

OHIO E.P.A.

JUN 28 2012

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.

ENTERED DIRECTOR'S JOURNAL

By Donna Lassiter Date: 6-28-12

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Sanoh America, Inc.
1849 Industrial Drive
Findlay, Ohio 45839

Respondent

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Expedited Settlement
Agreement and
Director's Order

I. JURISDICTION

This Expedited Settlement Agreement and Director's Order ("ESA") is issued to Sanoh America, 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 an automotive brake and fuel line manufacturing facility located at 1849 Industrial Drive, Findlay, Hancock County, Ohio 45839 (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 OHD982211856. The hazardous wastes generated by Respondent at the Facility include hazardous waste wastewater treatment sludge, F006, as described in OAC rule 3745-51-31.
4. Ohio EPA conducted a compliance evaluation inspection on April 26, 2011. As a result of the inspection Ohio EPA determined Respondent generated F006 sludge, but the Respondent had not managed the sludge as hazardous waste, based in part on previous Ohio EPA compliance inspections not specifically determining this sludge to be a listed hazardous waste. As a result of the April

- 26, 2011 inspection, Ohio EPA determined that Respondent had, *inter alia*, caused hazardous waste to be transported to an unauthorized facility, in violation of ORC § 3734.02(F). Respondent caused F006 listed hazardous waste to be transported to a municipal solid waste landfill on multiple occasions.
5. By letter dated June 1, 2011, Respondent was notified of the violations referenced in Finding No. 4. of this ESA. This letter specifically informed the Respondent the sludge generated at the Facility was F006 listed hazardous waste and must be managed in accordance with the applicable Ohio hazardous waste laws.
 6. In electronic correspondences between the Respondent and Ohio EPA subsequent to the letter referenced in Finding No. 5. of this ESA, Ohio EPA determined Respondent continued to manage the F006 listed hazardous waste as non-hazardous waste, including causing the hazardous waste to be transported to the municipal solid waste landfill referenced in Finding No. 4. of this ESA. According to the Respondent, the Respondent started managing the F006 listed hazardous waste in accordance with Ohio's hazardous waste laws on approximately July 12, 2012.
 7. Based on the information in Finding No. 6. of this ESA, the Director has determined that Respondent, *inter alia*, caused hazardous waste to be transported to an unauthorized facility, in violation of ORC § 3734.02(F). Respondent failed to manage the F006 listed hazardous waste, including, continuing to cause F006 listed hazardous waste to be transported to a municipal solid waste landfill on multiple occasions after being notified by Ohio EPA the wastewater treatment sludge is a listed hazardous waste, F006. No further action is required by the Respondent to abate the violation of ORC § 3734.02(F).
 8. In consideration of the benefits of compliance to the public, efficient use of Ohio EPA resources, 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

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 \$3,080.00 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. A copy of this check shall be submitted to Supervisor, Processing/Records Management Unit, Ohio EPA, Division of Materials and Waste Management, P.O. Box 1049, Columbus, Ohio 43216-1049.

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

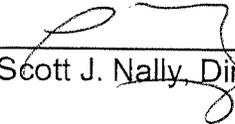
The effective date of this ESA is the date this ESA is entered into the Ohio EPA Director's journal.

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

June 28, 2012
Date

IT IS SO AGREED:

Sanoh America, Inc.



Signature

5/30/12
Date

SCOTT B. SMITH

Printed or Typed Name

EVP & VP OF OPERATIONS

Title