

OHIO E.P.A.

APR 17 2002

ENTERED DIRECTOR'S JOURNAL

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

**Staveley Services North America, Inc.
d.b.a. CTC Analytical Services
192 Internationale Blvd
Glendale Heights, IL 60139-2094**

**Director's Final
Findings and Orders**

Respondent

PREAMBLE

It is hereby agreed by and among the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Staveley Services North America, Inc. (Respondent) pursuant to the authority vested in the director of the Ohio Environmental Protection Agency (Ohio EPA) under §§ 3734.13 and § 3745.01 of the Ohio Revised Code (ORC).

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 shall in any way alter Respondent's obligations under these Orders. Respondent's obligations under these Orders may be altered only by the written action of the director of Ohio EPA.

III. DEFINITIONS

1. Unless otherwise stated, all terms in these Orders shall have the same meaning as used in Chapter 3734. of the ORC and the regulations promulgated thereunder.
2. The effective date of these Orders is the date these Orders are entered into the Ohio EPA director's journal.

IV. FINDINGS OF FACT

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

1. Respondent operates a fluid analysis laboratory located at 18419 Euclid Avenue, Cleveland, Cuyahoga County, Ohio (Facility). Respondent is a foreign corporation qualified to do business in the State of Ohio on April 4, 1988.
2. Respondent is a "person" as defined in ORC § 1.59 and § 3734.01(G) and OAC rule 3745-50-10(A).
3. At the Facility, Respondent is a large quantity generator of hazardous waste.
4. On August 9, 1994, Cleveland Technical Center received United States Environmental Protection Agency (US EPA) hazardous waste generator identification number OHD987009974 at the Facility. Respondent has not notified the US EPA or Ohio EPA of any name or ownership change at the Facility.
5. On August 10, 2001, Ohio EPA conducted a hazardous waste inspection at the Facility and determined that Respondent had:
 - a. Failed to determine if waste fluorescent lamps generated at the Facility were a hazardous waste, in violation OAC rule 3745-52-11;
 - b. Failed to provide hazardous waste management training to employees, in violation of OAC rule 3745-65-16;
 - c. Failed to have a hazardous waste contingency plan for the Facility, in violation of OAC rule 3745-65-51;
 - d. Failed to inspect and document inspections of Facility emergency response equipment, in violation of OAC rule 3745-65-33(A) and (B);
 - e. Failed to ensure that employees have immediate access to emergency communication devices, in violation of OAC rule 3745-65-34;
 - f. Failed to maintain hazardous waste containers in good condition, in violation of OAC rule 3745-66-71;

- g. Failed to keep hazardous waste containers closed except when adding or removing waste, in violation of OAC rule 3745-66-73;
- h. Failed to mark all hazardous waste containers with the date upon which accumulation began and with the words "Hazardous Waste," in violation of OAC rules 3745-52-34(A)(2) and 3745-52-34(A)(3), respectively;
- i. Failed to inspect and document inspections of areas where hazardous waste was being stored, in violation of OAC rule 3745-66-74(A) and (B);
- j. Failed to ensure hazardous waste containers holding ignitable or reactive wastes were located at least fifty feet from the Facility's property line, in violation of OAC rule 3745-66-76; and
- k. Failed to label a used oil tank at the Facility with the words "Used Oil," failed to ensure the tank did not leak, and failed to properly respond to releases from the tank, in violation OAC rules 3745-279-22(C)(1), 3745-279-22(B)(2), and 3745-279-22(D), respectively.

By letter dated August 20, 2001, Ohio EPA notified Respondent of the results of the inspection.

- 6. In addition to the violations referenced in Finding No. 5., the director has determined that Respondent failed to notify Ohio EPA of a change in ownership of the Facility and failed to obtain a generator identification number from the US EPA or Ohio EPA, in violation of OAC rule 3745-52-12. On October 31, 2001, Ohio EPA received documentation from Respondent abating the violation of OAC rule 3745-52-12.
- 7. By letters received by Ohio EPA on September 25, 2001 and October 23, 2001, Respondent provided information in response to the violations referenced in Finding No. 5. By letters dated September 27, 2001 and November 7, 2001, Ohio EPA notified Respondent that Respondent had abated all the violations referenced in Finding No. 5. except the violations referenced in Finding Nos. 5.b. and 5.j.
- 8. Based upon Respondent's February 28, 2002 letter, the director has determined that at the Facility, Respondent is now a small quantity generator of hazardous waste, i.e., Respondent generates greater than one hundred kilograms but less than one thousand kilograms of

hazardous waste each month. Because Respondent is a small quantity generator of hazardous waste at the Facility, the director has determined that Respondent has abated the violation referenced in Finding No. 5.j.

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 submit documentation to Ohio EPA demonstrating that Respondent has trained, and is maintaining and documenting training for, personnel handling hazardous waste at the Facility, in accordance with OAC rule 3745-65-16.
2. Within 30 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$39,200.00 in settlement of Ohio EPA's claims for civil penalties which may be assessed for noncompliance 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 tendering a certified check for \$39,200.00 to Ohio EPA, Department 631, Columbus, Ohio 43265-0631, made payable to "Treasurer, State of Ohio." A copy of this check shall be submitted in accordance with Section IX of these Orders.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent demonstrates in writing and certifies to the satisfaction of Ohio EPA that all obligations under these Orders have been performed and Ohio EPA's Division of Hazardous Waste Management acknowledges, in writing, Ohio EPA's acceptance of this demonstration and certification.

This certification shall be submitted by Respondent and shall be signed by a responsible official of Respondent. The certification shall make the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

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 signatory to these Orders, for any liability arising out of or relating to the operations of the 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. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to Respondent's operation of its Facility. Ohio EPA reserves all rights and privileges except as specified herein.

IX. NOTICE

All documents demonstrating compliance with these Orders, and other documents required under these Orders to be submitted to Ohio EPA, shall be addressed to:

Ohio Environmental Protection Agency
Northeast District Office
Division of Hazardous Waste Management
Attn: DHWM Manager
2110 Aurora Road
Twinsburg, Ohio 44087-91971

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

For deliveries to the building and courier services:

Christopher Jones, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
Attn: Manager, Compliance Assurance Section
122 South Front Street
Columbus, Ohio 43215

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

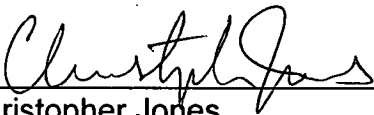
X. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with these Orders. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to ORC Chapter 3734. or any other applicable law in the future. Nothing herein shall restrict the right of Respondent to raise any administrative, legal or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Respondent. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

XI. SIGNATORIES

Each undersigned representative of a signatory to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such signatory to this document.

IT IS SO ORDERED:



Christopher Jones
Director

APR 17 2002

Date

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 addressed

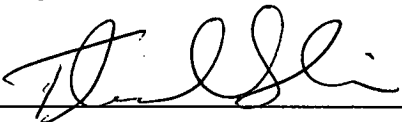
in these Orders, Respondent agrees that these Orders are lawful and reasonable, that the times provided for compliance herein are reasonable and that the Respondent agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the 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 might have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that in the event that 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.

IT IS SO AGREED:

Staveley Services North America, Inc.

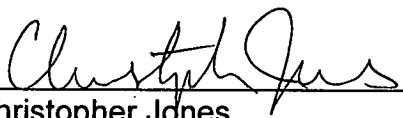


3/20/02
Date

THOMAS E SILVA
Printed or Typed Name

PRESIDENT
Title

Ohio Environmental Protection Agency



Christopher Jones
Director

APR 17 2002
Date