

Effective Date August 3, 1988
Date Issued August 3, 1988

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

RECEIVED

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OHIO EPA
N.W.D.O.

In Matter of: : Director's Final
Hamilton Standard Controls, Inc. : Findings and Orders
4 Farm Springs Road :
Farmington, CT 06034 :

Pursuant to Ohio Revised Code Sections 6111.03 (H), 6109.12, 3734.13, and 3734.20, the Director of the Ohio Environmental Protection Agency (Ohio EPA) hereby makes the following Findings and issues the following Orders:

FINDINGS

1. Hamilton Standard Controls owns and operates the manufacturing facility at 147 Plymouth Street, P. O. Box 3297, Lexington, Ohio 44904.
2. Hamilton Standard Controls purchased this facility with two existing production water wells for manufacturing in 1974 from Essex. Hamilton Standard Controls notified the U.S. EPA in 1980, in compliance with the Resource Conservation and Recovery Act (RCRA), that it stores various quantities of hazardous substances at the facility.
3. Hamilton Standard Controls pumps groundwater from two production wells for use as once-through cooling water. Hamilton Standard Controls discharges cooling water effluent to a ditch tributary to the Clear Fork of the Mohican River without a NPDES permit in violation of Section 6111.04 of the Ohio Revised Code. Hamilton Standard Controls submitted a NPDES permit application and is working with Ohio EPA to complete the application.
4. Northeast Research Institute conducted a soil vapor survey at this facility for chlorinated organic solvents. The results of this survey indicated the presence of trichloroethylene and tetrachloroethylene.
5. Hamilton Standard Controls submitted the Hydrogeological Investigation, United Technologies, Hamilton Standard Controls, Lexington, Ohio ERT, 1987 to the Ohio EPA, Northwest District Office (NWDO), on September 25, 1987. This report listed groundwater sampling results from two production wells and four monitoring wells with concentrations as high as 200 micrograms per liter (ug/l) trichloroethylene and 470 ug/l tetrachloroethylene. This report does not fulfill the objectives of a remedial investigation report because of deficiencies in defining site hydrogeological conditions or the movement and extent of contamination in groundwater beneath the site.

6. U.S. EPA promulgated regulations limiting the maximum contaminant levels of organic compounds for public drinking water (Federal Register, Vol. 52, No. 130, Wednesday, July 8, 1987). In accordance with the aforementioned regulations, trichloroethylene concentrations should not exceed 5 ug/l in public water supplies. The Village of Lexington pumps groundwater from a well field located approximately 500 feet northeast of the Hamilton Standard Controls facility.
7. Samples taken from the Village of Lexington's wells have shown no detectable presence of chlorinated solvents to date.
8. Hamilton Standard Controls notified the Ohio EPA NWDO that contaminated cooling water effluent from the Hamilton Standard Controls facility may recharge groundwater by percolating through the soil below the effluent ditch.
9. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the state to be derived from such compliance in accomplishing the purposes of Chapters 6111 of the Revised Code.

ORDERS

- 1a. Hamilton Standard Controls shall continue to pump groundwater from the two production wells at pumping rates and time intervals similar to those currently used for manufacturing processes.
- 1b. Hamilton Standard Controls shall assure that no conveyance of title, easement, or other interest in any portion of the facility shall be consummated without adequate assurance and provision for continued operations and maintenance of the two production wells and treatment systems installed pursuant to these Orders. Hamilton Standard Controls shall notify the Ohio EPA by registered mail upon any conveyance of any land which comprises the facility.
2. Hamilton Standard Controls shall submit to Ohio EPA NWDO Division of Public Water Supply within 15 working days of the effective date of these Orders, a letter setting forth both the average daily pumping rates and the schedules at which the facility's two production wells were operated between August 1985 and August 1987.
3. Hamilton Standard Controls shall collect samples of raw water at the well head of each Village of Lexington well quarterly for the first year to establish a baseline, semi annually the next three years then terminate unless otherwise ordered by the Director of the Ohio EPA. The samples shall be analyzed for volatile organic compounds, for contaminants listed in the Federal Register Vol 52, No. 130, page 2570, Table 6 as listed in Attachment A, at a laboratory certified by the Ohio EPA Division of Public Water Supply (Attachment B). Analytical results will be submitted to the Village of Lexington and to the Ohio EPA NWDO Divisions of Groundwater and Public Water Supply, not later than the 15th of the month following sampling.

4. Hamilton Standard Controls shall submit reports for the following requirements to the Ohio EPA NWDO Division of Water Pollution Control according to the schedule below:

Monthly reports for effluent monitoring requirements specified in Attachment C. Table 1. This requirement will begin on the effective date of these Orders and will terminate upon issuance of a NPDES permit or Industrial User permit.

- b. The Form 2C NPDES Permit Application, previously submitted incomplete, shall be completed within 60 days of the effective date of these Orders.

- c. Submit a complete General Plan within 30 days of the effective date of these Orders for treating industrial waste or an alternative measure for meeting effluent limits contained in Attachment C. Table 2.

- d. A Best Management Practices Plan that conforms to the revised NPDES Best Management Practices Guidance Document, USEPA, 1981, as outlined in Attachment E. within 90 days of the effective date of these Orders.

5. Hamilton Standard Controls shall comply with the construction schedule below and shall notify the Ohio EPA NWDO Division of Water Pollution Control within 14 days of accomplishing each requirement:

- a. Submit a complete permit to install (PTI) application and detailed plans within 60 days of general plan approval.

- b. Initiate construction as soon as possible, but within 30 days of PTI issuance.

- c. Complete construction as soon as possible, but within 180 days of PTI issuance.

- d. Attain compliance with the effluent limitations and monitoring requirements in Attachment C.2. or complete an alternative measure for attaining compliance as soon as possible, but within 220 days of PTI issuance.

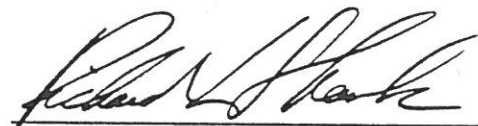
6. Hamilton Standard Controls shall implement a Statement of Work (SOW) plan according to the following schedule. This plan shall conform substantially to Attachment D attached hereto and incorporated herein.

- a. Submit to the Ohio EPA NWDO Division of Groundwater and the Corrective Actions Section, within 60 days of the effective date of these Orders, a detailed work plan for a site investigation (Tasks 1-3, Generic SOW). Disapproved portions shall be resubmitted in an approvable form within 30 days of notification of disapproval.

- b. Submit to the Ohio EPA NWDO Division of Groundwater and the Corrective Actions Section, within 120 days after written approval of the site investigation work plan, a site investigation analysis (Task 4, Generic SOW).

- c. Submit to the Ohio EPA NWDO Division of Groundwater and the Corrective Actions Section within 30 days after written approval of the site investigation analysis, the final remedial investigation report (Task 6, Generic SOW). The final remedial investigation report will supersede and replace the Hydrogeological Investigation, United Technologies, Hamilton Standard Control, ERT Inc., 1987. Disapproved portions shall be resubmitted in an approvable form within 20 days of notification of disapproval.
- d. In completing the work required herein, Hamilton Standard Controls may rely on data, results, findings or conclusions generated through any effort which is not required by these Orders only if Hamilton Standard Controls demonstrate to the satisfaction of Ohio EPA that such data, results, findings or conclusions are technically valid and, had those efforts been conducted pursuant to these Orders, would have complied with the standards described in these Orders.
7. Within thirty (30) days from the effective date of these Findings and Orders, Hamilton Standard Controls shall pay the sum of \$25,000 (twenty-five thousand dollars) to the hazardous waste cleanup account created in Section 3734.28 of the ORC. Payment shall be made by delivering a check in the amount specified to counsel for the Director of Ohio EPA made payable to "Treasurer, State of Ohio."

Upon completion of the activities ordered above and after review of the final remedial investigation report, the Director may issue another set of Orders.



Richard L. Shank, Ph.D.
Director

August 3, 1988

Date

<u>PARAMETER</u>	<u>DETECTION LIMIT (ppb)</u>
Benzene	1.0
Vinyl chloride	0.7
Carbon tetrachloride	0.5
1,2-Dichloroethane	0.5
Trichloroethylene	0.5
para-Dichlorobenzene	2.0
1,1-Dichloroethylene	0.5
Chloroform	0.5
Bromodichloromethane	0.5
Dibromochloromethane	0.5
Bromoform	1.0
1,1-Dichloroethane	0.5
CIS-1,2-Dichloroethylene	0.5
TRANS-1,2-Dichloroethylene	0.5
1,2-Dichloropropane	0.5
1,1,2-Trichloroethane	0.5
1,1,1,2-Tetrachloroethane	0.5
Tetrachloroethylene	0.5
1,1,2,2-Tetrachloroethane	1.0
p-Isopropyltoluene	1.0
Chlorobenzene	1.0
1,2-Dibromo-3-chloropropane (DBCP)	1.0
Toluene	0.5
Ethylbenzene	1.0
Bromobenzene	1.0
Isopropyl benzene	1.0
m-Xylene	1.0
Styrene	1.0
o-Xylene	1.0
p-Xylene	1.0
n-Propylbenzene	1.0
o-Chlorotoluene	1.0
p-Chlorotoluene	1.0
m-Dichlorobenzene	2.0
o-Dichlorobenzene	2.0
Dichloromethane	1.5
Chloroethane	1.0
n-butylbenzene	1.0
Trichlorofluoromethane	1.5
1,2,4-Trichlorobenzene	3.0
2,2-Dichloropropane	1.0
Dibromomethane	1.0
1,3-Dichloropropane	1.0
Chloromethane	1.0
Bromomethane	1.0
Bromochloromethane	0.5
1,2,3-Trichloropropane	3.0
1,2,3-Trichlorobenzene	3.0
1,3-Dichloropropene	1.0
Dichlorodifluoromethane	1.0
1,2,4-Trimethylbenzene	2.0
Naphthalene	10.0

<u>PARAMETER</u>	<u>DETECTION LIMIT (ppb)</u>
Hexachlorobutadiene	8.0
1,3,5-Trimethylbenzene	2.0
1,1-Dichloropropane	1.0
tert-Butylbenzene	2.0
sec-Butylbenzene	2.0
Ethylene dibromide	0.5

Attachment B

OHIO ENVIRONMENTAL PROTECTION AGENCY

DIVISION OF PUBLIC WATER SUPPLY

Laboratories Approved to Perform
Volatile Organic Chemical Analysis

Aqua Tech Environmental Consultants, Inc.
P.O. Box 76
Melmore, Ohio 44845
(419) 397-2659

Howard Laboratories, Inc.
3601 S. Dixie
P.O. Box 369
Dayton, Ohio 45449
(513) 294-6859

Ohio Department of Health
1571 Perry St.
P.O. Box 2568
Columbus, Ohio 43216-2568
(614) 421-1078

Wadsworth/Alert Laboratories, Inc.
1600 Fourth St.
P.O. Box 208
Canton, Ohio 44701
(216) 454-5809

ATTACHMENT C
EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Table 1. Beginning on the effective date of these Orders, the permittee is authorized to discharge in accordance with the following monitoring requirements:

EFFLUENT CHARACTERISTICS			DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
REPORTING CODE	UNITS	PARAMETER	Other Units 30 day	Concentration (Specify) Daily	Meas. Freq.	Sample Type
00056	GPD	Flow	-	-	Daily	Continuous
00010	°C	Temperature	-	-	Daily	Continuous
34423	ug/l	Methylene Chloride	-	-	2/Month	Grab
34475	ug/l	Tetrachloro-ethylene	-	-	2/Month	Grab
34501	ug/l	1,1 Dichloro-ethylene	-	-	2/Month	Grab
34546	ug/l	1,2 Trans Dichloroethylene	-	-	2/Month	Grab
39180	ug/l	Trichloro-ethylene	-	-	2/Month	Grab

Table 2. Following installation of the treatment equipment and lasting until NPDES permit issuance, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements:

REPORTING CODE	UNITS	PARAMETER	Other Units 30 day	Concentration (Specify) Daily	Meas. Freq.	Sample Type
00056	GPD	Flow	-	-	Daily	Continuous
00010	°C	Temperature	-	-	Daily	Continuous
34423	ug/l	Methylene Chloride	-	-	2/Month	Grab
34475	ug/l	Tetrachloro-ethylene	-	-	2/Month	Grab
34501	ug/l	1,1,Dichloro-ethylene	7	-	2/Month	Grab
34546	ug/l	1,2 Trans Dichloroethylene	-	-	2/Month	Grab
39180	ug/l	Trichloro-ethylene	5	-	2/Month	Grab

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GENERIC STATEMENT OF WORK
REMEDIAL INVESTIGATION/FEASIBILITY STUDY
STATE VERSION

REMEDIAL INVESTIGATION

PURPOSE:

The purpose of this remedial investigation is to determine the nature and extent of the problem at the site and to gather all necessary data to support the feasibility study. The Engineer shall furnish all personnel, materials, and services necessary for, or incidental to, performing the remedial investigation at [specific site].

SCOPE:

The remedial investigation consists of seven tasks:

Task 1 — Description of Current Situation

Task 2 — Investigation Support

Task 3 — Site Investigations

Task 4 — Site Investigation Analysis

Task 5 — Laboratory and Bench-Scale Studies

Task 6 — Final Report

Task 7 — Additional Requirements

TASK 1 — DESCRIPTION OF CURRENT SITUATION

The Engineer shall describe the background of the site and its problems and outline the purpose and need for remedial investigation of the site. Data gathered during previous investigations, site inspections, and other relevant activities shall be used. Previous investigations shall be summarized and referenced.

- a. Site Background. Prepare a summary of the regional location, pertinent area boundary features, and general site physiography, hydrology, geology, and current and historic land and water use. The total area of the facility and the general history relative to the use of the facility for hazardous waste/hazardous substance activity should be defined.

Attachment D Page 2

- b. Nature and Extent of Problem. Prepare a summary of actual and potential on-site and off-site health and environmental effects. This summary shall include: the types, physical states, and amounts of hazardous substances; the existence and condition of drums, tanks, landfills, surface ponding, and other containers; affected media and pathways of exposure; contaminated releases such as leachate and runoff; and any human or environmental exposure. Emphasis shall be placed on describing the threat or potential threat to public health and the environment.
- c. History of Response Actions. Prepare a summary of any response actions conducted by Federal, State, local, or private parties. This summary shall include field inspections, sampling surveys, cleanup activities, and other technical investigations.

TASK 2 — INVESTIGATION SUPPORT

The Engineer shall conduct preliminary work necessary to scope and conduct the site investigations and feasibility study.

- a. Safety Plan. A safety plan shall be developed to protect the health and safety of personnel involved in the site investigations and the surrounding community. The plan will be consistent with:

Section 111(c)(6) of CERCLA

EPA Order 1440.3 — Respiratory Protection

EPA Order 1440.2 — Health and Safety Requirements
for Employees Engaged in Field Activities

EPA Occupational Health and Safety Manual

EPA Interim Standard Operating Safety Procedures
and other EPA guidance as developed by EPA

Site Conditions

The Safety Plan should identify problems or hazards that may be encountered and their solution. Safety procedures to be followed to protect third parties, such as visitors or the surrounding community, should also be provided.

- b. Define Boundary Conditions. Establish facility boundary conditions to limit the area of remedial investigations. The boundary conditions shall be set so that subsequent investigations will cover the contaminated media in sufficient detail to support following activities, e.g. feasibility study. Boundary conditions will also be used to identify boundaries for site access control and site security.

Attachment D Page 3

- c. Site Map. Prepare a facility map showing all wetlands, surface water features, tanks, buildings, utilities, paved areas, easements, right-of-ways, and other features. The map shall be of sufficient detail and accuracy to locate all current or future work performed at the facility.
- d. Community Relations Plan. Prepare a plan, based on discussions with responsible local and State officials and interested community leaders, for the dissemination of information to the public regarding investigation and feasibility study activities and results. Opportunities for comment and input by citizen, community and other groups must also be identified and incorporated into the plan.
- e. Pre-Investigation Evaluation. Prior to starting any remedial investigations, the Engineer shall assess the site conditions to identify potential remedial technologies applicable to the site and associated data needed to evaluate alternatives based on these technologies for the feasibility studies. A report shall be prepared for State review identifying broad categories of remedial technologies that may be applicable to the site and data needs.

TASK 3 — SITE INVESTIGATIONS

The Engineer shall conduct investigations necessary to characterize the site and its actual or potential hazard to public health and the environment. The investigations shall produce sufficient data to assess remedial alternatives and support the detailed evaluation of alternatives during the feasibility study.

- a. The Engineer shall prepare and submit for State review and concurrence a detailed work plan outlining data needs for characterizing the site and for support of the feasibility study. The work plan shall include an outline of proposed investigation activities, a time schedule, personnel and equipment requirements. The work plan shall also include a sampling plan indicating rationals for sampling activities, location, quantity, and frequency of sampling, sampling and analysis methods, constituents for analysis, and quality assurance procedures. In addition to these general sampling plan elements, other requirements will be identified in the following subtasks as they apply.

All sample analyses will be conducted at laboratories following EPA protocols while following strict chain-of-custody procedures.

1. Chain-of-Custody. Any field sampling collection and analyses conducted shall be documented in accordance with chain-of-custody procedures as provided by EPA. The Engineer shall prepare and submit as part of the work plan a description of the chain-of-custody procedures to be used.

2. Quality Assurance/Quality Control (QA/QC). The Engineer shall prepare and submit as part of the work plan a Quality Assurance Project Plan for the sampling, analysis, and data handling aspects of the remedial investigation. The plan shall be consistent with the requirements of EPA's Contract Laboratory Program. The plan shall address the following points:
- a) QA Objectives for Measurement Data, in terms of precision, accuracy, completeness, representativeness, and comparability.
 - b) Sampling Procedures
 - c) Sample Custody
 - d) Calibration Procedures, References, and Frequency
 - e) Internal QC Checks and Frequency
 - f) QA Performance Audits, System Audits, and Frequency
 - g) QA Reports to Management
 - h) Preventive Maintenance Procedures and Schedule
 - i) Specific procedures to be used to routinely assess data precision, representativeness, comparability, accuracy, and completeness of specific measurement parameters involved.
 - j) Corrective Action
- b. Waste Characterization. Develop and conduct a complete sampling and analysis program to supplement existing data and to physically and chemically characterize all potentially hazardous waste/hazardous substances at the site. This activity should include identification of the location and probable quantities of subsurface wastes using appropriate methods.

The sampling plan developed for this subtask shall address incompatibility testing of wastes (tank and drum opening procedures if necessary). Wastes shall be analyzed and grouped in compatibility classes to support any subsequent conclusions about segregating wastes on-site and developing remedial alternatives.

As part of this subtask, all containers of hazardous waste/hazardous substances such as drums, tanks, piles, abandoned vehicles, etc. must be located on the site map. The physical condition of each container, characteristics (color and type) as well as other identifying marks (labels, manufacturer's names, graffiti, etc.) must be recorded in an orderly fashion and should be correlated with the results of chemical analysis for each container when available. A photographic record of each container should also be prepared and included in the Remedial Investigation Report.

Attachment D Page 5

- c. Hydrogeologic Investigation. Develop and conduct a program to determine the present and potential extent of groundwater contamination and to evaluate the suitability for on-site waste containment. A sampling program shall be developed to determine the location of water bearing strata and other subsurface geologic features, groundwater flow direction, vertical and horizontal distribution of contaminants, background levels of contamination, and the ability of the facility and local geology to control or contain the contaminants. Long-term disposition of contaminants will be evaluated based on mobility of the contaminants, attenuation capacity of local soils and other geologic features, regional flow direction and quantity, effects of local pumping, and the presence of discharge/recharge areas. Computer models of flow and contaminant transport may be used to demonstrate conclusions reached as a result of this investigation and predict effects of future remedial actions.

The sampling plan developed for this subtask shall define the type of well construction and any geophysical or modeling techniques proposed.

- d. Soils Investigation. Develop and conduct a program to determine the nature and vertical and horizontal extent of contamination of surface and subsurface soils. Cores from groundwater monitoring wells may serve as soils samples.
- e. Surface Water and Sediments Investigation. Develop and conduct a program to determine the nature and extent of contamination of surface water and sediments. This program shall also evaluate the impacts of the contaminants on the floral and faunal communities in the surface water, sediments, and any adjacent wetlands.
- f. Air Investigation. Develop and conduct a program to determine the nature and extent of on-site and off-site contamination. This program shall also address the tendency of the substance identified through Waste Characterization to enter and disperse in the atmosphere, considering seasonal weather conditions and wind patterns.

The above tasks should be summarized in a single sampling plan which is to be included in the detailed work plan. (Other categories of investigations may be needed for specialized problems. These could include additional biological or radiological investigations.)

TASK 4 — SITE INVESTIGATION ANALYSIS

The Engineer shall prepare a thorough analysis and summary of all site investigations and their results. The objective of this task will be to ensure that the investigation data are sufficient in quality and quantity to adequately describe the nature and extent of contamination and to support the feasibility study.

The results and data from all site investigations shall be organized and presented logically so that the relationships between remedial investigations for each media are apparent.

Attachment D Page 6

- a. Data Analysis. Analyze all site investigation data and develop a summary of the type and extent of contamination at the site. This analysis shall include all significant pathways of contamination and an exposure assessment. The exposure assessment shall describe any actual or potential threats to public health, welfare, and the environment.
- b. Application of Potential Remedial Technologies. Analyze the results of the site investigations in relation to the potential remedial technologies applicable to the site. This analysis will determine the adequacy of data quality and quantity to support the feasibility study and will identify any additional data needs.

TASK 5 — LABORATORY STUDIES AND BENCH-SCALE STUDIES (Optional)

The Engineer shall conduct any necessary laboratory and bench scale treatability studies required to evaluate the applicability of remedial technologies, e.g., leachate treatment, groundwater treatment, compatibility of waste/leachate with liners, cover, or other materials proposed for use in the remedy. The scope of this Task will depend on the results of Task 4. The Engineer will submit a separate work plan for any proposed laboratory studies for State concurrence.

TASK 6 — FINAL REPORT

The Engineer shall prepare a final report covering the remedial investigations and submit copies to the Ohio EPA. The report shall include the results of Task 1 through 5.

TASK 7 — ADDITIONAL REQUIREMENTS

- a. Reporting Requirements. Monthly Technical Progress Reports are required of the Engineer.

Content. For each on-going work assignment, the Engineer shall submit progress reports with the following elements:

1. Identification of site and activity.
2. Status of work at the site and progress to date.
3. Percentage of completion.
4. Difficulties encountered during the reporting period.
5. Actions being taken to rectify problems.
6. Activities planned for the next month.
7. Changes in personnel.

The progress monthly report will list target and actual completion dates for each element of activity including project completion and provide an explanation of any deviation from the milestones in the work plan schedule.

Attachment E

The BMP plant shall be developed in accordance with good engineering practices and shall:

- (1) Be documented in narrative form, and shall include any necessary plot plans, drawings or maps;
- (2) Establish specific objectives for the control of pollutants
 - (a) Each facility component or system shall be examined for its potential for causing a release of significant amounts of pollutants to waters of the State due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.
 - (b) Where experience indicates a reasonable potential for equipment failure (e.g. a tank overflow or leakage), natural condition (e.g. precipitation), or other circumstances to result insignificant amounts of pollutants reaching surface waters, the plan should include a prediction of the direction, rate of flow and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance;
 - (c) Include monitoring of internal wastewater streams and non-contact cooling waters as necessary to isolate sources of pollutants.
- (3) Establish specific best management practices for each component or system capable or causing a release of significant amounts of pollutants to the waters of the State.

The permittee shall implement the BMP plan upon notification of approval of the plan by the Ohio EPA. In the event the Ohio EPA does not approve the BMP plant in its entirety, the permittee shall implement those portions of the plan approved by the Ohio EPA and submit a revised plan for review by the Ohio EPA not later than 30 days from notification by the Ohio EPA.

The permittee shall maintain a description of the BMP plan at the facility and shall make the description available to the Director upon request.

The permittee shall amend the BMP plant whenever there is a change in facility design, construction, operation, or maintenance which materially affects the facility's potential for discharge of pollutants into the waters of the State.

If the Ohio EPA or U.S. EPA determine that the BMP plant is ineffective in achieving the general objective of preventing the release of pollutants to those waters, then the permit and/or BMP plan shall be subject to modification by the Ohio EPA or the U.S. EPA to incorporate revised BMP requirements.

Waiver

Without admission of any fact, violation, or liability, Hamilton Standard Controls Inc. agrees that these Findings and Orders are lawful and reasonable and agrees to comply with these Orders. Hamilton Standard Controls Inc. hereby waives the right to appeal the issuance, terms, and service of these Findings and Orders, and Hamilton Standard Controls Inc. hereby waives any and all rights it may have to seek judicial review of these Findings and Orders in law or equity.

Notwithstanding the preceding, the Director and Hamilton Standard Controls Inc. agree that in the event that these Findings and Orders are appealed by a third party, Hamilton Standard Controls Inc. retains the right to intervene and participate in the third party's appeal. In such event, Hamilton Standard Controls Inc. shall continue to comply with these Orders notwithstanding such appeal and intervention unless said Orders are stayed, vacated or modified.

IT IS SO AGREED:

Hamilton Standard Controls Incorporated

IT IS SO ORDERED:

Ohio Environmental Protection Agency

By: [Signature]
Title: W.P. Counsel & Sec'y
Date: June 6, 1988

[Signature]
Richard L. Shank, Ph.D.
Director
Date: August 3, 1988