

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
JUL 17 2003
ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Carborundum Grinding Wheel Company
1011 East Front Street
Logan, Ohio 43138

Director's Final
Findings and Orders

Respondent

MODIFICATION TO DIRECTOR'S FINAL FINDINGS AND ORDERS OF APRIL 23, 2002

PREAMBLE

It is hereby agreed by the parties hereto as follows:

I. JURISDICTION

These Modified Director's Final Findings and Orders (Orders) are issued to Carborundum Grinding Wheel Company (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code §§ 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 in the Director's Final Findings and Orders of April 23, 2002 and ORC Chapter 3734. and the regulations promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. On April 23, 2002, the Director of Ohio EPA issued Director's Final Findings and Orders to Respondent. All findings made in the April 23, 2002 Director's Final Findings and Orders are hereby incorporated by reference.
2. The Director's Final Findings and Orders of April 23, 2002 required Respondent to, inter alia, pay to Ohio EPA a \$20,000 civil penalty settlement in two installment payments. The April 23, 2002 Director's Final Findings and Orders required Respondent to pay to Ohio EPA \$5,000 within 30 days after the effective date of the April 23, 2002 Director's Final Findings and Orders and pay to Ohio EPA the remaining \$15,000 of the civil penalty settlement within 365 days after the effective date of the April 23, 2002 Director's Final Findings and Orders.
3. By certified check dated May 24, 2002, Respondent paid to Ohio EPA the \$5,000 civil penalty settlement installment as required by the April 23, 2002 Director's Final Findings and Orders.
4. On April 22, 2003, Respondent telephoned Ohio EPA and requested an extension to pay the remaining \$15,000 civil penalty settlement installment required under the April 23, 2002 Director's Final Findings and Orders. Respondent requested that it be allowed until May 31, 2003 to make the \$15,000 civil penalty settlement installment payment. As part of its request, Respondent explained to Ohio EPA that Respondent was undergoing severe financial difficulties.
5. By letter dated April 22, 2003, Ohio EPA agreed to allow Respondent until May 31, 2003 to pay the \$15,000 civil penalty installment payment.
6. On May 22, 2003, Respondent again telephoned Ohio EPA and requested another extension to pay the remaining \$15,000 civil penalty settlement installment payment. Respondent explained that it was still experiencing severe financial problems and requested that it be allowed until June 30, 2003 to make the \$15,000 civil penalty settlement installment payment.
7. On June 6, 2003, Respondent again contacted Ohio EPA and requested another extension to pay the remaining \$15,000 civil penalty settlement installment payment. Respondent requested that it be allowed to make the \$15,000 civil penalty settlement payment in monthly installment payments ending December 31, 2003. In support of its requested extension,

Respondent submitted to Ohio EPA documentation of its financial condition.

8. Based upon Respondent's financial condition, the Director has decided to grant Respondent's request to satisfy the remaining \$15,000 civil penalty settlement in monthly installment payments ending December 31, 2003. However, based upon all of the circumstances, the Director has also determined that it is appropriate to apply to the remaining \$15,000 civil penalty settlement a rate of interest of five percent.

V. ORDERS

Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated thereunder according to the following compliance schedule:

1. All terms and conditions contained in the April 23, 2002 Director's Final Findings and Orders remain valid and in effect with the exception of Order No. 5.b. which is hereby superseded by the following:
 - b. Respondent shall pay to Ohio EPA the amount of \$15,562.50 according to the following schedule:
 - i. No later than July 31, 2003, Respondent shall pay to Ohio EPA the amount of \$3,000;
 - ii. No later than August 31, 2003, Respondent shall pay to Ohio EPA the amount of \$2,512.50;
 - iii. No later than September 30, 2003, Respondent shall pay to Ohio EPA the amount of \$2,512.50;
 - iv. No later than October 31, 2003, Respondent shall pay to Ohio EPA the amount of \$2,512.50;
 - v. No later than November 30, 2003, Respondent shall pay to Ohio EPA the amount of \$2,512.50; and
 - vi. No later than December 31, 2003, Respondent shall pay to Ohio EPA the amount of \$2,512.50.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent demonstrates in writing and certifies to the satisfaction of Ohio EPA that all obligations

under these Orders have been performed and Ohio EPA's Division of Hazardous Waste Management acknowledges, in writing, Ohio EPA's acceptance of this demonstration and certification.

This certification shall be submitted by Respondent and shall be signed by a responsible official of Respondent. The certification shall make the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

For purposes of these Orders, a responsible official is a corporate officer who is in charge of a principal business function of Respondent.

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 operations 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. NOTICE

All documents demonstrating compliance with these Orders, and other documents required under these Orders to be submitted to Ohio EPA, shall be addressed to:

Ohio Environmental Protection Agency
Southeast District Office
Division of Hazardous Waste Management
2195 Front Street
Logan, Ohio 43138
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
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.

X. 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 addressed 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 it 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.

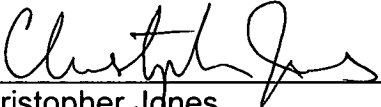
XIII. EFFECTIVE DATE

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

XI. SIGNATORIES

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:



Christopher Jones
Director

JUL 17 2003

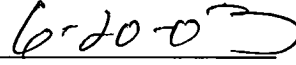
Date

IT IS SO AGREED:

CARBORUNDUM GRINDING WHEEL COMPANY



Signature



Date

THOMAS S. BALDWIN

Printed or Typed Name

H.R. MGR.

Title