BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Hohman Plating and Mfg., Inc.
814 Hillrose Avenue
Dayton, Ohio 45459

Respondent

Director's Final Findings and Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Hohman Plating and Mfg., 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 its 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.

IV. FINDINGS

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 owns and operates a plating and manufacturing facility located at 814 Hillrose Avenue, Dayton, Ohio (Facility). Respondent was incorporated to do business in the State of Ohio on October 29, 1946. Respondent received hazardous waste generator identification number OHD004278362 from Ohio EPA on August 26, 1980.

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, including cyanide solution (D002, D007, D008, F009) and alkaline tin plating waste (D002). Respondent is a large quantity generator of hazardous waste.

4. On January 5, 2001, Ohio EPA conducted a compliance evaluation inspection at the Facility, and determined that Respondent had:

   a. Stored three 400-gallon totes of alkaline hazardous waste at the Facility for greater than 90 days without obtaining an Ohio Hazardous Waste Facility Installation and Operation Permit, in violation of ORC §§ 3734.02(E) and 3734.02(F);

   b. Failed to properly mark all of the hazardous waste storage containers with the date upon which each period of accumulation began for these containers, in violation of OAC rule 3745-52-34(A)(2);

   c. Failed to properly label all of the hazardous waste storage containers with the words "Hazardous Waste," in violation of OAC rule 3745-52-34(A)(3);

   d. Failed to maintain hazardous waste containers closed except when necessary to add or remove waste, in violation of OAC rule 3745-66-73(A); and

   e. Failed to conduct hazardous waste inspections, in violation of OAC rule 3745-66-74.

5. By letter dated January 9, 2001, Ohio EPA notified Respondent of the violations referenced in Findings Nos. 4.a. through 4.e.

6. By letter dated January 17, 2001, Respondent submitted documentation in response to Ohio EPA's January 9, 2001, letter, and provided evidence of some corrective measures.

7. On February 22, 2001, Ohio EPA conducted a Return-to-Compliance (RTC) inspection at the Facility and determined that Respondent had:

   a. Failed to properly mark all of the hazardous waste storage containers with the date upon which each period of accumulation began for these containers, in violation of OAC rule 3745-52-34(A)(2); and

   b. Failed to maintain hazardous waste containers closed except when necessary to add or remove waste, in violation of OAC rule 3745-66-73(A).

   In addition, Ohio EPA determined that Respondent was storing waste copper strip solution in one of the sumps of the Facility's waste water treatment system prior to its shipment off-site.

8. By letter dated February 28, 2001, Ohio EPA notified Respondent of the violations referenced in Findings Nos. 7.a. and 7.b. and that Respondent had abated those violations referenced in Finding Nos. 4.a., 4.c., and 4.e.

9. By letter dated March 5, 2001, Respondent submitted a response to Ohio EPA's February 28, 2001, letter, and provided evidence of some corrective measures.

10. On April 26, 2001, Ohio EPA conducted a RTC inspection at the Facility and determined that Respondent had:

    a. Failed to maintain hazardous waste containers closed except when necessary to add or remove waste, in violation of OAC rule 3745-66-73(A);

    b. Failed to label the hazardous waste storage tank with the words "Hazardous Waste," in violation of OAC rule 3745-52-34(A)(3); and

    c. Failed to conduct hazardous waste inspections, in violation of OAC rule 3745-66-74.

11. By letter dated April 30, 2001, Ohio EPA notified Respondent of the violations referenced in Findings Nos. 10.a., 10.b., and 10.c. and that Respondent had abated the violation referenced in Finding No. 7.a. and had partially returned to compliance for the violation referenced in Finding No. 7.b.

    In addition, Ohio EPA directed Respondent to immediately cease the use of the waste water treatment sump as a hazardous waste storage tank and to properly dispose of the hazardous waste stored in the sump.

12. By letter dated May 9, 2001, Respondent submitted a response to Ohio EPA's April 30, 2001, letter, and provided evidence of some corrective measures.

13. On June 5, 2001, Ohio EPA conducted a RTC inspection at the Facility and determined that Respondent had failed to properly mark all of the hazardous waste storage containers with the date upon which each period of accumulation began for these containers, in violation of OAC rule 3745-52-34(A)(2).

14. By letter dated June 15, 2001, Ohio EPA notified Respondent of the violation referenced in Finding No. 13., and that Respondent had abated those violations referenced in Finding Nos. 10.a., 10.b., and 10.c. On June 21, 2001, Ohio EPA received documentation submitted by Respondent in response to Ohio EPA's June 15, 2001, letter, and provided evidence of some corrective measures.

15. On August 1, 2001, Ohio EPA conducted a RTC inspection at the Facility and determined that Respondent had, with respect to the wastewater treatment sump previously used to store copper strip solution:

    a. Failed to provide a tank assessment to determine the integrity of the hazardous waste storage tank at the Facility before putting the tank into service, in violation of OAC rule 3745-66-91;

    b. Failed to provide secondary containment for the hazardous waste storage tank at the Facility, in violation of OAC rule 3745-66-93(B)(C);

    c. Failed to demonstrate that the ancillary equipment meets the hazardous waste storage tank requirements, in violation of OAC rule 3745-66-93(F);

d. Failed to meet general operating requirements for tank systems, in violation of OAC rule 3745-66-94;

e. Failed to conduct waste stream analysis for waste prior to storing hazardous waste in the wastewater treatment tank, in violation of OAC rule 3745-66-991; and

f. Failed to meet the special requirements for ignitable or reactive waste, in violation of OAC rule 3745-66-98.

16. By letter dated August 14, 2001, Ohio EPA notified Respondent of the violations referenced in Findings Nos. 15.a. through 15.f., and that Respondent had abated the violation referenced in Finding No. 13.

In addition, the letter discussed Respondent's use of the wastewater treatment sump as a hazardous waste storage tank, which had been observed during Ohio EPA's April 26, 2001 RTC inspection. Based on this observation, Ohio EPA determined that Respondent had failed to inspect the waste water treatment tank, in violation of OAC rule 3745-66-95. Ohio EPA's August letter also confirmed that Respondent was no longer storing hazardous waste in the sump, but, as indicated in Respondent's May 9, 2001 letter, had begun containerizing the hazardous waste prior to shipment for disposal off-site.

17. On October 23, 2001, an employee of Respondent inadvertently created a chemical reaction by mixing hydrochloric acid with nickel stripper, which resulted in a release of hazardous waste to the environment. As a result of this incident, Ohio EPA determined that Respondent had:

a. Disposed of hazardous waste at the Facility without obtaining an Ohio Hazardous Waste Facility Installation and Operation Permit, in violation of ORC §§ 3734.02(E) and 3734.02(F);

b. Failed to meet the special requirements for incompatible wastes, in violation of OAC rule 3745-66-99;

c. Failed to meet the special requirements for ignitable or reactive wastes, in violation of OAC rule 3745-66-98; and

d. Failed to maintain and operate the Facility to minimize the possibility of fire, explosion or release of hazardous waste, in violation of OAC rule 3745-65-31.

18. By letter dated January 3, 2002, Ohio EPA notified Respondent of the violations referenced in Findings Nos. 17.a. through 17.d. By letter dated January 21, 2001 (*sic*), Respondent submitted a response to Ohio EPA's January 3, 2002 letter, and provided evidence of some corrective measures.

19. By letters dated October 15, 2002, and January 14, 2003, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 4.b., 4.d., 7.b., 15.a. through 15.f., 16., and 17.a. through 17.d.

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 $62,000.00 in settlement of Ohio EPA's claims for civil penalties for all matters described in the Findings which may be assessed pursuant to ORC Chapter 3734. $37,200.00 of this amount shall be deposited into the hazardous waste clean-up fund established pursuant to ORC § 3734.28. Payment shall be made within 30 days after the effective date of these Orders by tendering an official check for $37,200.00 made payable to "Treasurer, State of Ohio" 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.

2. In lieu of payment of the remaining $24,800.00 of the civil penalty settlement, Respondent shall implement at the Facility a supplemental environmental project (SEP) as follows:

    a. Within 365 days after the effective date of these Orders, Respondent shall install at the Facility the acid recycling system as described in Attachment A to these Orders, incorporated herein. Within 30 days after installation of the acid recycling system, Respondent shall submit to Ohio EPA a report demonstrating completion of installation and commencement of operation of the acid recycling system. The report shall include documentation of expenditures, e.g., paid invoices, relating to the installation of the acid recycling system. The report shall be submitted in accordance with Section X of these Orders.

b. Within 730 days after the effective date of these Orders, Respondent shall submit to Ohio EPA a report that details the reduction in the amount of muriatic acid discharged to the Facility's wastewater treatment system and the reduction in the amount of product acid purchased as a result of the installation and operation of the acid recycling system. The report shall be submitted in accordance with Section IX of these Orders.

3. Should Respondent fail to implement the SEP in a timely manner, or fail to fully implement the SEP in the amount of at least $49,600.00 within 365 days after the effective date of these Orders, Respondent shall pay to the Ohio EPA the $24,800.00 balance of the civil penalty settlement which will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be made within 30 days after failing to meet the specified deadlines by tendering an official check for $24,800.00 made payable to "Treasurer, State of Ohio" 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 when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and Ohio EPA's Division of Hazardous Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. 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 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
Southwest District Office
Division of Hazardous Waste Management
401 East 5th Street
Dayton, Ohio 45402
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

OCT 20 2003
Date

IT IS SO AGREED:

Hohman Plating and Mfg., Inc.

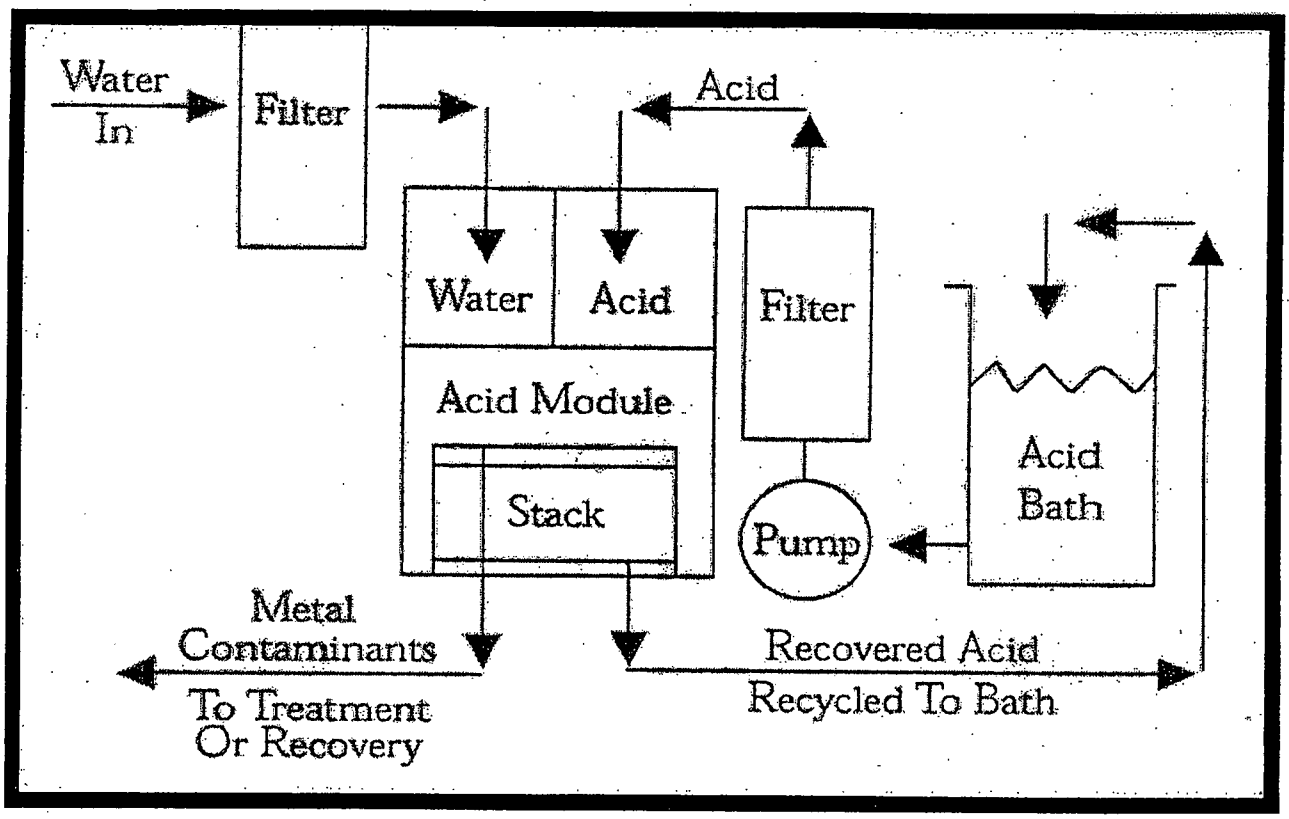
William T. Miller
Signature

Oct 1, 2003
Date

William T. Miller
Printed or Typed Name

President
Title

1. DIAGRAM OF ACID RECYCLING PROCESS:



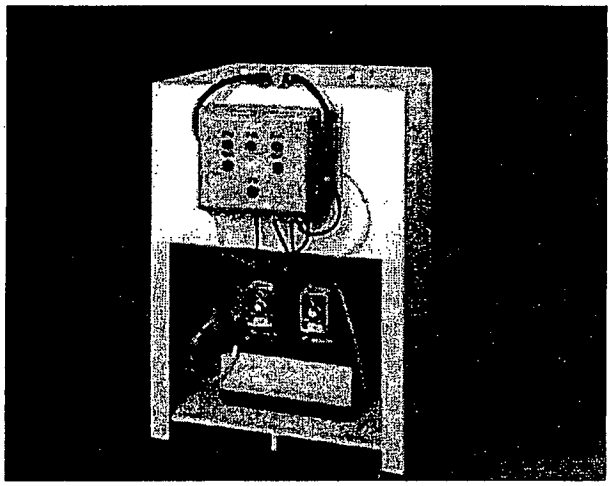
2. DESCRIPTIONS/SALES BROCHURES

USFilter

VIVENDI Environnement company

Site Search

End Uses • Technologies • Acid Recovery and Recycling System



Acid Recovery and Recycling System

The ARR™ Acid Recovery and Recycling System provides a logical way for metal finishing plants to deal with today's strict disposal requirements while conserving resources and saving money. Our systems are simple and economical to operate. Our unique technology efficiently recovers nitric, hydrochloric, fluoboric, and sulfuric acid from concentrated baths that usually must be discarded. The acid is returned to the process for continued use, while only a dilute stream containing the bath contaminants and a small amount of acid requires any further attention. Recovering acids rather than destroying them avoids the costly problems of treatment, disposal, reporting and liability. This process improves manufacturing quality and maximizes production capacity. In the ARR™ Acid Recovery and Recycling System, used acid is metered through the system in contact with one side of an anionic ion exchange membrane. Water is metered in a counter-current fashion on the recovery side of the membrane. The majority of the acid migrates through the membrane into the water leaving contaminants such as heavy metals behind. The purified acid is directed back to the process tank, while the contaminant-laden acid stream goes to metal recovery or waste treatment for further processing. Fresh acid in proportion to the unrecovered amount is added to the bath to maintain the concentration within the correct operating window.

Summary

The ARR™ Acid Recovery and Recycling System utilizes an advanced membrane separation technology known as diffusion dialysis. This unique process efficiently recovers nitric, hydrochloric, hydrofluoric, fluoboric, and sulfuric acid or mixtures of these acids from concentrated baths that usually must be discarded. USFilter's acid recovery and recycling systems are engineered and designed for the metal finishing industry to avoid concentrated bath dumping, a major pollution source, treatment expense, and liability.

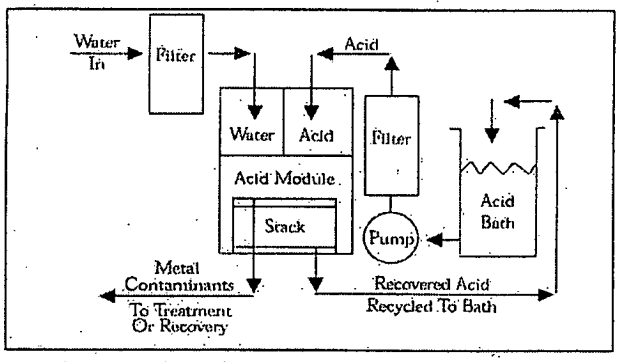


Fig. 2 Process flow diagram

The highly resistant nature of ion exchange membranes to strong acids enables the system to handle a wide variety of mineral acids at high concentrations.

Common metal contaminants such as copper, chrome, nickel, iron, and aluminum can be economically separated allowing the reclaimed acids to be used indefinitely.

Each acid has a unique potential. This coupled with the chemical behavior of its contaminants, determines the economics of recovery with diffusion dialysis. Pilot systems are available for on-site compatibility testing on your acid process chemistries.

SIMPLIFIED OPERATION

Operation is automatic and continuous and may run 24 hours per day, 7 days per week for best application economics.

With few moving parts and low energy consumption, ARR systems are a simple way and an ideal opportunity to improve quality and reduce cost.

FEATURES & BENEFITS

- Process acids can be utilized indefinitely
- Significantly cuts waste treatment requirements
- Avoids off-site disposal
- Minimizes reporting and hauling requirements
- Up to 95% reduction in new acid purchases
- Reduces long term liability
- Decreases material handling and labor
- Maintains uniform bath for optimum process performance and product quality
- Easily adapts to most commonly used acid pickle and strips
- Fast payback, low operating cost, positive investment return
- Corrosion-resistant construction, long life and low maintenance
- Space-saving modular design arrives ready for use
- Standard units available from 5 GPD and larger

Typical Recovery Results
Anodizing Application

Table 1

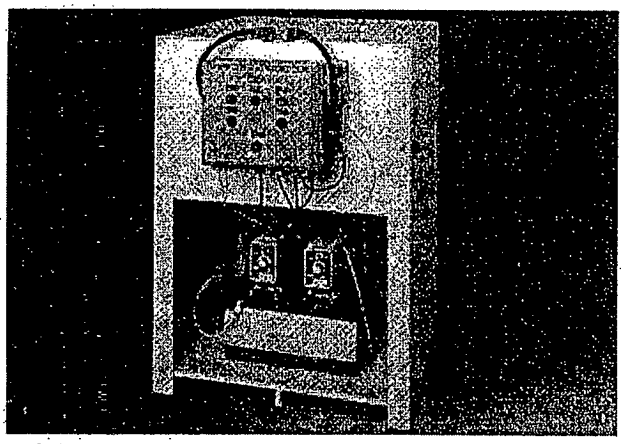
Initial Acid	Recycled Acid	Depleted Acid
Sulfuric Acid: 18%	16%	2%
Aluminum: 12,000 ppm	600 ppm	11,400 ppm
Acid Recycling Efficiency		88.8%
Aluminum Removal Efficiency		95%

USFilter
Industrial Wastewater Systems
181 Thorn Hill Road
Warrendale, PA 15086
800.525.0658 *toll free*
724.772.0044 *phone*
724.772.1360 *fax*
http://www.usfilter.com

VIVENDI water company

DATA SHEET

ARR™ ACID RECOVERY AND RECYCLING SYSTEM



10 GPD ARR

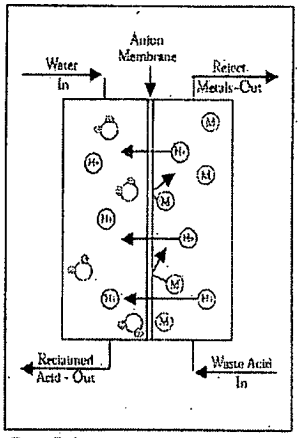


Fig. 1 Diffusion dialysis cell pair

The ARR™ Acid Recovery and Recycling System provides a logical way for metal finishing plants to deal with today's strict disposal requirements while conserving resources and saving money.

Our systems are simple and economical to operate. Our unique technology efficiently recovers nitric, hydrochloric hydrofluoric, fluoboric, and sulfuric acid from concentrated baths that usually must be discarded. The acid is returned to the process for continued use, while only a dilute stream containing the bath contaminants and a small amount of acid requires any further attention.

Recovering acids rather than destroying them avoids the costly problems of treatment, disposal, reporting and liability. This process improves manufacturing quality and maximizes production capacity.

Our recycling systems utilize an advanced membrane separation technology known as diffusion dialysis. It was engineered and designed for the metal finishing industry to avoid concentrated bath dumping, a major pollution source, treatment expense, and liability.

Our proprietary design features an extended membrane area configuration that efficiently promotes the removal and concentration of the acid up to 95% of its original strength.

The unique design of the membrane cell stack, the heart of the system, results in a system that is capable of efficiently removing acids to extremely low concentrations with almost no power consumption.

ARR SYSTEM IN OPERATION

The used acid is metered through the system in contact with one side of an anionic ion exchange membrane. Water is metered in a counter-current fashion on the recovery side of the membrane. The majority of the acid migrates through the membrane into the water leaving contaminants such as heavy metals behind. The purified acid is directed back to the process tank, while the contaminant-laden spent acid stream goes to metal recovery or waste treatment for further processing. Fresh acid in proportion to the unrecovered amount is added to the bath to maintain the concentration within the correct operating window.

USFilter