

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

**E.I. du Pont de Nemours and Company
Herberts Automotive Systems Division
P.O. Box 80021
Wilmington, Delaware 19880-0021**

**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 E.I. du Pont de Nemours and Company, Herberts Automotive Systems Division (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 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.

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IV. FINDINGS

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 resin manufacturing facility located at 1930 Tremainsville Road, Toledo, Lucas County, Ohio (Facility). Respondent is registered to do business in the State of Ohio. Respondent received hazardous waste generator identification number OHD005041843 from Ohio EPA.
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. At the Facility, Respondent is a large quantity generator of hazardous waste.
4. By letter dated March 15, 2001, Respondent notified Ohio EPA that Respondent had stored 28, 55-gallon drums of hazardous paint waste for greater than 90 days without a permit. Respondent informed the Agency that the drums had been a part of an incoming shipment that had been involved in a transportation accident in April, 2000 while en route to the Facility. The drums were stored at the Facility during the processing of an insurance claim. On December 29, 2000, the hazardous paint waste was manifested to a permitted disposal facility.
5. By letter dated January 30, 2002, Ohio EPA notified Respondent that based on Respondent's March 15, 2001 letter, Ohio EPA had determined that Respondent stored the 28 containers of hazardous waste referenced in Finding No. 4. of these Orders without a permit, in violation of ORC § 3734.02(E) and (F). In addition, Ohio EPA also notified Respondent that the violation had been abated.
6. By telephone on March 4, 2002, and by letter dated March 8, 2002, Respondent notified Ohio EPA that Respondent had stored one 55-gallon drum of hazardous paint waste for greater than 90 days without a permit.
7. By letter dated March 21, 2002, Ohio EPA notified Respondent that based on Respondent's March 8, 2002 letter, Ohio EPA had determined that

Respondent stored hazardous waste at the Facility without a permit, in violation of ORC § 3734.02(E) and (F).

8. By letter dated March 27, 2002, Respondent submitted documentation demonstrating abatement of the violation cited in Ohio EPA's March 21, 2002 letter. By letter dated April 26, 2002, Ohio EPA notified Respondent that the violation identified in Finding No. 7. of these Orders had been abated.
9. By electronic mail dated August 2, 2002, Respondent informed Ohio EPA that in April 2000, Respondent filed an insurance claim for the drums of paint which were involved in the transportation accident referenced in Finding No. 4. of these Orders and that on September 19, 2000 a credit was issued to Respondent for settlement of the claim for the damaged material.
10. By letter dated December 9, 2002, Respondent provided to Ohio EPA clarification regarding the date upon which a credit was issued to Respondent for settlement of the claim for the damaged material. In the December 9, 2002 letter, Respondent explained that a credit was issued to Respondent on August 17, 2000 for settlement of the claim for the damaged material.

V. ORDERS

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

1. Within 30 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$10,125.00 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. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$10,125.00. The official check 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 this 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 check 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
North West District Office
Division of Hazardous Waste Management
347 North Dunbridge Road
Bowling Green, Ohio 43402-9398
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 reserves its rights to exercise its lawful authority to require Respondent to perform closure of hazardous waste units at the Facility, pursuant to ORC Chapter 3734. or any applicable law in the future to address violations specifically cited in these Orders. Ohio EPA and Respondent each reserve 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 agrees to comply with these Orders. Except for the right to seek closure of hazardous waste units by Respondent for violations specifically cited in these Orders, which right Ohio EPA does not waive, 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

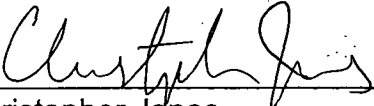
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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

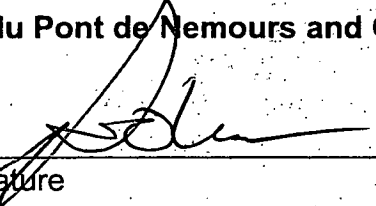


Christopher Jones
Director

JAN 14 2003
Date

IT IS SO AGREED:

E.I. du Pont de Nemours and Company



Signature

12/20/02
Date

Robert O. Woodruff
Printed or Typed Name

Plant Manager - Mt Clemens and Toledo
Title