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: 8-1-12

OHIO E.P.A.

AUG - 1 2012

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Moyers Auto Wrecking, Inc. **735 Bauer Avenue** **Crestline, Ohio 44827** **Respondent**	: : : : : : :	**Expedited Settlement Agreement and Director's Order**

I. JURISDICTION

This Expedited Settlement Agreement and Director's Order ("ESA") is issued to Moyer's Auto Wrecking, Inc. (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. 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 licensed motor vehicle salvage facility located at 735 Bauer Ave., Crestline, Crawford County, Ohio 44827 (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 conditionally exempt small quantity generator of hazardous waste and has been assigned EPA ID number OHR000158550. The hazardous wastes generated by Respondent at the Facility include hazardous waste spent solvent (hazardous waste codes D001/F003/F005). Respondent also generates used oil, and is a small quantity handler of universal waste lamps.

4. On January 13, 22, 28, and February 4, 2010, Ohio EPA conducted a compliance evaluation inspection and complaint investigation (inspection) as a

result of a complaint alleging mismanagement of automotive fluids at the Facility. During the inspection, Ohio EPA discovered petroleum soil and debris staining as a result of used oil releases on both the north and south Facility property sections including the back storage room of the main office building, used oil tote area in front of the main office, the loader storage building, and areas outside where leaking engines are in contact with the ground. Additional signs of historical petroleum contamination were present throughout the Facility. Based upon these observations and other information/observations at the Facility, Ohio EPA determined that Respondent had, *inter alia:*

a. Failed to evaluate wastes to determine if they are hazardous, in violation of OAC rule 3745-52-11. Specifically, Respondent placed spent lamps in the solid waste dumpster, and placed used oil contaminated soils inside of vehicles that were to be destroyed without making a hazardous waste determination;

b. Failed to label containers of used oil with the words, "used oil," in violation of OAC rule 3745-279-11(C)(1); and

c. Failed to respond to releases of used oil, in violation of OAC rule 3745-279-22(D).

5. By letter dated February 25, 2010, Respondent was notified of the violations referenced in Finding No. 4. of this ESA. This letter asked for a used oil clean-up plan including a map of the property showing where all used oil contamination is present and asked Respondent for information regarding the waste management from the paint booth operation.

6. From the February 25, 2010, correspondence until a final October 26, 2011, correspondence, multiple communications between Ohio EPA and the Respondent occurred. Generally, these communications focused on the compliance status of the Respondent and providing compliance assistance to the Respondent. Specifically, much of the assistance focused on having Respondent remediate the areas of the Facility where used oil had been released to the environment. Respondent finally completed remediating used oil releases at the Facility in September 2011. Ultimately, Respondent transported over forty-five (45) tons of used oil contaminated soil off-site for disposal.

7. By letter dated January 27, 2010 Ohio EPA notified Respondent that it had violated ORC 3734.02(E) and (F), disposing of hazardous waste without a hazardous waste permit, by allowing hazardous waste to volatilize to the air. Information provided by Respondent demonstrated Respondent generated listed hazardous waste solvent from the painting operations and disposed of the listed hazardous waste solvent by allowing the listed hazardous waste solvent to volatilize to the air.

8. By letter dated October 26, 2011, Ohio EPA notified Respondent all violations referenced in Finding No. 4. of this ESA had been abated. Furthermore, based upon the information provided in correspondences by Respondent, the Director has determined that no further action is required with regard to the violation referenced in Finding No. 7. of this ESA. Due to the dispersement of the hazardous waste constituents by volatilization, the Director recognizes the impractability for any remedial injunctive relief activity.

9. In consideration of the benefits of compliance to the public, and other factors as justice may require, and upon consideration of the entire record, this ESA is an appropriate mechanism to resolve the noncompliance detailed in these Findings.

III. ORDER

1. Within sixty (60) days from the date of the Director's letter inviting Respondent to sign this ESA, Respondent shall pay to the Ohio EPA the amount of $5,000.00 in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to Chapter 3734.13 of the Ohio Revised Code. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" for the full amount, and shall be deposited in the hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be mailed to the following address: Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent and the location of the noncompliance detailed in the Findings of this ESA.

A photocopy of this check shall be sent to Ohio EPA at the addresses listed below:

Ohio Environmental Protection Agency
Division of Materials and Waste Management
P.O. Box 1049,
Columbus, Ohio 43216-1049
Attn: Supervisor, Processing Records Management Unit

IV. TERMINATION

Respondent's obligations under this ESA shall terminate upon both Ohio EPA's entry of this ESA in the Ohio EPA Director's journal and Ohio EPA's receipt of the civil penalty payment required by this ESA.

V. RESERVATION OF RIGHTS AND WAIVER

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived herein.

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 this ESA, Respondent consents to the issuance of this ESA and agrees to comply with this ESA. Compliance with this ESA shall be a full accord and satisfaction of Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of this ESA, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of this ESA either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if this ESA is 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 comply with this ESA notwithstanding such appeal and intervention unless this ESA is stayed, vacated, or modified.

VI. EFFECTIVE DATE

The effective date of this ESA is the date this ESA is entered into the Ohio EPA Director's journal.

VII. SIGNATORY AUTHORITY

Each undersigned representative or party to this ESA certifies that he or she is fully authorized to enter into this ESA and to legally bind such party to this ESA.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Scott J. Nally, Director

9/1/12
Date

IT IS SO AGREED:

Moyer's Auto Wrecking, Inc.

Signature

Date 7-24-12

Von D Moyer
Printed or Typed Name

Title