

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

OHIO E.P.A.  
FEB 15 2001  
ENTERED DIRECTOR'S JOURNAL

<b>In the Matter of:</b>	:	
	:	
<b>Mansfield Screw Machine Products Company, Inc. 145 Industrial Drive Lexington, Ohio 44904</b>	:	<b><u>Directors Final Findings and Orders</u></b>
	:	
<b>Respondent</b>	:	

**PREAMBLE**

It is hereby agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to Mansfield Screw Machine Products Company, 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, its assigns and successors in interest. No changes in ownership relating to Respondent's facility will in any way alter Respondent's responsibilities under these Orders. 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**

The Director of Ohio EPA has determined the following findings:

1. Respondent owns and operates a manufacturing facility located at 145 Industrial Drive, Lexington, Richland County, Ohio ("Facility"). Respondent was incorporated to do business in the State of Ohio on May 5, 1953.
2. Respondent is a "person" as defined in ORC § 3745.01(G) and Ohio Administrative Code ("OAC") rule 3745-50-10(A).
3. 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.
4. On, August 5, 1985, Respondent notified U.S. EPA of its hazardous waste activity at the Facility and was issued U.S. EPA Identification Number OHD004184628.
5. Ohio EPA performed a Compliance Evaluation Inspection ("CEI") at the Facility on February 26, 1998 and determined that Respondent had:
  - a. Failed to fully evaluate its waste streams to determine if they exhibited any hazardous characteristics or were listed hazardous waste, in violation of OAC rule 3745-52-11;
  - b. Failed to properly complete the hazardous waste manifest for each shipment of hazardous waste, in violation of OAC rule 3745-52-20;
  - c. Failed to notify the Ohio EPA in writing that the Facility had not received a return copy of each manifest within 60 days of acceptance by the initial transporter, in violation of OAC rule 3745-52-42(B);
  - d. Failed to adequately evaluate all wastes to determine if they are restricted from land disposal, in violation of OAC rule 3745-59-07;
  - e. Failed to ensure that restricted wastes or treatment residues were not diluted as a method of achieving Land Disposal Restrictions ("LDR") treatment standards, in violation of OAC rule 3745-59-03;

- f. Failed to determine the proper hazardous waste code applicable to the waste, in violation of OAC rule 3745-59-09(A);
  - g. Failed to include a LDR notification for each shipment of hazardous waste, in violation of OAC rule 3745-59-07(A)(1)&(A)(2);
  - h. Failed to post by the telephone nearest the hazardous waste accumulation area, information required by OAC rule 3745-52-34(D)(5)(b);
  - i. Failed to inspect and record the inspections of emergency equipment on a weekly basis, in violation of OAC rule 3745-65-33(A)&(B);
  - j. Failed to provide adequate aisle space, in violation of OAC rule 3745-65-35;
  - k. Failed to mark containers with the date upon which accumulation began, and while being accumulated on-site, failed to mark each container with the words "Hazardous Waste," in violation of OAC rule 3745-52-34(D)(4); and
  - l. Failed to inspect and record the inspections of hazardous waste accumulation area on a weekly basis, in violation of OAC rule 3745-66-74(A)&(B).
6. Respondent caused to be transported to an unpermitted facility, by an nonregistered transporter, hazardous spent solvent as nonhazardous waste, in violation of ORC §§ 3734.02(F) and 3734.15(C).
7. By Notice of Violation ("NOV") letter dated March 24, 1998, Ohio EPA notified Respondent of the violations in Finding Nos. 5.a. through 5.l.
8. By letters dated April 2, April 17, June 1, June 22, August 19, September 16, and November 10, 1998, Respondent submitted documentation in response to the March 24, 1998 NOV letter.
9. By letters dated June 16, September 16, October 5, and November 17, 1998, Ohio EPA notified Respondent that it had abated the violations noted in Finding Nos. 5.a. through 5. l.

10. By letter dated September 16, 1998, Ohio EPA notified Respondent that it had violated ORC § 3734.02(F) because it had caused hazardous waste to be transported to an unpermitted facility.
11. By letter dated November 10, 1998, Respondent submitted documentation in response to the violation of ORC § 3734.02(F) described in Finding No. 10.
12. By letter dated November 17, 1998, Ohio EPA notified Respondent that it had abated the violation of ORC § 3734.02(F) described in Finding No. 10.
13. Pursuant to Respondent's request, and review and approval by Ohio EPA, a twenty-five percent (25%) credit was applied to the civil penalty settlement amount to account for supplemental environmental projects (pollution prevention activities) performed at the Facility. These activities included the addition of a new degreaser and the resulting reduction in waste generated, and a change in solvent. Accordingly, Ohio EPA agreed to credit 25% of the \$17,066.00 civil penalty settlement amount (\$4,267.00) for these activities. The remainder of the \$17,066.00 civil penalty settlement amount (\$12,799.00) is to be paid in accordance with Section V. ORDER

#### **V. ORDER**

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

Within thirty (30) days after the effective date of these Orders, which date shall be the journalization date of these Orders, Respondent shall pay to Ohio EPA the amount of twelve thousand seven hundred ninety-nine dollars (\$12,799.00) in settlement of Ohio EPA's claims which may be assessed pursuant to ORC Chapter 3734. and which will be deposited into the hazardous waste clean-up fund under ORC § 3734.28. Payment shall be made by tendering a certified check in the amount stated above to Ohio EPA, Office of Fiscal Administration, Attn: Department 631, Columbus, Ohio 43265-0631, and shall be 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 receipt by Ohio EPA of a certified check in the amount specified 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 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: RCRA Manager  
347 North Dunbridge Road  
Bowling Green, OH 43402

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Ohio Environmental Protection Agency  
Division of Hazardous Waste Management  
Lazarus Government Center  
Attn: Manager, Compliance Assurance Section  
P.O. Box 1049  
Columbus, OH 43216-1049

For deliveries to the building:

Ohio Environmental Protection Agency  
Division of Hazardous Waste Management  
Lazarus Government Center  
Attn: Manager Compliance Assurance Section  
422 South Front Street  
Columbus, OH 43215

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

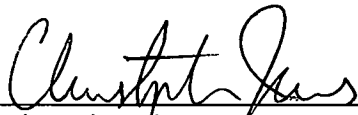
**X. RESERVATION OF RIGHTS**

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 Chapter 3734. of the ORC 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

**FEB 15 2001**  
\_\_\_\_\_  
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.

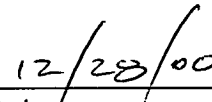
Respondent hereby waives the right to appeal the issuance, terms and service of these Orders and it hereby waives any and all rights it might have to seek administrative or judicial review of these Orders either in law or equity.

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.

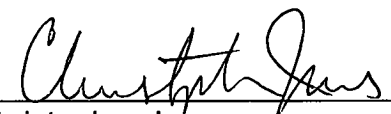
**IT IS SO AGREED:**

**Mansfield Screw Machine Products Company Inc.**

  
\_\_\_\_\_  
By  
  
\_\_\_\_\_  
President & CEO  
Title

  
\_\_\_\_\_  
Date

**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Christopher Jones  
Director

**FEB 15 2001**  
\_\_\_\_\_  
Date