

BEFORE THE OHIO
ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

FEB -8 2007

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Struktol Company of America :
201 East Steels Corners Road :
Stow, Ohio 44224 :

Director's Final Findings
and Orders

PREAMBLE

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.

It is agreed by the parties hereto as follows:

I. JURISDICTION

By:  Date: 2-8-07

These Director's Final Findings and Orders ("Orders") are issued to Struktol Company of America ("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 Respondent or 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 chemical manufacturing company located at 201 E. Steels Corners Road in Stow, Ohio. Ethylenediamine is used in the chemical manufacturing process. Ethylenediamine is a regulated substance listed in Ohio Administrative Code ("OAC") Rule 3745-104-04 and has a threshold of 20,000 pounds. The quantity of ethylenediamine at the facility is approximately 44,000 pounds.
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 the date that the regulated substance is on site.

3. On September 12, 2006, an unannounced audit was conducted by Ohio EPA at Respondent's facility to determine whether there was more than 20,000 pounds of ethylenediamine on site. A review of the Ohio State Emergency Response Commission (SERC) report indicated that Respondent had between 10,000 to 99,999 pounds of ethylenediamine in a storage tank.
4. During the audit, it was discovered that Respondent's facility had 44,000 pounds of ethylenediamine. Ohio EPA auditors informed Respondent that an RMP was required to be submitted by the date on which the regulated substance is first present at the facility above a threshold quantity in a process.
5. On September 13, 2006, an e-mail was sent to Respondent asking for further information, specifically when ethylenediamine was first over the 20,000-pound threshold limit. Guidance was provided on how to submit the RMP. The e-mail stated that a copy of the RMP is required to be submitted to U.S. EPA and Ohio EPA.
6. An e-mail was received from Respondent on September 14, 2006 indicating ethylenediamine exceeded the 20,000-pound threshold on September 9, 2004.
7. A warning letter was sent to Respondent on October 4, 2006 requiring that an RMP be submitted to Ohio EPA and U.S. EPA within seven days of receipt for the letter. Ohio EPA, DAPC received the RMP on October 17, 2006. An RMP audit was conducted on December 14, 2006 and Ohio EPA discovered the following deficiencies:
 - a. Respondent failed to submit an RMP prior to introducing a regulated substance over the threshold, in violation of OAC rule 3745-104-05(A)(3).
 - b. Respondent failed to maintain supporting documentation for the hazard assessment, in violation of OAC Rule 3745-104-15.
 - c. Respondent failed to have a management system for a Program Level 3 process, in violation of OAC Rule 3745-104-07.
 - d. Respondent failed to have safe upper and lower parameters, including consequences of deviations, in violation of OAC Rule 3745-104-17.

- e. Respondent failed to document that problems discovered during the hazard review were identified in a timely manner, in violation of OAC Rule 3745-104-18.
 - f. Respondent failed to have procedures for emergency shutdown and equipment inspections, in violation of OAC Rule 3745-104-19.
 - g. Respondent failed to provide evidence of training, in violation of OAC Rule 3745-104-20.
 - h. Respondent failed to establish and implement a written maintenance program, in violation of OAC Rule 3745-104-21.
8. The Director has given consideration to, and based 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 Orders:

1. Respondent shall fully implement the RMP program identified in Finding 7 within thirty (30) days of the effective date of these Orders.
2. Pursuant to ORC §§ 3753.09, Respondent shall pay the amount of twenty-nine thousand nine hundred eighty-four dollars (\$29,984) in settlement of Ohio EPA's claim for civil penalties. Within fourteen (14) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for twenty-three thousand nine hundred eighty-seven dollars (\$23,987) of the total amount which will be deposited into the Risk Management Plan fund established pursuant to ORC §§ 3753.05. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049
3. In lieu of paying the remaining five thousand nine hundred ninety-seven dollars (\$5,997) of the civil penalty, Respondent shall fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of \$5,997 to the Ohio EPA's

Clean Diesel School Bus Fund (Fund 5CD). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for \$5,997. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying Respondent, the facility, and fund 5CD to:

Ohio EPA
Office of Fiscal Administration
Lazarus Government Center
50 West Town Street, Suite 700
Columbus, Ohio 43216-1049

A copy of each of the above checks shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Ohio EPA
Division of Air Pollution Control
Lazarus Government Center
50 West Town Street, Suite 700
Columbus, Ohio 43216-1049

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is the person authorized to sign in OAC Rule 3745-35-02(B)(1) for a corporation or a duly authorized representative of Respondent as that term is defined in the above-referenced rule.

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 facility.

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

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

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

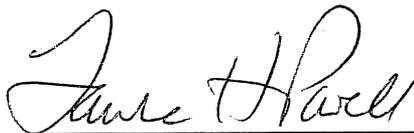
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

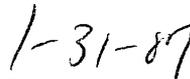
Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



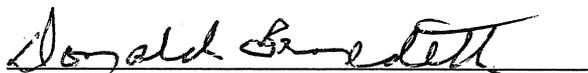
Laura Powell
Acting Director



Date

IT IS SO AGREED:

Struktol Company of America


Signature

January 23, 2007
Date

Donald Benedetti
Printed or Typed Name

January 23, 2007
Date

Regulatory Compliance Manager
Title