

ENTERED DIRECTOR'S JOURNAL

96 4-030

OHIO EPA

Issue Date DEC - 4 1996
Effective Date DEC - 4 1996

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In The Matter of

AEP Flexo, Inc.
200 Benham Street
Dayton, Kentucky 41074

Respondent

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MODIFICATION OF
DIRECTOR'S FINAL
FINDINGS & ORDERS

It is hereby agreed to by the Parties as follows:

SECTION A

On July 28, 1993, Director's Final Findings and Orders were journalized in the matter of AEP Flexo, Inc., 200 Benham Street, Dayton, Kentucky 41074, as Respondent. On October 10, 1996, the Director's Final Findings and Orders of July 28, 1993 were amended through the issuance of a Modification of Director's Final Findings and Orders. All provisions of the Director's Final Findings and Orders of July 28, 1993, as amended by the October 10, 1996 Modification of Director's Final Findings and Orders, remain unchanged and in full effect except for the modification listed below.

SECTION B

Paragraph F.4. of Article IV, Work to be Performed, contains the
I certify this to be a true and accurate copy of the
official document as filed in the records of the Ohio
Environmental Protection Agency.

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following subparagraph:

If Ohio EPA agrees with Respondent's assertion of technical infeasibility, Respondent will be required to perform quarterly ground water sampling for eight consecutive quarters. If ground water samples collected during quarterly sampling do not exhibit any statistically significant or consistent rebound in contaminant concentrations, Respondent may submit a certification, pursuant to Article XIII, Termination, for termination of these Orders.

This subparagraph is modified to include the phrase "then the SCIA will be shut down and" so that the subparagraph now reads as follows:

If the Ohio EPA agrees with Respondent's assertion of technical infeasibility, then the SCIA will be shut down and Respondent will be required to perform quarterly ground water sampling for eight consecutive quarters. If ground water samples collected during quarterly sampling do not exhibit any statistically significant or consistent rebound in contaminant concentrations, Respondent may submit a certification, pursuant to Article XIII, Termination, for termination of these Orders.

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IT IS SO ORDERED:



Donald R. Schregardus, Director
Ohio Environmental Protection Agency

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Date

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WAIVER AND AGREEMENT

In order to resolve disputed claims, without admission of fact, violation, or liability, Respondent hereby agrees that this Modification of Director's Final Findings and Orders is lawful and reasonable, and agrees to perform all actions required by this Modification of Director's Final Findings and Orders.

The Respondent hereby waives the right to appeal the issuance, terms and service of this Modification of Director's Final Findings and Orders and hereby waives any rights it may have to seek judicial review of such Modification of Director's Final Findings and Orders either in law or equity.

Notwithstanding the preceding, the Ohio EPA and Respondent agree that in the event that this Modification of Director's Final Findings and Orders is appealed by any other party to the Environmental Board of Review, or any court, Respondent retains the right to intervene and participate in such appeal. In such event, Respondent shall continue to comply with this Modification of Director's Final Findings and Orders notwithstanding such appeal and intervention unless this Modification of Director's Final Findings and Orders is stayed, vacated or modified.

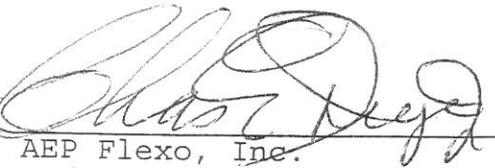
IT IS SO AGREED:

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By:



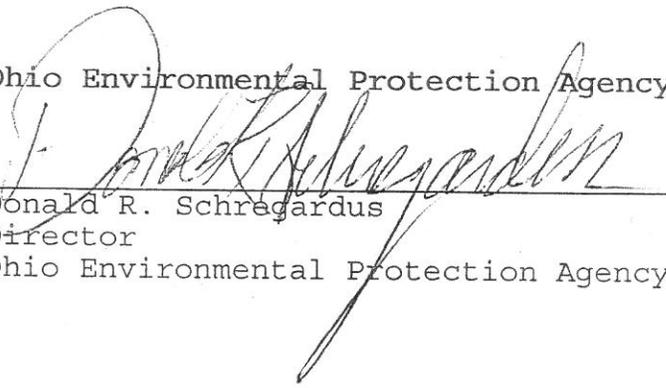
AEP Flexo, Inc.

11/6/96
Date

CHAS E. DEYE JR
Typed or printed name

PRESIDENT
Title

Ohio Environmental Protection Agency



Donald R. Schregardus
Director
Ohio Environmental Protection Agency

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Date

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