

OHIO E.P.A.
AUG 22 2008
ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Master Chrome Service, Inc.
5709 Herman Avenue, NE
Cleveland, Ohio 44102

**Director's Final
Findings and Orders**

Respondent

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.

PREAMBLE By: M. A. Shapiro Date: 8/22/08

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Master Chrome Service, 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 of Respondent or of the Facilities 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 thereunder.

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 OAC rule 3745-50-10(A).
2. Respondent is the owner and operator of an industrial hard chrome plating facility at 5709 Herman Avenue NE in Cleveland, Ohio.

3. Respondent notified Ohio EPA regarding its hazardous waste activities on May 15, 1992 and was issued generator identification number OHD987040326. Respondent was authorized to do business in Ohio on June 17, 1936.
4. Respondent is a small quantity generator (although in 2006 and in its original notification, Respondent was a large quantity generator) and 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 waste acetone (D001), trichloroethylene (F002, D040), lead chromate (D007, D008), sodium hydroxide (D002) and chrome plating tank wastes (D007).
5. On February 13, 2008, Ohio EPA performed a compliance evaluation inspection at the Facility. As a result of the inspection, Ohio EPA determined that Respondent had, *inter alia*:
 - a. Failed to have the date upon which each period of accumulation begins clearly marked and visible for inspection on the labels of seven drums of lead chromate waste, in violation of OAC rule 3745-52-34(A)(2).
 - b. Stored six drums of hazardous waste lead chromate for greater than 180 days, in violation of ORC § 3734.02(E) and (F).
 - c. Failed to conduct emergency equipment inspections in violation of OAC rule 3745-65-33.
 - d. Failed to properly package its fluorescent lamps, in violation of OAC rule 3745-273-13(D)(1).
6. By letter dated March 3, 2008, Ohio EPA notified Respondent of the violations referenced in Finding No. 5 of these Orders.
7. On March 25, 2008, Respondent faxed and e-mailed responses to Ohio EPA's March 3, 2008 letter.
8. By letter dated April 17, 2008, Ohio EPA retracted its March 3, 2008 letter and provided revised correspondence regarding the February 13, 2008 inspection.
9. After review of the information submitted on March 25, 2008, the Director has determined Respondent has demonstrated that the violations listed in Finding Nos. 5.a., 5.c. and 5.d. of these Orders have been abated.

10. By letter dated May 16, 2008, Ohio EPA notified Respondent regarding the violations that had been abated.
11. Because Respondent is currently using the hazardous waste accumulation area where hazardous waste was stored for greater than 180 days, and Ohio EPA did not observe any releases of hazardous waste at the time of the inspection referenced in Finding No. 5. of these Orders, the Director has determined that closure of the hazardous waste accumulation area is not required at this time. Therefore, no further action is required at this time to abate the violation referenced in Finding No. 5.b. of these Orders.
12. On July 8, 2008, Respondent submitted copies of the last five years of its financial reports and Federal income tax returns.
13. After review of the information submitted on July 8, 2008, the Director has determined Respondent does not have the ability to pay the entire civil penalty amount proposed in the Director's letter of June 6, 2008.

V. ORDERS

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

1. Respondent shall pay Ohio EPA the amount of \$ 23,000.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. \$18,400.00 of this amount will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28 and in accordance with the following schedule:
 - a. Within 90 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,533.00;
 - b. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,533.00;
 - c. Within 270 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,533.00;
 - d. Within 365 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$1,533.00;
 - e. Within 455 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$1,533.00;

- f. Within 545 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$1,533.00;
- g. Within 635 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$1,533.00;
- h. Within 730 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$1,533.00;
- i. Within 820 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$1,533.00;
- j. Within 910 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$1,533.00;
- k. Within 1000 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$1,533.00; and
- l. Within 1095 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$1,537.00.

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 \$4,600.00 of the civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of \$4,600.00 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 \$383.00;
 - b. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$383.00;
 - c. Within 270 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$383.00;
 - d. Within 365 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$383.00;

- e. Within 455 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$383.00;
- f. Within 545 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$383.00;
- g. Within 635 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$383.00;
- h. Within 730 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$383.00.
- i. Within 820 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$383.00;
- j. Within 910 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$383.00;
- k. Within 1000 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$383.00; and
- l. Within 1095 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$387.00.

Respondent shall make each payment by tendering an official check made payable to "Treasurer, State of Ohio." The official checks shall be submitted to 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 each check shall be submitted in accordance with Section X. of these Orders, and an additional copy of each 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.h., 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 person 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 East 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 and 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 container accumulation area referenced in Finding No. 5.b. of these Orders, and corrective action at the Facility by Respondent, 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.

IV. 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



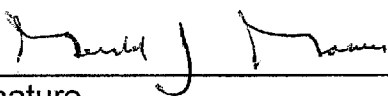
Chris Korleski
Director

August 22, 2008

Date

IT IS SO AGREED:

Master Chrome Service, Inc.



Signature

7/28/08

Date 7/28/08

GERALD J. GARVER

Printed or Typed Name

PRESIDENT

Title