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John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

May 31, 2017

Mr. William E. Marsteller
Middlefield Industrial Complex, Inc.
2771 Henn Hyde Road NE
Warren, OH 44484

Re: HPM Corp Plant 2
Director's Final Findings and Orders
(DFFO)
DFFO
RCRA C - Hazardous Waste
Morrow County
OHD071641633

Subject: Final Findings and Orders of the Director

Dear Sir:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for Middlefield Industrial Complex, Inc.

If you have any questions, please contact Andrea Smoktonowicz at (614) 644-3037.

Sincerely,

A handwritten signature in black ink that reads "Tonya Andrews".

Tonya Andrews, Administrative Professional 3
Division of Environmental Response & Revitalization

Enclosure

cc: Melissa Storch, DERR, CDO
Pete Maneff, DERR, CDO
Chris Bulinski, DERR, CDO
Mitch Mathews, DERR, CO
Erik Hagen, DERR, CO
Don Vogel, DERR, CO
Andrea Smoktonowicz, Legal

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Middlefield Industrial Complex, Inc.
820 West Marion Road
Mount Gilead, Ohio 43338

**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

It is agreed by the parties hereto as follows:

By:  Date: 5/31/17

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Middlefield Industrial Complex, 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, 3734.02(G) 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 Facility 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. Pursuant to ORC § 3734.02(G) and rule 3745-50-31 of the Ohio Administrative Code (OAC), the Director may, by order, exempt any person generating, storing, treating, or disposing of hazardous waste in such quantities or under such circumstances that, in the determination of the Director, it is unlikely that the public health or safety or the environment will be adversely affected thereby, from any requirement to obtain a permit or comply with other requirements of ORC Chapter

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3734. Any such exemption shall be consistent with and equivalent to rules promulgated under the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. § 6921 et seq., as amended.

2. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A). Respondent purchased property where a manufacturing facility that produced and supplied extrusion systems, injection molding machines, and die casting equipment and components for wind turbines had operated. The manufacturing facility is no longer in operation. The property is located at 820 West Marion Road, Mount Gilead, Morrow County, Ohio (Facility).
3. At the time the Facility operated, Taylor's Industrial Services, LLC (Taylor's) owned and operated the Facility. Taylor's operated three paint spray booths and generated "hazardous waste" as that term is defined by OAC rules 3745-50-10(A) and 3745-51-03. Taylor's generated hazardous waste paint waste that exhibited the characteristics for ignitability (D001) and toxicity (D035 – methyl ethyl ketone) as described in OAC rules 3745-51-21 and 3745-51-24, and is a listed hazardous waste (F003, F005) as described in OAC rule 3745-51-31.
4. On June 9, 2008, Ohio EPA performed a compliance evaluation inspection at the Facility and determined Taylor's had accumulated more than 1,000 kilograms of hazardous waste and therefore was a small quantity generator of hazardous waste subject to requirements in OAC rule 3745-52-34.
5. In a notice of violation (NOV) letter dated June 30, 2008, Ohio EPA cited Taylor's for storing hazardous waste in multiple containers for greater than 180 days as a small quantity generator without a hazardous waste permit in violation of ORC § 3734.02(E) and (F), failure to evaluate waste and spent lamps to determine if they were hazardous waste in violation of OAC rule 3745-52-11, failure to keep satellite accumulation containers closed in violation of OAC rule 3745-52-34(C), failure to label containers of hazardous waste with an accumulation start date in violation of OAC rule 3745-52-34(D), failure to maintain adequate aisle space in violation of OAC rule 3745-65-35, and failure to conduct and record weekly inspections of the accumulation area in violation of OAC rule 3745-66-74. The area where the unpermitted storage of hazardous waste occurred was the Facility's generator accumulation area.
6. On August 13, 2008, Ohio EPA conducted a follow-up inspection of the Facility, and found Taylor's had abated the violations that were cited for open containers, labeling, aisle space, and inspections. This was documented in a NOV letter dated August 26, 2008.

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7. On July 20, 2009, Ohio EPA conducted another follow-up inspection and found that containers of waste grease and solvent had been evaluated and determined to be hazardous waste and were managed accordingly offsite by Taylor's. This abated the OAC rule 3745-52-11 violation, which was documented in an August 31, 2009 NOV letter.
8. On September 14, 2011, Ohio EPA conducted a follow-up inspection at the Facility. There were no personnel onsite at this time and Ohio EPA noted that there were several areas at the Facility that were not secure and tanks and containers of waste that had been previously identified were again observed. Ohio EPA also determined that various manufacturing equipment was gone and safety railings and other equipment had been removed and pits at the Facility had been filled with unknown liquids.
9. On April 5, 2012, Ohio EPA sampled waste from containers at the Facility, including 55 gallon drums and 250 gallon totes, and from the pits, which confirmed the presence of hazardous waste. Ohio EPA later determined there were releases of hazardous waste in the generator accumulation area.
10. From April 8, 2013 to August 13, 2013, U.S. EPA performed a Time Critical Removal Action at the Facility, which included painting areas of the floor contaminated with polychlorinated biphenyls (PCBs) with epoxy paint, backfilling pits with stone, and offsite disposal of four loads of water contaminated with waste oil, PCB-contaminated wooden blocks, and the containers of hazardous waste.
11. On or about June 17, 2015, Respondent purchased the Facility.
12. Since July 2015, Ohio EPA and Respondent have been corresponding about closure of the hazardous waste management unit (i.e., the hazardous waste storage area) at the Facility.
13. On April 16, 2016, Respondent submitted a draft closure plan to Ohio EPA for closure of that hazardous waste management unit.
14. As the result of Respondent's ownership of an unpermitted hazardous waste facility, the Director has determined that Respondent is required to have a hazardous waste facility installation and operation permit and is subject to all general facility standards found in OAC Chapters 3745-54 and 55, including but not limited to, closure in accordance with OAC rules 3745-55-11 through 3745-55-20, the financial assurance for closure requirements contained in OAC rules 3745-

55-42 through 3745-55-51 and corrective action for waste management units in accordance with OAC rule 3745-54-101. To obtain a hazardous waste facility installation and operation permit, Respondent is required to submit "Parts A and B" of the application in accordance with OAC Chapter 3745-50.

15. The submittal of a Closure Plan which complies with the administrative requirements of OAC Chapters 3745-65 and 66 and the substantive requirements of OAC Chapters 3745-54 and 55 including but not limited to the groundwater protection program in accordance with OAC rules 3745-54-90 through 3745-54-100 in lieu of the submittal of an application for a hazardous waste facility installation and operation permit is unlikely to adversely affect the public health or safety or the environment. Therefore, the Director finds that the issuance to Respondent of an exemption from the requirement to submit an application for a hazardous waste facility installation and operation permit is unlikely to adversely affect the public health or safety or the environment within the meaning of ORC § 3734.02(G).

V. ORDERS

Respondent shall achieve compliance with Chapters 3734. and the regulations promulgated thereunder and is hereby exempted from the requirement to submit an application for a hazardous waste facility installation and operation permit for the Facility, provided that Respondent complies with the following:

1. Within 60 days after the effective date of these Orders, Respondent shall submit to Ohio EPA a Closure Plan for the identified hazardous waste storage area described in Finding No. 5. of these Orders;
2. This Closure Plan shall comply with the administrative requirements of OAC Chapters 3745-65 and 3745-66 and the substantive requirements of OAC Chapters 3745-54 and 3745-55, including but not limited to, the groundwater protection program in accordance with OAC rules 3745-54-90 through 54-100;
3. The Closure Plan is subject to approval by Ohio EPA. If Ohio EPA does not approve the Closure Plan referenced in Order No. 2., and provides Respondent with a written statement of deficiencies, Respondent shall submit a revised Closure Plan for approval addressing the deficiencies within 30 days of receiving such written statement. If Ohio EPA modifies the Closure Plan, the modified Closure Plan becomes the approved plan;

4. Upon Ohio EPA approval of the Closure Plan, Respondent shall implement the approved Closure Plan in the manner and pursuant to the time frames set forth in the approved Closure Plan and OAC rules 3745-55-13/3745-66-13;
5. Within 45 days after Ohio EPA's approval of the Closure Plan, Respondent shall submit a closure cost estimate and documentation demonstrating that Respondent has established financial assurance and liability coverage for the area of the Facility subject to closure, in accordance with OAC rules 3745-55-42 through 3745-55-47; and
6. Within 60 days after completion of closure, Respondent shall submit certification of closure to Ohio EPA in accordance with OAC rule 3745-55-15.

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 Environmental Response and Revitalization 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 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
Central District Office
Division of Environmental Response and Revitalization
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: DERR Hazardous Waste Program Manager

and Ohio EPA Central Office at the following addresses:

For mailings, use the post office box number:

Manager, Hazardous Waste Compliance Assurance Section
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Environmental Response and Revitalization
P.O. Box 1049
Columbus, Ohio 43216-1049

For deliveries to the building:

Manager, Hazardous Waste Compliance Assurance Section
Ohio Environmental Protection Agency
Lazarus Government Center

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Division of Environmental Response and Revitalization
50 West Town Street
Columbus, Ohio 43215

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 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 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, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Except for the right to 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.

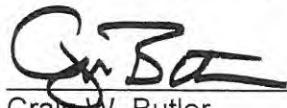
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XIV. SIGNATORY AUTHORITY

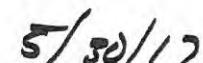
Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



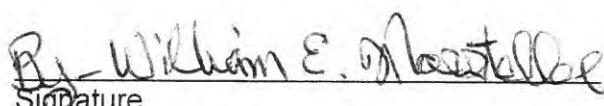
Craig W. Butler
Director



Date

IT IS SO AGREED:

Middlefield Industrial Complex, Inc.

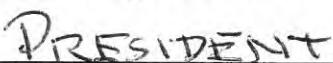


Signature



Date

WILLIAM E. MASTELLER
Printed or Typed Name



Title