

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
JUL 30 2002
ENTERED DIRECTOR'S JOURNAL

In the Matter of:

American Spring Wire Corp.
P.O. Box 46510
26300 Miles Road
Bedford Heights, Ohio 44146

**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 the American Spring Wire Corp. (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 the Respondent and successors in interest liable under Ohio law. No change in ownership relating to the Facility shall in any way alter the Respondent's obligations under these Orders. The 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. The Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).
2. The Respondent operates a high carbon tempered wire and wire products production facility located at 26300 Miles Road, Bedford Heights, Ohio (Facility). The Respondent is an Ohio corporation qualified to do business in Ohio on January 4, 1968.
3. The Respondent notified Ohio EPA of its hazardous waste activities and was issued Ohio EPA identification number OHD 042708586 on March 18, 1997.
4. At the Facility, the 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. The Respondent is a large quantity generator of hazardous waste. The hazardous waste generated by the Respondent at the Facility includes pickle liquor (D002, K062), waste peacoal with lead dross (D008), stack cleaning sludge (D008), petroleum naphtha (D039) and waste paint related material (F003, F005, D001, D018, D035, D039 and D040).
5. On May 1 through May 3, 2001, Ohio EPA conducted an inspection of the Facility. As a result of this inspection, Ohio EPA determined that the Respondent had, inter alia:
 - a. Failed to conduct inspections of construction materials and the area immediately surrounding the externally accessible portion of the hazardous waste accumulation tank to detect erosion or signs of releases of hazardous waste, in violation of OAC rule 3745-66-95;
 - b. Failed to evaluate waste to determine if the waste was hazardous waste, in violation of OAC rule 3745-52-11;
 - c. Failed to obtain a written assessment for the hazardous waste accumulation tank, in violation of OAC rule 3745-66-91;
 - d. Failed to keep containers of hazardous waste closed and failed to handle containers in a manner to prevent rupture or leaks, in violation of OAC rule 3745-66-73(A) and (B);

- e. Failed to properly date and label containers of hazardous waste, in violation of OAC rule 3745-52-34;
- f. Failed to properly label universal waste batteries, in violation of OAC rule 3745-273-14;
- g. Failed to conduct and document inspections of hazardous waste containers, in violation of OAC rule 3745-66-74;
- h. Failed to conduct and document inspections of emergency equipment, in violation of OAC rule 3745-65-33;
- i. Failed to submit to Ohio EPA an exception report for manifests which did not contain the handwritten signature of the owner or operator of the designated facility, in violation of OAC rule 3745-52-42; and
- j. Failed to maintain a current hazardous waste contingency plan, in violation of OAC rule 3745-65-52.

By letter dated May 29, 2001, Ohio EPA notified the Respondent of the violations discovered during the May 1 through May 3, 2001, inspection.

- 6. By letters dated August 14, 2001, September 19, 2001, and October 1, 2001, Ohio EPA informed the Respondent that the Respondent had abated the violations referenced in Finding Nos. 5.a. through 5.j.
- 7. On October 31, 2001, Ohio EPA conducted an inspection of the Facility. As a result of the inspection, Ohio EPA determined that the Respondent had:
 - a. Failed to evaluate a 55-gallon container of oily waste to determine if the waste was hazardous waste, in violation of OAC rule 3745-52-11;
 - b. Accumulated greater than 55-gallons of hazardous waste in a satellite accumulation area, in violation of OAC rule 3745-52-34(C)(1);
 - c. Failed to properly date and label a container of hazardous waste, in violation of OAC rule 3745-52-34;

- d. Failed to properly label universal waste batteries, in violation of OAC rule 3745-273-14; and
- e. Failed to keep containers of hazardous waste closed, in violation of OAC rule 3745-66-73.

By letter dated November 21, 2001, Ohio EPA informed the Respondent of the violations discovered during the October 31, 2001 inspection. The violations referenced in Finding Nos. 7.b., 7.c., and 7.e. were abated at the time of the inspection.

- 8. By letter dated January 2, 2002, Ohio EPA informed the Respondent that the Respondent had abated the violations referenced in Finding Nos. 7.a. and 7.d.

V. ORDERS

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

- 1. The Respondent shall pay to Ohio EPA the amount of \$43,000.00 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. The Respondent shall pay the \$43,000.00 civil penalty settlement pursuant to the following schedule:
 - a. Within 30 days after the effective date of these Orders, the Respondent shall pay to Ohio EPA the amount of \$6,000.00;
 - b. Within 90 days after the effective date of these Orders, the Respondent shall pay to Ohio EPA the amount of \$6,000.00;
 - c. Within 180 days after the effective date of these Orders, the Respondent shall pay to Ohio EPA the amount of \$6,000.00;
 - d. Within 270 days after the effective date of these Orders, the Respondent shall pay to Ohio EPA the amount of \$6,000.00;
 - e. Within 360 days after the effective date of these Orders, the Respondent shall pay to Ohio EPA the amount of \$6,000.00;

- f. Within 450 days after the effective date of these Orders, the Respondent shall pay to Ohio EPA the amount of \$6,000.00; and
- g. Within 540 days after the effective date of these Orders, the Respondent shall pay to Ohio EPA the amount of \$7,000.00.

Each of the above payments 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

The 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 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 the 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.

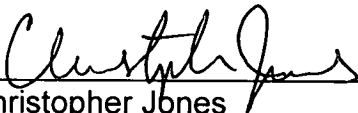
X. RESERVATION OF RIGHTS

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 the Respondent for noncompliance with these Orders. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require the Respondent to perform additional activities, including closure of hazardous waste units at the Facility, pursuant to ORC Chapter 3734. or any other applicable law in the future. Nothing herein shall restrict the right of the 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 the 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

JUL 30 2002

Date

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and, subject to Section X. of these Orders, in lieu of further enforcement action by Ohio EPA for only the violations addressed in these Orders, the 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. Subject to Section X., above, compliance with these Orders shall be a full accord and satisfaction for the Respondent's liability for the violations cited herein.

The 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 the Respondent agree that in the event that these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, the Respondent retains the right to intervene and participate in such appeal. In such an event, the 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:

American Spring Wire Corp.

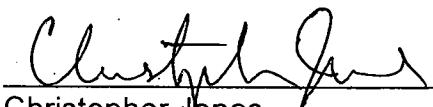


STEPHEN P HUSAK
Printed or Typed Name

VP - MANUFACTURING
Title

Date July 15, 2002

Ohio Environmental Protection Agency



Christopher Jones
Director

JUL 30 2002
Date