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BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

**Trutec Industries Incorporated**  
4700 Gateway Blvd.  
Springfield, Ohio 45502

**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 Trutec Industries Incorporated (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 changes in ownership relating to the Springfield Facility or Urbana 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

All of the findings of fact necessary for the issuance of these Orders pursuant to ORC §§ 3734.13 and 3745.01 have been made and are outlined below. Nothing in the findings of fact shall be considered to be an admission by Respondent of any matter of law or 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 two facilities in Ohio. A heat treatment plant located at 4700 Gateway Blvd., Springfield, Ohio (Springfield Facility) and an electro-deposition plant located at 4795 Upper Valley Pike, Urbana, Ohio (Urbana Facility). Respondent is a corporation qualified to do business in Ohio on December 12, 1991.
3. Respondent notified Ohio EPA of its hazardous waste activities and was issued generator identification numbers OHD986998474 for the Springfield Facility and OHD982071896 for the Urbana Facility.
4. At the Springfield and Urbana Facilities, 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. At both the Springfield Facility and Urbana Facility, Respondent is a large quantity generator of hazardous waste. The hazardous waste generated by Respondent at the Springfield Facility includes degreasing waste (F001), oil quench waste (D007, F010), cyanide salt bath waste (F011) and air pollution control equipment waste (F010, F011, F012). Hazardous waste generated by Respondent at the Urbana Facility includes conversion coating waste (D002, D006, D007, D008) and defric line waste (D001, D035, F003, F005).
5. On November 28, 2000, and continuing on December 1, 2000, Ohio EPA conducted an inspection of the Springfield Facility. As a result of this inspection, Ohio EPA determined that Respondent had, *inter alia*:
  - a. Failed to provide hazardous waste management training to employees, in violation of OAC rule 3745-65-16;
  - b. Failed to conduct weekly inspections of emergency equipment, in violation of OAC rule 3745-65-33;
  - c. Failed to keep containers of hazardous waste closed, in violation of

OAC rule 3745-66-73(A).

- d. Failed to date and label containers of hazardous waste, in violation of OAC rule 3745-52-34(A)(2) and (A)(3);
  - e. Failed to submit to Ohio EPA exception reports for five shipments of hazardous waste, in violation of OAC rule 3745-52-42(A)(2);
  - f. Accumulated greater than 55-gallons of hazardous waste in three satellite accumulation areas and failed to mark the containers 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);
  - g. 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);
  - h. Failed to maintain a complete hazardous waste contingency plan for the Springfield Facility and failed to provide the contingency plan to emergency authorities, in violation of OAC rules 3745-65-52 and 3745-65-53;
  - i. Failed to properly complete land disposal restriction forms, in violation of OAC rule 3745-59-07(A)(1); and
  - j. Failed to label the furnace overflow pit with the words "used oil," in violation of OAC rule 3745-279-22(C)(1).
6. By letter dated December 22, 2000, Ohio EPA notified Respondent of the violations referenced in Finding No. 5.
7. During the November 28, 2000, and December 1, 2000, inspection of the Springfield Facility, Ohio EPA assessed compliance with the hazardous waste tank rules for the 3200-gallon hazardous waste accumulation tank. As part of Ohio EPA's December 22, 2000 letter, Ohio EPA informed Respondent that violations of the hazardous waste tank rules would be addressed in a separate letter.
8. By letters dated January 17, 2001, and February 6, 2001, Respondent provided responses to Ohio EPA's December 22, 2000, letter.
9. By letter dated April 25, 2001, Ohio EPA notified Respondent that it had

abated the violations referenced in Finding Nos. 5.b., 5.d., 5.e., 5.f., 5.g., 5.i. and 5.j.

10. In a second letter dated April 25, 2001, Ohio EPA notified Respondent that it had, *inter alia*, committed the following violations of the hazardous waste tank rules at the Springfield Facility:
  - a. Failed to provide a secondary containment system for the 3200-gallon hazardous waste accumulation tank that was capable of detecting and collecting releases and accumulated liquids, in violation of OAC rule 3745-66-93(B);
  - b. Failed to obtain a written assessment of the 3200-gallon hazardous waste accumulation tank, in violation of OAC rule 3745-66-92. This violation was abated based upon Respondent's February 6, 2001, submittal of an assessment for the 3200-gallon hazardous waste accumulation tank;
  - c. Failed to provide the 3200-gallon hazardous waste accumulation tank with spill and overflow protection, in violation of OAC rule 3745-66-94(B); and
  - d. Failed to conduct daily inspections of the 3200-gallon hazardous waste accumulation tank system, in violation of OAC rule 3745-66-95.
11. By letter dated May 10, 2001, Respondent provided a response to Ohio EPA's April 25, 2001 letter.
12. On June 14, 2001, Ohio EPA met with a Springfield Facility representative to discuss the outstanding violations at the Springfield Facility.
13. On September 25, 2001, Ohio EPA conducted an inspection of the Urbana Facility. As a result of this inspection, Ohio EPA determined that Respondent had, *inter alia*:
  - a. Failed to provide hazardous waste management training to employees, in violation of OAC rule 3745-65-16;
  - b. Failed to conduct weekly inspections of the container accumulation area and emergency equipment, in violation of OAC rules 3745-66-74 and 3745-65-33;
  - c. Failed to keep a container of hazardous waste closed, in violation of

OAC rule 3745-66-73(A). This violation was abated at the time of the inspection;

- d. Failed to date and label containers of hazardous waste, in violation of OAC rule 3745-52-34(A)(2) and (A)(3). These violations were abated at the time of the inspection;
  - e. Failed to submit to Ohio EPA an exception report for a shipment of hazardous waste, in violation of OAC rule 3745-52-42(A)(2);
  - f. Accumulated greater than 55-gallons of hazardous waste in a satellite accumulation area and failed to remove the excess within three days, in violation of OAC rule 3745-52-34(C)(2). This violation was abated at the time of the inspection; and
  - g. Failed to maintain a complete hazardous waste contingency plan for the Urbana Facility and failed to provide the contingency plan to emergency authorities, in violation of OAC rules 3745-65-52 and 3745-65-53.
- 14. By letter dated September 26, 2001, Ohio EPA notified Respondent of the outstanding violations at the Springfield Facility.
  - 15. By letter dated October 9, 2001, Ohio EPA notified Respondent of the violations referenced in Finding No. 13.
  - 16. By letter dated October 19, 2001, and fax dated November 21, 2001, Respondent provided a response to Ohio EPA's September 26, 2001 letter.
  - 17. By letter dated November 6, 2001, Respondent provided a response to Ohio EPA's October 9, 2001, letter.
  - 18. On November 13, 2001, Ohio EPA conducted an inspection of the Springfield Facility. As a result of this inspection, Ohio EPA determined that Respondent had stored two drums of F012 hazardous waste for greater than 90 days without a hazardous waste permit, in violation of ORC § 3734.02(E) and (F).
  - 19. By letter dated November 30, 2001, Ohio EPA notified Respondent that it had abated the violations referenced in Finding Nos. 13.a., 13.b. and 13.e.

20. By a second letter dated November 30, 2001, Ohio EPA notified Respondent that it had abated the violation referenced in Finding No. 10.d. In this letter, Ohio EPA also informed Respondent of the violation referenced in Finding No. 18.
21. By letters dated December 3, 6 and 13, 2001, Respondent provided responses to Ohio EPA's November 30, 2001 letters.
22. By letters dated January 3, 2002, Ohio EPA notified Respondent that it had abated the violation referenced in Finding No. 5.c.
23. By letter dated January 17, 2002, Respondent provided a response to Ohio EPA's January 3, 2002, letter.
24. By letter dated January 28, 2002, Ohio EPA notified Respondent that it had abated the violation referenced in Finding No. 5.a.
25. By documentation submitted by Respondent on October 19, 2001, and a subsequent inspection conducted by Ohio EPA on November 13, 2001, the Director has determined that the violation referenced in Finding No. 10.c. has been abated.
26. On December 4, 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. 18., had been properly manifested from the Springfield Facility to a permitted treatment, storage, or disposal facility.
27. On March 14, 2002, Respondent provided to Ohio EPA information to abate the violations referenced in Finding Nos. 5.h., 10.a., and 13.g. of these Orders. By letter dated March 14, 2002, Ohio EPA informed Respondent that Respondent had abated the violations referenced in Finding Nos. 5.h., 10.a., and 13.g. of these Orders.

#### **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 \$40,000.00 in settlement of Ohio EPA's claims for civil penalties which may be assessed pursuant to ORC Chapter 3734. Within 30 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$25,000.00 which will be

deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be made by an official check made payable to "Treasurer, State of Ohio." The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent. A copy of the check shall be submitted in accordance with Section IX. of these Orders.

2. Within 270 days after the effective date of these Orders, and in lieu of payment of the remaining \$15,000.00 of the civil penalty, Respondent shall purchase, install and commence operation of the vacuum degreaser unit at the Springfield Facility as described in Attachment A to these Orders. Within 30 days after purchasing the vacuum degreaser unit, Respondent shall submit to Ohio EPA a copy of the invoice for the purchase of the vacuum degreaser unit in accordance with Section IX. of these Orders.
3. Should Respondent fail to purchase, install and operate the vacuum degreaser unit at the Springfield Facility as described in Attachment A to these Orders within the time frame established in Order No. 2. of these Orders, Respondent shall pay to Ohio EPA the remaining balance of \$15,000.00 of the civil penalty 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 purchase, installation and commencement of operation of the vacuum degreaser unit was to be completed.

## **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 Springfield Facility or Urbana 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 Springfield Facility or Urbana 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  
Southwest District Office  
Division of Hazardous Waste Management  
Attn: DHWM Manager  
401 East Fifth Street  
Dayton, Ohio 45402

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:



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

\_\_\_\_\_  
June 23, 2004  
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:**

**Trutec Industries Incorporated**

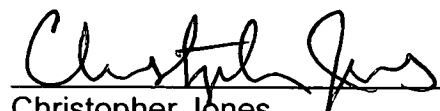
  
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4/30/04  
Date

Joseph Guarnieri  
Printed or Typed Name

VP Finance & Administration  
Title

**Ohio Environmental Protection Agency**

  
\_\_\_\_\_

Christopher Jones  
Director

June 23, 2004  
Date

## **Attachment A**

### **Supplemental Environmental Project Trutec Industries, Inc.**

#### **Proposal**

That Trutec Industries, Inc. proposes replacement of the L003 Vapor Degreaser that uses trichlorethylene. This unit will be replaced with a Vacuum Degreaser that uses aliphatic hydrocarbon(Exxsol D80).

#### **Pollution Prevention Potential**

Substantial pollution prevention will occur through process modification and material selection. Although the volume of waste will not be reduced, the waste will change from hazardous to non-hazardous. Installation of the vacuum degreaser will reduce total facility trichlorethylene usage by 23.5%. Reduction of total facility trichlorethylene waste is 31.8%. Reduction of vapor degreaser VOC's is 23.5%.

#### **Technology**

Vacuum degreasers have been in use for close to 35 years. The vacuum degreasing unit we will purchase, is made by JH Corporation of Japan. The unit specifications are: Model No.- HWV-4E-L1 Dipping washing machine; Atmospheric gas required-Nitrogen Gas; Electric Power Requirements- 460V, 3phases, 60cycle. The parts enter the machine via conveyor and are lowered into a dip chamber. The dip chamber contains heated solvent which loosens the oil on the parts. The parts cycle in the dip chamber for a specified period of time. The parts are then lifted from the dip chamber to a vacuum chamber. In the vacuum chamber, a vacuum pulls the remaining solvent and oil from the parts. The solvent and oil return to the dip chamber and are cleaned through a purizer system and waste is pumped into drums. Solvent emissions are eliminated because the air is circulated through a refrigeration system. The parts move from the vacuum chamber, after evacuation of solvent and oil, via a conveyor which is the completion of the process.

#### **Successful Application of Technology**

Trutec Industries Springfield is a heat treating facility. Trutec Industries already employs one vacuum degreaser with the same specifications in a carburizing/carbonitriding degreasing capacity. While the degreaser does not clean the parts as well as trichlorethylene, it does clean them within the parameters of our quality specifications. The new degreaser will be used in the same capacity with the same quality specifications.

#### **Required Resources and How Resources Will Be Obtained**

Cost of the new degreaser is \$213,636.36 plus \$100,000 Installation budget. The costs

will be bank financed. Contractors will be used for installation of the unit. The company will use the same contractors that installed our already in operation unit.

**Performance Measures to Analyze Success of Project**

Since we already employ such a unit, the performance measures are just that the new unit performs as well as the one already in operation.