

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Whitaker Surface Systems, Ltd.  
2707 Tracy Road  
Northwood, Ohio 43619

Respondent

Director's Final  
Findings and Orders

OHIO E.P.A.  
NOV 21 2002  
ENTERED DIRECTOR'S JOURNAL

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 Whitaker Surface Systems, Ltd. (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 owns and operates an electroplating facility located at 2707 Tracy Road, Northwood, Wood County, Ohio (Facility). Respondent was reorganized and incorporated as a limited liability corporation in the State of Ohio on November 4, 1997.
3. On December 2, 1997, Respondent notified the Ohio EPA of its hazardous waste activity and received hazardous waste generator identification number OHD986970986, which was the number previously assigned to the Facility.
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.
5. On September 14, 2001, Ohio EPA conducted a compliance evaluation inspection at the Facility and determined that Respondent had:
  - a. Failed to provide annual hazardous waste training to all employees who handle hazardous waste, in violation of OAC rule 3745-65-16(C);
  - b. Failed to update the Facility contingency plan in response to changes in Facility personnel, in violation of OAC rule 3745-65-54;
  - c. Failed to inspect required emergency equipment on a weekly basis and to record and maintain the results in a log or summary, in violation of OAC rule 3745-65-33(A) and (B);
  - d. Failed to provide adequate aisle space to allow unobstructed movement of emergency equipment and to provide access to all drums in the less than 90 day hazardous waste storage area, in violation of OAC rule 3745-65-35;
  - e. Failed to properly mark and label drums which contained hazardous waste in the less than 90 day hazardous waste storage area with the words "Hazardous Waste" and mark each drum of hazardous waste with the date upon which hazardous waste accumulation began, in violation of OAC rule 3745-52-34(A)(2) and (3); and

- f. Failed to conduct and document inspections of the hazardous waste storage area, in violation of OAC rule 3745-66-74(A) and (B).
6. By letter dated September 26, 2001, Ohio EPA notified Respondent of the violations cited in Findings Nos. 5.a. through 5.f.
7. On October 4, 18, and 31, 2001, Respondent provided responses to Ohio EPA's September 26, 2001 letter.
8. On November 28, 2001, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Findings Nos. 5.a. through 5.f.

#### **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. Respondent shall pay to Ohio EPA the amount of \$18,800.00 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 of \$9,400.00 shall be made 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 \$2,350.00;
  - b. Within one hundred and twenty (120) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,350.00;
  - c. Within two hundred and ten (210) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,350.00; and
  - d. Within three hundred (300) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,350.00.

Payment shall be made by tendering certified checks in the stated amounts 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 paying \$9,400.00 of the civil penalty, Respondent may implement one or more of the projects described in Respondent's October 14, 2002 letter to Ohio EPA (which letter is attached hereto and incorporated herein as Attachment A) as a supplemental environmental project (SEP) at the Facility. The SEP may be implemented as follows:
  - a. Within seven hundred and thirty (730) days after the effective date of these Orders, Respondent shall fully perform the agreed upon SEP;
  - b. Within thirty (30) days after the completion of the SEP at the Facility, Respondent shall submit to Ohio EPA a written report, including any receipts associated with expenses and photographic documentation which demonstrates that the SEP has been implemented in accordance with this Order; and
  - c. Should Respondent fail to implement the SEP in a timely manner, or fail to fully implement the SEP in the amount of at least \$50,000.00 in actual costs within two years after the effective date of these Orders, Respondent shall pay to Ohio EPA the \$9,400.00 balance of the civil penalty which will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be made within seven (7) days following the failure to fully implement the SEP as described above. Payment 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 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 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:

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.

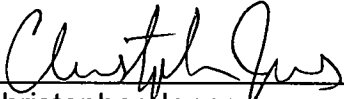
#### **X. RESERVATION OF RIGHTS**

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

NOV 21 2002  
\_\_\_\_\_  
Date

#### **XII. WAIVER**

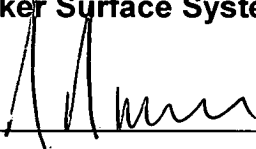
In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations addressed in these Orders, Respondent agrees that these Orders are lawful and reasonable, that the times provided for compliance herein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

**Whitaker Surface Systems, Ltd.**

  
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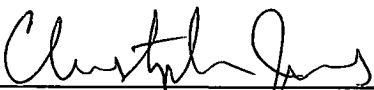
11-6-02  
Date

DAVE SOWARD

Printed or Typed Name

CEO  
Title

**Ohio Environmental Protection Agency**

  
\_\_\_\_\_

Christopher Jones  
Director

NOV 21 2002  
Date



Systems  
2707 Tracy Road  
Northwood, Ohio 43619  
Phone: 419-666-7746  
FAX: 419-666-4649

October 14, 2002

Ms. Frances Kovac, Attorney  
Ohio EPA  
Lazarus Government Center  
122 S. Front Street  
Columbus, Ohio 43215-1099

Re: P2 Project Discussion

Ms. Kovac,

Attached is a list of several projects we have considered for P2 at Whitaker, noting approximate costs, returns and areas of impact. Here is a more detailed discussion of the major projects we are considering.

Tank Covers: We have approximately 15 tanks on four lines that are heated to 160 degree Fahrenheit. While these tanks are not being used the heat escapes to atmosphere and drains energy from our steam system. We are estimating \$1250 per tank to purchase poly propylene covers to retain heat and energy; we estimate the payback to be 3 years. The only means of tracking this would be to measure gas consumption on similar days with and without covers.

Steam and Condensate Pipe Insulation: We have insulated about 70% of the steam pipes in the plant, but have about 200 feet of un-insolated pipe and 400 feet of un-insolated condensate return pipe, and an un-insolated pre-feed tank. We estimate that it will cost about \$15,000 in materials and labor to cover all of these pipes, and that the payback will be gas and steam savings of about \$700 per month, or a two year pay back.

Boiler Economizer: We have a material and labor quotes that range from \$7600 to \$10,700 installed. This unit uses the heat from the boiler exhaust gases to preheat the boiler water. The energy savings from this type of unit is about \$5700 per year, offering a 1 to 2 year payback. Quotes are attached.

Steam Temperature Controllers: We have 5 tanks that do not have automated temperature controllers; it would cost about \$1,500 per tank for the probe,



controller, Asco valve and labor per tank. The total cost is about \$7500 and should have an estimated return of less than two years, all in energy savings.

Air Make Up System: We are considering adding an additional air make up unit to the North portion of our building. The duct work, controllers and heat exchanger will be about \$50,000, and the payback will be about 5 years. The impact is primarily on worker environment. We are very interested in this project, but are still collecting quotes. Part of this system will entail recovering heat from the top of the building, adding fresh air and returning it back to the work floor.

Oil Splitters: We currently have two oil separation units on our auto barrel line. These units effectively remove oil from the waste streams and extend the life of cleaners. Adding two more will greatly reduce oil going to our waste treatment system, the units cost about \$10,000 and installation is about \$1,000.

Sludge Dryer: Our current sludge dryer is shot. A new dryer is about \$20,000 and would help to reduce our F006 by about 20%. This would save about \$4,000 per year, and reduce land fill and hauling expenses.

Conductivity Meters: During the past year we have installed 5 conductivity meters at \$315 each plus labor. We could use about 10 more. Their pay back is difficult to calculate without flow meters on each line, but we estimate the return to be 5 years. The return would be much faster, but these do require daily maintenance.

Additional Plating Rack Hoist: For \$25,000 we can add an additional hoist on the automated rack line, this will enable us to extend dwell times about the nickel and chrome tanks and reduce drag out, chemical usage and water usage. If we can achieve a 10% savings we should have a 2 year payback. The savings estimated in the case study on the web was higher.

Additional Barrel Hoist: For about \$70,000 we can add an additional hoist to our automated barrel line. This would keep capacity the same as today, but allow us to increase dwell times from 5 seconds to more than 10 seconds (less travel time too). From the study we did on the slotted barrels, this would reduce drag out and material usage an additional 20%. We estimate the water and chemical savings to be worth \$20,000 per year.

Slotted Barrels on the Hand Line: To completely change the hand line barrels to slots we will have to buy 10 at \$1200 each. They drag out roughly half as much solution as a standard perf barrel, and while I estimate the savings on the automated line to be less than an year, the savings on the hand line is less because of lower usage. However, there would still be a return.

Gravity Sand Filter: We currently are operating a mechanical sand filter that runs with a 15 hp pump. For \$20,000 we can buy a gravity sand filter that uses much less energy. Both do the job, but the gravity filter is much cheaper to operate.

Water Recirculation System: We currently use about 40,000 gallons of water a day and the cost is about \$4,000 per month. For about \$40,000 we could install a holding tank, pressure system and pump to use our discharge water in about 30% of our rinses. This implies a 3 year payback less additional labor. We are very interested in this for several reasons, including 30% less water usage. We would need to set up a small application on one line prior to implementing this. We would need to establish new flow rates and conductivity measures. This is a primary step toward zero discharge.

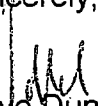
Trivalent Chrome conversion will cost in excess of \$60,000. The operating costs are higher and are offset by waste treatment savings. The major benefit is in worker safety and elimination of hex chrome. This is my choice of projects, but prior to undertaking changing out both the hand and auto lines (two tanks, estimated at \$60k) we need to set up a lab tank and obtain customer approval. A system quote is included.

Automated Line for Electroless Nickel For about \$200k we believe we can buy a small automated electroless nickel line. This would reduce material usage, water usage and labor, with an estimated savings of \$50,000 per year, or a simple payback of 4 years.

We believe all of these projects are viable, and hope to address them eventually. But capital is an issue, and investments must have a payback. In addition to the over \$500 in projects discussed that do make sense we also need to address employee training and lean manufacturing in our humble budget. Clearly the higher the fine the slower these changes will be implemented.

I hope the variety of projects our team of managers and vendors has compiled is of value to you. We seriously plan on implementing several of them, as capital allows.

Sincerely,

  
Dave Duncan  
President