



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049  
Columbus, OH 43216-1049

**CERTIFIED MAIL**

May 22, 2008

**Re: Director's Final Findings & Orders  
Com-Corp Industries, Inc.  
OHR 000 019 232**

Mr. Thomas Stanciu  
Com-Corp Industries, Inc.  
7601 Bitten Avenue  
Cleveland, Ohio 44103

Dear Mr. Stanciu:

Here are the Director's Final Findings and Orders (Orders) issued to Com-Corp Industries, Inc. on May 22, 2008. These Orders are effective today.

I have also enclosed invoices for the penalty payments as required by Order Nos. 1.a. through 1.d and Order No.2.a. through 2.d. Please remember that your first payments are due no later than August 20, 2008.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Natalie Oryshkewych at (330) 425-9171.

Sincerely,

David A. Sholtis, Assistant Chief  
Division of Hazardous Waste Management

**Attachments**

cc: Michael A. Savage, Chief, DHWM  
Harry Sarvis, Mgr., CAS, DHWM  
Todd Anderson, Legal/Elissa Miller, Legal  
Heidi Greismer, PIC  
Natalie Oryshkewych, Mgr., DHWM, NEDO

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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

MAY 22 2008

REGISTERED DIRECTOR'S JOURNAL

In the Matter of:

Com-Corp Industries, Inc.  
7601 Bittern Avenue  
Cleveland, Ohio 44103

Respondent

Director's Final  
Findings and Orders

I certify this to be a true and accurate copy of the  
official documents as filed in the records of the Ohio  
Environmental Protection Agency.

By: [Signature] Date: 5-22-08

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Com-Corp Industries, Inc. (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.13 and 3745.01.

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 shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the rules promulgated there under.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

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 an automotive stamping facility located at 7601 Bittern Avenue, Cleveland, Cuyahoga County, Ohio, 44103 (Facility).
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. Respondent notified as a small quantity generator of hazardous waste and has been assigned hazardous waste generator identification number OHR000019232. The hazardous wastes generated by Respondent at the Facility include hazardous waste paint and strippers (D001/D002/D018/D035/F003), and spent acids and caustics from the black oxide process (D002/D007). Respondent is a small quantity handler of universal waste and generates spent lamps and used oil.
4. On September 11, 2007, Ohio EPA conducted a compliance evaluation inspection at the Facility. As a result of this inspection, Ohio EPA determined that Respondent had, *inter alia*:
  - a. Failed to evaluate waste to determine if the waste was hazardous waste in violation of OAC rule 3745-52-11;
  - b. Failed to ensure that all employees are familiar with proper hazardous waste management and emergency procedures, in violation of OAC rule 3745-52-34(D)(5)(c);
  - c. Failed to conduct and record emergency equipment inspections, in violation of OAC rule 3745-65-33;
  - d. Failed to maintain adequate aisle space in the hazardous waste accumulation area, in violation of OAC rule 3745-65-35;
  - e. Failed to date at least two 55-gallon drums of hazardous waste in the accumulation area, in violation of OAC rule 3745-52-34(D)(4);
  - f. Failed to conduct and record weekly inspections of the hazardous waste accumulation area, in violation of OAC rule 3745-66-74;
  - g. Failed to label/mark containers holding universal waste lamps with one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)," in violation of OAC rule 3745-273-14(E);

- h. Failed to demonstrate the length of time that 13 boxes of universal waste lamps had been accumulating, in violation of OAC rule 3745-273-15(C); and
  - i. Accumulated universal waste lamps on-site for longer than one year, in violation of OAC rule 3745-273-15(A).
- 5. By letter dated September 19, 2007, Ohio EPA notified Respondent of the violations referenced in Finding No. 4. of these Orders.
- 6. By correspondences dated October 19, 2007, and October 26, 2007, Respondent provided a response to Ohio EPA's September 19, 2007, letter.
- 7. By letter dated October 31, 2007, Ohio EPA notified Respondent that, based upon the information contained in Respondent's October 19, and October 26, 2007, correspondences, Respondent had abated the violations referenced in Finding No. 4., but that Respondent had, *inter alia*:
  - a. Unlawfully stored hazardous waste on-site without a permit, in violation of ORC § 3734.02(E) and (F);
  - b. Failed to label a 55-gallon drum with the words "Hazardous Waste," in violation of OAC rule 3745-52-34(A)(3); and
  - c. Failed to label five 55-gallon drums located in the hazardous waste accumulation area with the words "Used Oil," in violation of OAC rule 3745-279-22(C).

Ohio EPA's October 31, 2007, letter also notified Respondent that violations referenced in Finding Nos. 7.b. and 7.c. had been abated.

- 8. By electronic correspondence dated November 11, 2007, Respondent submitted a response to Ohio EPA's letter dated October 31, 2007.
- 9. By letter dated November 14, 2007, Ohio EPA notified Respondent that the violations discovered during the September 11, 2007 inspection were abated.
- 10. Because no releases of hazardous waste were observed by Ohio EPA at the time of the inspection referenced in Finding No. 4 of these Orders and Respondent is still using the hazardous waste accumulation area, the Director has determined that closure of the unpermitted storage area is not required at

this time. Therefore, no further action is required at this time to abate the ORC § 3734.02 (E) and (F) violation referenced in Finding No. 7.a. 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 Ohio EPA the amount of \$9,000.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. \$7,200.00 of this amount will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28 pursuant to the following schedule:
  - a. Within 90 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,800.00;
  - b. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,800.00;
  - c. Within 270 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,800.00; and
  - d. Within 365 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$1,800.00.

Respondent shall make each payment by tendering an official check made payable to "Treasurer, State of Ohio." The official checks shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent and the Facility. A copy of each check shall be submitted in accordance with Section X. of these Orders.

2. In lieu of paying the remaining \$1,800.00 of the civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of \$1,800.00 to the Ohio EPA Clean Diesel School Bus Program (Fund 5CD) pursuant to the following schedule:

- a. Within 90 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$450.00;
- b. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$450.00;
- c. Within 270 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$450.00; and
- d. Within 365 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$450.00.

Payments shall be made by official checks made payable to "Treasurer, State of Ohio." The official checks shall be submitted to Brenda Case, or her successor, Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying Respondent. A copy of these checks shall be submitted in accordance with Section X. of these Orders, and an additional copy of this check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, Ohio EPA, Division of Air Pollution Control, P.O. Box 1049, Columbus, Ohio 43216-1049.

3. Should Respondent fail to fund the SEP within the required time frames established in Order Nos. 2.a. through 2.d., Respondent shall pay to Ohio EPA the missed payment amount no later than 7 days after the missed payment due date. Payment shall be made in accordance with the procedures established in Order No. 1.

#### **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official checks required by Section V. of these Orders.

#### **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 party to these Orders, for any liability arising from, or related to, the operation 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. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

### **IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

### **X. NOTICE**

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Northeast District Office  
Division of Hazardous Waste Management  
2110 E. Aurora Road  
Twinsburg, Ohio 44087  
Attn: DHWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

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

For deliveries to the building:

Chris Korleski, Director  
Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Hazardous Waste Management  
50 West Town Street  
Columbus, Ohio 43215  
Attn: Manager, Compliance Assurance Section

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

#### **XI. RESERVATION OF RIGHTS**

Ohio EPA reserves its rights to exercise its lawful authority to require Respondent to perform closure of the hazardous waste accumulation area as well as corrective action at the Facility at some time in the future, pursuant to ORC Chapter 3734. or any other applicable law. Respondent reserves its rights to raise any administrative, legal or equitable claim or defense with respect to any final action of the Director regarding such closure or corrective action. Ohio EPA and Respondent each reserve all other rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

#### **XII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Except for the rights to seek closure of the hazardous waste accumulation area and corrective action at the Facility, which rights Ohio EPA does not waive, compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

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

Notwithstanding the preceding, Ohio EPA and Respondent agree that if 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.

**XIII. EFFECTIVE DATE**


The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**XIV. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**IT IS SO ORDERED AND AGREED:**


**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Chris Korleski  
Director

MAY 22 2008  
\_\_\_\_\_  
Date

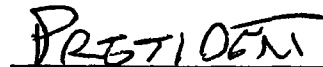
**IT IS SO AGREED:**

**Com-Corp Industries, Inc.**

  
\_\_\_\_\_  
Signature

4/28/08  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Printed or Typed Name

  
\_\_\_\_\_  
Title