OHIO E.P.A.

MAY 23 2011

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

The Cornwell Quality Tools Company **d.b.a. Cornwell Quality Tools** 667 Seville Road Wadsworth, Ohio 44281 **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.

Date 5-23-2011

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to The Cornwell Quality Tools Company d.b.a. Cornwell Quality Tools (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 there under.

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 Respondents of any matter of law or fact. The Director of Ohio EPA had 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 owns and operates a tool finishing (including electroplating) facility at 200 North Cleveland Avenue, Mogadore, Summit County, Ohio (Facility).

3. Respondent notified Ohio EPA of its hazardous waste activities at the Facility and was issued U.S. EPA identification number OHD039454798.

4. At the Facility, Respondent generates hazardous waste as that term is defined by ORC §3734.01, and OAC rules 3745-50-10(A) and 3745-51-03. Respondent generates non-acute hazardous waste in amounts greater than 100 kilograms per month, but less than 1,000 kilograms per month, and therefore is considered a small quantity generator (SQG) of hazardous waste. Respondent generates wastewater treatment sludges from electroplating wastewaters which are, at a minimum, listed hazardous waste F006, as described in OAC rule 3745-51-31.

5. In correspondence to Ohio EPA dated October 27, 1994, Respondent explained that it may store hazardous waste beyond allowed timeframe set forth in OAC rule 3745-52-34, without a hazardous waste installation and operation permit. Respondent's explanation to store hazardous waste beyond the allowable timeframe was based upon financial savings associated with transporting F006 listed hazardous waste off-site approximately once a year rather than twice a year.

6. On January 20, 2011, Ohio EPA conducted a compliance evaluation inspection at the Facility. As a result of this inspection, Ohio EPA determined Respondent, *inter alia;*

    a. Established and operated a hazardous waste storage facility without a hazardous waste installation and operation permit, in violation of ORC § 3734.02(E) and (F). Respondent stored F006 hazardous waste for greater than 180 days, including over a year, since at least 1990. The F006 listed hazardous waste was stored in containers, inside the Respondent's building, in good condition with no indication of any releases of hazardous waste;

    b. Failed to evaluate two waste streams, soap and black oxide tank bottoms, in violation of OAC rule 3745-52-11;

    c. Failed to label a Gaylord box container of F006 hazardous waste with the accumulation start date, in violation of OAC rule 3745-52-34(A)(2);

d. Failed to properly label or mark a container being used for the satellite accumulation of hazardous waste, in violation of OAC rule 3745-52-34(C)(1)(b);

e. Failed to close a container of F006 hazardous waste, in violation of OAC rule 3745-66-73(A);

f. Failed to conduct weekly inspections of the area where containers of F006 hazardous waste are stored, in violation of OAC rule 3745-66-74;

g. Failed to test and maintain emergency equipment and record the inspections in a log or summary, in violation of OAC rule 3745-65-33;

h. Failed to properly label or mark and close containers of universal waste lamps, in violation of OAC rules 3745-273-14(E) and 3745-273-13(D)(1); and

i. Failed to label containers with the words "Used Oil," in violation of OAC rule 3745-279-22(C).

7. During the inspection, Respondent labeled the container with the accumulation start date, referenced in Finding No. 6.c. of these Orders and properly labeled and closed all universal waste lamp containers referenced in Finding No. 6.h. of these Orders

8. In electronic mail correspondence dated January 20, 2011, Respondent provided information addressing the violations referenced in Finding Nos. 6.d., 6.e., and 6.i. of these Orders

9. In correspondence dated February 10, 2011, Ohio EPA notified Respondent of the violations referenced in Finding No. 6. of these Orders. Additionally in the correspondence, Ohio EPA abated violations referenced in Finding Nos. 6.c., 6.d., 6.e., 6.h., and 6.i. of these Orders

10. In electronic mail correspondence dated February 10, February 11, February 22, March 4 and March 14, 2011, Respondent provided information addressing violations referenced in Finding Nos. 6.a., 6.b., 6.f., and 6.g. of these Orders.

11. In correspondence dated March 16, 2011, Ohio EPA notified Respondent it had abated the violations referenced in Finding Nos. 6.b, 6.f. and 6.g. of these Orders. Additionally, Ohio EPA informed Respondent that no further action was

required at this time to abate the violation referenced in Finding No. 6.a. of these Orders.

12. In consideration of the amount and type of hazardous waste wastewater treatment sludge from electroplating (F006) stored, the continued use of the area to accumulate hazardous waste for less than 180 days, and the fact that no releases of hazardous waste were observed, the Director has determined that no additional action, including closure in accordance with OAC chapters 3745-54 and 3745-55, is required of Respondent at this time regarding the ORC § 3734.02(E) and (F) violation referenced in Finding No. 6.a. of these Orders.

V. ORDERS

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

1. Respondent shall pay Ohio EPA the amount of $5,000.00 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. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of $4,000.00 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 $4,000.00 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 the Respondent and the Facility. A copy of this check shall be submitted in accordance with Section X. of these Orders.

   b. In lieu of paying the remaining $1,000.00 of civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of $1,000.00 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 $1,000.00 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 Thomas Kalman, Manager, Compliance and Enforcement Section, 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., Respondent shall pay to Ohio EPA, within 7 days after failing to comply with Order No. 1.b., the amount of $1,000.00 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
Northeast District Office
Division of Materials and Waste Management
2110 East 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:

Scott J. Nally, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Materials and Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Manager, Compliance Assurance Section

For deliveries to the building:

Scott J. Nally, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Materials and Waste Management
50 West Town Street
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 reserves its rights to exercise its lawful authority to require Respondent to perform closure of the hazardous waste storage area as well as corrective action at the 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, except for the rights to seek closure of the hazardous waste storage area and corrective action at the 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

Scott J. Nally
Director

May 20, 2011
Date

IT IS SO AGREED:

The Cornwell Quality Tools Company
d.b.a Cornwell Quality Tools

Signature

5/10/11
Date

CRAIG CROLEY
Printed or Typed Name

V.P. OPERATIONS
Title