certificate, number WW3-1010516-96, expired.
8. The Director and Respondent both wish to resolve this matter without the additional time and costs associated with litigation and therefore have arrived at a settlement agreement as outlined in these Orders.

V. ORDERS

1. Respondent shall not request reinstatement of his expired certifications, Class I Water Supply Certificate, number WS1-1010516-94 and Class III Wastewater Treatment Certificate, number WW3-1010516-96, pursuant to OAC Rule 3745-7-12(D)(1), and shall never reapply for operator certification in Ohio.
2. Within ten (10) days of the effective date of these Orders, Respondent shall return his Class I Water Supply and Class III Wastewater Treatment certificates in accordance with the provisions in Paragraph IX below.

VI. 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.

VII. 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.

VIII. 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.

IX. 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

X. 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.

XI. 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. Except for the right to seek civil or administrative penalties against Respondent for violations specifically cited in these Orders, which Ohio EPA does not waive, 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.

XII. EFFECTIVE DATE

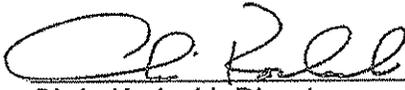
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIII. 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

6/29/09
Date

IT IS SO AGREED:

David G. Leist

Signature

5-28-09
Date