



John R. Kasich, Governor  
 Mary Taylor, Lt. Governor  
 Craig W. Butler, 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.

OHIO E.P.A.

FEB 24 2015

REGISTERED DIRECTOR'S JOURNAL

By Donna Cassiter Date: 2-24-15

CERTIFIED MAIL

John Hebb  
 6504 Cable Line Rd  
 Ravenna, OH 44266

RE: Revocation of Class 2 Water Supply Certificate and Class 1 Wastewater Certificate

Dear Mr. Hebb:

I am writing with regard to your Class 2 Water Supply Certificate and Class 1 Wastewater Certificate issued to you by Ohio EPA pursuant to Ohio Administrative Code (OAC) Chapter 3745-7. The Ohio Department of Natural Resources (ODNR) became aware on May 2, 2012 that partially treated wastewater was inappropriately discharged from the clarifier tank of the wastewater treatment plant (WWTP) at West Branch State Park. You are listed as the Operator of Record for this facility. ODNR's investigation determined that on April 24, 2012, 1,000 to 2,000 gallons of liquid waste was pumped from the clarifier, discharged onto the ground, and flowed into a forested area which leads to the West Branch State Park reservoir. The reservoir is used as a source of drinking water for West Branch State Park. ODNR initiated an investigation of the ODNR staff involved with the discharge, and determined that you and David Andriko were responsible for the unauthorized discharge. During ODNR's investigation, you admitted that it was your decision to pump the water onto the ground and stated that you knew it was an illegal discharge pursuant to Ohio EPA regulations. You also stated that you told Mr. Andriko that it would not be a good idea to tell anyone about this incident. During the investigation, it was revealed that other unauthorized discharges have occurred over the last seven years at this facility.

The discharge failed to be recorded in the WWTP log. The only reference on April 24, 2012 reads: "looked at chains on the sludge collectors." Pursuant to OAC Rule 3745-7-09, the following information shall be recorded in the facility's log book: "[s]pecific operation and maintenance activities that affected or have the potential to affect the quality or quantity of sewage or water conveyed, including effluent or water produced". All significant activities are required to be logged and recorded on a daily basis.

The NPDES permit also provides a process for reporting bypasses. In summary, the following protocol must be followed:

- Anticipated Bypass - If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
- Unanticipated Bypass-The permittee shall report noncompliance that is the result of any spill or discharge **which may endanger human health or the environment** within thirty (30) minutes of discovery by calling the 24-Hour Emergency Hotline toll-free at (800) 282-9378.
- Unanticipated Bypass-If the spill or discharge **does not have the potential to endanger human health or the environment**, the permittee shall report an unanticipated bypass resulting in an exceedance of any effluent limit in the permit or any upset resulting in an exceedance of any effluent limit in the permit by e-mail or telephone within 24 hours of discovery.

The event that occurred on April 24, 2012 failed to be reported in accordance with the above protocol.

Additionally, as stated in the General Provisions of the NPDES permit, at all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. The event that occurred on April 24, 2012 violated these proper operation and maintenance requirements of the NPDES permit.

A review of Ohio EPA records indicates your Class 1 wastewater treatment certificate expired on December 31, 2010, and your renewal application was not received until December 3, 2011. Your certificate was then renewed on January 3, 2012. During the year when your certificate was expired, you continued to act as the Operator of Record for the West Branch State Park WWTP in violation of OAC Rule 3745-7-15(I), which prohibits an operator from performing activities requiring a certificate until such time as the certificate is renewed.

Your actions documented above constitute the performance of the duties of an operator in a negligent or incompetent manner, operation in a manner endangering the public health or welfare, and operating in such a manner as to have violated provisions of Ohio Revised Code (ORC) Chapter 6111. These actions occurred during your employment with ODNR at the West Branch State Park WWTP and are related to your obligations as a certified operator.

OAC Rule 3745-7-09(B)(1) requires certified operators to perform their duties in a responsible and professional manner consistent with standard operating procedures and best management practices. Pumping material from the clarifier of the WWTP to adjacent ground surfaces is not consistent with standard operating procedures at WWTPs.

OAC Rule 3745-7-09(B)(2) requires certified operators to operate and maintain public water systems, sewerage systems, treatment works, and appurtenances so as not to endanger the health or safety of persons working in or around the facility, the public at large, or the environment due to negligence or incompetence. Pumping material from the clarifier of the WWTP to adjacent ground surfaces has the potential to endanger the health and safety of the environment, persons working in and around the facility and the public at large.

OAC Rule 3745-7-09(C)(1) requires an operator of record to perform responsible and effective on site management and supervision of the technical operation of the treatment works, or sewerage system. As the operator of record, your decision to pump material from the clarifier of the WWTP to adjacent ground surfaces was not responsible and effective on site management of the treatment works.

To address the violations above on September 17, 2013, the Director of the Ohio EPA (Director) issued a proposed action for revocation of the above-referenced certificates. On October 16, 2013, you filed a request for an adjudication hearing regarding the Director's proposed action; Ohio EPA Case No. 13-OC-10-7. On November 6, 2014, the Hearing Officer issued an Order dismissing you as a party to Ohio EPA Case No. 13-OC-10-7 for your repeated failures to comply with the Hearing Officer's Orders regarding participation in telephone status conferences. On December 29, 2014, the Director issued Orders dismissing Ohio EPA Case No. 13-OC-10-7.

Pursuant to OAC Rule 3745-7-12(A), the Director may revoke the certificate of an operator upon finding that the operator has performed the duties of an operator in a negligent or incompetent manner, operated in a manner endangering the public health or welfare, operated in such a manner as to have violated provisions of ORC Chapters 6109 and 6111, represented themselves as a certified operator without a valid certificate, and performed the duties of an operator of record without a valid certificate of the appropriate field and classification. Accordingly, I am revoking your Class 2 Water Supply certificate WS2-1061402-07 and Class 1 Wastewater Certificate WW1-1061402-06. This revocation is issued as a final action pursuant to ORC Chapter 119 and OAC Chapter 3745-49.

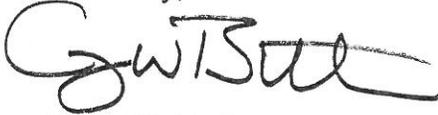
You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio," which the Commission, in its discretion, may reduce if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio

Mr. John Hebb  
Page 4 of 4

Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission  
77 South High Street, 17th Floor  
Columbus, OH 43215

Sincerely,

A handwritten signature in black ink, appearing to read "C. W. Butler". The signature is written in a cursive style with a large initial "C" and a long horizontal stroke at the end.

Craig W. Butler  
Director

cc: Operator file  
ec: Ann Fischbein, Legal  
Bill Fischbein, Legal  
Mike Stevens, DSW-NEDO  
Andy Barenbrock, DDAGW-CO  
Mark Stump, DSW-CO  
Brittany Schuch, DSW-CO