



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

10/7/2019

Dustin M. Lewis
1565 Poplar Lane
Painesville, OH 44077

RE: Dustin M. Lewis
DFFO
Wastewater Certification
Lake County
OPCT-1081917

Certified Mail

Subject: Director's Final Findings and Orders

9489 0090 0027 6054 1911 72

Dear Mr. Lewis:

It has come to the attention of the Division of Drinking and Ground Waters, that the initial certified mailing of the enclosed Director's Final Findings and Orders that was send to you on 8/27/2019 was returned unclaimed. As such the original transmittal and the Director's Final Findings and Orders are being resent to you on your current address via this mailing.

If you have any questions concerning compliance with these Findings and Orders, please call me at (614) 644-2915

Sincerely,

Kamalpreet Kawatra
Environmental Specialist



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

8/27/2019

Dustin M. Lewis
123 Orton Rd.
Painesville, OH 44077

RE: Dustin M. Lewis
DFFO
Wastewater Certification
Lake County
OPCT-1081917

Certified Mail

9489 0090 0027 6054 1935 72

Subject: Director's Final Findings and Orders

Dear Mr. Lewis:

I have enclosed a certified copy of the journalized, agreed upon Director's Final Findings and Orders (Orders). The Orders require you to serve a suspension from November 1, 2019 to November 1, 2021, serve a two-year probation after the suspension is lifted and pay a penalty of \$2,000 dollars. This document is a final action of the Director and will be public noticed as required by Ohio Administrative Code (OAC) Rule 3745-49-07(A). The effective date of these Orders is August 27, 2019.

If you have any questions concerning compliance with these Findings and Orders, please call me at (614) 644-2915

Sincerely,

Kamalpreet Kawatra
Environmental Specialist

cc: Spring Lake MHP
Kampf Apartments
Whispering Willow MHC
PET Processors LLC
TA Kingsville
Stewart Acquisitions LLC DBA Endura Plastics
Geneva-on-the-Lake WWTP
Hilltop Apartments
Kirtland Leasing LLC
Pymatuning Adventure Resort LLC
The Pub
Sheldon Calvary Camp Inc
Deans Family Restaurant

Geneva Trailer Park
Aldi Inc
Angelos Pizzeria
The Inn of West Andover LLC
J Wade Inc DBA Scooter's Bar and Grill
Causeway Lounge
John Anthony of Novelty Inc
Creeside Tavern & Grill LLC
Sands Trailer Park WWTP
Willow Lake Campground
Geneva Motel
Kay's Place Restaurant
Wagon Trails Res-Millbrook Outdoor Res N Well

Willoughby Hills United Methodist Church
North Kingsville Shopping Center WWTP
Hiram House Camp
Jeffco Lakes Campground
Stewart Lodge Nursing Home
Camp Lejnar
Living Opportunities Inc DBA Lakeland Nursing Home
Holly Ridge Apts
Mid-West Materials Inc
Young Men's Christian Assoc DBA YMCA Outdoor
Grumpy Bear LLC dba Bunky's Pub

Kirtland Local School District
Ashtabula County JVS
Leroy Elem Sch
Grand River Academy
Henry F LaMuth Middle School
Dun Rovin MHP
Eagle Rd MHP
Perry MHP
D.F.C. MHP
Rustic Cove MHP
Robert S. Leach, Esq.

ec: Justin Burke, DDAGW-CO
Tya Darden, DDAGW-CO
Andrew Barienbrock, DDAGW-CO
Larry Reeder, DSW-CO
Colin Bennett, Office of Legal Services
William Fischbein, Office of Legal Services
Amber Wooten Hertlein, Office of Attorney General

Mike Gallaway, DSW-CDO
Richard Blasick, DSW-NEDO
Elizabeth Wick, DSW-NWDO
Marco Deshaies, DSW-SEDO
Joshua Jackson, DSW, SWDO
Ann Fischbein, Office of Legal Services
James Lee, PIC

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

By: Sonja Casser

Date: 8/27/2019

In the Matter of:

DUSTIN LEWIS

Respondent.

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:
:
:
:
:

**Director's Final Findings of
Fact, Conclusions of Law and
Orders**

Ohio EPA AUG 27 '19
Entered Directors Journal

I. JURISDICTION

This matter is before the Director of Environmental Protection ("Director") pursuant to the authority vested in the Director under Ohio Revised Code ("ORC") Chapters 119, 3745, and 6109 and the rules adopted thereunder.

II. FINDINGS OF FACT

1. At all times relevant to this matter, Respondent Dustin Lewis ("Respondent") has been a certified water and wastewater operator based in Lake County, Ohio.
2. The Ohio Environmental Protection Agency ("Ohio EPA") issued a Class II Wastewater Treatment Certificate, Certificate No. WW3-1015126-00 ("Class III Wastewater Treatment" certificate) to Respondent on June 10, 2005.
3. On September 24, 2018, the Director of Ohio EPA sent Respondent a letter proposing to revoke Respondent's Class II Wastewater Treatment Certificate ("Proposed Revocation"). The grounds for the Proposed Revocation were alleged violations of Ohio Adm.Code 3745-7-09, R.C. 6109.31(8), and R.C. 6111.07(A).
4. Respondent requested an adjudicatory hearing by a letter dated October 23, 2018.
5. Then-presiding Hearing Officer W. Samuel Wilson met with counsel for Respondent and Ohio EPA Staff (together, the "Parties") on November 29, 2018, for a prehearing conference. The Parties stated in that conference that they intended to pursue settlement discussions. Telephone status conferences were convened after that to track the progress of settlement discussions.
6. At a status conference held on May 10, 2019, the Parties and Hearing Officer discussed the status of the settlement discussions, which were progressing. The Hearing Officer scheduled an adjudicatory hearing for August 15, 2019, and issued an order scheduling that hearing as well as a deadline for prehearing briefs on August 8, 2019.

7. On or around June 30, 2019, notice of the hearing for this matter was published in the News-Herald Daily.
8. On August 7, 2019, the Parties filed a Joint Notice of Settlement Agreement, indicating the Parties had reached settlement and would be filing a Joint Settlement and Stipulation Agreement ("JSSA") before the August 15, 2019 hearing date.
9. Based on the representations in the notice of settlement, the Hearing Officer issued an order on August 9, 2019 vacating this matter's hearing schedule.
10. On August 9, 2019, the Parties filed a JSSA, which reflects the Parties' agreement that resolves the dispute underlying this matter.
11. According to the JSSA, the Director and Staff of Ohio EPA will hold its Proposed Revocation in abeyance and, instead, suspend the Class II Wastewater Treatment certificate for 24 months, from November 1, 2019 to November 1, 2021. The abeyance of the Proposed Revocation and 24-month suspension is conditioned upon the following:
 - a. During the suspension, Respondent will acquire any necessary contact hours, pay all required renewal fees, follow all certified professional operator rules and requirements, and not act as professional operator of record or backup operator of record for any facility during the period of the suspension.
 - b. Respondent agrees that, after the suspensions are lifted, he will operate under a two-year probation, set to expire on November 1, 2023. During the probation, Respondent shall comply with all rules and requirements applicable for a certified professional operator.
 - c. Respondent will pay Ohio EPA a \$2,000 fine on or before November 1, 2021.
12. According to the JSSA, if the above-referenced conditions are not met, Ohio EPA will permanently revoke Respondent's Class II Wastewater Treatment certificate.
13. No adjudication hearing has been conducted in this matter.

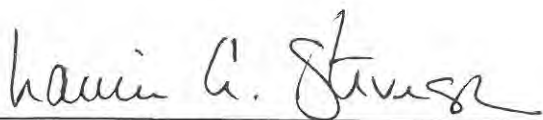
III. CONCLUSION OF LAW

1. In his August 14, 2019 Report and Recommendation, the Hearing Officer recommended that Ohio EPA Case No. 18-OC-10-2 is moot and should be dismissed, as all issues of law and fact have been resolved through the August 9, 2019 JSSA.

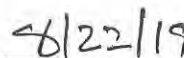
IV. ORDERS

1. The recommendation of the Hearing Officer as set forth in the August 14, 2019 Report and Recommendation is approved and Ohio EPA Case No. 18-OC-10-2 is hereby dismissed.
2. Consistent with the terms of the August 9, 2019 Settlement Agreement, the Director's Proposed Revocation of Respondent's Class II Wastewater Treatment Certificate No. WW3-1015126-00 is held in abeyance. The Director hereby suspends Respondent's Class II Wastewater Treatment certificate for 24 months, from November 1, 2019 to November 1, 2021. The abeyance of the Proposed Revocation and 24-month suspension is conditioned upon the following:
 - a. During the suspension, Respondent shall acquire any necessary contact hours, pay all required renewal fees, follow all certified professional operator rules and requirements, and not act as professional operator of record or backup operator of record for any facility during the period of the suspension.
 - b. Respondent agrees that, after the suspensions are lifted, he will operate under a two-year probation, set to expire on November 1, 2023. During the probation, Respondent shall comply with all rules and requirements applicable for a certified professional operator.
 - c. Respondent shall pay Ohio EPA a \$2,000 fine on or before November 1, 2021.
3. Failure of the Respondent to meet any of the conditions set forth in Order No. 2 shall result in the permanent revocation of Respondent's Class II Wastewater Treatment certificate.

IT IS SO ORDERED:



Laurie A. Stevenson
Director of Environmental Protection



Date

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

DUSTIN LEWIS,

Respondent.

**Case No. 18-OC-10-2
Hearing Officer White**

REPORT AND RECOMMENDATION

Attached hereto is a copy of the Hearing Officer's Report and Recommendation in this matter. Pursuant to Ohio Revised Code Section 119.09, any party to this matter may file written objections to the Report and Recommendation. Such objections must be filed with the Director of Environmental Protection within ten (10) days of the receipt of the Report and Recommendation. Written objections should be filed with:

Ohio Environmental Protection Agency
Hearing Clerk - Legal Section
50 West Town Street, Suite 700
P. O. Box 1049
Columbus, Ohio 43216-1049

If objections are filed, an original plus two (2) copies are required.

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

DUSTIN LEWIS,

Respondent.

**Case No. 18-OC-10-2
Hearing Officer White**

REPORT AND RECOMMENDATION

FINDINGS OF FACT

1. At all times relevant to this matter, Respondent Dustin Lewis ("Respondent") has been a certified water and wastewater operator based in Lake County, Ohio.
2. The Ohio Environmental Protection Agency ("Ohio EPA") issued a Class II Wastewater Treatment Certificate, Certificate No. WW3-1015126-00 ("Class III Wastewater Treatment" certificate) to Respondent on June 10, 2005.
3. On September 24, 2018, the Director of Ohio EPA sent Respondent a letter proposing to revoke Respondent's Class II Wastewater Treatment Certificate ("Proposed Revocation"). The grounds for the Proposed Revocation were alleged violations of Ohio Adm.Code 3745-7-09, R.C. 6109.31(B), and R.C. 6111.07(A).
4. Respondent requested an adjudicatory hearing by a letter dated October 23, 2018.
5. Then-presiding Hearing Officer W. Samuel Wilson met with counsel for Respondent and Ohio EPA Staff (together, the "Parties") on November 29, 2018, for a prehearing conference. The Parties stated in that conference that they intended to pursue settlement discussions. Telephone status conferences were convened after that to track the progress of settlement discussions.
6. On April 24, 2019, the undersigned gave the Parties notice that he was the new presiding Hearing Officer.
7. At a status conference held on May 10, 2019, the Parties and Hearing Officer discussed the status of the settlement discussions, which were progressing. The Hearing Officer scheduled adjudicatory hearing for August 15, 2019, and issued an order scheduling that hearing as well as a deadline for prehearing briefs on August 8, 2019.

8. On or around June 30, 2019, notice of the hearing for this matter was published in the News-Herald Daily.
9. On August 7, 2019, the Parties filed a Joint Notice of Settlement Agreement, indicating the Parties had reached settlement and would be filing a Joint Settlement and Stipulation Agreement ("JSSA") before the August 15, 2019 hearing date.
10. Based on the representations in the notice of settlement, the Hearing Officer issued an order on August 9, 2019 vacating this matter's hearing schedule.
11. On August 9, 2019, the Parties filed a JSSA (attached hereto as Exhibit A), which reflects the Parties' agreement that resolves the dispute underlying this matter.
12. According to the JSSA, the Director and Staff of Ohio EPA will hold its Proposed Revocation in abeyance and, instead, suspend the Class II Wastewater Treatment certificate for 24 months, from November 1, 2019 to November 1, 2021. The abeyance of the Proposed Revocation and 24-month suspension is conditioned upon the following:
 - a. During the suspension, Respondent will acquire any necessary contact hours, pay all required renewal fees, follow all certified professional operator rules and requirements, and not act as professional operator of record or backup operator of record for any facility during the period of the suspension.
 - b. Respondent agrees that, after the suspensions are lifted, he will operate under a two-year probation, set to expire on November 1, 2023. During the probation, Respondent shall comply with all rules and requirements applicable for a certified professional operator.
 - c. Respondent will pay Ohio EPA a \$2,000 fine on or before November 1, 2021.
13. According to the JSSA, if above-referenced conditions are not met, Ohio EPA will permanently revoke Respondent's Class II Wastewater Treatment certificate.
14. No adjudication hearing has been conducted in this matter.

Conclusions of law

1. The JSSA is a legally binding agreement and leaves the Parties without unresolved issues of law or fact requiring an adjudication hearing. Therefore, Ohio EPA Case No. 18-OC-10-2 is moot and should be dismissed.

Recommendation

1. Ohio EPA Case No. 18-OC-10-2 should be dismissed.
2. The Director should issue a Final Action consistent with the terms and conditions contained in the JSSA filed August 9, 2019. See Exhibit A.


CLINT R. WHITE
Presiding Hearing Officer

8/14/19
Date

SERVICE LIST

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(440) 943-6800

Counsel for Respondent

Amber Wootten Hertlein, Esq.
Amber N. Lucci, Esq.
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Environmental Enforcement Section
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*Counsel for the Ohio Environmental
Protection Agency*

Clint R. White, Esq.
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Columbus, OH 43216-1049
(614) 644-3037

Presiding Hearing Officer

Kelly Nichol
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, OH 43216-1049
(614) 644-2129

Hearing Clerk

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

DUSTIN LEWIS,

Respondent.

Case No. 18-OC-10-2

Hearing Officer White

JOINT STIPULATION AND SETTLEMENT AGREEMENT

Dustin Lewis ("Respondent"), and the Staff of the Ohio Environmental Protection Agency (the "Staff"), have agreed to resolve the above-captioned matter according to the terms set forth in this Joint Stipulation and Settlement Agreement. Respondent and the Staff are collectively the "Parties" and each a "Party." In settlement of the above-captioned matter, the Parties hereto stipulate and agree as follows:

I. STIPULATION

1. At all times relevant to this matter, Respondent was a certified wastewater operator based in Lake County, Ohio.
2. Respondent received his Class II Wastewater Treatment Certificate, Certificate No. WW2-1081917-05, on June 10, 2005.
3. Respondent oversees the operation and maintenance of approximately 40 wastewater treatment facilities in northeast Ohio.
4. In March 2018, the Ohio Environmental Protection Agency ("Ohio EPA") conducted records inspections at a number of Respondent's facilities. As a result of those investigations, Ohio EPA determined that Respondent had not been complying with the requirements contained in

Exhibit A

Ohio Adm.Code 3745-7-09. Ohio EPA requested that Respondent submit his staffing records from August 14, 2017 through August 27, 2017.

5. Respondent submitted records from 19 of the facilities.
6. After Staff review of the log books, on September 24, 2018, the Director of the Ohio Environmental Protection Agency ("Director") issued a letter to the Respondent proposing the revocation of Respondent's Class II Wastewater Treatment Certificate, Certificate No. WW2-1081917-05 ("Proposed Revocation"). The Proposed Revocation alleged that the Respondent violated Ohio Adm.Code 3745-7-09, R.C. 6109.31(B), and R.C. 6111.07(A). Further, the revocation would become final unless the Ohio Environmental Protection Agency received an adjudication hearing request within 30 days after issuance of the Proposed Revocation.
7. On October 25, 2018, the Ohio Environmental Protection Agency received a request for an adjudication hearing from the Respondent which was dated October 23, 2018.
8. The Parties, after engaging in settlement discussions to resolve the above-captioned matter, have reached an agreement with respect to the Proposed Revocation.

WHEREAS, the Parties wish to conclude these proceedings without adjudication by entering into the following agreement:

II. SETTLEMENT AGREEMENT

In consideration of the promises and mutual covenants contained herein, the Parties hereby agree as follows:

1. The Director and Staff will hold the revocation of Respondent's Class II Wastewater Treatment Certificate, Certificate No. WW2-1081917-05, in abeyance in exchange for Respondent's agreement to:

- a. A suspension of his Class II Wastewater Treatment Certificate for twenty-four consecutive months, with said suspension to begin on November 1, 2019 and expire on November 1, 2021. During the period of suspension, Respondent shall acquire any necessary contact hours and shall pay all renewal fees required by law. Further, Respondent must follow all rules and requirements of a certified professional operator during his suspension. During the period of the suspension, Respondent shall not act as the professional operator of record or the backup operator of record for any facility;
- b. A twenty-four month period of probation immediately following his suspension, with said probation to expire November 1, 2023. Respondent must follow all rules and requirements of a certified professional operator during his probation; and
- c. Pay a \$2,000 fine to Ohio EPA on or before November 1, 2021. Payment to Ohio EPA shall be made by certified check made payable to "Treasurer, State of Ohio" and shall be submitted to Ms. Carol Butler, or her successor, together with a letter identifying Respondent, the notation "DDAGW operator certification case," and the case number of this proceeding (Ohio EPA Case No. 18-OC-10-2), to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

2. Failure of the Respondent to meet any of the conditions set forth in Settlement Agreement paragraph 1, above, shall result in permanent revocation of Respondent's Class II Wastewater Treatment Certificate.
3. This Joint Stipulation and Settlement Agreement shall in no way be construed as an

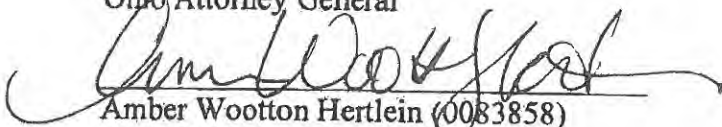
admission by either party as to the lawfulness or unlawfulness, or the reasonableness or unreasonableness, of the Proposed Revocation as originally issued.

4. Nothing in the Joint Stipulation and Settlement Agreement shall affect or constitute a waiver of any present or future right to interest concerning any other action or matter that is or may be taken by or pending before Ohio EPA or any other court of competent jurisdiction.
5. The complete terms of this Joint Stipulation and Settlement Agreement are set forth herein.
6. Each of the undersigned certifies that he or she is authorized on behalf of the respective party to enter into this Joint Stipulation and Settlement Agreement and to legally bind the respective party to the terms and conditions herein.


Dated: 8/8/19

Respectfully submitted,

DAVE YOST
Ohio Attorney General



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Amber N. Lucci (0097685)
Assistant Attorneys General
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