



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

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.

OHIO E.P.A.
SEP - 1 2016

ENTERED DIRECTOR'S JOURNAL BY [Signature] Date: 9-1-16

Re: Ken Rosenbaum
Professional Certification
Revocation
401 Wetlands
Delaware County
WW4-1011974-09

September 1, 2016

CERTIFIED MAIL

Ken Rosenbaum
42 Baywood Drive
Delaware, Ohio 43215

Re: Proposed Revocation of Class IV Wastewater Certificate WW4-1011974-09.

Dear Mr. Rosenbaum:

I am writing with regard to your Class IV Wastewater Certificate issued to you by Ohio EPA pursuant to Ohio Administrative Code (OAC) Chapter 3745-7. Information collected by Ohio EPA and review of logs books and documentation submitted to Ohio EPA for the Olentangy Environmental Control Center (OECC) wastewater treatment facility, which listed you as the operator of record, demonstrate that you have violated Ohio Revised Code (ORC) Chapter 6111. Between January 1, 2011 and April 1, 2015, OECC reported the code "AL" every month for the outfall 602 station which would indicate there were no discharges during the reporting period. However, you later admitted in e-mail communications to Ohio EPA that bypasses did occur at OECC, and this was later confirmed by data submitted by Mark Chandler, Operation Manager for the Delaware County Division of Environmental Services to Ohio EPA on May 5, 2015. Mr. Chandler indicated to Ohio EPA that during an interview with him, you admitted that you were aware of the requirement to report filter bypasses but elected not to do so.

Your actions constitute the knowing or negligent submission of misleading, inaccurate or false reports, documents or applications, as well as operating in such a manner as to have violated or caused to be violated provisions of ORC Chapter 6111. These actions occurred during your employment at OECC and involve actions related to your obligations as a certified operator.

Pursuant to OAC Rule 3745-7-12(A), the director may revoke the certificate of an operator upon finding that the operator has performed the duties of an operator in a negligent or incompetent manner, knowingly or negligently submitted misleading, inaccurate or false reports, documents or applications, or operated in such a manner as to have violated or caused to be violated provision of ORC Chapter 6111. Accordingly, I am proposing to revoke your Class IV Wastewater Certificate WW4-1011974-09. This revocation is issued as a proposed action pursuant to ORC Chapter 119 and OAC Chapter 3745-49. You may continue to perform as a certified operator until such date as revocation is made final.

Under ORC Chapters 119, and 6111, this action of the director will become final unless you or an objector requests an adjudication hearing. As provided by ORC Sections 119.07 and 3745.07, a request for and adjudication hearing must be received by Ohio EPA within thirty (30) days of the date of issuance of this action. At an adjudication hearing you may appear in person, or be represented by your attorney, or by such representative as is permitted to practice before this Agency, or you may present your position, arguments, or contentions in writing. At the hearing, you may present evidence and examine witnesses appearing against you. The request for a hearing shall be in writing and shall specify the issues of fact and law to be contested. Requests for a hearing shall be submitted in writing to the Hearing Clerk, Ohio EPA, P.O. Box 1049, Columbus, Ohio 43216-1049.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig W. Butler". The signature is fluid and cursive, with the first name "Craig" being the most prominent.

Craig W. Butler, Director
Ohio Environmental Protection Agency

cc: Mike Sapp, DSW-CDO
Andrew Barienbrock, Operator Certification Supervisor, DDAGW-CO