

BEFORE THE

OHIO E.P.A.

OHIO ENVIRONMENTAL PROTECTION AGENCY AUG 20 2012

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Case No. 12-LC-02-1

RODERICK K. JONES,

DIRECTOR'S FINAL FINDINGS AND ORDERS

Respondent.

Pursuant to Chapter 6109., and sections 119.09 et seq. of the Ohio Revised Code, and the rules of the Ohio Environmental Protection Agency, the Director of Environmental Protection hereby makes the following Findings and issues the following Order:

FINDINGS

1. On June 17, 2009, the Ohio Environmental Protection Agency ("Ohio EPA") issued a Certificate of Approval to the Cleveland Crown WTP Laboratory ("Cleveland Crown Lab") for the analyst Respondent Roderick K. Jones (hereinafter Mr. Jones), authorizing Mr. Jones to conduct analyses for Turbidity (SM 2130-B), pH (SM 4500-H+), Alkalinity (SM 2320-B), Stability (SM 2330), Hardness (SM 2340-C), Flouride (SM 4500 F-C), and Chlorine (SM 4500 Cl-D) and (SM 4500 Cl-G), approval number 910, at the Cleveland Crown Lab. This Certificate of Approval expired April 9, 2012.
2. The Certificate of Approval served as a chemical laboratory certification for Mr. Jones, and allowed the Cleveland Crown Lab to employ Mr. Jones for the purpose of conducting chemical analyses for the above-mentioned parameters. Chemical laboratory certifications are lab-specific; hence, pursuant to the Certificate of Approval, Mr. Jones was certified to work only at the Cleveland Crown lab, and to test for only the above-named parameters.
3. On January 18, 2012, the Director of the Ohio EPA ("Director") issued a proposed suspension of the chemical laboratory certification for Mr. Jones.
4. On February 3, 2012, Mr. Jones timely filed a request for an adjudication hearing.

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.

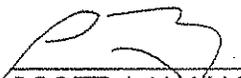
By: [Signature] Date: 8-20-12

5. Following the initiation of this case, the parties engaged in settlement discussions in an attempt to resolve this matter. These settlement discussions have produced an agreement between the parties.
6. On May 18, 2012, the parties filed a "Settlement Agreement."
7. Because the parties have entered into a Settlement Agreement, there remain no unresolved issues of law or fact requiring the convening of an adjudication hearing in this case. Therefore, Ohio EPA Case No. 12-LC-02-1 is moot and should be dismissed.
8. No adjudication hearing has been held in this matter.
9. The Hearing Officer assigned to this case has filed a Report and Recommendation recommending that this case be dismissed.
10. No objections to the Hearing Officer's recommendation have been filed.
11. The recommendation of the Hearing Officer is lawful and reasonable, and is hereby adopted.

**ORDER**

1. Ohio EPA Case No. 12-LC-02-1 is hereby dismissed.

IT IS SO ORDERED:

  
\_\_\_\_\_  
SCOTT J. NALLY  
Director

**AUG 20 2012**  
\_\_\_\_\_  
Date

BEFORE THE OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Case No. 12-LC-02-1  
Hearing Officer Wilson

RODERICK K. JONES,

Respondent.

PRELIMINARY STATEMENT

On June 17, 2009, the Ohio Environmental Protection Agency ("Ohio EPA") issued a Certificate of Approval to the Cleveland Crown WTP Laboratory ("Cleveland Crown Lab") for the analyst Respondent Roderick Jones (hereinafter "Mr. Jones"), authorizing Mr. Jones to conduct analyses for Turbidity (SM 2130-B), pH (SM 4500-H+), Alkalinity (SM 2320-B), Stability (SM 2330), Hardness (SM 2340-C), Flouride (SM 4500 F-C), and Chlorine (SM 4500 CI-D) and (SM 4500 CI-G), approval number 910, at the Cleveland Crown Lab. This Certificate of Approval expired April 9, 2012.

The Certificate of Approval served as a chemical laboratory certification for Mr. Jones, and allowed the Cleveland Crown Lab to employ Mr. Jones for the purpose of conducting chemical analyses for the above-mentioned parameters. Chemical laboratory certifications are lab-specific; hence, pursuant to the Certificate of Approval, Mr. Jones was certified to work only at the Cleveland Crown lab, and to test for only the above-named parameters.

On January 18, 2012, the Director of the Ohio Environmental Protection Agency ("Director" and "Ohio EPA," respectively) issued a Proposed Action for the suspension of the chemical laboratory certification for Roderick Jones. On February 3, 2012, Respondent Roderick Jones timely appealed the Director's Action and requested an adjudication hearing in accordance with Ohio Administrative Code ("OAC") 3745-47-13. A Hearing on this matter is scheduled to be held on May 30, 2012.

The parties hereto, Mr. Jones and the Staff of the Ohio EPA, have engaged in settlement discussions and have reached the following Settlement Agreement and Stipulation. The parties agree that the Director's Order will not be issued as stipulated below, provided Mr. Jones performs in accordance with this Settlement Agreement:

SETTLEMENT AGREEMENT

1. The Cleveland Crown Laboratory holds a Certificate of Approval for Mr. Jones, which authorizes the Cleveland Crown Laboratory to employ Mr. Jones as a laboratory analyst to perform chemical analyses on potable water for Turbidity (SM 2130-B), pH (SM 4500-H+), Alkalinity (SM 2320-B), Stability (SM 2330), Hardness (SM 2340-C), Flouride (SM 4500 F-C), and Chlorine (SM 4500 CI-D) and (SM 4500 CI-G).

2. This Certificate of Approval (Approval Number 910) was issued on June 17, 2009, and expired on April 9, 2012.

3. Mr. Jones agrees that the Director has not renewed and will not renew the Certificate of Approval for Turbidity (SM 2130-B), pH (SM 4500-H+), Alkalinity (SM 2320-B), Stability (SM 2330), Hardness (SM 2340-C), Fluoride (SM 4500 F-C), and Chlorine (SM 4500 CI-D) and (SM 4500 CI-G), approval number 910, for the afore-listed analyses by analyst Mr. Jones, held by the Cleveland Crown WTP Laboratory.

4. Mr. Jones agrees that he will not perform analyses for the above-mentioned parameters, or any other parameters, for submission by any public water system at any time before July 9, 2012.

5. The Staff of Ohio EPA agrees that the Director will not issue as a Final Action the Proposed Action under appeal.

6. Mr. Jones agrees that he will withdraw the appeal request for the Proposed Action.

7. The entering of this Settlement Agreement shall in no way be construed as an admission by the Staff that the Director's Proposed Action of January 18, 2012 was unlawful or unreasonable. The entering of this Settlement Agreement shall likewise not be construed as an admission by Mr. Jones that the Director's Proposed Action of January 18, 2012 was lawful or reasonable.

8. The entering of this Settlement Agreement shall in no way be construed to guarantee that Ohio EPA will issue a Certificate of Approval for Mr. Jones to conduct analyses at the Cleveland Crown Lab, or any other laboratory, after July 9, 2012, when Mr. Jones' suspension period has ended.

9. The complete terms of this Settlement Agreement are set forth herein.

IN WITNESS WHEREOF, the following signatures as binding upon the parties.

Respectfully submitted,

**MICHAEL DEWINE**  
**OHIO ATTORNEY GENERAL**



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