



State of Ohio Environmental Protection Agency

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

November 30, 2006

James L Norris
P.O. Box 374
Athens, Ohio 45701

RE: Director's Findings and Orders

CERTIFIED MAIL

Dear Mr. Norris:

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 call me at (614) 728-1216.

Sincerely,

Andrew Barienbrock
Environmental Supervisor

Enclosures

cc: Andrew Barienbrock, DDAGW - CO
Beth Messer, DDAGW - CO
Tim Campbell, DSW - SEDO
Abbot Stevenson - DSW SEDO
Andrew Conway, DSW - CO
Bryan Zima, Ohio EPA Legal Office
Mark Mann, DSW - CO
Larry Reeder, DSW - CO
Jennifer Martin, DSW - CO
Carol Hester, PIC
Pejmaan Fallah, DEFA

~~File~~

Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director

OHIO E.P.A.

Effective Date NOV 30 2006

NOV 30 2006

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:
James L. Norris
PO Box 374
Athens, Ohio 45701

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: Jmy Jackson Date: 11-30-06

I. JURISDICTION

These Director's Findings and Orders ("Orders") are issued to James L. Norris ("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 Water Supply Class III certificate, number WS3-1010351-89 that expires on December 31, 2007.
2. Respondent holds a Wastewater Treatment Class IV certificate, number WW4-1010351-79 that expires on December 31, 2007.

3. Respondent was the Director of Water, Wastewater and Electric at the City of Jackson from January 1999 to January 2004. During this time period he was the responsible charge operator of the City of Jackson's Class IV wastewater works.
4. In accordance with Ohio Administrative Code (OAC) Rule 3745-7-12(A)(2) the Director may suspend or revoke the certification(s) of an operator upon finding that the operator has performed the duties of an operator in a grossly negligent or incompetent manner.
5. In violation of OAC Rule 3745-7-12(A)(2), Respondent knowingly permitted the regular use of a main plant bypass at the wastewater treatment plant (WWTP) at the City of Jackson during his employment as the Director of Water, Wastewater and Electric. During an investigation by a joint task force including the Ohio EPA Special Investigations Unit (SIU) and U.S. EPA, Respondent indicated he was aware of and responsible for the bypass, and had never reported any information regarding the use of the bypass to Ohio EPA.
6. In accordance with OAC Rule 3745-7-12(A)(3), the Director may suspend or revoke the certification of an operator upon finding that the operator has either knowingly or negligently submitted misleading, inaccurate or false reports to the Ohio EPA.
7. In violation of OAC Rule 3745-7-12(A)(3), Respondent negligently submitted inaccurate information on the City of Jackson's Monthly Operating Reports (MOR's). Respondent signed reports indicating flow rates for the total flow discharged from the facility (the treated flow and partially treated bypass flow) with sampling results from only the treated flow. Failing to obtain samples of the bypass flow resulted in sample values that were not representative of the facility's discharge to the receiving stream.
8. 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.
9. In violation of OAC Rule 3745-7-12(A)(4), Respondent knowingly and negligently authorized the operation of an internal bypass away from complete secondary treatment, chlorination, dechlorination and final effluent sampling. This flow discharged directly into Salt Lick Creek. The discharge of partially treated wastewater constitutes a threat to public health and welfare.

10. 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).
11. The discharges permitted by the Respondent, described in paragraphs 5 and 9 above, constitute violations of Chapters 6111.04 of the ORC.
12. In March 2006, Respondent plead guilty to one federal count of failure to report the bypasses under the facility's NPDES permit and was sentenced to one (1) year probation, including six (6) months of home confinement and was ordered to pay criminal monetary penalties of \$10,025.00.

V. ORDERS

Respondent's Wastewater Treatment Class IV certificate, number WW4-1010351-79 and Water Supply Class III certificate, number WS3-1010351-89 are hereby revoked for a period of five (5) years beginning on December 15, 2006. Respondent is hereby ordered to return his Wastewater Treatment Class IV certificate, number WW4-1010351-79 and Water Supply Class III certificate, number WS3-1010351-89 by December 15, 2006 in accordance with the provisions of paragraph X., below.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate five (5) years from the effective date of these orders. In accordance with OAC 3745-7-12, Respondent may not apply for certification during the five (5) year effective period of the revocation of certification. After this period of ineligibility has expired, Respondent may apply for examination for certification.

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

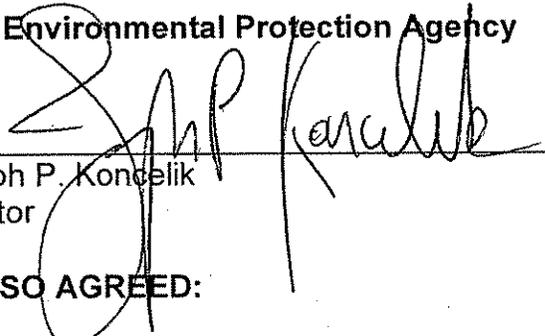
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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

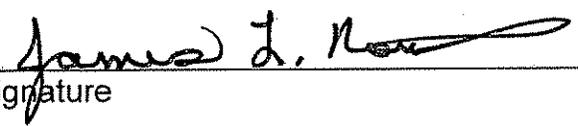


Joseph P. Koncelik
Director

11/29/06
Date

IT IS SO AGREED:

James L. Norris



Signature

11/13/06
Date

James L. Norris
Printed or Typed Name