June 29, 2017

Christina Spinosa  
Aluminum Color Industries, Inc.  
16 Cortland Avenue  
Youngstown, OH 44514-2019

Re: Aluminum Color Industries, Inc.  
Director's Final Findings and Orders (DFFO)  
DFFO  
RCRA C - Hazardous Waste  
Mahoning County  
OHD987042033

Subject: Final Findings and Orders

Dear Sir:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for Aluminum Color Industries, Inc.

You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of $70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission  
30 East Broad Street, 4th Floor  
Columbus, Ohio 43215

If you have any questions, please contact Andrea Smoktonowicz at (614) 644-3180.

Sincerely,

[Signature]

Tonya Andrews, Administrative Professional 3

Enclosure
BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

in the Matter of:

Aluminum Color Industries, Inc.
369 W. Wood St.
Lowellville, Ohio 44436

Respondent

Director's Final
Findings and Orders

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Aluminum Color 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 3752.16.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and heirs and successors in interest liable under Ohio law. No change in ownership 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 Chapters 3734. and 3752. 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 Ohio Administrative Code (OAC) rule 3745-50-10(A).

2. Respondent is the owner and former operator of an anodizing facility located at 369 W. Wood St., Lowellville, Mahoning County, Ohio 44436 (Facility). The Facility has not operated since December 2015.

3. At the Facility, Respondent generated “hazardous waste” as that term is defined by ORC § 3734.01(J) and OAC rules 3745-50-10(A) and 3745-51-03. The
hazardous wastes at the Facility include at a minimum corrosive hazardous waste (D002) in vats/tanks as described in OAC rule 3745-51-22. Respondent at the Facility has been assigned U.S. EPA identification number OHD987042033.

4. On June 10, 2017, Ohio EPA was notified that a fire was occurring at the Facility. Ohio EPA’s on-scene coordinator was dispatched to the Facility to assist in addressing the immediate response action. Due to the unknown quantity and hazards associated with the chemicals stored at the Facility and the unknown nature of the smoke from the fire, approximately ten to fifteen nearby residences were evacuated. Additionally, due to proximity of the Facility to the Mahoning River, local drinking water treatment works in Ohio and Pennsylvania were alerted due to the potential risk of discharges from the runoff of fire suppression water entering a creek which drains to the Mahoning River.

5. On June 12, 2017, Ohio EPA’s on-scene coordinator provided a briefing of the situation to Ohio EPA hazardous waste program staff regarding the Facility.

6. Based upon the information described in Findings Nos. 4 and 5. of these Orders, on June 13, 2017, Ohio EPA conducted a complaint investigation at the Facility. During the inspection, Ohio EPA inspectors observed numerous vats/tanks associated with the anodizing line, which, when sampled, revealed to be storing corrosive (D002) hazardous waste, as described in OAC rule 3745-51-22. The vats/tanks sampled and determined to contain corrosive hazardous waste were 6, 7, 8, 10, 11, and 12. The total volume of corrosive hazardous waste is approximately 7,200 gallons. Additionally, Ohio EPA observed numerous containers, tanks, vats, pits, and gas cylinders storing waste which had not been evaluated to determine if the waste was hazardous waste.

7. Respondent filed an Annual Chemical Inventory Report pursuant to ORC § 3750, for reporting year 2012. Due to this information, as well as information observed during the investigation and information provided by Respondent, Ohio EPA determined Respondent was subject to Ohio’s cessation of regulated operations requirements in ORC § 3752 and OAC Chapter 3745-352.

8. As a result of investigation and information obtained as described in Findings Nos. 6. and 7. of these Orders, Ohio EPA determined that Respondent, *inter alia*:

   a. Established and operated a hazardous waste storage facility without a hazardous waste installation and operation permit, in violation of ORC § 3734.02(E) and (F) and OAC rules 3745-50-41(A) and 3745-50-45(A). At a minimum, Respondent is storing approximately 7,200 gallons of hazardous waste in vats/tanks, as described in Finding No. 6. of these
Orders, since at least approximately June 2016;

b. Failed to determine if the waste at the Facility is a hazardous waste, in violation of OAC rules 3745-52-11 and 3745-54-13. Respondent failed to determine if the numerous containers and tanks holding waste located throughout the Facility are holding hazardous waste;

c. Failed to provide notice to the Director of Ohio EPA of Respondent’s cessation of regulated operations and providing a designated contact person for the Facility, in violation of ORC § 3752.04;

d. Failed to conduct duties of an owner and operator within ninety days of cessation of regulated operations, such as, providing copy of chemical inventory form, a list and location of all tanks and containers holding regulated substances, draining/removing regulated substances from stationary equipment that is to remain at the Facility, and certifying to Ohio EPA all these activities had been accomplished in violation of ORC § 3752.06; and

e. Failed to post warning signs and provide adequate security in violation of ORC § 3752.07(A) and OAC rule 3745-352-30(C).

9. By letter dated June 14, 2017, Ohio EPA notified Respondent of the violations referenced in Finding No. 8. of these Orders. Respondent acknowledged receipt of the notice that same day.

10. The Director has determined based upon the information and violation described in Findings Nos. 6. and 8.a., Respondent is subject to all final standards found in OAC Chapters 3745-54 and 3745-55, including but not limited to, providing security for the Facility as described in OAC rule 3745-54-14 and conducting inspections as described in OAC rule 3745-54-15. Based upon the information described in Finding No. 6. of these Orders, the Director has determined Respondent is in violation of OAC rules 3745-54-14 and 3745-54-15. 

11. On June 19, 2017, Ohio EPA conducted a follow-up inspection to determine progress on addressing violations and conduct sampling of waste at the Facility. During the inspection, Ohio EPA observed that Respondent had secured the Facility. However, Respondent had not posted the required warning signs pursuant to ORC § 3752.07(A) and was not conducting the weekly inspections required pursuant to OAC rules 3745-352-30(C) and 3745-54-15.

12. On June 26, 2017, Ohio EPA received sample results for some of the samples taken during the June 19, 2017 sampling event described in Finding No. 11. of
these Orders. These results demonstrate that approximately an additional 2,200 gallons of corrosive (D002) hazardous waste is being stored in tank 13 and a phosphoric acid storage tank at the Facility.

13. Based upon the information described in Finding No. 12. of these Orders, the Director has determined Respondent has established and operated a hazardous waste storage facility without a hazardous waste installation and operation permit, in violation of ORC § 3734.02(E) and (F) and OAC rules 3745-50-41(A) and 3745-50-45(A).

V. ORDERS

Respondent shall achieve compliance with Chapters 3734. and 3752. of the ORC and the regulations promulgated thereunder according to the following compliance schedule:

1. Upon the effective date of these Orders, Respondent shall continue to implement all security measures required pursuant to ORC § 3752.07(A) and OAC rule 3745-54-14. Additionally, Respondent shall post signs as required by ORC § 3752.07(A) and OAC rule 3745-54-14(C) and conduct inspections to ensure security at the Facility as required by OAC rules 3745-54-15 and 3745-352-30(C).

2. Within 14 days of the effective date of these Orders, Respondent shall properly characterize all waste at the Facility pursuant to OAC rules 3745-52-11 and 3745-54-13 and shall provide this documentation to Ohio EPA.

3. Within 30 days after the effective date of these Orders, Respondent shall submit documentation showing that all hazardous wastes identified at the Facility have been shipped off-site to an authorized facility.

4. Within 30 days after the effective date of these Orders, Respondent shall submit notice to all contacts, including Ohio EPA, of Respondent’s cessation of regulated operations and providing a designated contact person for the Facility pursuant to ORC § 3752.04.

5. Within 60 days after the effective date of these Orders, Respondent shall conduct all activities required pursuant to ORC § 3752.06.

6. Within 60 days after the effective date of these Orders, Respondent shall submit to Ohio EPA for review and approval a Closure Plan for the hazardous waste management units at the Facility where hazardous waste was and is determined to be managed as described in Findings Nos. 6. and 12. of these Orders as well
as any areas/units determined to be managing hazardous waste by way of implementing Order No. 2. A copy of the Closure Plan shall be submitted in accordance with Section X. of these Orders and an additional copy submitted to Ohio EPA, Division of Environmental Response and Revitalization, Manager, Engineering Section, P.O. Box 1049, Columbus, Ohio 43216-1049:

7. 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.

8. The Closure Plan is subject to approval by Ohio EPA. If Ohio EPA does not approve the Closure Plan 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. Upon Ohio EPA's written 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;

9. Within 90 days after approval of the Closure Plan pursuant to Order No. 8., Respondent shall submit a closure cost estimate and documentation demonstrating that Respondent has established financial assurance and liability coverage for the areas of the Facility subject to closure, in accordance with OAC rules 3745-55-42 through 3745-55-47; and

10. Within 60 days after completion of closure, Respondent shall submit certification of closure to Ohio EPA in accordance with OAC rules 3745-55-15. Ohio EPA's acceptance of the closure certification shall abate the violation referenced in Findings Nos. 8.a. and 13. 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 the chief of 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 Respondent.

VII. 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.

VIII. 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 Environmental Response and Revitalization
2110 East Aurora Road
Twinsburg, Ohio 44087
Attn: Hazardous Waste Program Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

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

For deliveries to the building:
IX. 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 other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with these Orders and/or for the violations described herein. 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, including closure and corrective action at the Facility. 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.

X. APPEAL RIGHTS

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC § 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of $70.00, made payable to "Treasurer, State of Ohio," which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:
Environmental Review Appeals Commission
30 East Broad Street, 4th Floor
Columbus, OH 43215

XI. EFFECTIVE DATE

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

IT IS SO ORDERED:

Ohio Environmental Protection Agency

[Signature]
Craig W. Butler
Director