

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**In the Matter of:**

**Perfection One Collision Center, Inc.**  
225 Island Drive  
Circleville, Ohio 43113

**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 Perfection One Collision Center, 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 the Respondent or of the Facility owned by the Respondent 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 OF FACT**

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 operates an automobile body shop located at 225 Island Drive, Circleville, Ohio (Facility). Respondent was incorporated to do business in the state of Ohio on June 20, 2000. Prior to its incorporation, Respondent's predecessor in interest did business at this location under the registered trade name "Perfection One Collision Center."
3. Respondent notified Ohio EPA of its hazardous waste activities and was issued generator identification number OHD987038049.
4. 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 conditionally exempt small quantity generator of hazardous waste. The hazardous wastes generated by Respondent at the Facility are still-bottoms (F003 and F005) from the solvent recycling unit and other paint related wastes.
5. On December 13, 2001, Ohio EPA conducted an inspection of the Facility. As a result of this inspection, Ohio EPA determined that Respondent had, *inter alia*:
  - a. Caused hazardous waste to be transported to a solid waste facility, in violation of ORC § 3734.02(F);
  - b. Failed to properly evaluate wastes to determine if they are hazardous, in violation of OAC rule 3745-52-11; and
  - c. Failed to ensure delivery of hazardous waste to an off-site permitted, treatment, storage or disposal facility, in violation of OAC rule 3745-51-05(G)(3).
6. By letter dated January 23, 2002, Ohio EPA notified Respondent of the violations referenced in Finding No. 5.
7. By letter dated February 14, 2002, Respondent provided a response to Ohio EPA's January 23, 2002 letter. Based upon this response, the

Director has determined that the violation referenced in Finding No. 5.b. has been abated.

8. On April 8, 2002, Ohio EPA conducted a follow-up inspection of the Facility. As a result of this inspection, Ohio EPA determined that Respondent had, *inter alia*:
  - a. Caused hazardous waste to be transported to a solid waste facility, in violation of ORC § 3734.02(F); and
  - b. Treated hazardous waste without meeting the conditions listed in OAC rule 3745-51-05(G)(3) and failed to ensure delivery of hazardous waste to an off-site permitted, treatment, storage or disposal facility, in violation of OAC rule 3745-51-05(G)(3).
9. By letter dated April 18, 2002, Ohio EPA notified Respondent of the violations referenced in Finding No. 8. In this letter, Ohio EPA abated the violations referenced in Finding Nos. 8.a. and 8.b.
10. On August 29, 2002, Ohio EPA conducted a follow-up inspection of the Facility. As a result of this inspection, the Director has determined that the violations referenced in Finding Nos. 5.a. and 5.c. have been abated.

#### **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 \$11,200.00 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 thirty (30) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,000.00;
  - b. Within sixty (60) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,000.00;
  - c. Within ninety (90) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,000.00;

- d. Within one hundred twenty (120) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,000.00;
- e. Within one hundred fifty (150) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,000.00;
- f. Within one hundred eighty (180) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,000.00;
- g. Within two hundred ten (210) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,000.00;
- h. Within two hundred forty (240) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,000.00;
- i. Within two hundred seventy (270) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,000.00;
- j. Within three hundred (300) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,000.00; and
- k. Within three hundred thirty (330) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,200.00.

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 the 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  
Central District Office  
Division of Hazardous Waste Management  
Attn: DHWM Manager  
3232 Alum Creek Drive  
Columbus, Ohio 43207

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

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.

#### **XI. RESERVATION OF RIGHTS**

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. 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.

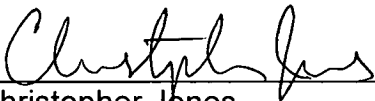
#### **XIV. SIGNATORY AUTHORITY**

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**

  
\_\_\_\_\_  
Christopher Jones  
Director

5-20-03  
\_\_\_\_\_  
Date

**IT IS SO AGREED:**

**Perfection One Collision Center, Inc.**

  
\_\_\_\_\_  
Signature

5/5/03  
\_\_\_\_\_  
Date

Richard Rhoades  
\_\_\_\_\_  
Printed or Typed Name

President  
\_\_\_\_\_  
Title