OhioEPA
State of Ohio Environmental Protection Agency

STREET ADDRESS:
Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

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P.O. Box 1049
Columbus, OH 43216-1049

CERTIFIED MAIL
7007 0220 0000 7613 1312

February 22, 2008

Re: Director's Final Findings & Orders
Colgate-Palmolive Company
OHD 981 802 580

Mr. Lee Abbasi, Plant Director
Colgate-Palmolive Company
8800 Guernsey Industrial Blvd.
Cambridge, Ohio 43725

Dear Mr. Abbasi:

Here are the Director's Final Findings and Orders (Orders) issued to Colgate-Palmolive Company on February 22, 2008. These Orders are effective today.

I have also enclosed invoices for the penalty payments as required by Order No. 1.a. and 1.b. Please remember that your payments are due no later than March 24, 2008.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Dave Chenault at (740) 385-8501.

Sincerely,

David A. Sholtis
Assistant Chief
Division of Hazardous Waste Management

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Attachments

c: Michael A. Savage, Chief, DHWM
Harry Sarvis, Mgr., CAS, DHWM
Todd Anderson, Legal
Heidi Greismer, PIC
Dave Chenault, Mgr., DHWM, SEDO
Kristin L. Watt, Esq., Vorys, Sater, Seymour and Pease LLP

OHIO E.P.A.

FEB 22 2008

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Colgate-Palmolive Company
8800 Guernsey Industrial Blvd.
Cambridge, OH 43725

Respondent

Director's Final Findings and Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Colgate-Palmolive Company (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.13 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 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 3734 and the rules promulgated thereunder.

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: _____ Date: 2-22-08

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent owns and operates a facility located at 8800 Guernsey Industrial Blvd., Cambridge (Facility). Respondent has conducted manufacturing operations at the Facility since 1987.

2. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).

3. Respondent notified Ohio EPA of its hazardous waste activities and was issued generator identification number OHD 981 802 580.

4. At the Facility, Respondent generates "hazardous waste" as that term is defined by ORC § 3734.01(J) and OAC rules 3745-50-10(A) and 3745-51-03.

5. On August 20, 2007, Ohio EPA was notified by the Washington Township fire department that a tanker truck located at Zemba Brothers, Inc., in Zanesville, Muskingum County, had ruptured and released approximately 5,700 gallons of hazardous sodium hydroxide waste onto the ground. The hazardous sodium hydroxide waste was caused by a then undetected leak that occurred from a transfer pump sometime during the period of August 18 through 20, 2007. The leaked material commingled with rain in a sump within a secondary containment area. Zemba Brothers, Inc. was retained to haul Respondent's secondary containment liquid wastes to Suburban Landfill for solidification and disposal. At the time of the leak and hauling by Zemba Brothers, Inc., the waste was not known to be hazardous. Due to time constraints, the tanker truck was returned to Zemba Brothers, Inc. and not delivered to Suburban Landfill. The hazardous sodium hydroxide waste reacted with the aluminum from the tanker truck thus causing the rupture and release of hazardous waste to the ground.

6. On August 23, 2007, Ohio EPA conducted a compliance evaluation inspection at Respondent's Facility. As a result of this inspection, Ohio EPA determined that Respondent had, *inter alia*:

   a. Caused the transportation of hazardous waste to an unpermitted Facility, in violation of ORC § 3734.02(F);

   b. Failed to evaluate wastes to determine if they were hazardous waste, in violation of OAC rule 3745-52-11;

c. Failed to comply with hazardous waste manifest and land disposal restriction requirements for the tanker truck of hazardous waste, in violation of OAC rule 3745-52-20 and OAC rules 3745-270-07 and 3745-270-09;

d. Failed to properly package, label and placard a shipment of hazardous waste, in violation of OAC rules 3745-52-30, 3745-52-31 and 3745-52-33; and

e. Failed to properly label universal waste lamps, in violation of OAC rule 3745-273-14(E).

7. By letter dated September 18, 2007, Ohio EPA notified Respondent of the violations referenced in Finding No. 6. of these Orders.

8. By letter dated October 11, 2007, Respondent submitted a response to Ohio EPA's September 18, 2007 letter.

9. After review of Respondent's October 11, 2007 letter, the Director has determined that Respondent has demonstrated that the violations listed in Finding Nos. 6.a to 6.e. of these Orders have been abated.

V. ORDERS

Respondent shall achieve compliance with Chapter 3734 of the ORC and the regulations promulgated thereunder according to the following compliance schedule:

1. Respondent shall pay Ohio EPA the amount of $14,200.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734., in accordance with the following provisions:

   a. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of $11,360.00 in settlement of Ohio EPA's claims for civil penalties which will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for $11,360.00. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying Respondent. A copy of this check shall be submitted in accordance with Section X. of these Orders.

   b. In lieu of paying the remaining $2,840.00 of civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of $2,840.00 to the Ohio EPA Clean

Diesel School Bus Program (Fund 5CD). Respondent shall make the payment within 30 days after the effective date of these Orders by tendering an official check made payable to "Treasurer, State of Ohio" for $2,840.00. The official check shall be submitted to Brenda Case, or her successor, Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying Respondent. A copy of this check shall be submitted in accordance with Section X. of these Orders, and an additional copy of this check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, Ohio EPA, Division of Air Pollution Control, P.O. Box 1049, Columbus, Ohio 43216-1049.

c. Should Respondent fail to fund the SEP within the required time frame established in Order No. 1.b of these Orders, Respondent shall pay to Ohio EPA within 7 days of failing to comply with Order No. 1.b. the amount of $2,840.00 in accordance with the procedures in Order No. 1.a.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official checks 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, 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
Southeast District Office
Division of Hazardous Waste Management
2195 Front Street
Logan, Ohio 43138
Attn: DHWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Chris Korleski, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Manager, Compliance Assurance Section

For deliveries to the building:

Chris Korleski, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
50 West Town Street, Suite 700
Columbus, Ohio 43215
Attn: Manager, Compliance Assurance Section

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

Chris Korleski
Director

FEB 2 2 2008
Date

IT IS SO AGREED:

Colgate-Palmolive Company

Signature

1/25/08
Date

LEE ABBASI
Printed or Typed Name

PLANT DIRECTOR
Title