BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
SEP 29 2014
ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Great Lakes Etching and Finishing Company
7010 Krick Road
Walton Hills, Ohio 44146

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:** 9-29-14

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Great Lakes Etching and Finishing 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 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 is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).

2. Respondent operates a chemical etching facility located at 7010 Krick Road, Walton Hills, Cuyahoga County, Ohio 44146 (Facility).

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 a small quantity generator of hazardous waste and has been assigned EPA ID number OHD095332441. A small quantity generator of hazardous waste, as described in OAC rule 3745-52-34(E), may accumulate hazardous waste generated on-site for up to two hundred and seventy (270) days provided the generator's hazardous waste must be transported over two hundred (200) miles for off-site treatment, storage or disposal. The hazardous wastes generated by Respondent at the Facility includes, at a minimum, sludge from the wastewater treatment unit for etching waste (F006), etch resist removal and painting operations (D001/D035/F003/F005), and used rags (F003/F005), as described in OAC rules 3745-51-21 (ignitability), 3745-51-24 (toxicity), and 3745-51-31 (hazardous waste from non-specific sources), respectively.

4. Ohio EPA and Respondent entered into consensual Orders which were entered into the Director's journal on November 17, 2008 (2008 Orders). The 2008 Orders were in part to resolve previous violations of Ohio's hazardous waste laws, including violations of ORC § 3734.02(E) and (F) for storing hazardous waste without a hazardous waste facility permit. The 2008 Orders required Respondent to implement an approved sampling analysis plan for unpermitted hazardous waste units at the formerly occupied Bedford Anodizing Company located at 7010 Krick Road, Walton Hills, Ohio (Bedford Anodizing Facility).

5. On February 17, 2010, the Ohio Attorney General's Office (AGO) filed a complaint in the Cuyahoga County Court of Common Pleas against Bedford Anodizing Company to address violations of the state's hazardous waste laws. On April 27, 2011, a consent order was issued in the Cuyahoga County Court of Common Pleas (Consent Order) to Bedford Anodizing Company to address violations of the state's hazardous waste laws, including requiring the submittal and implementation of an approved closure plan for unpermitted hazardous waste management units and other remedial injunctive relief at the Bedford Anodizing Facility.

6. Based upon discussions between Ohio EPA and the Respondent, the 2008 Orders were subsequently consensually modified between Respondent and Ohio EPA and were entered in the Director's journal on May 17, 2011 (2011 Orders). The 2011 Orders required Respondent to spend at least $28,000 toward the funding of remedial work to address the unpermitted hazardous waste management units at the Bedford Anodizing Facility by December 31, 2012, in lieu of a civil penalty settlement payment.

7. On November 16, 2011, Ohio EPA approved the closure plan required by the Consent Order for the Bedford Anodizing Facility. To date, Bedford Anodizing Company has not implemented the approved closure plan as required by the Consent Order nor has Bedford Anodizing complied with the other remedial injunctive relief requirements of the Consent Order.

8. On September 18, and October 23, 2012, Ohio EPA conducted a compliance evaluation inspection at the Facility. During the inspection Ohio EPA requested supplemental information in order to determine Respondent's compliance with Ohio's Hazardous Waste laws.

9. On October 26, October 30, November 1, and November 8, 2012, Respondent submitted documentation concerning waste evaluation, manifests, universal waste management and inspection records to Ohio EPA.

10. As a result of the inspection referenced in Finding No. 8. of these Orders, and the documentation referenced in Finding No. 9. of these Orders, Ohio EPA determined that Respondent had, *inter alia*:

    a. Stored hazardous waste for greater than the two hundred and seventy (270) days allowed for small quantity generators of hazardous waste, in violation of ORC § 3734.02 (E) and (F). Respondent stored at a minimum, fifteen (15) fifty-five (55) gallon containers for greater than 270 days, with one container being stored for approximately a year and a half in excess of the 270 day hazardous waste storage exemption allowance. The containers were stored inside a building on a concrete pad with generally good integrity, all the containers were in good condition, no releases were observed in the container storage area;

    b. Failed to label containers of hazardous waste with the words "hazardous waste" and an accumulation start date, in violation of OAC rules 3745-52-34(A)(2) and (3);

    c. Failed to post emergency information by the telephone, in violation of OAC rule 3745-52-34(D)(5)(b);

    d. Failed to keep containers of hazardous waste closed except when adding or removing waste, in violation of OAC rule 3745-66-73(A);

    e. Failed to maintain adequate aisle space in the hazardous waste accumulation area, in violation of OAC rule 3745-65-35;

    f. Failed to keep universal waste spent lamps in containers, in violation of

OAC rule 3745-273-13(D)(1);

g. Failed to mark containers of universal waste spent lamps with the appropriate words, in violation of OAC rule 3745-273-14(E); and

h. Accumulated universal waste spent lamps on-site for greater than one year, in violation of OAC rule 3745-273-15(A).

11. By letter dated November 20, 2012, Respondent was notified of the violations referenced in Finding No. 10. of these Orders. This letter also notified Respondent that the violations referenced in Findings Nos. 10.b. through 10.h. of these Orders were abated.

12. On February 20, and September 3, 2013, Respondent submitted invoices for remedial work completed toward remediation at the Bedford Anodizing Facility as required by the 2011 Orders. Based upon a review of this information, Respondent met the requirement to spend at least $28,000 as required in the 2011 Orders. However, Ohio EPA has determined that more remedial activities need to be done to complete the work required by the approved closure plan and other remedial injunctive relief for the Bedford Anodizing Facility required by the Consent Order.

13. During the week of June 30, 2014, Respondent conducted clean-up activities in the unpermitted container storage area referenced in Finding No. 10.a. of these Orders to ensure no releases of hazardous waste occurred. These activities included removal of all hazardous wastes and decontamination of the area where the unpermitted storage occurred.

14. By email dated July 8, 2014, Respondent notified Ohio EPA of the clean-up activities referenced in Finding No. 13. of these Orders, and on July 9, 2014, Ohio EPA visited the Facility to inspect the area where the clean-up activities occurred.

15. Based on the clean-up activities performed by Respondent in the unpermitted storage area referenced in Findings Nos. 10.a., 13. and 14. of these Orders, the Director has determined that Respondent has met the closure performance standard requirements of OAC rules 3745-55-11(A) and (B) and 3745-55-78 for the area referenced in Findings Nos. 10.a. and 13. of these Orders and no further action is required to abate the violation referenced in Finding No. 10.a. 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. Respondents shall pay to Ohio EPA the amount of $43,000.00 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. In lieu of paying the $43,000.00 of civil penalty identified in Order No. 1. above, Respondent shall pay this amount toward the funding and implementation of the November 16, 2011, approved closure plan required by the Consent Order referenced in Finding No. 5. of these Orders at the Bedford Anodizing Facility. If any of the $43,000.00 remains after completing the work required by the approved closure plan, Respondent shall then use remaining funds to conduct work required under the Other Injunctive Relief section of the Consent Order referenced in Finding No. 5. of these Orders. Respondent shall spend no less than $43,000.00 toward the remedial work required by the Consent Order at the Bedford Anodizing Facility. Should Respondent fail to spend $43,000.00 pursuant to this Order by June 1, 2015, Respondent shall pay to Ohio EPA, within 7 days after failing to comply with this Order, the amount of $43,000.00 less the amount actually spent toward the remedial work required by the Consent Order by an official check made payable to "Treasurer, State of Ohio." 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 and the Facility. *A copy of this check shall be sent to Ohio EPA Division of Materials and Waste Management, Supervisor, Processing and Records Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.*

   b. Within 60 days after completing remedial work to implement the approved November 16, 2011, closure plan required by the Consent Order and completing work required under the Other Injunctive Relief section of the Consent Order at the Bedford Anodizing Facility, or reaching the $43,000.00 threshold in these Orders, Respondent shall submit to Ohio EPA a summary of work performed. At a minimum, the summary shall include itemized statements evidencing the expenditure of at least $43,000.00 on

said remedial work to implement the approved November 16, 2011, closure plan and Other Injunctive Relief required by the Consent Order at the Bedford Anodizing Facility.

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 Ohio EPA's Division of Materials and Waste Management 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 a [e.g., corporate officer] who is in charge of a principal business function of Respondent.

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 Materials and Waste Management
2110 E Aurora Road
Twinsburg, Ohio 44087
Attn: DMWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Enforcement Supervisor
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Materials and Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049

For deliveries to the building:

Enforcement Supervisor
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Materials and Waste Management
50 West Town Street
Columbus, Ohio 43215

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

XI. RESERVATION OF RIGHTS

Ohio EPA reserves its rights to exercise its lawful authority to require Respondent to perform corrective action at the Facility and to require the owner and/or operator of the Bedford Anodizing Facility to perform closure and corrective action at the Bedford Anodizing Facility at some time in the future, pursuant to ORC Chapter 3734. or any other applicable law. Respondent reserves its rights to raise any administrative, legal or equitable claim or defense with respect to any final action of the Director regarding such closure or corrective action. Ohio EPA and Respondent each reserve all other 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, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Except for the right to seek corrective action at the Facility by Respondent and the rights to seek closure and corrective action at the Bedford Anodizing Facility by the owner/operator of the Bedford Anodizing Facility, which rights Ohio EPA does not waive, 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

Craig W. Butler
Director

SEP 2 9 2014
Date

IT IS SO AGREED:

Great Lakes Etching and Finishing Company

Signature

8 SEPT 14
Date

Ronald G. Poole III
Printed or Typed Name

VP
Title