

OHIO E.P.A.

Effective Date JAN 31 2007

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ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:
Gerard R. Mach
14140 Havendale Dr.
Brook Park, OH 44142

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:  Date: 1-31-07

I. JURISDICTION

These Director's Findings and Orders ("Orders") are issued to Gerard R. Mach ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") 6109 § 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 Chapter 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 I Wastewater Collection certificate, number WC1-1102294-06 that expires on December 31, 2008.
2. Respondent attended the November 7, 2006 Class II Wastewater Collection examination held in the Lausche Building at the Ohio State Fairgrounds in Columbus, Ohio.

3. In accordance with Ohio Administrative Code (OAC) Rule 3745-7-18(A)(1) no person shall engage in conduct that subverts or attempts to subvert the examination or review process. Any such action shall cause a person's scores to be withheld and declared invalid. Persons holding a certificate issued under this chapter shall be subject to suspension or revocation of such certificate in accordance with this rule, and shall also be disqualified from taking future water and wastewater exams for a period of up to five years.
4. In violation of OAC Rule 3745-7-18(A)(1), Respondent brought two calculators to the examination, one with formulas written on an index card and concealed in a pocket of the calculator jacket and another with formulas taped to the calculator jacket. This action constitutes an attempt to subvert the examination process. Respondent has provided information documenting that formulas that were found in one of the calculator jackets were not placed there by him.
5. 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 violated or caused to be violated any Chapter of 6109 or 6111 of the Ohio Revised Code (ORC).
6. Respondent's actions indicated in paragraph 4 above, constitute a violation of Chapter 6111.04 of the ORC.

V. ORDERS

1. Respondent's examination score has been withheld and will be declared invalid.
2. Respondent is prohibited from taking water or wastewater exams for a period of one (1) year from the effective date of these orders.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate one year from the effective date of these Orders.

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 operation of Respondent's wastewater 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

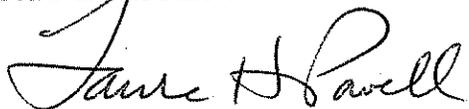
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party [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



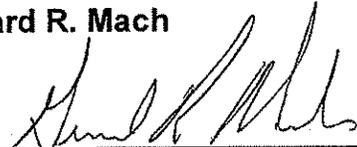
Laura H. Powell
Acting Director

1-29-07

Date

IT IS SO AGREED:

Gerard R. Mach



Signature

1-23-07

Date

GERARD R. MACH

Printed or Typed Name