

OHIO E.P.A.

MAY - 3 - 2007

Effective Date MAY 3 2007

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:
Jeff C. Stockwell
1036 Gilliland Ave
Delphos, OH 45833

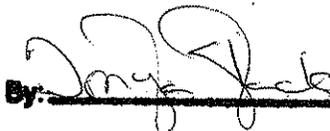
DIRECTOR'S FINAL
FINDINGS AND ORDERS

Respondent,

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:  Date: 5-3-07

I. JURISDICTION

These Director's Findings and Orders (Orders) are issued to Jeff C. Stockwell (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 Wastewater Collection Class I certificate, number WC1-1093642-06, that expires on December 31, 2008.
2. Respondent holds a Water Distribution Class I certificate, number WD1-1093642-04, that expires on December 31, 2008.

3. Respondent attended the November 7, 2006 Wastewater Collection Class II examination held in the Lausche Building at the Ohio State Fairgrounds in Columbus, Ohio.
4. In accordance with Ohio Administrative Code (OAC) Rule 3745-7-18(A)(1), no person shall engage in conduct that subverts or attempts to subvert the examination or review process. Any such action shall cause a person's scores to be withheld and declared invalid. Persons holding a certificate issued under this chapter shall be subject to suspension or revocation of such certificate in accordance with this rule and shall also be disqualified from taking future water and wastewater exams for a period of up to five years.
5. In accordance with OAC Rule 3745-7-18(B)(2) conduct that subverts or attempts to subvert the application, examination or review process includes, but is not limited to conduct that violates the security of examination materials, such as removing from the examination room any of the examination materials; reproducing or reconstructing any portion of the certification examination; aiding by any means in the reproduction or reconstruction of any portion of or information from the certification examination; selling, distributing, buying, receiving, or having unauthorized possession of any portion of, or information from, a future or current certification examination
6. In violation of OAC Rule 3745-7-18(A)(1), Respondent brought a calculator with questions from a previous examination written in pencil on the back of the calculator to the examination.
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 provision of ORC Chapters of 6109 or 6111.
8. Respondent's actions indicated in paragraph 6 above, constitute a violation of ORC § 6109.31 which prohibits any person from violating any rule adopted under ORC Chapter 6109.

V. ORDERS

1. Respondent's examination score has been withheld and will be declared invalid in accordance with OAC Rule 3745-7-18.
2. Respondent's Class I Water Distribution and Class I Wastewater Collection certificates shall be suspended for a period of one (1) year in accordance with OAC Rule 3745-7-18.

3. Respondent shall be prohibited from taking a certification examination for a period of one (1) year following the reinstatement of his Class I Water Distribution and Class I Wastewater Collection certificates in accordance with OAC Rule 3745-7-18.
4. Within ten (10) days of the effective date of these orders, Respondent shall return his Class I Water Distribution and Class I Wastewater Collection certificates in accordance with the provisions in paragraph X below.
5. Respondent shall be allowed to submit an application and take any examination for which he qualifies during the Spring 2009 examination cycle.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate two (2) years from the effective date of these orders. In accordance with OAC Rule 3745-7-12, Respondent may not apply for certification during this period. After this period of ineligibility has expired, Respondent may again apply for certified operator examinations.

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 operation of a public water system or treatment 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



Chris Korleski, Director

5/2/07
Date

IT IS SO AGREED:

Jeff C. Stockwell



Signature

4/5/07
Date

