

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

OCT 13 2010

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Ohio Screw Products, Inc.
818 Lowell Street
Elyria, OH 44036

Respondent

Director's Final
Findings and Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Ohio Screw Products, 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 the Respondent, or of the Facility owned by Respondent, 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).

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: 10-13-10

2. Respondent operates a screw machine shop facility located at 818 Lowell St., Elyria, Lorain County, Ohio 44036 (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 is a large quantity generator of hazardous waste and has been assigned EPA ID number OHD066067448. The hazardous wastes generated by Respondent at the Facility include hazardous waste from metal degreasing activities (D008/F001/D040), used filter elements and sludge (D008), and various cleaning activities (D008). Respondent also generates used oil from metal turning/grinding processes. Respondent is a small quantity handler of universal waste and generates spent lamps.
4. On October 1, 2009, Ohio EPA conducted a compliance evaluation inspection at the Facility. During this inspection, Ohio EPA requested additional documentation in order to determine Respondent's compliance with the state's hazardous waste laws.
5. Respondent submitted the requested documents referenced in Finding No. 4. by correspondences dated October 13, 26 and 28, 2009, November 4, 12 and 19, 2009, and December 4, 2009.
6. As a result of the inspection referenced in Finding No. 4. of these Orders, and review of the documents referenced in Finding No. 5. of these Orders, Ohio EPA has determined that Respondent, *inter alia*:
 - a. Unlawfully stored spent mop water, a hazardous waste exhibiting the characteristic for lead (D008), as described in OAC rule 3745-51-24, for greater than 90 days without a permit, in violation of ORC § 3734.02 (E) and (F);
 - b. Caused hazardous waste to be transported to an unpermitted facility, in violation of ORC § 3734.02 (F);
 - c. Failed to adequately evaluate wastes to determine if the wastes are hazardous, in violation of OAC rule 3745-52-11;
 - d. Failed to label containers of hazardous waste with an accumulation start date, in violation of OAC rule 3745-52-34(A)(2);
 - e. Failed to label a container of hazardous waste, in violation of OAC rule

3745-52-34(C)(1)(b);

- f. Failed to conduct inspections of emergency equipment, in violation of OAC rule 3745-65-33;
 - g. Failed to conduct weekly inspections of the hazardous waste container storage area, in violation of OAC rule 3745-66-74;
 - h. Failed to accumulate universal waste spent lamps in closed containers, in violation of OAC rule 3745-273-13(D)(1);
 - i. Failed to label containers of universal waste lamps with the required words, in violation of OAC rule 3745-273-14(E);
 - j. Failed to track the length of time universal waste lamps are being accumulated, in violation of OAC rule 3745-273-15(C); and
 - k. Failed to label a container of used oil with the words "used oil" in violation of OAC rule 3745-279-22(C)(1).
7. Respondent was notified of the violations referenced in Finding No. 6. of these Orders by letter dated December 8, 2009. This letter also notified Respondent that the violations referenced in Finding Nos. 6.d., 6.e., 6.f., 6.h., 6.i., and 6.k. of these Orders were abated.
8. By correspondences dated January 7, January 8, January 14, and February 1, 2010, Respondent submitted documentation in response to the letter referenced in Finding No. 7. of these Orders.
9. Based upon review of the documents referenced in Finding No. 8. of these Orders, Ohio EPA determined that Respondent abated the violations referenced in Finding Nos. 6.c. and 6.g. of these Orders. Ohio EPA also determined that based on the amount of hazardous waste generated, Respondent is a large quantity generator, and failed to, *inter alia*:
- a. Ensure that Facility personnel have hazardous waste management and emergency response training, in violation of OAC rules 3745-65-16(A)(1-3)(B)(C)(D)(1-4); and
 - b. Maintain a contingency plan with all of the required elements, in violation of OAC rule 3745-65-52.

10. Respondent was notified of the abated violations and the newly determined violations referenced in Finding No. 9 of these Orders by letter dated February 5, 2010. This letter also notified Respondent that the violation referenced in Finding No. 6.j. of these Orders remained outstanding.
11. By facsimile dated February 12, 2010, Respondent submitted documentation in response to the letter from Ohio EPA referenced in Finding No. 10. of these Orders.
12. After review of the documentation referenced in Finding No. 11. of these Orders, Ohio EPA notified Respondent by electronic mail on February 16, 2010, that the violation referenced in Finding No. 6.j. of these Orders was abated.
13. On May 10, 2010, Ohio EPA received a revised contingency plan in accordance with OAC rule 3745-65-52. On May 11, 2010, Ohio EPA notified Respondent by electronic mail that the violation in Finding No. 9.b. of these Orders was abated.
14. In correspondence dated June 23, 2010 and June 25, 2010, Respondent submitted documentation in response to the letter from Ohio EPA referenced in Finding No. 10. of these Orders. The correspondence submitted by Respondent included documentation regarding hazardous waste management and emergency response training.
15. Respondent generates approximately 15 to 40 gallons monthly of hazardous waste trichloroethylene (TCE) (F001), as described in OAC rule 3745-51-31, from metal degreasing activities. On March 19, 2009, Respondent shipped 330 gallons of hazardous waste TCE off-site. On October 1, 2009, Respondent shipped an additional 330 gallons of hazardous waste TCE off-site. Based upon Respondent's generation rate and inventory use, Ohio EPA has determined that Respondent accumulated hazardous waste TCE from approximately April 30, 2009, until October 1, 2009, exceeding the allowed 90-day accumulation time limit for large quantity generators of hazardous waste.
16. Because Respondent stored hazardous waste TCE for greater than 90 days, as referenced in Finding No. 14. of these Orders, the Director has determined that Respondent is in violation of ORC § 3734.02(E) and (F).
17. In a series of correspondences and summarized in an electronic correspondence dated August 24, 2010, Respondent submitted information to Ohio EPA pertaining to proposed Supplemental Environmental Projects (SEPs). Specifically, the SEPs proposal consisted of the installation and operation of a

reclamation system to reuse spent mop water (D008) and an operational change of an aqueous parts washer (D008). According to the information provided by Respondent, the spent mop water would immediately upon generation be placed into the reclamation process. Furthermore, according to Respondent, only unleaded parts would be cleaned in the aqueous parts washer. These modifications to Respondent's operations will result in a reduction in the amount of hazardous waste generated and the amount of hazardous waste being subject to inclusion in Respondent's monthly hazardous waste generation calculation. The implementation of these process changes will cause Respondent to be subject to the Small Quantity Generator hazardous waste requirements, rather than the Large Quantity Generator requirements.

18. In electronic correspondence dated August 12, 2010, Respondent informed Ohio EPA the SEPs referenced in Finding No. 16. had been implemented at the Facility.
19. In correspondence dated September 7, 2010, Ohio EPA notified Respondent that the violation in Finding No. 9.a. of these Orders was abated.
20. Because Respondent will continue to accumulate hazardous waste TCE and spent mop water in the same accumulation/storage areas currently used, and the accumulation/storage area is concrete and in good condition, and no releases of hazardous waste were observed, the Director has determined that closure in accordance with OAC chapters 3745-54 and 55 is not required of Respondent at this time regarding the ORC § 3734.02(E) and (F) violations referenced in Finding Nos. 6.a. and 15. of these Orders.

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 \$27,880.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. \$12,728.00 of this amount will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28 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 \$2,121.33;

- b. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,121.33;
- c. Within 270 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,121.33;
- d. Within 360 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,121.33;
- e. Within 450 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,121.33; and
- f. Within 540 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,121.35.

Each of these payments shall be made by an official check made payable to "Treasurer, State of Ohio." The official checks shall be submitted to Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying the Respondent. A copy of each check shall be submitted in accordance with Section X. of these Orders.

- 2. In lieu of paying \$15,152.00 of the civil penalty to Ohio EPA, Respondent shall continue to implement the SEPs referenced in Finding No. 17., and more fully described in attachment A to these Orders (incorporated into these Orders as if fully rewritten herein) for a minimum of three (3) years from the effective date of these Orders. During this three (3) year period and as part of these SEPs, Respondent shall take quarterly samples (sampling shall be done in accordance with OAC rule 3745-52-11) of the spent aqueous parts washer. Sampling of the aqueous parts washer shall commence 90 days from the effective date of these Orders. All sample results shall be submitted to Ohio EPA for review in accordance with Section X of these Orders. The sample results shall demonstrate that the spent aqueous parts washer is not a characteristic hazardous waste.
- 3. Should Respondent fail to manage the spent mop water in the reclamation unit as described in Attachment A or should Respondent fail to conduct the sampling as described in Order No. 2., or should any samples of the spent aqueous parts washer demonstrate that the spent aqueous parts washer is a characteristic hazardous waste, Respondent shall pay to Ohio EPA the amount of \$15,152.00. The \$15,152.00 payment shall be paid to Ohio EPA within 7 days of failing to manage the mop water in the reclamation unit, failing to conduct sampling as

specified in Order No. 2., or of receiving a sample result demonstrating that the spent aqueous parts washer is a characteristic hazardous waste. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$15,152.00. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying the Respondent. A copy of each check shall be submitted in accordance with Section X. of these Orders.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and Ohio EPA's Division of Hazardous Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is a [e.g., 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 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 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

October 13, 2010
Date

IT IS SO AGREED:

Ohio Screw Products, Inc.


Signature _____

9/22/10
Date

Daniel R. ImBROGNO
Printed or Typed Name

President
Title

Attachment A

OHIO SCREW PRODUCTS, INC WASTE WATER REDUCTION PROCESS

The waste water reduction process at Ohio Screw Products required several steps for implementation. The first being the separation of the major waste water streams: 1) Waste water generated by our aqueous parts washer and 2) waste water generated by daily floor mopping by machine operators. The second, being the purchase, installation and on going maintenance of a water filtration system. And the third, the change in our parts cleaning process to redirect only lead free parts through our aqueous parts washer.

The aqueous parts washer is now used only to process parts made from unleaded aluminum and steel alloys, rendering waste water non-hazardous. To accomplish this, it was necessary to add an additional labor intensive fresh water dip tank step to remove any soap residue from the parts before sending them out for plating. Water from the fresh water dip tank will be recycled into the aqueous washer and the waste water from the aqueous washer, which we have confirmed as being non hazardous, will first be used to replenish our mop water when needed, and then any unused portion will be shipped off premise via a properly licensed handler of non hazardous waste water. We will continue to periodically have the waste water from the aqueous washer tested to verify that it is non hazardous.

The spent mop water is processed through our newly acquired water filtration system that removes the hazardous metals from the water. The filtered water is then stored in a reservoir and re used for mopping the floors. Since there will be some loss of mop water through evaporation, replenishment of the mop water supply will come from the waste water from the aqueous washer.

All previously hazardous waste water will be filtered and recycled for continuous use and no hazardous waste water will be shipped of premise in the future. We have determined that these steps combined with our other waste control efforts will definitely qualify Ohio Screw Products as a Small Quantity Generator on the future.