

RECEIVED

DEC 15 2009

OHIO E.P.A.

DEC 28 2009

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO EPA NEDO

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Astro-Coatings, Inc.
27 Main Street
Struthers, Ohio 44471

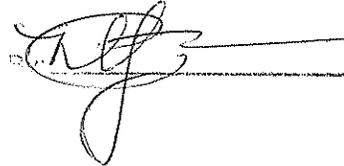
Respondent

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.

PREAMBLE

It is agreed by the parties hereto as follows:

 Date: 12-28-09

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Astro-Coatings, 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. 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

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 these 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 is a "person" as defined in ORC §3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A), and was authorized to do business in Ohio on February 20, 1986.
2. Respondent operates a painting facility that paints extruded aluminum products from its affiliate, Astro Shapes, Inc. Respondent's painting facility is located at 27 Main Street, Struthers, Mahoning County, Ohio (Facility).
3. Respondent notified Ohio EPA of its hazardous waste activities on June 15, 2001 and was issued generator identification number OHR000104067.
4. 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 operates as a large quantity generator of hazardous waste. Hazardous wastes generated at the Facility by Respondent include paint waste/waste solvent (D001, D006, D007, D008, D010, D035, F003, F005), waste flammable solids (D001, D006, D007, D008, D035, F003, F005), paint line waste (F005), waste water treatment unit filter cake (F019), waste chromic acid (D002, D007), and hook burn-off ash (D006, D007). Respondent also generates universal waste lamps.
5. On, March 25, 2008, Ohio EPA conducted a compliance evaluation inspection at the Facility. As a result of the inspection, Ohio EPA determined that Respondent had, *inter alia*:
 - a. Caused hazardous waste to be transported to a facility which does not hold a hazardous waste installation and operation permit, in violation ORC §3734.02(F). At the time of the inspection Respondent was utilizing solvent to clean automatic spray guns. This solvent, when spent, met the criteria found in OAC rule 3745-51-31(A) for hazardous waste number F005. The spent solvent was subsequently sprayed onto paint filters and also generated other overspray waste (all of which was F005 listed hazardous waste). This hazardous waste was placed into roll-off containers at the Facility and the roll-off containers were then transported to Carbon Limestone Landfill, LLC, Lowellville, Ohio, on at least fifty-nine (59) separate occasions, in violation of ORC §3734.02(F);
 - b. Failed to evaluate waste generated at the Facility to determine if the waste is a hazardous waste, in violation of OAC rule 3745-52-11;
 - c. Failed to identify the date of shipment for hazardous waste offered for transport on November 30, 2007, in violation of OAC rule 3745-52-20(A);

- d. Failed to label and date containers of hazardous waste, in violation of OAC rule 3745-52-34(A)(2) and (3);
 - e. Failed to properly label and close hazardous waste satellite accumulation containers, in violation of OAC rule 3745-52-34(C);
 - f. Failed to conduct annual personnel training for three of its employees, in violation of OAC rule 3745-65-16(C);
 - g. Failed to maintain a written description of the type and amount of both introductory and continuing training to be given to each person filling a position at the Facility that is related to hazardous waste management, in violation of OAC rule 3745-65-16(D)(3);
 - h. Failed to close hazardous waste containers, in violation of OAC rule 3745-66-73;
 - i. Failed to conduct inspections of hazardous waste accumulation areas, in violation of OAC rule 3745-66-74;
 - j. Failed to retain a copy of the Land Disposal Restriction notification form for the hazardous waste flammable solids, in violation of OAC rule 3745-270-07(A)(8);
 - k. Failed to properly label and containerize universal waste lamps, in violation of OAC rules 3745-273-13(D)(1) and 3745-273-14(E); and
 - l. Failed to label a container of used oil, in violation of OAC rule 3745-279-22(C).
6. During the March 25, 2008, inspection, Ohio EPA observed evidence of releases in the area where the roll-off box used to accumulate the hazardous paint line waste (F005) was located.
7. In correspondence dated April 2, 2008 and April 4, 2008, Respondent provided a description of actions being taken at the Facility to address the violations referenced in Finding No. 5 of these Orders.
8. By letter dated April 7, 2008, Ohio EPA notified Respondent of the violations referenced in Finding No. 5 of these Orders. Also in the April 7, 2008 letter, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 5.d., 5.j., 5.k., and 5.l., of these Orders.

9. In correspondence dated May 9, May 15, May 28 and June 13, 2008, Respondent provided responses to Ohio EPA's April 7, 2008 letter referenced in Finding No. 8. of these Orders. In these correspondences, Respondent provided documentation and information regarding process changes to eliminate the generation of F005 listed hazardous waste in the future.
10. By letter dated June 19, 2008, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 5.c., 5.e., 5.f., 5.g., and 5.i. of these Orders. Ohio EPA also requested additional information regarding unresolved violations.
11. In correspondence dated July 18, 2008, Respondent provided responses to Ohio EPA's June 19, 2008 letter referenced in Finding No. 10. of these Orders.
12. By letter dated August 21, 2008, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 5.b. and 5.h. of these Orders. Additionally, Ohio EPA informed Respondent of its closure obligations under OAC rule 3745-52-34(A)(1)(e).
13. In correspondence dated September 5, 2008, Respondent provided Ohio EPA information regarding progress on meeting the standard set forth in OAC rule 3745-52-34(A)(1)(e) for closure of the roll-off box location.
14. In correspondence dated October 10, 2008, Respondent provided Ohio EPA with documentation that the roll-off box location at the Facility had been closed in accordance with OAC rule 3745-52-34(A)(1)(e).
15. The Director has determined that the documentation submitted by Respondent and referenced in Finding No. 14. of these Orders adequately demonstrates that the location of the roll-off box location at the Facility has been closed in accordance with OAC rule 3745-52-34(A)(1)(e), including remediating the releases described in Finding No. 6 of these Orders.
16. Carbon Limestone Landfill has been notified regarding the transportation of Respondent's hazardous waste to the landfill. The Director has determined that no additional action is required of Respondent at this time, regarding the violation of ORC §3734.02(F) referenced in Finding No. 5.a. of these Orders for transporting hazardous waste to a facility which does not hold a hazardous waste installation and operation permit.

V. ORDERS

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

1. Respondent shall pay Ohio EPA the amount of \$ 23,000.00 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 pursuant to the following schedule:
 - a. Within ninety (90) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,875.00;
 - b. Within one hundred eighty (180) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,875.00;
 - c. Within two hundred seventy (270) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,875.00;
 - d. Within three hundred sixty (360) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,875.00;
 - e. Within four hundred fifty (450) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,875.00;
 - f. Within five hundred forty (540) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,875.00;
 - g. Within six hundred thirty (630) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,875.00; and
 - h. Within seven hundred twenty (720) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,875.00.

Payments shall be made by official checks made payable to "Treasurer, State of Ohio." The official checks shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent and the Facility. A copy of each 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
Northeast District Office
Division of Hazardous Waste Management
2110 E. Aurora Road
Twinsburg, Ohio 44087
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

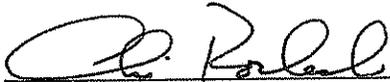
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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



Director

December 28, 2009

Date

IT IS SO AGREED:

Astro-Coatings, Inc.



Signature

24 NOVEMBER 2009

Date

BOB CENE, JR

Printed or Typed Name

VICE PRESIDENT

Title