



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

September 28, 2015

Ryder-Heil Bronze, Inc.
126 East Irving Street
Bucyrus, Ohio 44820

**Re: Ryder-Heil Bronze, Inc.
Director's Final Findings and Orders (DFFO)
DFFO
RCRA C - Hazardous Waste
Crawford County
OHD986981579**

Subject: Final Findings and Orders of the Director

Dear Sir or Madam:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for Ryder-Heil Bronze, Inc.

If you have any questions, please contact Todd Anderson at (614) 644-3037.

Sincerely,

A handwritten signature in black ink that reads "D. R. Crumiell-Hagens". The signature is written in a cursive style.

Demitria Crumiell-Hagens, Administrative Professional II
Division of Materials & Waste Management

Enclosure

cc: Mitch Mathews, DMWM, CO
Kelly Smith, DMWM, CO
Todd Anderson, Legal
Shannon Nabors, DMWM, NWDO
Colleen Weaver, DMWM, NWDO
Kara Reynolds, DMWM, NWDO

OHIO E.P.A.

SEP 28 2015

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Ryder-Heil Bronze, Inc.
126 East Irving Street
Bucyrus, Ohio 44820

Respondent

Director's Final
Findings and Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Ryder-Heil Bronze, 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 operates a foundry that manufactures bronze bushings, wear plates and thrust washers and is located at 126 East Irving Street, Bucyrus, Crawford County, Ohio (Facility).
3. At the Facility, Respondent generates non-acute "hazardous waste" as that term is defined by ORC § 3734.01(J) and OAC rules 3745-50-10(A) and 3745-51-03. Respondent generates greater than 2200 pounds of hazardous waste in a calendar month and is therefore operating as a large quantity generator of hazardous waste as set forth in OAC rule 3745-52-34. Respondent has been assigned EPA ID number OHD986981579. The hazardous wastes generated by Respondent at the Facility include waste "core" sand, spent shot/steel grit, waste blasting machine filters, spent crucibles and waste floor sweepings, all of which are hazardous waste due to exhibiting the characteristic of toxicity for lead (D008) as described in OAC rule 3745-51-24.
4. On June 24, 2014, Ohio EPA conducted a compliance evaluation inspection at the Facility. During the inspection, Ohio EPA was unable to fully determine compliance with the hazardous waste requirements because several documents were not able to be located by Facility personnel because a key employee was on extended leave. Based on observations made during the inspection, Ohio EPA was able to determine that Respondent, *inter alia*:
 - a. Failed to maintain written job descriptions and requisite skill, education or other qualifications for employees that handle or manage hazardous waste, in violation of OAC rule 3745-65-16(D)(2);
 - b. Failed to have a written description of the type and amount of both introductory and continuing training for employees that are responsible for overseeing hazardous waste management at the Facility, in violation of OAC rule 3745-65-16(D)(3);
 - c. Failed to describe in the contingency plan, the actions facility personnel must take when responding to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents, in violation of OAC rule 3745-65-52(A);
 - d. Failed to have a description in the contingency plan that outlines arrangements with local authorities regarding responses to hazardous waste incidents, in violation of OAC rule 3745-65-52(C);

- e. Failed to have a current list of emergency coordinators and their contact information in the contingency plan, in violation of OAC rule 3745-65-52(D);
 - f. Failed to have a list of emergency equipment in the contingency plan, including a description of each piece of equipment and its location at the Facility, in violation of OAC rule 3745-65-52(E);
 - g. Failed to have an evacuation plan for the Facility in the contingency plan, in violation of OAC rule 3745-65-52(F);
 - h. Failed to submit a copy of the contingency plan to Ohio EPA and local emergency authorities, in violation of OAC rule 3745-65-53(B);
 - i. Failed to amend the contingency plan when there was a change in the emergency coordinator, in violation of OAC rule 3745-65-54(D);
 - j. Failed to keep two containers of hazardous waste closed, except when adding or removing waste, in violation of OAC rule 3745-52-34(C)(1)(a);
 - k. Failed to label two containers of hazardous waste core sand with the words "Hazardous Waste" or with words that identify the contents of the containers, in violation of OAC rule 3745-52-34(C)(1)(b);
 - l. Failed to keep the roll off box containing hazardous waste core sand and other lead-contaminated hazardous waste closed, in violation of OAC rule 3745-66-73(A); and,
 - m. Failed to mark the roll off box containing hazardous waste core sand and other lead-contaminated hazardous waste with the date when the period of hazardous waste accumulation began, in violation of OAC rule 3745-52-34(A)(2);
5. By letter dated July 17, 2014, Ohio EPA notified Respondent of the violations referenced in Finding No. 4. of these Orders. This letter also requested information from Respondent regarding management of used oil, waste blasting machine steel shot/grit, waste filters, and scrap metal. In addition, Ohio EPA asked for information regarding used oil, land disposal restriction forms, personnel training documentation, and inspection logs for emergency equipment and the hazardous waste accumulation area, and listed general concerns regarding Respondent's bag houses and waste evaluation of the waste bag

house dust. Finally, Ohio EPA informed Respondent that the violations in Findings Nos. 4.l. and 4.m. were abated.

6. By electronic mail on October 28, November 22, and December 2, 2014, Respondent submitted documentation to address the violations referenced in Finding No. 4. of these Orders, including but not limited to, a "draft" contingency plan, waste evaluation documentation, scrap metal recycling documentation, land disposal restriction form, emergency equipment inspection logs and personnel training documentation.
7. By letter dated December 17, 2014, Ohio EPA notified Respondent that the violations in Findings Nos. 4.e. and 4.i. of these Orders regarding preparing a contingency plan and designating an emergency coordinator were abated. However, Ohio EPA informed Respondent that the contingency plan was still deficient and the personnel training documentation was not adequate to address the violations. The letter reiterated the request for additional information regarding Respondent's used oil, waste evaluation, personnel training and inspections of emergency equipment and hazardous waste storage area.
8. By electronic mail on December 18, 2014, January 28 and January 30, 2015, Respondent responded to the December 17, 2014 letter from Ohio EPA. The responses included waste evaluation documentation.
9. On February 4, 2015, Ohio EPA conducted a follow-up inspection at the Facility to determine compliance with the remaining outstanding violations and also to gather the additional information previously requested from Respondent regarding used oil, waste evaluation and inspections of emergency equipment and the hazardous waste storage area. During this inspection, Ohio EPA also observed four 1-cubic yard boxes of hazardous waste melt shop filters and hazardous waste grinding room filters which are characteristically hazardous waste for lead (D008), that were stored for greater than the ninety days allowed for large quantity generators. As a result of this inspection, Ohio EPA determined that Respondent, *inter alia*:
 - a. Stored hazardous waste for greater than ninety days without a hazardous waste installation and operation permit, in violation of ORC §3734.02(E) and (F);
 - b. Failed to use an approved device to burn its off-specification used oil, in violation of OAC rule 3745-279-12(C);

- c. Failed to provide personnel training that teaches employees to perform their duties in a manner that ensures compliance with the hazardous waste rules in violation of OAC rule 3745-65-16(A);
 - d. Failed to provide personnel training to employees within six months after their date of hire and allowed employees to work unsupervised in positions that were responsible for the proper management of hazardous waste, in violation of OAC rule 3745-65-16(B); and,
 - e. Failed to provide annual personnel training, in violation of OAC rule 3745-65-16(C).
10. By letter dated February 10, 2015, Ohio EPA notified Respondent of the violations referenced in Finding No. 9. of these Orders. The letter also informed Respondent that based on the observations made during the February 4, 2015 inspection and the documentation provided by Respondent, Respondent had abated the violations referenced in Findings Nos. 4.a., 4.b., 4.c., 4.d., 4.f., 4.g., 4.k., 9.c., 9.d. and 9.e. of these Orders.
11. By electronic mail on February 18, February 19 and February 27, 2015, Respondent submitted documentation in response to the February 10, 2015 letter from Ohio EPA referenced in Finding No. 10. of these Orders. This documentation included contingency plan documentation, photographs and used oil management information. By letter dated March 13, 2015, Ohio EPA notified Respondent that based on a review of the documentation, Respondent had abated the violations referenced in Findings Nos. 4.h., 4.j., and 9.b. of these Orders.
12. Because the hazardous waste filters were shipped offsite to an authorized facility, and the location where the unpermitted storage occurred is in close proximity to Respondent's hazardous waste generator accumulation area, and due to the ongoing manufacturing operations at the Facility, the Director has determined no further action is required by Respondent at this time to abate the violation of ORC § 3734.02(E) and (F) referenced in Finding No. 9.a. of these Orders, including closure of the unpermitted storage area in accordance with OAC rules 3745-55-10 through 3745-55-20.

V. ORDERS

Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated thereunder according to the following compliance schedule. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA

the amount of \$6,600.00 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 hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$6,600.00. 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 Respondent and the Facility. A copy of this check shall be sent to Ohio EPA Division of Materials and Waste Management, Supervisor, Administrative Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official check 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 required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northwest District Office
Division of Materials and Waste Management
347 N. Dunbridge Road
Bowling Green, Ohio 43402
Attn: DMWM Manager

and Ohio EPA Central Office at the following address:
For mailings, use the post office box number:

Enforcement Supervisor
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Materials and Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049

For deliveries to the building:

Enforcement Supervisor
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Materials and Waste Management
50 West Town Street
Columbus, Ohio 43215

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 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 closure or corrective action. 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. Except for the right to seek closure and corrective action at the 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:

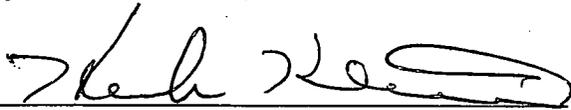
Ohio Environmental Protection Agency



Craig W. Butler
Director

IT IS SO AGREED:

Ryder-Heil Bronze, Inc.



Signature

Sept. 2, 2015
Date

Herb Kleine

Printed or Typed Name

Owner/President

Title