



**Environmental
Protection Agency**

John R. Kasich, **Governor**
Mary Taylor, **Lt. Governor**
Scott J. Nally, **Director**

November 22, 2011

Michael C. Scranton
211 Dixon Ave
Hicksville, OH 43526

RE: Director's Findings and Orders

CERTIFIED MAIL
9171082133393715013858

Dear Mr. Scranton:

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

Enclosure

cc: Beth Messer, DDAGW-CO (w/enclosure)
Ellen Gerber, DDAGW-NWDO (w/enclosure)
Kim Rhoads, Office of Legal Services (w/enclosure)
Carol Hester, PIC (w/enclosure)
File

Effective Date NOV 22 2011

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: : DIRECTOR'S FINAL
Michael C. Scranton : FINDINGS AND ORDERS
211 Dixon Ave :
Hicksville, OH 43526 :

Respondent,

PREAMBLE

It is agreed by the Parties hereto as follows:

I. JURISDICTION

These Director's Findings and Orders (Orders) are issued to Michael C. Scranton (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Chapter 6109 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 Chapter 6109 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent holds a Class 1 Water Supply Certificate, number WS1-1014154-07.
2. Respondent was the Superintendent and operator of record of the Village of Hicksville public water system (PWS).

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: Donna Cassider Date: 11-22-11

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 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. In accordance with OAC Rule 3745-7-12(G), in cases dealing with a conviction of a crime related to certification, all certificates held by the certified operator shall be revoked.
8. Ohio EPA's Office of Special Investigations (OSI) conducted an investigation of the Village of Hicksville PWS due to complaints the Respondent was not testing the chlorine residual in the Village's distribution system, but was reporting that he was on the monthly operating reports. During the investigation, OSI conducted interviews with plant personnel regarding the sampling of chlorine residuals in the distribution system. Employees of the PWS indicated they routinely checked chlorine at the plant, but sporadically collected samples in the distribution system. The employees indicated that on the occasions they did take samples in the distribution system they did not share them with the Respondent. During an interview with investigators, Respondent initially denied the allegations, but later recanted and admitted to investigators he falsified chlorine residual results for the distribution system that were being reported on the monthly operating reports.
9. On July 19, 2011, Respondent pled guilty to falsification in Defiance County Municipal Court. In the court settlement, Respondent agreed to relinquish his Class I Water Supply certificate.
10. Respondent's falsification of PWS records constitutes the performance of his duties as an operator in a negligent or incompetent manner.
11. Respondent's falsification of PWS records constitutes the knowing or negligent submission of misleading, inaccurate, or false reports.

12. Respondent's falsification of PWS records constitutes the performance of his duties as an operator in a manner endangering the public health or welfare
13. Respondent's falsification of PWS records constitutes a violation of ORC Chapter 6109.

V. ORDERS

1. Upon the effective date of these Orders, Respondent's Class 1 Water Supply Certificate, number WS1-1014154-07 is revoked.
2. Within ten (10) days of the effective date of these Orders, Respondent shall return his Class 1 Water Supply Certificate 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 1 Water Supply certificate 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 PWS operations.

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. Except for the right to seek civil or administrative penalties against Respondent for violations specifically cited in these Orders, which Ohio EPA does not waive, 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

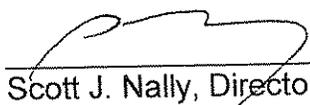
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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



Scott J. Nally, Director

11/12/11
Date

NOV 14 AM 10:57
RECEIVED
DDAGM

IT IS SO AGREED:

Michael C. Scranton



Signature

11-8-11
Date

