

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

Director's Final Findings
and Orders

In the Matter of:

Michael Mikosz
Charles Wiltse
dba Motor City Mold Company
Sylvania Business Plaza
8432 West Central Avenue, Suite No.4
Sylvania, Ohio 43560

Respondents

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Michael Mikosz and Charles Wiltse, partners, dba Motor City Mold Company, (together referred to as "Respondents"), 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 Respondents and successors in interest liable under Ohio law. No change in ownership of the Respondents or of the Facility shall in any way alter Respondents' obligations under these Orders.

OHIO E.P.A.
JUL 23 2003
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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. Respondents own and operate a fiberglass molds manufacturing facility located at 8432 Central Avenue, Sylvania, Lucas County, Ohio 43560 ("Facility"). Fiberglass parts are manufactured using resins and hardeners. Acetone is used to clean the resins and hardeners from brushes and other reusable equipment. Waste generated at the Facility includes reacted resins and hardeners and spent acetone (F003).
2. Messrs. Mikosz and Wiltse are partners, dba Motor City Mold Company, and as such are "owners" of the Facility as defined in Ohio Administrative Code (OAC) rule 3745-50-10(A). On August 1, 2001, Respondents received United States Environmental Protection Agency ("U.S. EPA") hazardous waste generator identification number OHD182013029 as a conditionally exempt small quantity generator of hazardous waste.
3. Respondents are each a "person" as defined in ORC § 3734.01(G) and OAC rule 3745-50-10(A).
4. On February 7, March 22, and May 14, 2001, Ohio EPA conducted a complaint investigation at the Facility and determined that Respondents had, inter alia:
 - a. Illegally transported and stored hazardous waste at both the Facility and at a self storage facility located at 3655 Centennial Road, Sylvania, Ohio ("off-site storage area"), without a hazardous waste permit issued in accordance with ORC Chapter 3734., in violation of ORC §§ 3734.02(E) and (F) and 3734.14;
 - b. Failed to evaluate spent acetone and distillation bottoms from the recovery of the spent acetone to determine if they were hazardous waste, in violation of OAC rule 3745-52-11;

- c. Failed to obtain a U.S. EPA hazardous waste generator identification number, in violation of OAC rule 3745-52-12;
- d. Failed to train employees in proper waste handling and emergency procedures, in violation of OAC rules 3745-52-34(D)(5)(a), 3745-52-34(D)(5)(b), and 3745-52-34(D)(5)(c);
- e. Failed to provide the required emergency equipment and inspect the equipment properly, and record the inspections in a log, in violation of OAC rules 3745-65-32 and 3745-65-33 respectively;
- f. Failed to provide adequate aisle space in areas used to store hazardous waste, in violation of OAC rule 3745-65-35;
- g. Failed to properly mark and label hazardous waste containers, in violation of OAC rule 3745-52-34(D)(4);
- h. Failed to inspect and document inspections of hazardous waste storage areas, in violation of OAC rules 3745-66-74(A) and (B) respectively;
- i. Failed to prepare a uniform hazardous waste manifest prior to transporting hazardous waste, in violation of OAC rule 3745-52-20;
- j. Failed to maintain and operate areas used to store hazardous waste to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment, in violation of OAC rule 3745-65-31;
- k. Failed to familiarize local emergency response authorities with the types of wastes being handled at the Facility, in violation of OAC rule 3745-65-37(A); and
- l. Failed to properly package, label, mark, and placard hazardous waste containers and vehicles prior to transportation pursuant to Department of Transportation requirements, in violation of OAC rules 3745-52-30 through 3745-52-33.

By letter dated July 9, 2001, Ohio EPA notified Respondents of the results of this investigation.

5. By letter dated July 26, 2001, Respondents answered Ohio EPA's July 9, 2001 letter referenced in Finding No.4. By letter dated August 21, 2001, Ohio EPA notified Respondents that Respondents had abated those violations referenced in Finding Nos. 4.b. through 4.j.
6. By letter dated November 28, 2001, Ohio EPA notified Respondents that Respondents had abated the remaining violations discovered during the investigation referenced in Finding No.4.

V. ORDERS

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

1. Respondents shall pay to Ohio EPA the amount of \$19,800.00 in settlement of Ohio EPA's claims for civil penalties which may be assessed for noncompliance pursuant to Chapter 3734. of the ORC pursuant to the following schedule:
 - a. Within 90 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,650.00;
 - b. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,650.00;
 - c. Within 270 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,650.00;
 - d. Within 360 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,650.00;
 - e. Within 450 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,650.00;
 - f. Within 540 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,650.00;

- g. Within 630 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,650.00;
- h. Within 720 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,650.00;
- i. Within 810 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,650.00;
- j. Within 900 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,650.00;
- k. Within 990 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,650.00; and
- l. Within 1080 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,650.00.

Each of the payments above shall be made by tendering a certified check in the stated amount to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondents and the Facility. A copy of this check shall be submitted in accordance with Section X. of these Orders.

VI. TERMINATION

Respondents' 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 Respondents' 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 Respondents.

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 Respondents pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northwest District Office
Division of Hazardous Waste Management
Attn: DHWM Manager
347 Dunbridge Road
Bowling Green, Ohio 43402-9398

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
Attn: Manager, Compliance Assurance Section
P.O. Box 1049
Columbus, Ohio 43216-1049

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

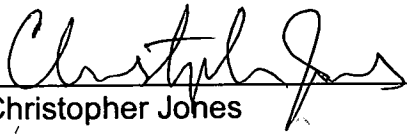
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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

JUL 23 2003

Date

IT IS SO AGREED:

Michael Mikosz & Charles Wiltse, partners, d.b.a. Motor City Mold Company



Signature

7/7/03


Date

MICHAEL MIKOSZ

Printed or Typed Name

GENERAL PARTNER

Title



Signature

7/7/03

Date

Charles Wiltse

Printed or Typed Name

General Partner

Title