BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
SEP - 3 2008
ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Canfield Metal Coating Corporation
460 West Main Street
Canfield, OH 44406

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: 9-3-08

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Canfield Metal Coating Corporation (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 owned by Respondent 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

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 an electro-galvanizing facility located at 460 West Main Street, Canfield, Mahoning County, Ohio 44406 (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 large quantity generator of hazardous waste and has been assigned EPA ID number OHD000810283. The hazardous wastes generated by Respondent at the Facility include cyanide containing calcium carbonate filter cake (D003/F006/F008), waste chromic acid (D002/D007), and spent paint thinner (D001/D035/F003/F005). Respondent is a small quantity handler of universal waste and generates spent lamps.

4. By letter dated March 15, 2007, Respondent requested a 30-day extension to the 90-day accumulation time limit for large quantity generators of hazardous waste under OAC rule 3745-52-34(B). The request was for one drum of hazardous waste chromic acid, which exceeded the 90-day limit on March 14, 2007. The waste was shipped off-site on March 27, 2007.

5. On June 12 and 13, 2007, Ohio EPA conducted a compliance evaluation inspection at the Facility. As a result of this inspection, Ohio EPA determined that Respondent had, *inter alia*:

    a. Stored hazardous waste without a permit, in violation of ORC § 3734.02 (E) and (F);

    b. Failed to meet the design and installation requirements for new tank systems and components, in violation of OAC rule 3745-66-92;

    c. Failed to meet the tank requirements for accumulation of waste chromic acid liquid, in violation of OAC rule 3745-66-93;

    d. Failed to inspect and/or document the inspection of the tank system, in violation of OAC rule 3745-66-95;

    e. Failed to label satellite accumulation area containers with the words "hazardous waste" in violation of OAC rule 3745-52-34(C)(1);

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

g. Failed to have a contingency plan on-site meeting the requirements of OAC rule 3745-65-52;

h. Failed to have a hazardous waste training program that included the facility hazardous waste contingency plan, in violation of OAC rule 3745-65-16(A);

i. Failed to have required documents such as job titles and descriptions for all positions involved in hazardous waste management, in violation of OAC rule 3745-65-16(D);

j. Failed to have on-site, Land Disposal Restriction Forms for four wastes streams, in violation of OAC rule 3745-270-07(A);

k. Failed to keep containers of universal waste lamps closed, in violation of OAC rule3745-273-13(D)(1);

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

m. Failed to track the length of time universal waste lamps were accumulating on-site, in violation of OAC rule 3745-273-15(C); and

n. Failed to adequately train employees responsible for the management of universal waste handled at the Facility, in violation of OAC rule 3745-273-16.

6. Ohio EPA notified Respondent of the violations referenced in Finding No. 5 by letter dated August 8, 2007, and that the violations referenced in Finding Nos. 5.b. through 5.f., and 5.j. through 5.m. had been abated.

7. Respondent submitted additional documentation dated September 11, 2007, in response to the Notice of Violation letter referenced in finding No. 6. of these Orders.

8. Upon review of the submitted documentation, Ohio EPA notified Respondent by letter dated May 1, 2008, that they had abated the violations referenced in Finding Nos. 5.g. through 5.i., and 5.n. of these Orders.

9. Because Respondent will continue to store hazardous waste in the less than ninety day accumulation area and because no releases of hazardous waste were

observed, the Director has determined that no additional action is required of Respondent regarding the ORC § 3734.02(E) and (F) violation referenced in Finding No. 5.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 $10,300.00 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 $8,240.00 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 $8,240.00. 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. A copy of each check shall be submitted in accordance with Section X. of these Orders.

   b. In lieu of paying the remaining $2,060.00 of civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of $2,060.00 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 $2,060.00. 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 James A. Orlemann, Assistant Chief, SIP Development and Enforcement, 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 $2,060.00 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 check[s] 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
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 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 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, which right 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

Chris Korleski
Director

September 3, 2008
Date

IT IS SO AGREED:

Canfield Metal Coating Corporation

Signature

AUGUST 13, 2008
Date

RONALD JANDROKOVIC
Printed or Typed Name

PRESIDENT
Title

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