

BEFORE THE

OHIO E.P.A.

OHIO ENVIRONMENTAL PROTECTION AGENCY AUG 20 2012

ENTERED DIRECTOR'S JOURNAL

In the Matter of: : Case No. 12-LC-02-1
: :
: :
RODERICK K. JONES, : DIRECTOR'S FINAL
: FINDINGS AND ORDERS
Respondent. : :

Pursuant to Chapter 6109., and sections 119.09 et seq. of the Ohio Revised Code, and the rules of the Ohio Environmental Protection Agency, the Director of Environmental Protection hereby makes the following Findings and issues the following Order:

FINDINGS

1. On June 17, 2009, the Ohio Environmental Protection Agency ("Ohio EPA") issued a Certificate of Approval to the Cleveland Crown WTP Laboratory ("Cleveland Crown Lab") for the analyst Respondent Roderick K. Jones (hereinafter Mr. Jones), authorizing Mr. Jones to conduct analyses for Turbidity (SM 2130-B), pH (SM 4500-H+), Alkalinity (SM 2320-B), Stability (SM 2330), Hardness (SM 2340-C), Flouride (SM 4500 F-C), and Chlorine (SM 4500 Cl-D) and (SM 4500 Cl-G), approval number 910, at the Cleveland Crown Lab. This Certificate of Approval expired April 9, 2012.
2. The Certificate of Approval served as a chemical laboratory certification for Mr. Jones, and allowed the Cleveland Crown Lab to employ Mr. Jones for the purpose of conducting chemical analyses for the above-mentioned parameters. Chemical laboratory certifications are lab-specific; hence, pursuant to the Certificate of Approval, Mr. Jones was certified to work only at the Cleveland Crown lab, and to test for only the above-named parameters.
3. On January 18, 2012, the Director of the Ohio EPA ("Director") issued a proposed suspension of the chemical laboratory certification for Mr. Jones.
4. On February 3, 2012, Mr. Jones timely filed a request for an adjudication hearing.

5. Following the initiation of this case, the parties engaged in settlement discussions in an attempt to resolve this matter. These settlement discussions have produced an agreement between the parties.
6. On May 18, 2012, the parties filed a "Settlement Agreement."
7. Because the parties have entered into a Settlement Agreement, there remain no unresolved issues of law or fact requiring the convening of an adjudication hearing in this case. Therefore, Ohio EPA Case No. 12-LC-02-1 is moot and should be dismissed.
8. No adjudication hearing has been held in this matter.
9. The Hearing Officer assigned to this case has filed a Report and Recommendation recommending that this case be dismissed.
10. No objections to the Hearing Officer's recommendation have been filed.
11. The recommendation of the Hearing Officer is lawful and reasonable, and is hereby adopted.

ORDER

1. Ohio EPA Case No. 12-LC-02-1 is hereby dismissed.

IT IS SO ORDERED:



SCOTT J. NALLY
Director

AUG 20 2012

Date