

OHIO E.P.A.

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ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

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

Director's Final  
Findings and Orders

Respondent

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:

By: John J. Cassida Date: 11-17-08

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the 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

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 made in the

findings shall be considered to be an admission of Respondent of any matter of law or fact. The Director of Ohio EPA has determined the following findings:

1. Respondent operates a photo and acid etching and custom finishing facility located at 7010 Krick Road, Walton Hills, Cuyahoga County, Ohio (Facility). Respondent was incorporated to do business in the State of Ohio on December 5, 1973.
2. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).
3. Respondent has received hazardous waste generator identification number OHD095332441. 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. The hazardous waste generated by Respondent at the Facility includes, at a minimum, filter press sludge (F006, D007) and spent solvent (D001, D035, F003, F005).
4. On February 24 and March 2, 2005, Ohio EPA conducted a hazardous waste compliance inspection at the Facility. Based upon this inspection, Ohio EPA determined that Respondent had:
  - a. Failed to evaluate multiple waste streams generated at the Facility, in violation of OAC rule 3745-52-11;
  - b. Unlawfully stored hazardous waste in containers at the Facility, in violation of ORC § 3734.02 (E) and (F);
  - c. Unlawfully disposed of hazardous waste spent solvent from the Facility's paint spray booth, in violation of ORC § 3734.02 (E) and (F);
  - d. Did not receive a properly signed copy of hazardous waste manifest #4043 dated 8/31/04, in violation of OAC rule 3745-52-42(B);
  - e. Failed to post emergency information next to the Facility telephone, in violation of OAC rule 3745-52-34(D)(5)(b);
  - f. Failed to ensure that all Facility employees are thoroughly familiar with proper waste handling and emergency procedures, in violation of OAC rule 3745-52-34(D)(5)(c);
  - g. Failed to conduct inspections of Facility emergency equipment, in violation of OAC rule 3745-65-33;

- h. Failed to mark two satellite accumulation waste solvent containers at the Facility with the words "hazardous waste" or other words identifying their contents, in violation of OAC rule 3745-52-34(C)(1);
  - i. Failed to mark a satellite accumulation container with the date the excess amount (>55 gallons) began accumulating and to follow satellite accumulation requirements contained in OAC rule 3745-52-34(A), in violation of 3745-52-34(C)(2);
  - j. Failed to mark several containers of hazardous waste at the Facility with the words "hazardous waste", in violation OAC rule 3745-52-34(D)(4);
  - k. Failed to place the accumulation date on each container of hazardous waste, in violation of OAC rule 3745-52-34(D)(4);
  - l. Failed to keep containers of hazardous waste closed except when adding or removing waste, in violation of OAC rule 3745-66-73(A);
  - m. Failed to conduct weekly inspections of Facility hazardous waste containers, and record those inspections in a log or summary, in violation of OAC rule 3745-66-74; and
  - n. Failed to maintain and operate the Facility's filter press to minimize the possibility of an unplanned sudden or non-sudden release of hazardous waste constituents, in violation of OAC rule 3745-65-31.
5. By letter dated March 21, 2005, Ohio EPA notified Respondent of the violations referenced in Finding No. 4. of these Orders.
  6. On March 31, 2005, Ohio EPA conducted a follow up inspection at the Facility.
  7. On April 22, 2005, Ohio EPA received Respondent's response to the March 21, 2005 letter referenced in Finding No.5 of these Orders.
  8. By letter dated April 29, 2005, Ohio EPA notified Respondent that violations referenced in Finding No. 4 of these Orders remained outstanding.
  9. On May 20, 2005, Ohio EPA received Respondent's response to the April 29, 2005, letter referenced in Finding No. 8 of these Orders.
  10. On May 25, 2005, Ohio EPA conducted a follow-up inspection at the Facility.
  11. By letter dated June 8, 2005, Ohio EPA notified Respondent that it had abated

those violations referenced in Finding Nos. 4.d., 4.e., 4.h., 4.i., 4.j., 4.k., and 4.n. of these Orders. In addition, Ohio EPA notified Respondent that the violation referenced in Finding No. 4.c. of these Orders required no further action at this time.

12. On June 21, 2005, Ohio EPA received Respondent's response to the June 8, 2005 letter referenced in Finding No. 11 of these Orders. By letter dated June 28, 2005, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 4.f., 4.g., and 4.m. of these Orders.
13. On August 8, 2005, Ohio EPA received Respondent's response. By letter dated August 31, 2005, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 4.a. and 4.l. of these Orders, and that no further action was required of Respondent at that time for the violation listed in Finding No. 4.b. of these Orders.
14. On August 22, 2008, Respondent submitted a Sampling and Analysis Plan (SAP) to Ohio EPA for review and approval. The purpose of the SAP is to determine the rate and extent of hazardous waste contamination, if any, resulting from the unlawful disposal of hazardous waste by the Bedford Anodizing Company at 7110 Krick Road, Bedford, Ohio. Ohio EPA received the SAP on August 25, 2008, and by letter dated August 27, 2008, Ohio EPA approved the SAP with modifications (Approved SAP).

## 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 \$50,000.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. \$30,000.00 of this amount will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28 pursuant to the following schedule:
  - a. Within 90 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$5,000.00;
  - b. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$5,000.00;
  - c. Within 270 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$5,000.00;

- d. Within 365 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$5,000.00; and
- e. Within 455 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$5,000.00; and
- f. Within 545 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$5,000.00.

Respondent shall make each payment by tendering an official check 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 Respondent and the Facility. A copy of each check shall be submitted in accordance with Section X. of these Orders.

- 2. In lieu of paying the remaining \$20,000.00 of the total civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by implementing the Approved SAP referenced in Finding No. 14. of these Orders and, if necessary, submitting and implementing an Ohio EPA-approved Remediation Plan to evaluate and remediate potential hazardous waste contamination resulting from the unlawful disposal of hazardous waste by the Bedford Anodizing Company at 7110 Krick Road, Bedford, in accordance with Order Nos. 3 through 9 of these Orders. Respondent shall spend no less than \$20,000.00 on preparing and implementing the Approved SAP and Remediation Plan.
- 3. Respondent shall implement the Approved SAP referenced in Finding No.14 of these Orders in accordance with the terms, conditions and schedules contained therein.
- 4. Following receipt of the analytical results generated by the implementation of the Approved SAP, Respondent shall, pursuant to the schedule in the Approved SAP, submit to Ohio EPA a report ("SAP Report") that includes the laboratory analysis and evaluation of data generated from implementing the Approved SAP. Using the format found in OAC rule 3745-50-42(D), Respondent shall certify that the sampling and analysis was conducted in accordance with the Approved SAP. The certification shall be signed by Respondent and shall be included in the SAP Report.
- 5. The SAP Report is subject to Ohio EPA review and approval. If Ohio EPA approves the SAP Report and the SAP Report demonstrates that soil has been contaminated by hazardous waste or hazardous waste constituents above the remediation levels identified in Ohio EPA's "Closure Plan Review Guidance" dated March 2008, as supplemented, as a result of the unlawful disposal of hazardous waste by the Bedford Anodizing Company, in violation of ORC § 3734.02(E) and (F) and the

rules promulgated thereunder, Respondent shall prepare a Remediation Plan and comply with Order Nos. 6. through 9 of these Orders.

If the SAP Report is approved by Ohio EPA and it demonstrates that soil has not been contaminated by hazardous waste or hazardous waste constituents above the remediation levels identified in Ohio EPA's "Closure Plan Review Guidance" dated March 2008, as supplemented, as a result of the unlawful hazardous waste disposal by The Bedford Annodizing Company, Respondent does not need to comply with Order Nos. 6 through 9.

6. To the extent that a Remediation Plan is required, the Remediation Plan shall be submitted to Ohio EPA within 60 days after Ohio EPA's approval of the SAP Report. The Remediation Plan shall propose methods of and a schedule for remediation, of the areas where hazardous waste was disposed without a permit, in violation of ORC § 3734.02(E) and (F) and the rules promulgated thereunder, by the Bedford Annodizing Company at 7110 Krick Road, Bedford, Ohio.
7. The Remediation Plan is subject to Ohio EPA review and approval. If Ohio EPA does not approve the Remediation Plan and provides Respondent with a written statement of deficiencies, Respondent shall revise the Remediation Plan or submit a new Remediation Plan for approval that corrects the stated deficiencies within 30 days after receipt of such written statement.
8. Upon receipt of Ohio EPA's approval of the Remediation Plan, Respondent shall implement the Remediation Plan in accordance with the requirements of OAC rules 3745-66-11 and 3745-66-14, except for the financial assurance provisions of those rules, and in accordance with the specifications and schedules contained in the approved Remediation Plan and any conditions attached thereto.
9. Within 60 days after the completion of work required by the approved Remediation Plan, Respondent shall submit to Ohio EPA, for review and approval, a certification that the remediation work was conducted in accordance with the approved Remediation Plan. The certification shall be signed by Respondent using the format found in OAC rule 3745-50-42(D).
10. Should Respondent fail to comply with Order Nos. 2 through 9, including the failure to submit any of required plans or reports, or the failure to receive Ohio EPA's approval of any of the required plans or reports, Respondent shall pay to Ohio EPA, within 7 days after failing to comply with Order Nos. 2 through 9, the amount of \$20,000.00 in accordance with the procedures in Order No.1. A copy of this check shall be submitted in accordance with Section X. of these Orders.

#### **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrate to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and Ohio EPA's Division of Hazardous 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, in the case of a corporation, a responsible official is a 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 Hazardous Waste Management  
2110 East Aurora Road  
Twinsburg, Ohio 44087-1924  
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 43216-1049  
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 and corrective action at the Facility for the violations in Findings Nos. 4.b. and 4.c. of these Orders and to require the owner and/or operator of the Bedford Facility to perform closure and corrective action at the Bedford 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 at the Facility. Ohio

EPA and Respondent each reserve all other rights, privileges and cause 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 rights to seek closure and corrective action at the Facility by Respondent and the rights to seek closure and corrective action at the Bedford Facility by the owner and/or operator of the Bedford 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**

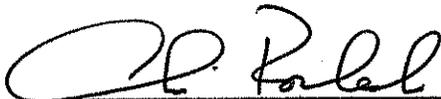
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**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**



Chris Korleski  
Director

11/13/08  
Date

IT IS SO AGREED:

Great Lakes Etching and Finishing Company

John F. Marold  
Signature

10/3/08  
Date

JoAnn F. Marold  
Printed or Typed Name

Sec. VP  
Title