



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
122 S. Front Street
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

November 30, 2006

Timothy J. Poynter
1496 Hine Road
Hamilton, Ohio 45013

RE: Director's Findings and Orders

CERTIFIED MAIL

Dear Mr. Poynter:

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 call me at (614) 728-1216.

Sincerely,

Andrew Barienbrock
Environmental Supervisor

Enclosures

cc: Andrew Barienbrock, DDAGW - CO
Beth Messer, DDAGW - CO
Martin Burt, DSW - SWDO
Andrew Conway, DSW - CO
Bryan Zima, Ohio EPA Legal Office
Mark Mann, DSW - CO
Larry Reeder, DSW - CO
Jennifer Martin, DSW - CO
Carol Hester, PIC
Pejmaan Fallah, DEFA

~~File~~

Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
NOV 30 2006

REGISTERED DIRECTOR'S JOURNAL

In the Matter of:

Timothy J. Poynter
1496 Hine Road
Hamilton, Ohio 45013

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Director's 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: Timothy J. Poynter Date: 11-30-06

I. JURISDICTION

These Director's Findings and Orders ("Orders") are issued to Timothy J. Poynter ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 6111.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and heirs and successors in interest liable under Ohio law.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 6111 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent holds a Class III Wastewater Treatment Operator certificate No. WW3-1007622-88, issued December 31, 1988, Certificate being renewed thereafter.
2. Respondent was a contract operator of the U.S. Department of Energy Mound wastewater treatment plant ("WWTP") in Montgomery County, Ohio.

3. The U.S. Department of Energy holds a National Pollutant Discharge Elimination System ("NPDES") permit No. 11O00005*ID for the WWTP discharge to Great Miami River and Mound Overflow Creek. This NPDES permit contains effluent monitoring requirements for concentrations of Total Dissolved Residue also known as Total Dissolved Solids ("TDS").
4. While performing his duties as contract operator, Respondent falsified discharge monitoring data for TDS for the September 2005 monthly operating report. Respondent admitted to this falsification by letter dated October 20, 2005.
5. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purposes of ORC § 6111.

V. ORDERS

1. Upon the effective date of these Orders, Respondent's Class III Wastewater Treatment certificate No. WW3-1007622-88 shall be suspended for six (6) months.
2. Within seven (7) days of the effective date of these Orders, Respondent shall return, via certified mail, Wastewater Treatment certificate No. WW3-1007622-88 in accordance with Section X., below.
3. Respondent shall not be in responsible charge of a wastewater works, wastewater collection system, or treatment facility therein during the six (6) month suspension of Wastewater Treatment certificate No. WW3-1007622-88.
4. Operating experience obtained by Respondent during the six (6) month suspension of Wastewater Treatment certificate No. WW3-1007622-88 shall not be considered for meeting certification requirements.
5. Thirty (30) days prior to the end of the six (6) month suspension of Wastewater Treatment certificate No. WW3-1007622-88, Respondent shall submit information to the Advisory Board of Examiners for Operator Certification regarding work activities during the period of suspension.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and Ohio EPA's Division of Surface Water acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent.

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 Respondent's operations at the Mound Remediation Site's WWTP.

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 hereto. 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
Division of Drinking and Ground Waters
Operator Certification Unit
P.O. Box 1049
Columbus, Ohio 43216-1049

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

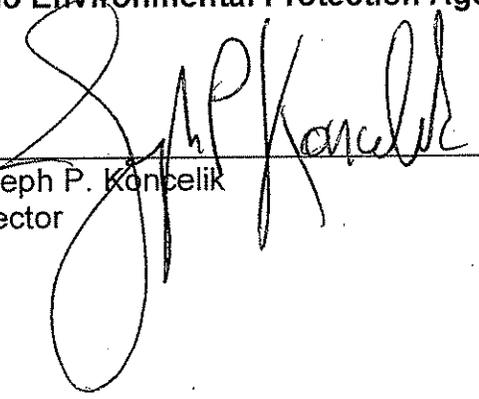
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative or 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



Joseph P. Koncelik
Director

11/29/06

Date

IT IS SO AGREED:

Timothy J. Poynter



Signature

11/21/06

Date

Tim Poynter

Printed or Typed Name

OP III

Title