



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

Issue Date: October 20, 2015

Steven Lemley  
4151 Logan Gate Rd #152  
Youngstown, OH 44502

RE: Steven Lemley  
DFFO  
Water and Wastewater Certification  
Trumbull County

**CERTIFIED MAIL**

91 7108 2133 3937 1502 1426

RE: Modified Director's Final Findings and Orders

Dear Mr. Lemley:

I have enclosed a certified copy of the journalized, Director's Final Findings and Orders – a Modification of the February 12, 2015 Director's Final Findings of Fact, Conclusions of Law 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. The effective date of these Orders is October 20, 2015.

As agreed to in settlement discussions, this Final Action shall be followed by the withdrawal of your ERAC appeal. If you have any questions regarding these Final Findings and Orders, please call me at (614) 644-2752.

Sincerely,

A handwritten signature in cursive script that reads "Ruthanne Flottman".

Ruthanne Flottman  
Enforcement Coordinator

cc: Operator file  
Anthony Farris, Attorney  
Mahoning Valley Sanitary District

ec: Colin Bennett, Office of Legal Services  
Julie Spangler, Supervisor, DDAGW-CO  
Holly Kaloz, Manager, DDAGW-CO  
Andrew Barienbrock, Manager, DDAGW-CO  
Casey Chapman, Attorney General's Office  
Scott Helkowski, Attorney General's Office

OHIO E.P.A.

OCT 20 2015

ENTERED DIRECTOR'S JOURNAL

**BEFORE THE**

**OHIO ENVIRONMENTAL PROTECTION AGENCY**

<b>In the Matter of:</b>	:	<b><u>Director's Final Findings and</u></b>
	:	<b><u>Orders – Modification of</u></b>
<b>Steven L. Lemley</b>	:	<b><u>February 12 , 2015 Director's</u></b>
	:	<b><u>Final Findings of Fact,</u></b>
<b>Applicant.</b>	:	<b><u>Conclusions of Law and</u></b>
	:	<b><u>Orders</u></b>

**I. JURISDICTION**

These Director's Final Findings and Orders, ("Modified Orders"), are issued to Steven L. Lemley ("Applicant"), pursuant to the authority vested in the Director under Ohio Revised Code ("ORC") Chapters 119, 3745, and 6109 and the rules adopted thereunder.

**II. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 6109 and the rules adopted thereunder.

**III. FINDINGS OF FACT**

The Director, after review and consideration of the entire record of this proceeding, determines the following findings of fact:

1. On January 16, 2014, Applicant was issued a proposed action for disqualification from Operator Certification examinations.
2. On February 3, 2014, Applicant requested an adjudication hearing pursuant to Ohio Administrative Code ("OAC") 3745-47-03.
3. After the conclusion of the May 20, 2014 adjudicatory hearing, the Hearing Officer filed a Report and Recommendation on August 27, 2014, concluding that Applicant had violated "OAC" 3745-7-18(B)(3) by "possessing during the administration of the certification examination any book, notes, written or printed material or data of any kind."

4. The Hearing Officer recommended in the Report and Recommendation that the Applicant should be disqualified for a period of two years pursuant to OAC 3745-7-18(A)(2).
5. The Staff filed Objections to the Report and Recommendation, stating that although Staff agreed with the Hearing Officer's conclusion that Applicant had violated OAC 3745-7-18(B)(3), Staff objected to the recommendation that the period of disqualification from taking the certification examination should be for a period of only two years. Staff again recommended disqualification for the full five-year period as set forth in OAC 3745-7-18(A)(2).
6. Director's Final Findings and Orders were journalized and issued to Applicant on February 12, 2015 ("February 12, 2015 Orders"), prohibiting Applicant from taking future water and wastewater examinations for a period through November 7, 2018.
7. On March 9, 2015 Applicant appealed the February 12<sup>th</sup> Orders to the Environmental Review Appeals Commission ("ERAC").
8. On July 27, 2015, Applicant and Director entered into a settlement agreement to resolve the ERAC appeal, the terms of which are memorialized in the Orders Section.

#### **IV. ORDERS**

1. Section V of the February 12, 2015 Orders are modified on the effective date of these Orders to state the following, in accordance with the settlement agreement filed with ERAC:
  - a. Applicant shall not be permitted to become certified for a six (6) year period, starting from November 7, 2013, and continuing until November 7, 2019 (the "Period of Ineligibility").
  - b. Applicant shall be permitted to sit for the Class 1 Water Supply Certified Operator examination ("examination") at any time throughout the Period of Ineligibility.
  - c. If Applicant passes the examination, he shall be required to (A) pass the same level of examination after the Period of Ineligibility; and (B) submit his application for certification after the Period of Ineligibility.
  - d. Applicant shall personally pay for all examinations during the Period of Ineligibility.

- e. Applicant shall not take paid leave from his employer during any absences related to examination testing during the Period of Ineligibility.
  - f. Applicant shall take any examinations during the Period of Ineligibility using the Ohio EPA's third party provider only.
2. These Orders shall be entered into the Director's Journal and served upon the parties to the proceeding and public noticed as is required by law.

#### **V. EFFECTIVE DATE**

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

#### **IT IS SO ORDERED**



Craig W. Butler  
Director of Environmental Protection

10/16/15  
Date