

OHIO E.P.A.
APR 15 2002
ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

ACME Industrial Group
555 North Freedom Avenue
Alliance, Ohio 44601

Respondent

**Director's Final
Findings and Orders**

.....
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 ACME Industrial Group (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 is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).
2. Respondent operates a plating facility located at 555 North Freedom Avenue, Alliance, Ohio (Facility). Respondent is an Ohio corporation qualified to do business in the state on October 17, 1990.
3. Respondent was issued US EPA identification number OHD004173027 on March 1, 1993.
4. 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. Respondent is a small quantity generator of hazardous waste. The hazardous waste generated by Respondent at the Facility includes waste water treatment sludge (F006), spent plating bath solutions (D008, D007) and spent acidic and caustic solutions (D002).
5. On August 27, 2001, Ohio EPA conducted an inspection of the Facility. As a result of this inspection, Ohio EPA determined that Respondent had, inter alia:
 - a. Stored hazardous waste in excess of 180 days and in volumes exceeding 6000 kilograms without a permit, in violation of ORC § 3734.02(E) and (F);
 - b. Failed to conduct weekly inspections of container accumulation areas and emergency equipment, in violation of OAC rule 3745-66-74 and OAC rule 3745-65-33;
 - c. Failed to label and date containers of hazardous waste, in violation of OAC rule 3745-52-34;
 - d. Failed to maintain adequate aisle space, in violation of OAC rule 3745-65-35;
 - e. Failed to keep containers of hazardous waste closed, in violation of OAC rule 3745-66-73(A); and
 - f. Failed to update its list of emergency coordinators at the Facility, in

violation of OAC rule 3745-52-34(D)(5).

6. By letter dated September 7, 2001, Ohio EPA notified Respondent of the violations referenced in Finding No. 5.
7. By letter dated October 4, 2001, Respondent provided a response to Ohio EPA's September 7, 2001, notice of violation letter.
8. By letter dated December 11, 2001, Ohio EPA notified Respondent that the violations referenced in Finding Nos. 5.a to 5.f had been abated.

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 \$14,000.00 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. Respondent shall pay the \$14,000.00 civil penalty settlement in five payments pursuant to the following schedule:
 - a. Within thirty (30) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,800.00;
 - b. Within one hundred and eighty (180) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,800.00;
 - c. Within three hundred and sixty five (365) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,800.00;
 - d. Within five hundred and forty five (545) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,800.00; and
 - e. Within seven hundred and thirty (730) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,800.00.

Each of the five payments above shall be made by tendering a certified check in the stated amount to Ohio EPA, Department 631, Columbus, Ohio 43265-0631, made payable to "Treasurer, State of Ohio." A copy of each check shall be submitted in accordance with Section IX of these Orders.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt and successful negotiation of the certified checks required above.

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 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 E. Aurora Road
Twinsburg, Ohio 44087

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.

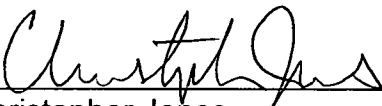
X. RESERVATION OF RIGHTS

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 15 2002

Date

XII. WAIVER

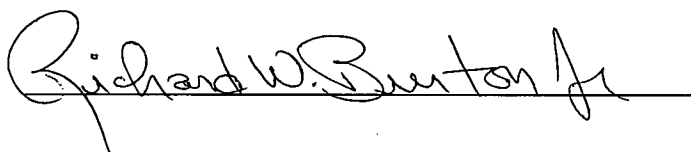
In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations addressed in these Orders, Respondent agrees that these Orders are lawful and reasonable, that the times provided for compliance herein are reasonable and that 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:

ACME Industrial Group

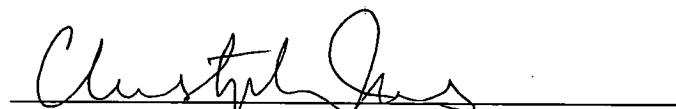


04/02/02
Date

RICHARD W. BURTON, JR.
Printed or Typed Name

PRESIDENT
Title

Ohio Environmental Protection Agency


Christopher Jones
Director

APR 15 2002
Date