

**BEFORE THE OHIO
ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:
Bonded Chemicals Inc.
2645 Charter Street
Columbus, OH 43207

:
:
:
:

Directors Final Findings
and Orders

OHIO E.P.A.
MAR-9 2004
DIRECTOR'S JOURNAL

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the Bonded Chemicals Inc. ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§3753.08 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the facility owned by the Respondent shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3753 and the rules promulgated thereunder.

IV. FINDINGS

The Director of the Ohio EPA has determined the following findings:

1. Respondent is a supplier of commodity chemicals including inorganic, organic, and related products located at 2645 Charter Street in Columbus, Ohio. The facility stocks and distributes a complete line of industrial chemicals, and other related services. Chlorine is a regulated substance listed in Ohio Administrative Code (OAC) rule 3745-104-04 and has a threshold of 2,500 pounds. The chlorine at this facility is stored in 150-lb cylinders and there is a maximum quantity of 37,500 pounds or 250 150-lb chlorine cylinders.

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] 39-C

- 2. An owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined by OAC rule 3745-104-02, shall comply with the requirements of this rule by submitting a Risk Management Plan ("RMP") and implementing a prevention program no later than June 21, 1999. Respondent submitted a RMP by June 21, 1999, as a Program Level 2 process.**

- 3. A RMP program audit was conducted on May 8, 2003, to determine compliance with OAC Chapter 3745-104. It was determined during the inspection that the Respondent did not have all of the required supporting documentation for a Program Level 2 prevention program. Furthermore, the Respondent had moved to another location which requires a de-registration for the original site and a submittal of a RMP for the new location. A deficiency letter was issued by Ohio EPA dated May 12, 2003, outlining the violations requesting the supporting documentation for the prevention program, a de-registration request for the original site, and a RMP for the new location within thirty days. On July 2, 2003, a warning letter was mailed to the facility requesting the same information within fourteen days. On September 2, 2003, a second warning letter was issued to submit the information within seven days. On September 16, 2003, Glenn Smith contacted Ohio EPA via telephone stating the information would be mailed immediately but Ohio EPA never received the requested information. The Respondent was out of compliance with the following rules:**
 - a. Respondent failed to have a Management System for a Program Level 2 process, as required by OAC rule 3745-104-07.**
 - b. Respondent failed to have supporting documentation for the hazard assessment, as required by OAC rule 3745-104-15.**
 - c. Respondent failed to conduct a hazard review, as required by OAC rule 3745-104-18.**
 - d. Respondent failed to have a maintenance program, as required by OAC rule 3745-104-21.**
 - e. Respondent failed to conduct a compliance audit, as required by OAC rule 3745-104-22.**
 - f. Respondent failed to submit an RMP for the facility located on 2645 Charter Street and a de-registration for the previous location on 2469 Creekway Drive, as required by OAC rule 3745-104-49.**

- 4. The Director has given consideration to, and based on his determination on, evidence relating to the technical feasibility and economic reasonableness of**

complying with the following Orders and benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Order:

Pursuant to ORC section 3753.09, Respondent is assessed a civil penalty in the amount of fifteen thousand two hundred ninety dollars (\$15,290) in settlement of Ohio EPA's claim for civil penalties. Within thirty (30) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of fifteen thousand two hundred ninety dollars (\$15,290) in settlement of Ohio EPA's claims for civil penalties, which will be deposited into the Risk Management Plan fund established pursuant to ORC 3753.05.

Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for fifteen thousand two hundred ninety dollars (\$15,290). The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, attention Brenda Case, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent and the facility.

A copy of the check shall be sent to:

Jim Orlemann
Manager, Engineering Section
Ohio Environmental Protection Agency
Division of Air Pollution Control
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official check required by Section V. 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 Respondent.

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

The Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of the Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attention: Sherri Swihart

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 resolved 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 services 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

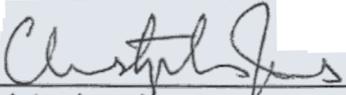
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party 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

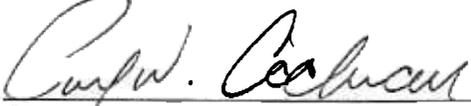


Christopher Jones
Director

3-2-04
Date

IT IS AGREED:

Bonded Chemicals Inc.



Signature

2/24/04
Date

PAUL W. COCHRAN
Printed or Typed Name

2/24/04
Date

GENERAL MANAGER.
Title