

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Revlis Corporation
255 Huntington Avenue
Akron, Ohio 44306

Respondent

Director's Final
Findings and Orders

ENTERED DIRECTOR'S JOURNAL

JUN 20 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 Revlis 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 will 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 operates a facility located at 255 Huntington Avenue, Akron, Ohio (Facility). At the Facility, Respondent manufactures color concentrates,

chemical batches and cure blends, and zinc bar dispersions for the rubber industry.

2. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).
3. Respondent notified Ohio EPA of its hazardous waste activities and was issued generator identification number OHD 061 022 828.
4. At the Facility, Respondent generates hazardous waste, including acute hazardous waste zinc dimethyldithiocarbamate containers and container liners (P205), off-specification commercial chemical products (D001/U190/U201/U244/P205), and various other wastes from the production processes.
5. On August 22, 2002, the Canton Repository newspaper contacted Ohio EPA and informed Ohio EPA that the driver of a truck, after delivering waste to American Landfill in Stark County, Ohio, required medical attention from exposure to dust while sweeping out the rear of the vehicle.
6. On August 22 and 23, 2002, Ohio EPA visited the American Landfill and documented that the waste, which was isolated by American Landfill, was generated at the Facility by Respondent and contained several acute hazardous waste (P205) containers and inner liners.
7. On August 23, 26 and 27, 2002, and September 5, 2002, Ohio EPA conducted inspections at the Facility. As a result of the inspection, Ohio EPA determined that Respondent had:
 - a. From 1996 to August, 2002, caused acute hazardous waste to be transported to a facility not operating under a hazardous waste permit, in violation of ORC § 3734.02(F);
 - b. Failed to adequately evaluate waste to determine if that waste was a hazardous waste, in violation of OAC rule 3745-52-11;
 - c. Failed to provide annual hazardous waste management training for employees at the Facility, in violation of OAC rule 3745-65-16;
 - d. Failed to conduct and document weekly inspections of emergency equipment, in violation of OAC rule 3745-65-33;
 - e. Failed to conduct weekly inspections of areas where hazardous waste

containers are stored, in violation of OAC rule 3745-66-74;

- f. Failed to include arrangements made with local authorities and failed to include the home addresses of persons listed as emergency coordinators at the Facility, in violation of OAC rules 3745-65-52 (C) and (D); and
 - g. Failed to amend the contingency plan to include changes to the emergency coordinator list, in violation of OAC rule 3745-65-54.
8. In correspondence dated September 12 and September 19, 2002, Respondent provided responses addressing the violations referenced in Finding Nos. 7.a. through 7.g. of these Orders.
 9. By letter dated September 24, 2002, Ohio EPA notified Respondent of the violations referenced in Finding Nos. 7.a. through 7.g. of these Orders. Also in the September 24, 2002 letter, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 7.a., 7.f., and 7.g. of these Orders.
 10. In correspondence dated October 30, November 6, November 8 and November 11, 2002, Respondent provided responses to Ohio EPA addressing the violations referenced in Finding Nos. 7.b., 7.c., 7.d., and 7.e. of these Orders.
 11. By letter dated November 21, 2002, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 7.b., 7.c., 7.d., and 7.e.

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 to Ohio EPA the amount of \$100,000 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. The Respondent shall pay the \$100,000 civil penalty settlement 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 \$12,500;

- b. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$12,500;
- c. Within 270 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$12,500;
- d. Within 360 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$12,500;
- e. Within 450 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$12,500;
- f. Within 540 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$12,500;
- g. Within 630 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$12,500; and
- h. Within 720 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$12,500.

Each of the above payments shall be made by an official check made payable to "Treasurer, State of Ohio" in the stated amount. 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 the checks 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 East 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:

Christopher Jones, 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:

Christopher Jones, 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 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.

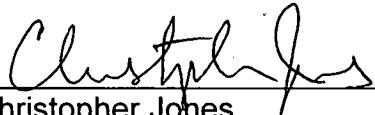
XIV. SIGNATORY AUTHORITY

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

JUN 20 2003

Date

IT IS SO AGREED:

Revlis Corporation



Signature

6/2/03

Date

THOMAS A. GEEKIE

Printed or Typed Name

PRESIDENT

Title