



State of Ohio Environmental Protection Agency

A.T.

STREET ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, OH 43215-1099

TELE: (614) 644-3020 FAX: (614) 644-2329

MAILING ADDRESS:

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

CERTIFIED MAIL

March 12, 2003

Re: **Director's Final Findings & Orders
Sandusky Limited**

Robert J. Karl
Ulmer & Berne LLP
88 East Broad Street
Suite 1600
Columbus, Ohio 43215-3506

Dear Mr. Karl:

Here are the Director's Final Findings and Orders (Orders) issued to Sandusky Limited on March 12, 2003. These Orders are effective today.

I have also enclosed invoices for the penalty payments required by Order No. 1. Please remember that your first payment is due no later than **April 11, 2003**.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Shannon Nabors at (419)352-8461.

Sincerely,

Pamela S. Allen, Manager
Regulatory and Information Services
Division of Hazardous Waste Management

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Attachments

cc: Michael A. Savage, Chief, DHWM
Harry Sarvis, Mgr., CAS, DHWM
Michael Shapiro, Legal
Heidi Greismer, PIC
Shannon Nabors, Mgr., DHWM, NWDO

Bob Taft, Governor
Maureen O'Connor, Lieutenant Governor
Christopher Jones, Director

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

MAR 12 2003

OHIO E.P.A.

In the Matter of:

Sandusky Limited
3130 West Monroe Street
Sandusky, Ohio 44870

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 Sandusky Limited (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 and successors in interest liable under Ohio law. No change in ownership relating to the Facility shall in any way alter Respondent's obligations under these Orders. Respondent's obligations under these Orders may be altered only by the written action 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.

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

Zona L. Clement
Date *Mar 12 2003*

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 operates a vinyl fabric and film manufacturing facility located at 3130 West Monroe Street, Sandusky, Ohio (Facility). Respondent is a limited liability company qualified to do business in the state on June 26 1996.
3. Respondent notified Ohio EPA of its hazardous waste activities and was issued U.S. EPA identification number OHD045210572.
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 is a large quantity generator of hazardous waste. The hazardous waste generated by Respondent at the Facility includes waste pigments (D001, D035) and spent solvents (D001, D035, F003, F005).
5. On April 27, 2001 and continuing on May 3, 2001, Ohio EPA conducted an inspection of the Facility. As a result of this inspection, Ohio EPA determined that Respondent had, *inter alia*:
 - a. Failed to evaluate several containers of waste to determine if the wastes were hazardous waste, in violation of OAC rule 3745-52-11;
 - b. Failed to complete hazardous waste manifests, in violation of OAC rule 3745-52-20(B);
 - c. Failed to properly date containers of hazardous waste, in violation of OAC rule 3745-52-34(A)(2), and failure to keep containers closed, in violation of OAC rule 3745-66-73;
 - d. Failed to label each container of hazardous waste, in violation of OAC rule 3745-52-34(A)(3). This violation was abated during the May 3, 2001 inspection;

- e. Failed to contact the transporter or the destination facility to determine the status of two shipments of hazardous waste; in which a signed copy of the manifest was not received, and failed to submit an exception report to Ohio EPA within 45 days from the date of the shipment, in violation of OAC rules 3745-52-42(A)(1) and (A)(2);
 - f. Failed to institute a personnel training program, in violation of OAC rule 3745-65-16;
 - g. Failed to conduct weekly inspections of hazardous waste accumulation areas and emergency equipment, with other associated requirements, in violation of OAC rules 3745-66-74 and 3745-65-33;
 - h. Failed to maintain copies of all land disposal restriction documentation for at least three years, in violation of OAC rule 3745-270-07(A)(8);
 - i. Failed to evaluate all hazardous wastes to determine if they are restricted from land disposal, in violation of OAC rule 3745-270-07(A)(1);
 - j. Failed to determine each applicable hazardous waste code, in violation of OAC rule 3745-270-09(A);
 - k. Failed to label two containers of used oil with the words "used oil," in violation of OAC rule 3745-279-22(C)(1);
 - l. Failed to maintain an adequate hazardous waste contingency plan, in violation of OAC rule 3745-65-52; and
 - m. Failed to submit to Ohio EPA a copy of the 2000 annual report, in violation of OAC rule 3745-52-41.
6. By letter dated May 30, 2001, Ohio EPA notified Respondent of the violations referenced in Finding No. 5.
7. By faxes dated June 6 and June 13, 2001 and letter dated July 19, 2001, Respondent provided responses to Ohio EPA's May 30, 2001 letter.

8. By letter dated August 3, 2001, Ohio EPA notified Respondent that it had abated the violations referenced in Finding Nos. 5.c., 5.d., and 5.k.
9. By letters dated August 1, 2001, August 24, 2001, August 29, 2001 and December 5, 2001, Respondent provided responses to Ohio EPA's May 30, 2001 letter.
10. By letter dated December 13, 2001, Ohio EPA notified Respondent that it had abated the violations referenced in Finding Nos. 5.a., 5.e., 5.g., 5.h., 5.i., 5.l., and 5.m.
11. By letter dated January 2, 2002, Ohio EPA notified Respondent that it had abated the violations referenced in Finding Nos. 5.b., 5.f., and 5.j.

V. ORDERS

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

1. Within thirty (30) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the first installment of the civil penalty in the amount of nine thousand seven hundred dollars (\$9,700.00); and within one hundred sixty (160) days after the effect date of these Orders, Respondent shall pay to Ohio EPA the second installment of the civil penalty in the amount of nine thousand seven hundred dollars (\$9,700.00), in settlement of Ohio EPA's claims for civil penalties which may be assessed 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 two certified checks for \$9,700.00 each 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 checks 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 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: 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 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 ORC Chapter 3734. 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. 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.

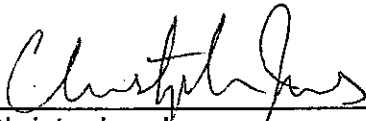
Notwithstanding the preceding, Ohio EPA and Respondent agree that in the event that these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XII. 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 AND AGREED:

Ohio Environmental Protection Agency



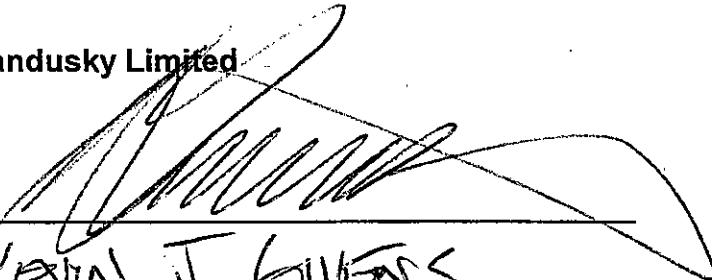
Christopher Jones
Director

MAR 12 2003

Date

IT IS SO AGREED:

Sandusky Limited



KEVIN J. GIVERS
Printed or Typed Name

2-11-03

Date

PRESIDENT, MANUFACTURING
OPERATIONS
Title