



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

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

STARK ✓

MAILING ADDRESS:

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

CERTIFIED MAIL

February 21, 2001

**Re: Director's Final Findings & Orders
Hawaiian Haze International, Inc.**

OHR 000 039 776

-STARK-

Ronald R. Janke, Esq.
Jones, Day, Reavis & Pogue
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114-1190

Dear Mr. Janke:

Transmitted herewith is the Amendment to Director's Final Findings and Orders issued February 21, 2001, 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:hawaiianhaze

cc: Michael A. Savage, Chief, DHWM
Pamela S. Allen, Mgr., CAS, DHWM
Todd Anderson, Legal
Heidi Greismer, PIC
Kurt Princic, Mgr., DHWM, NEDO

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



OHIO E.P.A.
FEB 21 2001
ENTERED DIRECTOR'S JOURNAL

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Hawaiian Haze International, Inc.
1221 Tuscarawas Street, E.
Canton, Ohio 44707

**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 Hawaiian Haze International, Inc. ("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 the Respondent, its assigns and successors in interest. No changes in ownership relating to the Facility will in any way alter the Respondent's responsibilities under these Orders. The 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 rules promulgated thereunder.

I hereby certify that a true and correct copy of the
above is on file in the records of the Ohio
Environmental Protection Agency

Joseph J. Jackson 2-21-01

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

IV. FINDINGS OF FACT

The Director of Ohio EPA has determined the following findings of fact:

1. Respondent operates a fluorescent bulb distribution facility located at 1221 Tuscarawas Street, East, Stark County, Canton, Ohio ("Facility"). The Respondent was incorporated to do business in the State of Ohio on October 4, 1995.
2. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code ("OAC") rule 3745-50-10(A).
3. On March 16, 1999, Ohio EPA received a complaint alleging that Respondent was breaking spent fluorescent bulbs in a non-hazardous waste dumpster located at the Facility.
4. On April 2, 1999, Ohio EPA performed a complaint investigation at the Facility and determined that the Respondent was storing hazardous waste fluorescent bulbs at the Facility, without a hazardous waste facility installation and operation permit, in violation of ORC § 3734.02(E) and transported or caused to be transported hazardous waste fluorescent bulbs to other than a facility operating under a hazardous waste facility installation and operation permit, in violation of ORC § 3734.02(F).
5. By letter dated April 20, 1999, Ohio EPA notified Respondent of the violations referenced in Finding No. 4.
6. On October 7, 1999, Ohio EPA performed a follow-up inspection at the Facility and confirmed that Respondent was no longer storing hazardous waste at the Facility or transporting or causing to be transported hazardous waste to other than a facility operating under a hazardous waste facility installation and operation permit.

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I hereby certify that a true and correct copy of the
Ohio Environmental Protection Agency, Ohio EPA
has been made available to the Respondent.

Joseph J. Jackson 2-21-01

V. ORDERS

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

1. Within ninety (90) days from the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$8,000.00 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 for \$8,000.00 to Ohio EPA, Department 631, Columbus, OH 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 check 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 the 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 the 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
Northeast District Office
Division of Hazardous Waste Management
Attn: DHWM Manager
2110 East Aurora Road
Twinsburg, Ohio 44087

and Ohio EPA Central Office at the following address:

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, OH 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 the Respondent for noncompliance with these Orders. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require the Respondent to perform additional activities pursuant to Chapter 3734. of the ORC or any other applicable law in the future. Nothing herein shall restrict the right of the 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 the 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.

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IX. NOTICE

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IT IS SO ORDERED:

FEB 21 2001



Christopher Jones
Director

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, the Respondent agrees that these Orders are lawful and reasonable, that the times provided for compliance herein are reasonable and that the Respondent agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for the Respondent's liability for the violations cited herein.

The 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 the Respondent agree that in the event that these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, the Respondent retains the right to intervene and participate in such appeal. In such an event, the 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:

Hawaiian Haze International, Inc.



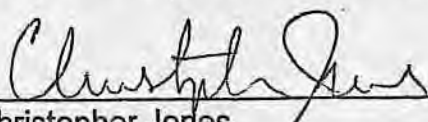
1-24-01

Date

Owner

Title

Ohio Environmental Protection Agency



Christopher Jones
Director

FEB 21 2001

Date