OhioEPA
State of Ohio Environmental Protection Agency

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

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:
P.O. Box 1049
Columbus, OH 43216-1049

March 27, 2008

CERTIFIED MAIL

Re: Director's Final Findings & Orders
Weastec, Incorporated
US EPA ID No.: OHD 174 911 818

Mr. Les Bloedel
Executive Vice President
Weastec, Incorporated
1600 North High Street
Hillsboro, Ohio 45133

Dear Mr. Bloedel:

Here are the Director's Final Findings and Orders (Orders) issued to Weastec, Incorporated on March 27, 2008. These Orders are effective today.

I have also enclosed the invoice for the penalty payment as required by Order No. 1. Please remember that your payment is due no later than April 30, 2008.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Harold O'Connell at (937) 285-6357.

Sincerely,

David A. Sholtis, Assistant Chief
Division of Hazardous Waste Management

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Attachments

c: Michael A. Savage, Chief, DHWM CO
Harry Sarvis, Mgr., CAS, DHWM CO
Todd Anderson, Legal
Heidi Griesmer, PIC
Paul Pardi, DHWM, SWDO
Harold O'Connell, DHWM, SWDO

OHIO E.P.A.

MAR 27 2008

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Weastec, Incorporated
1600 N. High St.
Hillsboro, Ohio 45133

Respondent

Director's Final Findings and Orders

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:** 3-27-08

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Weastec, Incorporated (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.

IV. FINDINGS

All of the findings necessary for the issuance of these Orders pursuant to ORC §§ 3734.13 and 3745.01 have been made and are outlined below. Nothing in the findings shall be considered to be an admission by Respondent of any matter of law or fact. The Director of Ohio EPA has determined the following findings:

1. Respondent operates a business located at 1600 N. High St., Hillsboro, Highland County, Ohio (Facility). Respondent, a corporation for profit, was registered to do business in Ohio on June 20, 1986.

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

3. 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, including hazardous waste isopropanol. The isopropanol is hazardous waste because it typically has a flash point below 140 degrees Fahrenheit, i.e., ignitable hazardous waste (D001). At all times relevant to the events described herein, Respondent was a small quantity generator of hazardous waste.

4. Respondent notified Ohio EPA of its hazardous waste activities and was issued generator identification number OHD174911818.

5. On April 7, 8, 14 and May 16, 2005, Ohio EPA conducted a compliance evaluation inspection at Vexor Technology, Inc. located at 955 West Smith Road, Medina, Ohio. (Vexor). As a result of this inspection, Ohio EPA determined that Respondent had, on September 20, 2004, inadvertently transported or caused to be transported three containers of ignitable hazardous waste isopropanol to Vexor. It appears that the transport of the hazardous waste to Vexor occurred as a result of a change in vendor. The three drums of hazardous waste isopropanol were inadvertently collected by the new vendor along with other containers of non-hazardous waste and transported to Vexor. Vexor does not hold a hazardous waste facility installation and operation permit issued in accordance with ORC Chapter 3734. The containers of hazardous waste isopropanol and other containers of non-hazardous waste were transported as non-hazardous wastes and were accompanied by non-hazardous shipping papers.

6. Because Respondent failed to properly evaluate its waste to determine if it was hazardous and transported or caused to be transported the containers of hazardous waste to Vexor, a facility not operating under a hazardous waste facility installation and operation permit issued in accordance with ORC Chapter 3734., the Director has determined that Respondent violated OAC rule 3745-52-11 and ORC § 3734.02(F).

7. On January 4, 2005, Vexor shipped the containers of hazardous waste off-site on a proper hazardous waste manifest for management and disposal.

8. Because the three containers of hazardous waste isopropanol were properly manifested off-site, the Director has determined that no further action is required of Respondent to abate the violations as referenced in Finding No. 6. of these Orders.

V. ORDERS

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

1. On or before April 30, 2008, Respondent shall pay to Ohio EPA the amount of $4,400.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734., and 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 $4,400.00. 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.

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
Southwest District Office
Division of Hazardous Waste Management
401 East Fifth Street
Dayton, Ohio 45402-2911
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

March 27, 2008
Date

IT IS SO AGREED:

Weastec, Incorporated

Les Bloedel
Signature

2-26-08
Date

Les Bloedel
Printed or Typed Name

Exec. V.P.
Title

Ohio EPA Invoice/Receipt

Date Printed: March 27, 2008

Revenue ID: 652805

Please include this Revenue ID with all correspondence.

Place ID: 22312

Information: Weastec Inc
1600 N High St
HILLSBORO, OH 45133-

Due Date: April 30, 2008

Amount Due: $4,400.00

Effective Date: March 27, 2008

Revenue Description: DHWM- Findings and Orders - hazardous waste cleanup

Program Name: Hazardous Enforcement

Reason: Civil penalty fees related to Director's final F&Os.

For some Revenues, Interest and/or Penalties may be charged for late payment.

Next Interest Date (if applicable):

Next Penalty Date (if applicable):

Remittance Advice **Detach Here - Please Return This Portion With Your Payment**

Place ID: 22312

Information: Weastec Inc
1600 N High St
HILLSBORO, OH 45133-

Due Date: Apr 30, 2008

Amount Due: $4,400.00

Secondary Type/Id: AIRFI / 0536020101

Revenue Type: FFOHW

Amount Enclosed: $_____

Please write this number on your check. Revenue ID: 652805
Make check or money order payable to "Treasurer, State of Ohio"

Remit to: **Ohio Environmental Protection Agency - OFA**
Department L-2711
Columbus, OH 43260-2711

For Ohio EPA use only

Check ID: _____

Check Date: _____

Check Number: _____

Check Amount: $_____

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