



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

April 20, 2016

Tim Cox
67 S. Main Street
Milan, OH 44846

RE: Tim Cox
DFFO
Water and Wastewater Certification
Erie County
Certificates: WS2-1007012-10
WW3-1007012-93

CERTIFIED MAIL

91 7199 9991 7035 4196 3147

RE: Director's Final Findings and Orders - Suspension of Class II Water Supply Certificate and Class III Wastewater Treatment Certificate

Dear Mr. Cox,

I have enclosed a certified copy of the journalized, Director's Final Findings and Orders. These Final Orders suspend your Class II Water Supply (WS2-1007012-10) and Class III Wastewater Treatment (WW3-1007012-93) Certificates for a period of five years from July 1, 2015. The remainder of the suspension is subject to termination upon successful completion of a probationary period running from July 1, 2016 through June 30, 2017. If you commit any violation of Ohio Administrative Code 3745-7-02(A), 3745-7-03(C), 3745-7-04(C), 3745-7-09(A), (C)(2) or (D), or 3745-7-12(A)(3) during the probationary period described above, the full five year suspension period shall be reinstated pursuant to the process described in the attached Final Findings and Orders. These Orders shall be terminated if you successfully complete the one-year probationary period.

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 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,



Ruthanne Flottman
Environmental Specialist

Enclosures

- cc: Operator file
W. Samuel Wilson, Esp., (w/enclosures)
Hearing Clerk, OEPA (w/enclosures)
John W. Gold, Attorney
City of Vermilion Water/Wastewater Treatment Plant, 799 West River Rd, Vermilion, Ohio 44089
Lake Erie Utilities, Attn: Richard O'Loughlin, P.O. Box 29, Middle Bass Island, Ohio 43446
Norwalk Elks Lodge, 2949 US Route 250 N., Norwalk, Ohio 44857
Columbia Schools, 25796 Royaltown Road, Columbia Station, Ohio 44028
Columbia Middle School, 13646 West River Road, Columbia Station, Ohio 44028
EMSNet Business Center, 40905 State Route 18, Wellington, Ohio 44050
Butternut Ridge Apartments, 38973 Butternut Ridge Road, Elyria, Ohio 44035
City of Norwalk Wastewater Treatment Plant, 201 Plank Road, Norwalk, Ohio 44857
- ec: Beth Messer, Assistant Chief, DDAGW-CO
Ellen Gerber, Manager, DDAGW-NWDO
Todd Kelleher, Supervisor, DDAGW-CO
Andrew Barienbrock, Supervisor, DDAGW-CO
Colin Bennett, Ohio EPA-Legal
Ann Fischbein, Ohio EPA-Legal
Scott Helkowski, Attorney General's Office
David Emerman, Attorney General's Office

OHIO E.P.A.

BEFORE THE

APR 20 2016

OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

~~In the Matter of:~~

**Tim Cox
Respondent.**

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**Director's Final Findings and
Orders**

I. JURISDICTION

These Director's Final Findings and Orders, ("Orders"), are issued to Tim Cox ("Respondent"), 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 April 11, 2014, Respondent was issued a proposed action for a five-year suspension of his Class II Water Supply Certificate (WS2-1007012-10) and Class III Wastewater Treatment Certificate (WW3-1007012-93).
2. On May 9, 2014, Respondent requested an adjudication hearing pursuant to Ohio Administrative Code ("OAC") rule 3745-47-03.
3. No adjudication has been held in this matter.
4. On November 19, 2015 a settlement agreement between Respondent and the Director was filed with the Hearing Officer to resolve the adjudication of the proposed action, which terms are memorialized in Section IV.
5. On March 28, 2016 the Director issued a final findings and orders dismissing Respondent's adjudication hearing and requiring the Division of Drinking and Groundwater to prepare a Final Action consistent with the terms of the November 19, 2015 Settlement Agreement for the Director's signature.

IV. ORDERS

1. Respondent's Class II Water Supply Certificate (WS2-1007012-10) and Class III Wastewater Treatment Certificate (WW3-1007012-93) are hereby suspended for a period of five years from July 1, 2015, subject to termination as provided in paragraph 2.
2. The period of suspension from July 1, 2017 through June 30, 2020 will be suspended and subject to termination upon the successful completion of a probationary period running from July 1, 2016 through June 30, 2017 provided:
 - i. Respondent complies with the operator of record notification requirements under OAC rules 3745-7-02(A) and 3745-7-09(C)(2);
 - ii. Respondent complies with minimum staffing requirements under OAC rules 3745-7-03(C) and 3745-7-04(C);
 - iii. Respondent complies with record keeping requirements under OAC rule 3745-7-09, paragraphs (A) and (D); and
 - iv. Respondent does not knowingly or negligently submit misleading, inaccurate, or false reports to any governmental organization or his employer in violation of OAC rule 3745-7-12(A)(3).
3. If Respondent commits any violation of OAC rules 3745-7-02(A), 3745-7-03(C), 3745-7-04(C), 3745-7-09(A), (C)(2) or (D), or 3745-7-12(A)(3) during the one year probationary period as described in paragraph 2 above, the remainder of the period of suspension shall be reinstated pursuant to the following process:
 - i. Upon discovery of any violation, Ohio EPA will issue a Notice of Violation (NOV) to Respondent identifying the violation and informing him of Ohio EPA's intent to reinstate the remainder of the suspension.
 - ii. If Respondent does not dispute the finding of a violation, the suspension will be reinstated from the date of the NOV and remain in effect through June 30, 2020.
 - iii. If Respondent disputes the finding of a violation, Respondent shall, within fourteen days of Respondent's receipt of the NOV, submit any documentation or evidence to dispute the finding to the Chief of the Division of Drinking and Ground Waters (the "Division Chief") in writing only.
 - iv. Respondent must submit copies of the evidence to the Division Chief at 50 West Town Street, P.O. Box 1049, Columbus, OH 43216, and the author of the NOV issued under subparagraph i. at the address listed on the NOV.
 - v. The author of the NOV or a representative from the Ohio Attorney General's Office may respond to the documentation or evidence submitted by Respondent in writing within fourteen days of receipt of the documentation or evidence.

- vi. The author of the NOV or representative from the Ohio Attorney General's Office must submit a copy of the response to the Division Chief and to the Respondent.
 - vii. Within 30 days after the expiration of the fourteen day response time, the Division Chief shall decide whether the suspension shall be reinstated. The Director will notify the Respondent and the author of the NOV of the decision in writing.
 - viii. If the Division Chief reinstates the suspension, it will start from the time the Division Chief notifies Respondent of the reinstatement and will remain in effect through June 30, 2020, or earlier as determined appropriate by the Division Chief.
 - ix. The Division Chief's decision described in subparagraph viii shall not be subject to appeal.
 - x. The process described in subparagraphs i-ix shall replace the process under ORC Chapter 119 and OAC rules 3745-47-01 through 3745-47-30. By entering into this settlement agreement, Respondent waives his right to the hearing process under said statute and rules.
4. During the one-year probationary period, the Director reserves the right to suspend or revoke Respondent's license pursuant to OAC rule 3745-7-12, and seek other legal action as may be appropriate under the circumstances, if Ohio EPA finds Respondent commits any violation of any section of ORC Chapters 6109 or 6111, or the rules adopted thereunder, except for violations of OAC rules 3745-7-01(A), 3745-7-03(C), 3745-7-04(C), 3745-7-09(A), (C)(2) or (D), or 3745-7-12(A)(3) that occur during the one-year probationary period as described in paragraph (2) above and which are subject to the dispute resolution procedures set forth herein. After the one-year probationary period, the Director reserves the right to suspend or revoke Respondent's certificate at any time pursuant to OAC rule 3745-7-12, and seek other legal action as may be appropriate under the circumstances if Ohio EPA finds that Respondent committed any violation of ORC Chapters 6109 or 6111 or the rules adopted thereunder. If the Director suspends or revokes Respondent's license pursuant to this paragraph, Respondent reserves his right to appeal said suspension or revocation pursuant to ORC Chapter 119 and OAC rules 3745-47-01 through 3745-47-30.
5. If Respondent successfully completes the one-year probationary period, these Orders shall be terminated.
6. Following termination of these Orders, Respondent shall comply with ORC Chapters 6109 and 6111 and the rules adopted thereunder.
7. 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 Orders is the date these Orders are entered into the Ohio EPA Director's journal.

IT IS SO ORDERED



Craig W. Butler
Director of Environmental Protection

APR 20 2016

Date