

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**In the Matter of:**

**Hukill Chemical Corporation**  
7013 Krick Road  
Bedford, Ohio 44146

**Respondent**

**Director's Final  
Findings and Orders**

OHIO E.P.A.  
JUN 12 2003  
ENTERED DIRECTOR'S JOURNAL

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to Hukill Chemical 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 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

The Director of Ohio EPA has determined the following findings:

1. Respondent is the owner and operator of a permitted hazardous waste facility located at 7013 Krick Road, Bedford, Ohio (Facility). At the Facility, Respondent is also a generator of hazardous waste. Respondent is a corporation qualified to do business in Ohio on July 23, 1947.
2. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).
3. On January 24, 2002, Ohio EPA conducted an inspection of the Facility. As a result of the inspection, Ohio EPA determined that Respondent had:
  - a. Failed to keep a copy of a manifest signed by the designated facility, in violation of OAC rule 3745-52-40(A);
  - b. Failed to maintain and operate the Facility in a manner that minimizes the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment, in violation of OAC rule 3745-54-31; and
  - c. Accumulated greater than 55-gallons of hazardous waste in a satellite accumulation area and failed to mark a container holding the excess accumulation of hazardous waste with the date the excess began accumulating and failed to remove the excess within three days, in violation of OAC rule 3745-52-34(C)(2).
4. By letter dated February 20, 2002, Ohio EPA notified Respondent of the violations referenced in Finding No. 3. of these Orders.
5. By letters dated March 22, May 21 and May 29, 2002, Respondent provided responses to Ohio EPA's February 20, 2002 letter.
6. On May 24, 2002, Ohio EPA met with Hukill to discuss the waste evaluation for the container in question. During this meeting, Hukill provided the analytical data for this container which demonstrated that it had a flash point of <73 degrees, making it an ignitable hazardous waste (D001).

7. By letter dated May 29, 2002, Respondent provided Ohio EPA and Countywide a written report of non-compliance as required by its permit and hazardous waste regulations.
8. By letter dated June 27, 2002, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding No. 3. of these Orders. In the letter, Ohio EPA also notified Respondent that Respondent had transported or caused to be transported one container of ignitable hazardous waste to Countywide Recycling and Disposal Facility (Countywide), a facility without an Ohio hazardous waste permit, in violation of ORC § 3734.02(F).
9. By letter dated July 22, 2002, Respondent provided a response to Ohio EPA's June 27, 2002 letter.
10. By letter dated September 24, 2002, Ohio EPA notified Respondent that Respondent had abated the violation referenced in Finding No. 8. of these Orders.

#### **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 Ohio EPA the amount of \$8,850 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 \$8,850. The official check shall be submitted to OhioEPA, 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  
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**

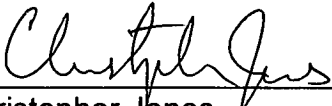
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**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:**

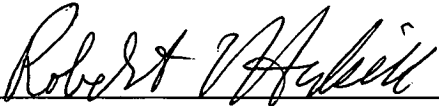
**Ohio Environmental Protection Agency**

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

6-12-03  
\_\_\_\_\_  
Date

**IT IS SO AGREED:**

**Hukill Chemical Corporation**

  
\_\_\_\_\_  
Signature

5/27/03  
\_\_\_\_\_  
Date

Robert L. Hukill  
\_\_\_\_\_  
Printed or Typed Name

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