



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

September 30, 2009

Buddy Ruby
1414 Windward Dr
Mason, OH 45040

RE: Director's Final Findings and Orders

CERTIFIED MAIL

9171082133393109723097

Dear Mr. Ruby:

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 contact me at (614) 728-1216.

Sincerely,

Andrew Barienbrock
Environmental Supervisor
Operator Certification Unit

Enclosures

cc: Beth Messer, DDAGW-CO (w/enclosures)
Larry Reeder, DSW-CO (w/enclosures)
Jeff Davidson, DDAGW-SWDO (w/enclosures)
Martin Burt, DSW-SWDO (w/enclosures)
Kim Rhoads, Office of Legal Services (w/enclosures)
Carol Hester, PIC(w/enclosures)
File

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

OHIO E.P.A.

SEP 30 2009

ENTERED DIRECTOR'S JOURNAL

Effective Date SEP 30 2009

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:
Buddy A. Ruby
515 Eagles View Dr.
Hamilton, OH 45013

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:

DIRECTOR'S PROPOSED
FINDINGS AND ORDERS

Respondent,

PREAMBLE

It is agreed by the Parties hereto as follows:

I. JURISDICTION

These Director's Findings and Orders (Orders) are issued to Buddy A. Ruby (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Chapters 6109 and 6111 and § 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapters 6109 and 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 Certificate, number WW3-1007699-71. Respondent also holds a Class I Water Supply Certificate, number WS1-1007699-73.

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.

By: [Signature] Date: 9-30-09

2. Respondent was the operator of record for the Combs Country Kitchen and Manchester Plaza Shopping Center wastewater treatment plants (WWTPs).
3. In accordance with OAC Rule 3745-7-12(A)(2), the director may suspend or revoke the certification of an operator upon finding that the operator has performed the duties of an operator in a negligent or incompetent manner.
4. In accordance with OAC Rule 3745-7-12(A)(3), the director may suspend or revoke the certification of an operator upon finding the operator knowingly or negligently submitted misleading, inaccurate, or false reports.
5. In accordance with OAC Rule 3745-7-12(A)(4), the director may suspend or revoke the certification of an operator upon finding that the operator has operated in a manner endangering the public health or welfare.
6. In accordance with OAC Rule 3745-7-12(A)(5), the director may suspend or revoke the certification of an operator upon finding that the operator has operated in such a manner to have violated or caused to be violated any provisions of ORC Chapters 6109 or 6111.
7. Respondent admitted to submitting false data during conversations with investigators from the Ohio EPA Office of Special Investigations. Respondent admitted that information submitted for the above referenced facilities had been falsified because he was physically unable to do the needed work, obtain samples and run the facilities.
8. In accordance with OAC Rule 3745-7-12(C), in cases dealing with fraudulent or falsified information, the director shall take action on all certificates held by the certified operator.
9. Respondent's actions constitute the performance of his duties as an operator in a negligent or incompetent manner.
10. Respondent's actions constitute the knowing or negligent submission of misleading, inaccurate, or false reports.
11. Respondent's actions endangered the public health and welfare.
12. Respondent's actions constitute a violation of ORC Chapter 6111.

V. ORDERS

1. Upon the effective date of these Orders, Respondent's Class I Water Supply Certificate, number WS1-1006797-73 and Class III Wastewater Treatment Certificate, number WW3-1007699-71 are revoked.

2. Within ten (10) days of the effective date of these Orders, Respondent shall return his Class I Water Supply and Class III Wastewater Treatment certificates in accordance with the provisions in Paragraph X below.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon the submission of his Class I Water Supply and Class III Wastewater Treatment certificates in accordance with Paragraph X below.

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 a public water system or treatment works.

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. 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
Operator Certification Unit
Division of Drinking and Ground Waters
PO Box 1049
Columbus, Ohio 43216-1049
Attn: Andrew Barienbrock, Environmental Supervisor, DDAGW

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

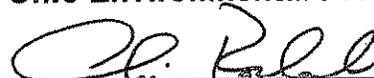
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of 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

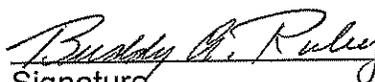


Chris Korleski, Director

Date 9/29/09

IT IS SO AGREED:

Buddy A. Ruby



Signature

Date 9-17-09