

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Parker Hannifin Corporation
6035 Parkland Blvd.
Cleveland, Ohio 44124-4141

**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 Parker Hannifin Corporation (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, its assigns and successors in interest. No changes in ownership relating to the Facility will in any way alter the Respondent's responsibilities under these Orders. The Respondent's obligations under these Orders may be altered only by the written approval 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 is an Ohio corporation, incorporated on December 30, 1938.
3. Respondent owns and operates a heat exchanger manufacturing facility at 200 Railroad Street in Forest, Hardin County, Ohio ("Facility"). Respondent received hazardous waste generator identification number OHD005037064 from Ohio EPA 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 generates hazardous waste water treatment sludge, waste trichloroethylene, waste flammable liquids, and waste nitric acid/chromium (F019, F001, F002, D040, D001, F003, D002, D007).
5. On September 6, 2000, Ohio EPA conducted an inspection at the Facility, and determined that Respondent had:
 - a. Stored one (1) 55-gallon drum of hazardous waste on-site for greater than ninety (90) days without obtaining an Ohio Hazardous Waste Facility Installation and Operation Permit, in violation of ORC § 3734.02(E) and (F);
 - b. Failed to properly evaluate the hazardous paint thinner waste stream, in violation of OAC rule 3745-52-11;
 - c. Failed to institute an adequate personnel training program, provide annual personnel training and keep employee training records, in violation of OAC rule 3745-65-16;
 - d. Failed to conduct and record weekly inspections of all Facility communication systems, fire protection equipment, spill control equipment, and decontamination equipment, in violation of OAC rule 3745-65-33;

- e. Failed to conduct and record weekly inspections of the container accumulation areas, in violation of OAC rule 3745-66-74;
 - f. Failed to mark the satellite accumulation container holding the hazardous waste water treatment sludge with the words "Hazardous Waste", in violation of OAC rule 3745-52-34(C). This violation was abated during the inspection;
 - g. Failed to keep the hazardous waste container holding the waste water treatment sludge closed except when adding or removing waste, in violation of OAC rule 3745-66-73(A). This violation was abated during the inspection; and
 - h. Failed to update and maintain a contingency plan that includes evacuation routes, home addresses of the emergency coordinators and a list of all emergency equipment, its capabilities and locations, in violation of OAC rule 3745-65-52.
6. By letter dated October 20, 2000, Ohio EPA notified Respondent of the violations referenced in Finding Nos. 5.a. through 5.h.
 7. By letters dated November 15, 2000, and January 4, 2001, Respondent provided to Ohio EPA information relating to the violations referenced in Finding Nos. 5.a. through 5.e. and 5.h, and noted that the violations referenced in Finding No. 5.f. and 5.g. had been abated.
 8. By letters dated December 19, 2000 and February 14, 2001, Ohio EPA notified Respondent that violations referenced in Finding Nos. 5.a. through 5.e. and 5.h. had been abated.

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. Within thirty (30) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$29,618 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 shall be made by tendering a certified check or cashier's check for \$29,618 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 upon Ohio EPA's receipt and successful negotiation of the certified check 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
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.

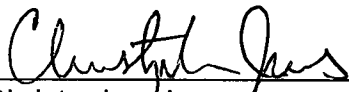
X. RESERVATION OF RIGHTS

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 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

DEC 20 2001

Date

XII. WAIVER

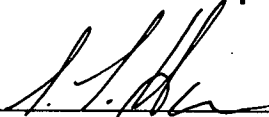
In order to resolve disputed claims, without admission of fact, violation or liability, and, subject to Section X. of these Orders, in lieu of further enforcement action by Ohio EPA for only the violations addressed in these Orders, the Respondent agrees that these Orders are lawful and reasonable, that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

Parker Hannifin Corporation



Stephen L. Hayes

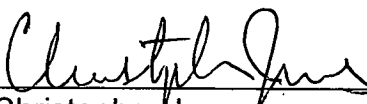
President, Parker Aerospace Group

Title

November 29, 2001

Date

Ohio Environmental Protection Agency



Christopher Jones
Director

DEC 20 2001

Date