



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

**CERTIFIED MAIL**

March 31, 2008

Stephen C. Jackson  
President  
Day-Glo Color Corp.  
4515 St. Clair Ave.  
Cleveland, Oh 44103

**RE: Director's Final Findings & Orders  
Day-Glo Color Corp.  
US EPA ID No.: OHD 004 197 257**

Dear Mr. Jackson:

Here are the Director's Final Findings and Orders (Orders) issued to Day-Glo Color Corp. on March 31, 2008. These Orders are effective today.

I have also enclosed an 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 Natalie Oryshkewych at (330) 963-1267.

Sincerely,

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

Enclosure

cc: Michael A. Savage, Chief, DHWM  
Harry Sarvis, Mgr., CAS, DHWM  
Todd Anderson, Legal  
Heidi Greismer, PIC  
Natalie Oryshkewych, Mgr., DHWM, NEDO

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

OHIO E.P.A.

MAR 31 2009

REVISED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Day-Glo Color Corp.  
4515 St Clair Ave  
Cleveland, Ohio 44103

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: [Signature] Date: 3-31-08

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Day-Glo Color Corp. (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

The Director of Ohio EPA has determined the following findings:

1. Respondent operates a business located at 4515 St. Clair Avenue, Cleveland, Cuyahoga County, Ohio (Facility).

2. Respondent is a "person" as defined in ORC § 3734.01(G) and 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. Respondent is identified as a large quantity generator of hazardous waste.
4. Respondent notified Ohio EPA of its hazardous waste activities and was issued generator identification number OHD 004 197 257.
5. On February 8, 2008, Respondent, through its legal counsel, contacted Ohio EPA and reported that on February 1, 2008, Respondent transported or caused to be transported four (4) containers of hazardous waste ash (D006) to Browning Ferris Industries of Ohio Lorain County Landfill (BFI Lorain) located at 43502 Oberlin-Elyria Rd, Oberlin, Ohio. BFI Lorain does not hold a hazardous waste facility installation and operation permit.
6. Based on the information provided by Respondent referenced in Finding No. 5. of these Orders, the Director has determined that Respondent has caused the transportation of hazardous waste to an unpermitted facility, in violation of ORC § 3734.02(F) and OAC rules 3745-52-20 and 270-07. Additionally, it is Ohio EPA's understanding that Respondent is coordinating with BFI Lorain to locate and address the containers of hazardous waste.

#### **V. ORDERS**

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

1. Within 30 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$7,500.00 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 \$7,500.00. 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 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, 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  
Northeast District Office  
Division of Hazardous Waste Management  
Attn: DHWM Manager  
2110 E. Aurora Road  
Twinsburg, Ohio 44087

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Director's Final Findings and Orders  
Day-Glo Color Corp.  
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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**

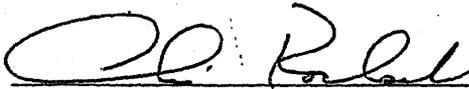
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**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**



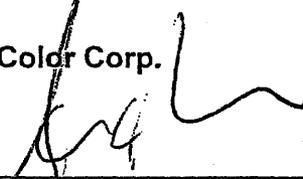
Chris Korleski  
Director

MAR 31 2008

Date

**IT IS SO AGREED:**

**Day-Glo Color Corp.**

  
\_\_\_\_\_  
Signature

2/28/2008

Date

STEPHEN C. JACKSON  
Printed or Typed Name

PRESIDENT  
Title

# Ohio EPA Invoice/Receipt

Date Printed: March 31, 2008

Revenue ID: 652921

Please include this Revenue ID with all correspondence.

Place ID: 8715

Information: Day-Glo Color Corp \*  
4515 Saint Clair Ave  
Cleveland, OH 44103-

Due Date: April 30, 2008

Amount Due: \$7,500.00

Effective Date: March 31, 2008

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

Program Name: Hazardous Enforcement

Reason: Civil penalty fee 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: 8715

Information: Day-Glo Color Corp \*  
4515 Saint Clair Ave  
Cleveland, OH 44103-

Due Date: Apr 30, 2008

Amount Due: \$7,500.00

Secondary Type/Id: RCRA / OHD004197257

Revenue Type: FFOHW

Amount Enclosed: \$ \_\_\_\_\_

Please write this number on your check. Revenue ID: 652921  
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: \$ \_\_\_\_\_

75000

FFOHW 652921