

OHIO E.P.A.

MAR -3 2005

ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

**Glastic Corporation**  
4321 Glenridge Road  
Cleveland, Ohio 44121

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 Glastic Corporation (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

All of the findings necessary for the issuance of these Orders pursuant to ORC §§ 3734.13 and 3745.01 have been made and are outlined below. Nothing in the findings shall be considered to be an admission by Respondent of any matter of law or fact. 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 reinforced plastic composite manufacturing business at 4321 Glenridge Road, Cleveland, Cuyahoga County, Ohio (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 was issued generator identification number OHD 990 694 416. The hazardous waste generated by Respondent at the Facility includes spent resins/solvents (D001).
4. On September 3, 2003, Ohio EPA conducted a compliance evaluation inspection at the Facility. As a result of the inspection, Ohio EPA determined that Respondent had, *inter alia*:
  - a. Established and operated a hazardous waste storage facility without a permit, in violation of ORC § 3734.02(E) & (F);
  - b. Failed to maintain and operate the Facility in a manner that minimizes the potential that hazardous waste or hazardous waste constituents are released to the environment, in violation of OAC rule 3745-65-31;
  - c. Failed to adequately evaluate wastes generated at the Facility to determine if those wastes were hazardous wastes, in violation of OAC rules 3745-52-11;
  - d. Failed to conduct and document weekly inspections of emergency equipment at the Facility, in violation of OAC rule 3745-65-33;
  - e. Failed to conduct and document weekly inspections of all areas where hazardous waste is stored at the Facility, in violation of OAC rule 3745-66-74;

- f. Failed to label containers of hazardous waste with the words, "Hazardous Waste," in violation of OAC rule 3745-52-34(A)(2);
  - g. Failed to mark containers of hazardous waste with the accumulation start date, in violation of OAC rule 3745-52-34(A)(3);
  - h. Failed to maintain adequate aisle space in hazardous waste storage areas at the Facility, in violation of OAC rule 3745-65-35;
  - i. Failed to keep containers of hazardous waste closed when not adding or removing waste, in violation of OAC rule 3745-66-73;
  - j. Failed to maintain a communication device immediately available for areas where hazardous waste is stored at the Facility, in violation of OAC rule 3745-65-32(B);
  - k. Failed to include all necessary components in the Facility's hazardous waste contingency plan, in violation of OAC rules 3745-65-52 and 3745-65-53;
  - l. Failed to identify a primary emergency coordinator for the Facility, in violation of OAC rule 3745-65-55;
  - m. Failed to develop, maintain, and implement a hazardous waste training program for employees that handle and/or manage hazardous wastes at the Facility, in violation of OAC rule 3745-65-16; and
  - n. Failed to complete and file a one-time written notification and certification to the Director of Ohio EPA for wastes which are de-characterized by treatment at the Facility, in violation of OAC rule 3745-270-09(D).
5. By letter dated September 25, 2003, Ohio EPA notified Respondent of the violations referenced in Finding Nos. 4.a. through 4.n. of these Orders.
6. In correspondence dated October 23 and November 25, 2003, Respondent provided responses to Ohio EPA's September 25, 2003 letter.

7. Based on a review of the responses referenced in Finding No. 6 of these Orders, and by letter dated December 23, 2003, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 4.f. through 4.j., and 4.l. of these Orders. In addition, Ohio EPA notified Respondent that Respondent had failed to develop and follow a written waste analysis plan for hazardous waste which is treated at the Facility, in violation of OAC rule 3745-270-07(A)(5).
8. In correspondence dated January 7 and February 12, 2004, Respondent provided responses to Ohio EPA's December 23, 2003 letter.
9. By letter dated February 13, 2004, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 4.b., 4.d., 4.e., and 4.m. of these Orders.
10. In correspondence dated February 27, March 25, and April 9, 2004, Respondent provided responses to Ohio EPA's February 13, 2004 letter.
11. By letter dated April 28, 2004, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 4.c. and 4.k. of these Orders.
12. In correspondence dated January 19 and 21, 2005, Respondent provided responses to Ohio EPA's April 28, 2004 letter.
13. Based upon the information contained in Respondent's January 19 and 21, 2005 letters, the Director has determined that Respondent has abated the violations referenced in Finding Nos. 4.n. and 7 of these Orders.
14. No additional action is required of Respondent at this time regarding the ORC § 3734.02(E) & (F) violation referenced in Finding No. 4.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. Respondent shall pay Ohio EPA the amount of \$37,000.00 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 pursuant to the following schedule:

- a. Within 30 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$6,166.70;
- b. Within 60 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$6,166.66;
- c. Within 90 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$6,166.66;
- d. Within 120 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$6,166.66;
- e. Within 150 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$6,166.66; and
- f. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$6,166.66.

Payments shall be made by official checks made payable to "Treasurer, State of Ohio." The official checks shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent and the Facility. A copy of each check shall be submitted in accordance with Section X. of these Orders.

#### **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official checks 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  
Northeast District Office  
Division of Hazardous Waste Management  
2110 E. Aurora Road  
Twinsburg, Ohio 44087  
Attn: DHWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

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

For deliveries to the building:

Joseph P. Koncelik, Director  
Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Hazardous Waste Management  
122 South Front Street  
Columbus, Ohio 43215  
Attn: Manager, Compliance Assurance Section

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 of hazardous waste units at the Facility, as well as corrective action at the Facility, 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 such closure or corrective action. Ohio EPA and Respondent reserves all other 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, Respondent consents to the issuance of these Orders and agree to comply with these Orders. Except for the rights to seek closure of hazardous waste units and corrective action at the Facility by Respondent, which rights Ohio EPA does not waive, compliance with these Orders shall be a full accord and satisfaction for Respondent's liabilities 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**

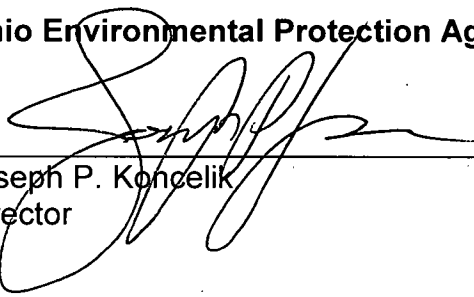
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**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**

  
\_\_\_\_\_  
Joseph P. Koncelik  
Director

\_\_\_\_\_  
March 3, 2005  
Date

**IT IS SO AGREED:**

**Glastic Corporation**

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
2/15/05  
Date

\_\_\_\_\_  
Mark DiGiampietro  
Printed or Typed Name

\_\_\_\_\_  
Vice President & General Manager  
Title