

OHIO E.P.A.

MAY - 1 2002

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Accubuilt, Inc.
2550 Central Point Parkway
Lima, Ohio 45804

**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 Accubuilt, 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 is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).
2. Respondent manufactures funeral coaches and limousines at its facility located at 2550 Central Point Parkway, Lima, Ohio (Facility). Respondent is a foreign corporation qualified to do business in Ohio on May 4, 1989.
3. Respondent notified Ohio EPA of its hazardous waste activities and was issued generator identification number OH0001002781.
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 large quantity generator of hazardous waste. The hazardous waste generated by Respondent at the Facility includes paint related wastes (D001, D035, F003, F005), compressed gases (D001) and RM 190 glue (D001).
5. On September 18, 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 for greater than 90 days without a permit, in violation of ORC § 3734.02(E) and (F);
 - b. Failed to properly date containers of hazardous waste, in violation of OAC rule 3745-52-34(A)(2);
 - c. Failed to label containers of hazardous waste with the words "hazardous waste" or other words identifying the contents, in violation of OAC rule 3745-52-34(C)(1)(b);
 - d. Accumulated greater than 55-gallons of hazardous waste in a satellite accumulation area and failed to mark the 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);

- e. Failed to maintain copies of signed hazardous waste manifests for three years, in violation of OAC rule 3745-52-40;
 - f. Failed to submit a hazardous waste annual report for the year 2000, in violation of OAC rule 3745-52-41;
 - g. Failed to provide hazardous waste management training to Facility employees, in violation of OAC rule 3745-65-16;
 - h. Failed to conduct weekly inspections of hazardous waste accumulation areas and emergency equipment, in violation of OAC rules 3745-66-74 and 3745-65-33;
 - i. Failed to maintain a hazardous waste contingency plan for the Facility, in violation of OAC rule 3745-65-51;
 - j. Failed to keep containers of hazardous waste closed, in violation of OAC rule 3745-66-73(A). Respondent abated this violation during the inspection;
 - k. Failed to maintain copies of all land disposal restriction documentation for at least three years, in violation of OAC rule 3745-270-07(A)(8); and
 - l. Failed to label ten containers of used oil with the words "used oil," in violation of OAC rule 3745-279-22(C)(1).
6. By letter dated September 28, 2001, Ohio EPA notified Respondent of the violations referenced in Finding No. 5.
7. By letter dated October 25, 2001, Respondent provided a response to Ohio EPA's September 28, 2001 letter.
8. On October 9, 2001, Respondent submitted documentation to Ohio EPA demonstrating that the hazardous waste stored for greater than ninety days without a permit, as referenced in Finding No. 5.a., had been properly manifested from the Facility to a permitted treatment, storage, or disposal facility.

9. By letter dated December 6, 2001, Ohio EPA notified Respondent that it had abated the violations referenced in Finding Nos. 5.a., 5.b., 5.c., 5.d., 5.f., 5.h., 5.i. and 5.l.
10. On January 7, 2002, Ohio EPA conducted a follow up inspection at the Facility. As a result of this inspection, Ohio EPA determined that Respondent had abated the violations referenced in Finding Nos. 5.e. and 5.k.
11. By letter dated January 22, 2002, Respondent submitted documentation to Ohio EPA demonstrating that the violation referenced in Finding No. 5.g. 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 \$52,000.00 in settlement of Ohio EPA's claims for civil penalties which may be assessed for noncompliance pursuant to ORC Chapter 3734. \$43,000.00 of this amount shall be paid pursuant to the following schedule:
 - a. Within 30 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$21,500.00; and
 - b. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$21,500.00.

Each of the 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.

2. In lieu of payment of the remaining \$9,000.00 of the civil penalty settlement, Respondent shall implement at the Facility supplemental environmental projects as follows:
 - a. Within 60 days after the effective date of these Orders, Respondent shall purchase and install at the Facility the solvent recovery system still as described in Attachment A to these Orders, incorporated herein. Within 30 days after installation of the solvent recovery system still, Respondent shall submit to Ohio EPA, in

accordance with Section IX of these Orders, a report demonstrating completion of the purchase and installation of the solvent recovery system still. The report shall include documentation of expenditures, e.g., paid invoices, relating to the purchase and installation of the solvent recovery system still.

- b. Within 60 days after the effective date of these Orders, Respondent shall purchase and install at the Facility the aerosol can recycling system as described in Attachment B to these Orders, incorporated herein. Within 30 days after installation of the aerosol can recycling system, Respondent shall submit to Ohio EPA, in accordance with Section IX of these Orders, a report demonstrating completion of the purchase and installation of the aerosol can recycling system. The report shall include documentation of expenditures, e.g., paid invoices, relating to the purchase and installation of the aerosol can recycling system.
 - c. Within 365 days after the effective date of these Orders, Respondent shall submit to Ohio EPA a report that includes an estimate of the quantity of solvent and aerosol cans recycled from the implementation of the supplemental environmental projects listed in Order Nos. 2.a. and 2.b. of these Orders. The report shall be submitted in accordance with Section IX of these Orders.
3. Should Respondent fail to fully implement a supplemental environmental project within the time frames established in Order No. 2. of these Orders, Respondent shall pay to Ohio EPA the remaining \$9,000.00 of the civil penalty settlement. Payment of this civil penalty shall be in accordance with the procedures set forth in Order No. 1 of these Orders. Payment shall be due no later than 7 days after the date the supplemental environmental project was required to be implemented.

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 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 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
Northwest District Office
Division of Hazardous Waste Management
Attn: DHWM Manager
347 North Dunbridge Road
Bowling Green, Ohio, 43402

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.

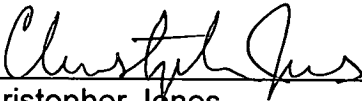
X. RESERVATION OF RIGHTS

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

MAY 01 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:

Accubuilt, Inc.

Jim Rantamulch

4-18-02
Date

Vice President - Operations
Title

Ohio Environmental Protection Agency

Christopher Jones
Christopher Jones
Director

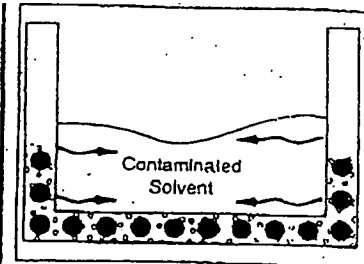
MAY 01 2002
Date

PURASTILL On-Site Solvent Reclamation

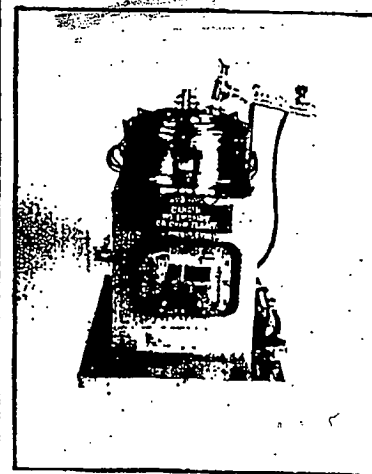
- Complies with EPA regulations.
- Reduces solvent inventory.
- Accepts a wide variety of solvents.
- Easily installed and operated.
- Stainless steel base, cover, and boil chamber.
- Power and heater indicator lights.
- Efficient operation.
- Employee training provided by Purastill representatives.
- Vapor temperature gauge.
- Coolant flow monitor.
- CSA approval.

PURASTILL offers

- Bottom Drain provided on S-15 and S-60 for easy maintenance.
- Stainless Steel Corrosion Resistant Chamber: provides longer life and easy maintenance.
- Maximum quality and performance.
- Average 6-12 Month Return on investment.



Heating oil surrounds contaminated solvent. Heating elements have no direct contact with solvent



S-15 reclaims up to 15 gallons per shift, and is suitable to be used with V0001 vacuum assist module for high boil solvents.

All Stainless Steel
Construction

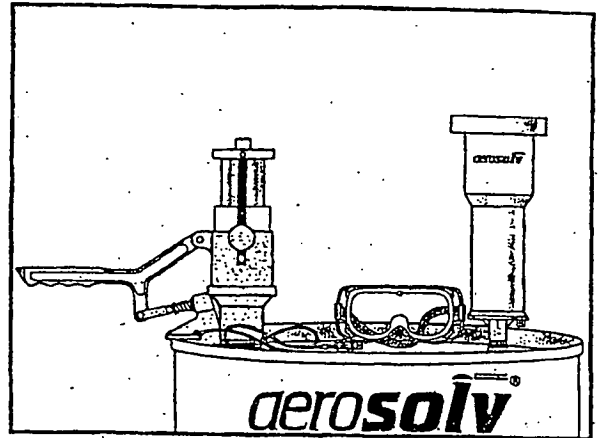
Explosion Proof Electrical
System

aerosolv[®]

AEROSOL CAN RECYCLING SYSTEM

AEROSOLV[®] CONVENIENCE

- Threads directly to the 2" bung of any standard drum.
- Combination filter threads directly to the 3/4" bung drum.
- AEROSOLV is portable; weighs 5 pounds.
- AEROSOLV does not require a power source.
- Collects residual contents directly into drum.
- Increases opportunities for recycling and waste minimization.
- Activated Carbon Cartridge of filter easily replaced as needed.



Aerosol Cans . . . why spend more for disposal than they cost to begin with? Relieved of residual liquids and propellant, aerosol cans are recyclable scrap steel. Put the AEROSOLV System to work for you.

AEROSOLV[®] SAFETY

- Allows puncturing of aerosol cans without worker contact. The aerosol can is secured in the AEROSOLV housing. With a press of the handle, the puncture pin moves through a fluid-tight chamber and pierces the can.
- AEROSOLV leaves no sharp edges or crushed metal. The only effect on the can is a small, smooth edged hole.
- Residual contents are safely collected in the drum.
- AEROSOLV Combination Filter Coalesces V.O.C.'s for collection in filter reservoir.
- Anti-Static Wire enhances operational safety; required under several Federal and Local codes.
- AEROSOLV is designed to prohibit unsafe usage; will not accept propane bottles or aerosol cans inserted "right side up."

PART NO.	DESCRIPTION	PRICE
5000	Aerosolv Venting System Includes: Piercing Device, Goggles Anti-Static Wire, Two-Stage Filter	\$695.00
6163	Two-Stage Coalescing Filter	\$129.00
6363	Activated-Carbon Replacement Cartridge (Pk of 2)	\$139.95

For More Information Call:

katec[®]