



State of Ohio Environmental Protection Agency

Donna
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GOOD JOB!
Pike G.
Parker Head

J.E.P.H.
S.E.D.O.

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CERTIFIED MAIL

December 27, 2000

**Re: Director's Final
Findings and Orders
Parker Hannifin Corporation**

Richard L. Taylor, Director of Environmental Affairs
Parker Hannifin Corporation
6035 Parkland Boulevard
Cleveland, Ohio 44124-4141

Dear Mr. Taylor:

Transmitted herewith are Final Findings and Orders of the Director concerning the matter indicated.

Sincerely,

Thomas E. Crepeau, Manager
Data Management Section
Division of Hazardous Waste Management

wp8.TEC.psa.lcn.g:parkerhannifin

Enclosure

cc: Michael A. Savage, Chief, DHWM
Pamela S. Allen, Mgr., CAS, DHWM
Mike Shapiro, Legal
Heidi Greismer, PIC
Carol Hester, PIC
Dave Chenault, Manager, SEDO
Thomas L. Meyer, Esq., Parker Hannifin Corporation

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

OHIO E.P.A.

DEC 27 2000

ENTERED DIRECTOR'S JOURNAL

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Parker Hannifin Corporation
6035 Parkland Boulevard
Cleveland, Ohio 44124-4141

Respondent

**Director's Final
Findings and Orders**

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 Parker Hannifin Corporation ("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, its assigns and successors in interest. No changes in ownership relating to the Facility will in any way alter Respondent's responsibilities under these Orders. Respondent's obligations under these Orders may be altered only by the written approval 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.

by [Signature] 12-27-00

3. As used in these Orders, when reference is made to a hazardous waste rule of the Ohio Administrative Code, and in said rule the term "permit" or "facility permit" is used, said terms shall, to the extent pertinent and applicable, mean "post-closure plan" or "facility post-closure plan," respectively. It is the intent of this definition that all requirements, obligations and standards that would normally be specified or addressed in a facility's permit, will, in the contexts of these Orders, to the extent pertinent and applicable, be specified or addressed in Respondent's post-closure plan.

IV. FINDINGS OF FACT

The Director has determined the following findings of fact:

1. Respondent owns and operated a chrome plating operation located at 11197 U.S. Route 23, Waverly, Pike County, Ohio ("Facility"). Respondent was chartered to conduct business in the state on December 30, 1938.
2. Respondent is a "person" as defined in § 3734.01(G) of the ORC and Ohio Administrative Code ("OAC") rule 3745-50-10(A).
3. At the Facility, Respondent generated "hazardous waste" as that term is defined in § 3734.01(J) of the ORC and OAC rules 3745-50-10(A) and 3745-51-03.
4. On August 2, 1980, Respondent notified the United States Environmental Protection Agency ("U.S. EPA") of its hazardous waste activity at the Facility and was issued U.S. EPA Identification Number OHD046426409.
5. On September 20, 1993, Ohio EPA approved Respondent's closure plan/post-closure plan ("Approved Plan") for the two dry wells at the Facility and on October 5, 1993, Respondent and Ohio EPA entered into Director's Final Findings and Orders ("DFFOs") for closure of the two dry wells at the Facility.
6. By telephone on June 20, 1997, and in a letter dated July 14, 1997, Ohio EPA directed Respondent to conduct an assessment of the recovery well system and submit the results to Ohio EPA by August 1, 1997.
7. By letter dated July 21, 1997, Respondent agreed to conduct an assessment of the recovery well system and to submit the results for review and comment to Ohio EPA by September 5, 1997.
8. On September 19, 1997, Respondent submitted the results of the recovery well system assessment requested by Ohio EPA in Finding No. 6 of these Orders.

9. On March 10, 1998, Ohio EPA conducted a Comprehensive Ground Water Monitoring Evaluation ("CME") of the Facility. By letter dated July 21, 1998, Ohio EPA conveyed to Respondent the results of the CME. The CME and the letter indicated violations of the Approved Plan, DFFOs, and OAC rules 3745-65-75(F), 3745-65-93(D) and 3745-65-94. The rule violations were:
 - a. Failure to submit and implement the Ground Water Quality Assessment Plan ("GWQAP") required under OAC rule 3745-65-93(D); and
 - b. Failure to collect quarterly ground water monitoring samples and submit an annual report of said findings for 1993 and 1994, as required by OAC rules 3745-65-75(F), 3745-65-93(D)(7)(a), and 3745-65-94; and failure to submit annual reports (due on or before March 1st of each year) for 1995, 1996, 1997, in a timely manner, in violation of OAC rule 3745-65-75(F).

In addition, Ohio EPA notified Respondent that the monitoring well information presented in Section 2 of the 1995, 1996, and 1997 reports was incomplete, incorrect or inconsistent with past data reports; some well construction information was not specified and well evaluation data differed from that reported in the 1990 CME.

Furthermore, Ohio EPA notified Respondent that the quarterly sampling conducted by Respondent in 1995 and 1996 indicated that the dissolved chlorinated solvent plume was migrating down gradient from the Facility towards Pee Pee Creek.

10. On November 20, 1998, Respondent and Ohio EPA met to discuss the outstanding ground water issues at the Facility.
11. On January 4, 1999, Respondent submitted a GWQAP. On February 1, 1999, Ohio EPA directed Respondent to revise the GWQAP.
12. On March 1, 1999, Respondent submitted to Ohio EPA a revised GWQAP and on April 21, 1999, Ohio EPA approved the revised GWQAP.
13. On or before March 31, 1999, Respondent notified Ohio EPA that due to electrical problems, recovery well RW-1 had not operated from March 1998 to January 1999.
14. Respondent has submitted the following:
 - a. On August 31, 1999, a Report of Findings documenting the installation of twelve monitoring wells and two stream gauges per the Revised GWQAP.

- b. On November 15, 1999, a Report of Findings documenting the collection of ground water samples south of Pee Pee Creek using direct-push methods per the Revised GWQAP.
- c. On February 24, 2000, a Groundwater Flow and Transport Evaluation Report.

V. ORDERS

Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated thereunder according to the compliance schedule set forth below.

1. The DFFOs issued to Respondent on October 5, 1993 and referenced in Finding No. 5 of these Orders are hereby superseded by these Orders.
2. Respondent shall comply with the ground water monitoring requirements of OAC rules 3745-54-90 through 3745-54-99, 3745-55-01 and 3745-55-02, and the ground water reporting, record keeping and maintenance requirements set forth in OAC rules 3745-50-44(B)(7), 3745-54-15, 3745-54-73 and 3745-54-74.
3. Within sixty (60) days from the effective date of these Orders, Respondent shall submit to Ohio EPA, for review and approval, an amendment to the post-closure plan ("PCP") contained in the September 20, 1993 Approved Plan for the dry wells. The amendment shall meet the requirements set forth for corrective action for RCRA units pursuant to OAC rule 3745-55-01, and shall include, but not be limited to, the following:
 - a. A detailed description of corrective action including an engineering feasibility plan that achieves compliance with the ground water protection standard of OAC rule 3745-54-92;
 - b. A plan for a ground water monitoring program that demonstrates the effectiveness of the corrective action between the compliance point and the down gradient facility boundary, in accordance with OAC rules 3745-54-92 and 3745-55-01(E)(1);
 - c. A ground water monitoring program that demonstrates the effectiveness of the corrective action beyond the facility boundary where necessary, in accordance with OAC rules 3745-54-92 and 3745-55-01(E)(2);

- d. The corrective action measures may be terminated after the levels of hazardous constituents in ground water at the site no longer exceed the established concentration limits for those constituents following two consecutive sampling events. In the event the levels of hazardous constituents in ground water at the site exceed the established concentration limits for constituents after corrective action is terminated and before the end of the post-closure care period, corrective action measures shall be reinstated; and
 - e. The ground water monitoring program may be terminated after the measured level of hazardous constituents in ground water at the site does not exceed the established concentration limits for the site for a period of three consecutive years, as is required in the post-closure plan, pursuant to OAC Rule 3745-54-96(C).
4. The PCP referenced in Order No. 3 is subject to Ohio EPA approval. If Ohio EPA does not approve the PCP, and provides Respondent with a written statement of deficiencies, Respondent shall, within sixty (60) days from its receipt of such written statement, revise the PCP or submit a new PCP to Ohio EPA addressing the deficiencies. Upon receipt of Respondent's new or revised PCP, Ohio EPA will notify Respondent in writing that Ohio EPA either approves the PCP or approves the PCP with modifications. If Ohio EPA modifies the PCP, the modified PCP becomes the approved PCP.
5. Respondent shall continue to implement the approved GWQAP in accordance with the schedule contained in the approved GWQAP until the amended PCP required in Order No. 3 of these Orders has been approved by Ohio EPA.
6. Respondent shall continue to monitor the ground water on a quarterly basis and submit the required reports to Ohio EPA, in accordance with the approved GWQAP and until the amended PCP required in Order No. 3 of these Orders has been approved by Ohio EPA.
7. Respondent shall submit annual ground water monitoring reports, in accordance with OAC rule 3745-54-75(F). Respondent shall also report on the effectiveness of the corrective action program as specified in OAC rule 3745-55-01(G).
8.
 - a. In the event Respondent identifies conditions at or emanating from the Facility that diminish Respondent's ability to monitor, capture, treat or otherwise remediate the site such that Respondent no longer meets the remedial standards set forth in the amended post-closure plan, and such

conditions continue for a period exceeding five (5) days, Respondent shall notify Ohio EPA, Southeast District Office, Division of Hazardous Waste Management, DHWM Inspector, by email, facsimile or detailed letter report within seven (7) days from the discovery of the occurrence by Respondent. As used herein, conditions at or emanating from the Facility that diminish Respondent's ability to monitor, capture, treat or otherwise remediate the site include, but are not necessarily limited to, the following:

- i. Any equipment or process failure or shut down which would result in the loss of plume control and/or ground water treatment, or
 - ii. Any violation or noncompliance with the hazardous waste rules, these Orders, or the PCP, or any amendment thereof, which would impair the efficacy of the corrective action program or PCP.
 - b. Respondent shall include the following information when reporting the above incident/condition to Ohio EPA:
 - i. The time the incident/condition was discovered and/or occurred;
 - ii. The circumstances which precipitated the incident/condition;
 - iii. The remedial steps being taken to remedy the incident/condition, including a timetable for remedy; and
 - iv. The steps or measures being taken to reduce, eliminate and/or prevent the reoccurrence of the incident/condition.
 - c. Respondent shall notify Ohio EPA, in the manner set forth in paragraph 8.a., when the incident/condition has been remedied.
9. If the incident/condition referred to in Order No. 8 will require more than thirty (30) days to remedy, Ohio EPA may require that Respondent provide a detailed work plan to Ohio EPA within thirty (30) days of Ohio EPA's review of the notification. The work plan will identify the measures which will mitigate the incident/conditions. Ohio EPA will review and either approve or disapprove the work plan. In the event that Ohio EPA does not approve the work plan and provides Respondent a detailed written statement of the deficiencies in its work plan, Respondent shall submit a

revised work plan for approval within thirty (30) days after receipt of such a written statement from Ohio EPA. Ohio EPA may approve the revised work plan with modifications. If Ohio EPA modifies the revised work plan, the modified plan shall become the approved plan.

10. Respondent shall fully implement the amended PCP once approved, and certify the post-closure care in accordance with OAC rule 3745-55-20.
11. Within thirty (30) days of receipt of approval of the amended PCP, Respondent shall:
 - a. Submit to Ohio EPA, for review and approval, a post-closure cost estimate that satisfies the requirements of OAC rule 3745-55-43; and
 - b. Demonstrate financial assurance for post-closure care that satisfies the requirements of OAC rule 3745-55-45.
12. Within thirty (30) days from the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$50,000.00 in settlement of Ohio EPA's claims for civil penalties which may be assessed for noncompliance 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 a certified check or bank check for \$50,000.00 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 when Respondent demonstrates in writing and certifies to the satisfaction of Ohio EPA that all obligations under these Orders have been performed and Ohio EPA's Division of Hazardous Waste Management acknowledges, in writing, Ohio EPA's acceptance of this demonstration and certification.

This certification shall be submitted by Respondent and shall be signed by a responsible official of Respondent. The certification shall make the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

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 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
Southeast District Office
Division of Hazardous Waste Management
Attn: DHWM Manager
2195 Front Street
Logan, Ohio 43138

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

For deliveries to the building and courier services:

Christopher Jones, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
Attn: Manager, Compliance Assurance Section
122 South Front Street
Columbus, Ohio 43215

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

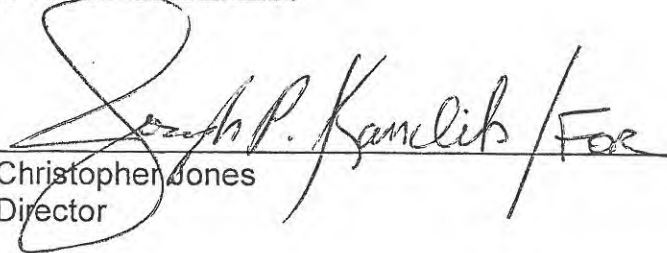
X. RESERVATION OF RIGHTS

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. 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:


Christopher Jones
Director

DEC 27 2000

Date

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 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.

IT IS SO AGREED:

Parker Hannifin Corporation

Thomas A. Preece

22 DEC 00

Date

VICE PRESIDENT

Title

Ohio Environmental Protection Agency

Christopher Jones

Christopher Jones
Director

DEC 27 2000

Date