

By: Kelly A. Mink Date: _____

2/24/2021

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

The Northern Manufacturing Company, Inc.
150 North Lake Winds Parkway
Oak Harbor, Ohio 43449

**Director's Final
Findings and Orders**

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to The Northern Manufacturing Company, 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

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 owns and operates a metal fabrication manufacturing business located at 150 N. Lake Winds Parkway, Oak Harbor, Ohio (Facility). The Facility has been assigned U.S. EPA identification number OHR000173930.
3. Respondent generates "hazardous waste" as that term is defined by ORC §3734.01 and OAC rules 3745-50-10(H) and 3745-51-03. Respondent generates non-acute hazardous waste in amounts greater than 1,000 kilograms per calendar month and therefore is operating as a "Large Quantity Generator" (LQG) of hazardous waste, as defined in OAC rule 3745-50-10(L)(5), subject to the requirements in OAC Chapter 3745-52.
4. At the Facility, Respondent generates characteristic hazardous wastes, including but not limited to, acid wash rinse water (D002 - corrosivity and D007 - chromium) and filter cake (D007 - chromium) as defined in OAC rules 3745-51-22 and 3745-51-24. Additionally, Respondent generates "used oil" as defined in OAC rule 3745-279-01 and universal waste "paint", paint-related waste, and "universal waste lamps" as defined in OAC rule 3745-273-09.
5. On March 22, 2018, Ohio EPA conducted a compliance evaluation inspection at the Facility. As a result of this inspection, Ohio EPA determined Respondent, *inter alia*: stored hazardous waste acid rinse water and sludge beyond 90 days on three occasions, in violation of ORC § 3734.02(E) and (F) and OAC rules 3745-50-45(A) and 3745-41(A), and caused hazardous waste laser dust to be transported to a facility not authorized to accept hazardous waste for as long as five years, in violation of ORC § 3734.02(F).
6. On April 18, 2018, Ohio EPA notified Respondent of the violations referenced in Finding No. 5. of these Orders.
7. On May 17, 2018, Respondent was referred to Ohio EPA's central office for consideration for escalated enforcement regarding the violations referenced in Finding No 5. of these Orders.
8. On March 8, 2019, Ohio EPA issued a warning letter to Respondent for the violations referenced in Finding No. 5. of these Orders.
9. On December 19, 2019, Republic Services Port Clinton Landfill notified Ohio EPA that the landfill disposed of a 10-yard roll off container received from Respondent that was later determined to contain characteristically hazardous waste for chromium (D007).

10. On January 3, 2020, Ohio EPA conducted a focused compliance inspection at the Facility. As a result of this inspection, Ohio EPA determined Respondent, *inter alia*:
 - a. Caused hazardous waste to be transported to a facility that was not authorized to accept hazardous waste, in violation of ORC § 3734.02(F). Specifically, on December 18, 2019, Respondent shipped a 10-yard roll off container of filter cake characteristically hazardous for chromium (D007) to Republic Services Ottawa County Landfill prior to receiving results of analytical sampling. Sample results were received on December 19, 2019 and demonstrated the waste was hazardous for chromium.
 - b. Failed to evaluate waste to determine if the waste was a hazardous waste, in violation of OAC rule 3745-52-11. Specifically, Respondent failed to make hazardous waste determinations for the following wastes:
 - i. Waste pickling rinse water (from spray booth);
 - ii. Waste pickling rinse water (in dirty water tank);
 - iii. Waste pickling rinse water (in clean water tank); and
 - iv. Waste filter cake.
 - c. Failed to prepare a hazardous waste manifest on U.S. EPA Form 8700-22 for the transport of a 10-yard roll off container of hazardous waste filter cake, in violation of OAC rule 3745-52-20(A).
 - d. Failed to determine if the hazardous waste pickling rinse water (D002, D007) met treatment standards for corrosivity and chromium prior to land disposal, in violation of OAC rule 3745-270-07(A)(1).
 - e. Failed to have a waste analysis plan (WAP) in place for treatment of waste pickling rinse water, in violation of OAC rule 3745-270-07(A)(5).
11. By letter dated January 14, 2020, Ohio EPA notified Respondent of the violations referenced in Finding No. 10. of these Orders.
12. On January 27, 2020, Respondent provided a response to the violations referenced in Finding No. 10. of these Orders. Respondent stated it will perform a TCLP analysis on all filter cake and dispose based on testing results. Any test results showing the filter cake with chromium above the 5.0 mg/l regulatory limit will be managed as hazardous waste. Respondent also stated it will develop a

sampling and analysis plan (SAP) for the wastes it failed to evaluate, prepare a hazardous waste manifest prior to transport for any waste determined to be hazardous, determine if hazardous waste pickling rinse water meets treatment standards for chromium, and develop a WAP for waste pickling rinse water.

13. On February 20, 2020, Ohio EPA conducted a follow up inspection at the Facility. During the inspection, Ohio EPA observed a new auto neutralization tank in the spray pickling booth used to process hazardous waste pickling rinse water. As a result of this inspection, Ohio EPA determined Respondent, *inter alia*:
 - a. Failed to provide a written assessment that had been reviewed and certified by a qualified professional engineer attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste, in violation of OAC rule 3745-66-92(A).
 - b. Failed to provide a statement certifying the design and installation of the tank system, in violation of OAC rule 3745-66-92(G).
 - c. Failed to label the tank with the words "Hazardous Waste" in violation of OAC rule 3745-52-34(A)(3).
14. On February 24, 2020, Ohio EPA received a photograph submitted by Respondent documenting the auto neutralization tank was labeled with the words "Hazardous Waste."
15. On February 26, 2020, Respondent submitted an SAP to Ohio EPA for the filter cake generated from treatment of the waste pickling rinse water.
16. On February 27, 2020, Respondent submitted a hazardous waste manifest to Ohio EPA to document three totes of hazardous waste filter cake were sent off-site for disposal at an authorized facility.
17. On March 6, 2020, Respondent submitted an analytical report to Ohio EPA for a sample collected of the waste filter cake generated from treatment of the waste pickling rinse water. The report demonstrated the filter cake is non-hazardous.
18. On March 9, 2020, Respondent submitted a WAP to Ohio EPA that details the procedures Respondent will carry out to comply with treatment standards for waste pickling rinse water.
19. By letter dated March 13, 2020, Ohio EPA notified Respondent of violations referenced in Finding No. 13. of these Orders and notified Respondent that violations referenced in Findings Nos. 10.b.iv, 10.c., 10.d., 10.e., and 13.c. of

these Orders were resolved.

20. By letter dated March 25, 2020, Respondent provided an additional response to the outstanding violations. Respondent stated it will take additional samples of the waste pickling rinse water at three separate locations in the process (prior to neutralization, in the dirty water tank, and the clean water tank). Respondent also stated it will provide an assessment from a professional engineer regarding the structural integrity and design of the auto neutralization tank system.
21. On May 15, 2020, Respondent submitted an analytical report to Ohio EPA for a sample of waste pickling rinse water that demonstrated the waste is hazardous for chromium (D007) but below land disposal restriction standards after treatment. In this submittal, Respondent also provided an analytical report for a sample of waste pickling rinse water in the clean water tank that demonstrated the waste was non-hazardous.
22. On August 17, 2020, Respondent submitted an analytical report to Ohio EPA for a sample of the waste pickling rinse water in the dirty water tank that demonstrated the waste was non-hazardous.
23. On August 25, 2020, Respondent submitted an updated professional engineer assessment letter and copies of the auto neutralization tank design, equipment diagram, and site layout to Ohio EPA.
24. On September 30, 2020, Respondent submitted certified written statements for the design and installation of the auto neutralization tank and waste pickling rinse water tote to Ohio EPA.
25. By letter dated November 10, 2020, Ohio EPA notified Respondent that based upon information submitted by Respondent referenced in Findings Nos. 21., 22., 23., and 24. of these Orders, the violations referenced in Findings Nos. 10.b.i., 10.b.ii., 10.b.iii., 13.a., and 13.b. of these Orders have been resolved.
26. Because Respondent committed to procedures to ensure the proper management of hazardous waste as described in Finding No. 12. or these Orders, and submitted a SAP for the evaluation and proper management of filter cake generated at the Facility as referenced in Finding No. 15. of these Orders, the Director has determined that there is no further action required of Respondent at this time regarding the violation referenced in Finding No.10.a. of these Orders.

V. ORDERS

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

1. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$8,800.00 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 environmental protection remediation fund established pursuant to ORC § 3734.281. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$8,800.00. 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. Notification of penalty payment shall be sent to the Hazardous Waste Program Compliance Assurance Manager, Ohio EPA, Division of Environmental Response and Revitalization, P.O. Box 1049, Columbus, Ohio 43216-1049 or via electronic mail at Mitchell.mathews@epa.ohio.gov.

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 (except penalty payment checks) required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northwest District Office
Division of Environmental Response and Revitalization
347 N. Dunbridge Road
Bowling Green, Ohio 43402
Attn: Hazardous Waste Program Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Manager, Hazardous Waste Compliance Assurance Section
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Environmental Response and Revitalization
P.O. Box 1049
Columbus, Ohio 43216-1049

For deliveries to the building:

Manager, Hazardous Waste Compliance Assurance Section
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Environmental Response and Revitalization
50 West Town Street
Columbus, Ohio 43215

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

For electronic mail delivery, submit documents to the following email addresses:

Mitchell.Mathews@epa.ohio.gov
Colleen.Weaver@epa.ohio.gov

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:

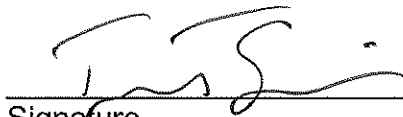
Ohio Environmental Protection Agency



Laurie A. Stevenson
Director

IT IS SO AGREED:

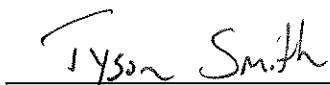
The Northern Manufacturing Company, Inc.



Signature

2/22/21

Date



Printed or Typed Name



Title