



State of Ohio Environmental Protection Agency

Cincinnati Fiberglass
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STREET ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-2329

SOUTHWEST DISTRICT

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

CERTIFIED MAIL

November 3, 2000

**Re: Director's Final
Findings and Orders
Diversified Glass, Inc.
Cincinnati Fiberglass Division**

Gregory Meurer
Diversified Glass, Inc.
Cincinnati Fiberglass Division
4174 Half Acre Road
Batavia, Ohio 45103

Dear Mr. Meurer:

Transmitted herewith are Final Findings and Orders of the Director concerning the matter indicated.

Sincerely,

Thomas E. Crepeau

Thomas E. Crepeau, Manager
Data Management Section
Division of Hazardous Waste Management

wp8.TEC.psa.lcn.g:diversified

cc: Michael A. Savage, Chief, DHWM
Pamela S. Allen, Mgr., CAS, DHWM
Michael Shapiro, Legal
Heidi Greismer, PIC
Don Marshall, Manager, SWDO

Bob Taft, Governor
Maureen O'Connor, Lieutenant Governor
Christopher Jones, Director

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

NOV-3 2000

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Diversified Glass, Inc.,
Cincinnati Fiberglass Division
4174 Half Acre Road
Batavia, Ohio 45103

Director's Final
Findings and Orders

Respondent

PREAMBLE

It is hereby agreed by and among the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Diversified Glass, Inc., Cincinnati Fiberglass, Division, ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under § 3734.13 and § 3745.01 of the Ohio Revised Code ("ORC").

II. PARTIES BOUND

These Orders shall apply to and be binding upon the Respondent, its assigns and successors in interest. No changes in ownership relating to the Facility will in any way alter the Respondent's responsibilities under these Orders. The Respondent's obligations under these Orders may be altered only by the written approval of the Director of Ohio EPA.

III. DEFINITIONS

1. Unless otherwise stated, all terms in these Orders shall have the same meaning as used in Chapter 3734. of the ORC and the regulations promulgated thereunder.
2. The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

I certify this to be a true and accurate copy of the
official document as filed in the records of the Ohio
Environmental Protection Agency.

Zona L. Clements Date 11-3-00

IV. FINDINGS OF FACT

The Director of Ohio EPA has determined the following findings of fact:

1. Respondent owns and operates a fiberglass reinforced plastics production facility located at 4174 Half Acre Road, Clermont County, Batavia, Ohio ("Facility"). The Respondent was incorporated to do business in the State of Ohio on July 7, 1993 and purchased the Facility on July 23, 1993.
2. Respondent is a "person" as defined in § 3734.01(G) of the ORC and Ohio Administrative Code ("OAC") rule 3745-50-10(A).
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.
4. Ohio EPA performed a Compliance Evaluation Inspection at the Facility on March 12, 1999 and determined that Respondent had:
 - a. Caused hazardous waste to be transported by a person who was not a registered transporter to a premise that is not a permitted hazardous waste facility, in violation of ORC § 3734.15(C) and ORC § 3734.02(F);
 - b. Failed to properly evaluate the wastes generated at the Facility, in violation of OAC rule 3745-52-11;
 - c. Failed to keep containers of hazardous waste closed unless adding or removing waste, in violation of OAC rule 3745-66-73(A);
 - d. Failed to mark containers with the words "Hazardous Waste" and the date upon which accumulation began, in violation of OAC rule 3745-52-34(A);
 - e. Failed to document inspections of areas where containers of hazardous waste are stored and record inspections, in violation of OAC rule 3745-66-74;

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- f. Failed to test and maintain equipment on a weekly basis and record inspections, in violation of OAC rule 3745-65-33;
 - g. Failed to complete hazardous waste manifests and retain copies onsite, in violation of OAC rule 3745-52-20;
 - h. Failed to make a determination on whether or not wastes were restricted from land disposal, in violation of OAC rule 3745-59-07(A); and
 - i. Failed to ensure containers holding hazardous waste were in good condition, in violation of OAC rule 3745-66-71.
5. By Notice of Violation ("NOV") letter dated April 14, 1999, Ohio EPA notified Respondent of the violations in Finding No. 4.
6. By letter dated May 28, 1999, Respondent provided information in response to Ohio EPA's April 14, 1999 NOV.
7. On June 24, 1999, Ohio EPA performed a return to compliance inspection of the Facility and determined based upon this inspection and the information submitted in Finding No. 6., that the Respondent had abated the violations identified in Finding Nos. 4.a., 4.b., and 4.d. through 4.i. Ohio EPA also determined that Respondent had:
- a. Failed to keep all containers holding hazardous waste closed, except when it is necessary to add or remove wastes, in violation of OAC rule 3745-66-73(A);
 - b. Failed to mark containers in a satellite accumulation area with the words, "Hazardous Waste," or other words that properly identify the contents of the container, in violation of OAC rule 3745-52-34(C)(1)(b); and
 - c. Failed to develop a waste analysis plan, in violation of OAC rule 3745-59-07(A)(4).

8. By letter dated June 29, 1999, Ohio EPA informed Respondent of the information in Finding No. 7.
9. On August 9, 1999, Ohio EPA performed a return to compliance inspection at the Facility and determined that Respondent had abated the remaining violations listed in Findings Nos. 4 and 7.

V. ORDERS

The 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 from the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of twenty thousand dollars (\$20,000.00) in settlement of Ohio EPA's claims for civil penalties which may be assessed for noncompliance 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 tendering a certified check for \$20,000.00 to Ohio EPA, Department 631, Columbus, Ohio 43265-0631, made payable to "Treasurer, State of Ohio." A copy of this check shall be submitted in accordance with Section IX of these Orders.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt and successful negotiation of the certified check required above.

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 signatory to these Orders, for any liability arising out of or relating to the operations of the 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. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to the Respondent's operation of its Facility. Ohio EPA reserves all rights and privileges except as specified herein.

IX. NOTICE

All documents demonstrating compliance with these Orders, and other documents required under these Orders to be submitted to Ohio EPA, shall be addressed to:

Ohio Environmental Protection Agency
Southwest District Office
Division of Hazardous Waste Management
Attn: DHWM Manager
401 East Fifth Street
Dayton, OH 45402

and Ohio EPA Central Office at the following address:

Christopher Jones, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
Attn: Manager, Compliance Assurance Section
P.O. Box 1049
Columbus, Ohio 43216-1049

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

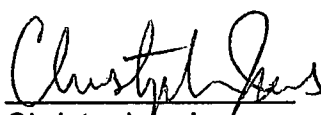
X. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against the Respondent for noncompliance with these Orders. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require the Respondent to perform additional activities pursuant to ORC Chapter 3734. or any other applicable law in the future. Nothing herein shall restrict the right of the Respondent to raise any administrative, legal or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of the Respondent. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

XI. SIGNATORIES

Each undersigned representative of a signatory to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such signatory to this document.

IT IS SO ORDERED:


Christopher Jones
Director

November 3, 2000

Date

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 addressed in these Orders, the Respondent agrees that these Orders are lawful and reasonable, that the times provided for compliance herein are reasonable and that the Respondent agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for the Respondent's liability for the violations cited herein.

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The Respondent hereby waives the right to appeal the issuance, terms and service of these Orders and it hereby waives any and all rights it might have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and the Respondent agree that in the event that these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, the Respondent retains the right to intervene and participate in such appeal. In such an event, the Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

IT IS SO AGREED:

Diversified Glass, Inc.



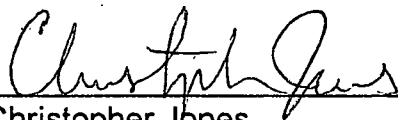
Vice President and CFO

Title

10/9/00

Date

Ohio Environmental Protection Agency



Christopher Jones
Director

November 3, 2000

Date