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**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

**Nylonge Corporation
1301 Lowell Street
Elyria, Ohio 44035**

:
:
:

**Director's Final Findings
and Order**

**OHIO E.P.A.
JUL - 9 2002
REGISTERED DIRECTOR'S JOURNAL**

PREAMBLE

It is hereby agreed that:

I. JURISDICTION

These Director's Findings and Order ("Orders") are issued to Nylonge Corporation ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") sections 3753.08 and 3753.09.

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 relating to the facility identified in Finding 1 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 used in ORC Chapter 3753 and the regulations promulgated thereunder.

IV. FINDINGS OF FACT

The Director of Ohio EPA has determined the following findings of fact:

1. Respondent owns and operates a cellulose sponge manufacturing facility located at 1301 Lowell Street in Elyria (Lorain County), Ohio.
2. Pursuant to Ohio Administrative Code ("OAC") Rules 3745-104-02 and 3745-104-04, the owner or operator of a facility that has more than a threshold quantity of a regulated substance in a single process is required to submit a Risk Management Plan ("RMP") to Ohio EPA and U.S. EPA on or before June 21, 1999.

3. Nylonge has in excess of 20,000 pounds of carbon disulfide in a single process. This is above the threshold quantity of a regulated substance in a single process pursuant to OAC 3745-104-04.
4. OAC Rule 3745-104-06(C)(5) requires a facility to submit as part of the RMP the data on prevention program elements. Respondent failed to submit a correct Risk Management Plan for Program Two requirements in violation of OAC Rule 3745-104-06(C).
5. On May 2, 2001, Ohio EPA's Division of Air Pollution Control ("DAPC") inspected Nylonge's facility and discovered the following:
 - a. OAC Rule 3745-104-07 requires a facility to assign a qualified person or position that has the overall responsibility for the development, implementation, and integration of the risk management program elements. Respondent failed to implement a management program for the RMP elements in violation of OAC Rule 3745-104-07;
 - b. OAC Rule 3745-104-42(B)(7) requires a facility to identify the greatest amount of a regulated substance held at any time in a single process. Respondent failed to identify the greatest amount of a regulated substance held at any time in a single process in violation of OAC Rule 3745-104-42(B)(7);
 - c. OAC Rule 3745-104-10(A)(2)(a) requires a facility to calculate the worst-case release scenario that is estimated to create the greatest distance in any direction to an endpoint. Respondent failed to calculate the worst-case release scenario that is estimated to create the greatest distance in any direction to an endpoint in violation of OAC Rule 3745-104-10(A)(2)(a);
 - d. OAC Rule 3745-104-10(B)(1) requires a facility to identify the greatest amount of a regulated substance held at any time in a single vessel to determine the worst-case quantity. Respondent failed to identify the greatest amount of regulated substance held at any time in a single vessel in violation of OAC Rule 3745-104-10(B)(1);
 - e. OAC Rule 3745-104-10(B)(1) requires a facility to identify the population within the worst-case release scenario radius. Respondent failed to estimate the population within the worst-case release scenario radius in violation of OAC Rule 3745-104-12(A);

- f. OAC Rule 3745-104-15 requires a facility to maintain on-site, records relating to the worst-case scenario, alternative release scenario, methodology used to determine distance to the endpoints, and data used to estimate population and environmental receptors potentially affected. Respondent failed to maintain hazard assessment documentation in violation of OAC Rule 3745-104-15; and
 - g. OAC Rule 3745-104-18 requires a facility to conduct a review of the hazards associated with the regulated substance, process, and procedures. Respondent failed to conduct a review of the hazards associated with the regulated substances, process, and procedures in violation of OAC Rule 3745-104-18.
6. A letter requesting a corrected RMP within 30 days of receipt of the letter was mailed to Respondent on May 17, 2001. A copy of documentation for the Respondent's public meeting was requested by May 29, 2001.
 7. Respondent mailed a letter on June 4, 2001 indicating a time extension may be necessary to re-evaluate the worst-case release scenario.
 8. Respondent mailed a Work Plan dated September 6, 2001 for the preparation and submission of an updated RMP by December 21, 2001.
 9. A warning letter was issued by Ohio EPA DAPC to Respondent on September 13, 2001, outlining Respondent's violations of OAC Chapter 3745-104.
 10. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and the benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall maintain compliance with the requirements of OAC Chapter 3745-104 as applicable to Respondent's facility.
2. Respondent shall submit an acceptable, corrected RMP no later than April 20, 2002 to DAPC, Ohio EPA, and U.S. EPA, RMP Reporting Center.
3. Pursuant to ORC 3753.09, Respondent is assessed a civil penalty in the amount of twenty six thousand four hundred dollars (\$26,400) in settlement of Ohio EPA's claim

for civil penalties. Within fourteen (14) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of twenty one thousand one hundred twenty dollars (\$21,120) that shall be credited to the risk management plan reporting fund created in section 3753.05 of the Revised Code. Payment shall be made by certified check made payable to "Treasurer, State of Ohio" and sent to Vicki Galilei, Fiscal Specialist, or her successor, at the following address:

Fiscal Administration
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

A copy of the check shall be sent to James A. Orlemann, Manager, Engineering Section, or his successor, at the following address:

Division of Air Pollution Control
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, OH 43216-1049

In lieu of payment to Ohio EPA of the remaining five thousand two hundred eighty dollars (\$5,280) of the total penalty amount, Respondent shall perform the supplemental environmentally beneficial project identified in Order 4.

4. Respondent shall perform the supplemental environmentally beneficial project consisting of funding urban tree-planting projects in Ohio. Specifically, within thirty (30) days after the effective date of these Orders, Respondent shall deliver a certified check in the amount of five thousand two hundred eighty dollars (\$5,280) made payable to the Ohio Department of Natural Resources, Division of Forestry, State Forest Fund for this purpose. This check shall specify that such monies are to be deposited into Fund No. 509. The check shall be sent to John Dorka, Deputy Chief, or his successor, at the following address:

Division of Forestry
Ohio Department of Natural Resources
1855 Fountain Square Court, H-1
Columbus, Ohio 43224-1327

A copy of the check shall be sent to James A. Orlemann, Manager, Engineering Section, or his successor, at the above-stated address.

VI. 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 the Respondent's facility.

VII. NOTICE

All documents required by these Orders, unless otherwise specified in writing, shall be submitted to:

Ohio Environmental Protection Agency
Division of Air Pollution Control
P.O. Box 1049
Columbus, OH 43216-0149
Attention: Paul Koval

VIII. RESERVATIONS OF RIGHTS

Nothing contained herein prevents Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with these Orders. Nothing contained herein prevents Ohio EPA from exercising its lawful authority to require Respondent to perform additional activities at its facility pursuant to R.C. Chapter 3753 or any other applicable law in the future. Nothing herein restricts the right of the Respondent to raise any administrative, legal or equitable claim or defense with respect to such further actions that Ohio EPA may seek to require of Respondent.

IV. MODIFICATIONS

These Orders may be modified by mutual agreement of the parties. Modifications shall be in writing and shall be effective on the date entered in the Journal of the Director of Ohio EPA.

X. 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 this document.

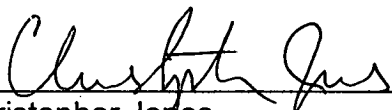
XI. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, Respondent agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the specific violations cited herein. Respondent hereby waives the right to appeal the issuance, terms and service of these Orders and it 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 an appeal. In such event, Respondent shall continue to comply with these Orders unless said Orders are stayed, vacated, or modified.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

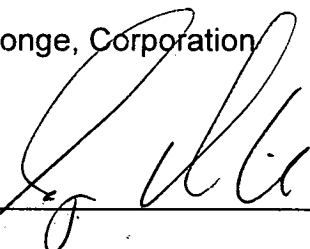


Christopher Jones
Director

7-5-02
Date


IT IS AGREED:

Nylonge, Corporation



By

6-27-02
Date



Title