

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Key Plastics L.L.C.)
700 Randolph Street)
Montpelier, Ohio 43543)

Director's Final Findings
and Orders

ENTERED DIRECTOR'S JOURNAL

APR 17 2003

OHIO E.P.A.

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Key Plastics L.L.C. pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3745.01 and 3751.09.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Key Plastics L.L.C. and successors in interest liable under Ohio law. No change in ownership of Key Plastics L.L.C. or of the Facility shall in any way alter Key Plastics L.L.C.'s obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in ORC Chapter 3751 and the regulations promulgated thereunder.

IV. FINDINGS

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

1. Key Plastics Inc. owns and operates equipment used for the manufacturing and painting of various "button lines," the assemblies used for radio and ventilation controls, etc. and the "break-away" air bag covers. Both are supplied for automotive applications. The facility is at 700 Randolph Street, Montpelier, Ohio.

2. Pursuant to Ohio Administrative Code ("OAC") rules 3745-100-06 and 3745-100-07, the owner or operator of a facility that is classified within a covered Standard Industrial Classification ("SIC") code, has 10 or more full time employees, and manufactures, processes, and/or uses a toxic chemical listed in OAC rule 3745-100-10 in excess of the applicable threshold, must file a TRI report with the Ohio EPA and U.S. EPA on or before July 1 of the following year.
3. Key Plastics L.L.C.'s facility is classified within a covered Standard Industrial Classification (SIC) Code, specifically code 3089, plastic products not elsewhere classified.
4. Key Plastics L.L.C. employed approximately 89 employees in 1998, 189 employees in 1999 and 161 employees in 2000 at the Montpelier facility.
5. Certain glycol ethers, U.S. EPA chemical category number -230, is a listed chemical category in OAC rule 3745-100-10.
6. On February 13, 2002, Ohio EPA inspected Key Plastics L.L.C.'s facility and found that Toxic Release Inventory records keeping was not complete.
7. Key Plastics L.L.C. subsequently developed summary information which was provided on May 3, 2002. The summary information showed that three listed glycol ethers were otherwise used in excess of the 10,000 pound reporting threshold. Specifically, the facility used 14,924 pounds of certain glycol ethers in 1998, 21,460 pounds of certain glycol ethers in 1999 and 15,377 pounds of certain glycol ethers in 2000. (This summary information is based on only three of the glycol ethers category and is considered conservative.)
8. Key Plastics L.L.C. failed to submit TRI reports for calendar years 1998, 1999 and 2000 to U. S. EPA for certain glycol ethers, on or before July 1, 1999, July 1, 2000, and July 1, 2001, respectively, in violation of OAC rule 3745-100-07 and ORC § 3751.07.
9. Key Plastics L.L.C. submitted delinquent TRI reports for calendar years 1997, 1998, 1999, 2000 and 2001 to Ohio EPA. Ohio EPA received copies of these reports, dated August 2, 2002 and accompanied with a fee payment check dated December 11, 2002, on December 12, 2002. (Reports included the audited years as well as the prior and subsequent years.)
10. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Key Plastics L.L.C. shall pay the amount of seven thousand five hundred ninety-seven dollars (\$7,597) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to O.R.C. § 3751.10. Within fourteen (14) days after the effective date of these Orders, Key Plastics L.L.C. shall pay Ohio EPA the amount of six thousand seventy-eight dollars (\$6,078) of the total penalty amount. Payment shall be made by an official check made payable to "Treasurer, State of Ohio." The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, OH 43216-1049, together with a letter identifying Key Plastics L.L.C.'s facility.

The remaining one thousand five hundred nineteen dollars (\$1,519) shall be paid to fund a supplemental environmentally beneficial project. Specifically, within thirty (30) days after the effective date of these Orders, Key Plastics L.L.C. shall deliver an official check in this amount and made payable to the Ohio Department of Natural Resources, Division of Forestry, State Forest Fund for the purpose of funding urban tree-planting projects in Ohio. This check shall specify that such monies are to be deposited into Fund No. 509. The check shall be sent to John Dorka, Deputy Chief, or his successor, at the following address:

Division of Forestry
Ohio Department of Natural Resources
1855 Fountain Square Court, H-1
Columbus, Ohio 43224-1327

A copy of both checks shall be sent to James A. Orlemann, Manager, Engineering Section, or his successor, at the following address:

Division of Air Pollution Control
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

VI. TERMINATION

These Orders shall terminate when Ohio EPA and the Ohio Department of Natural Resources, Division of Forestry receive the penalty payments specified in 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 Key Plastics L.L.C. 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 Key Plastics L.L.C.

IX. MODIFICATIONS

These Orders may be modified by mutual agreement of the parties. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of the Ohio EPA.

X. NOTICE

Copies of all documents required to be submitted by Key Plastics L.L.C. pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
122 South Front Street, P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: James A. Orlemann, Manager, Engineering Section

XI. RESERVATION OF RIGHTS

Ohio EPA and Key Plastics L.L.C. 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, Key Plastics L.L.C. 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 Key Plastics L.L.C.'s liability for the violations specifically cited herein.

Key Plastics L.L.C. hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Key Plastics L.L.C. hereby waives any and all rights Key Plastics L.L.C. may have to seek administrative or judicial review of these Orders either in law or equity.

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

XIII. EFFECTIVE DATE

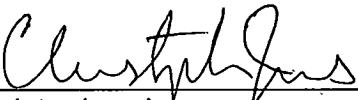
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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

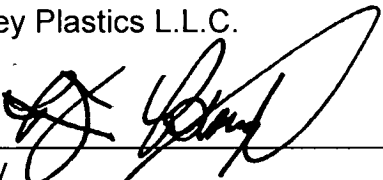


Christopher Jones
Director

4-13-03
Date

IT IS AGREED :

Key Plastics L.L.C.



By

4/8/03
Date

SR. VICE PRESIDENT, LEGAL AFFAIRS
Title