

OHIO E.P.A.

OCT 15 2013

ENTERED DIRECTOR'S JOURNAL

OCT 3 2013

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Com-Corp Industries, Inc.  
7601 Bittern Ave.  
Cleveland, Ohio 44103

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Expedited Settlement  
Agreement and  
Director's Order

Respondent

I. JURISDICTION

This Expedited Settlement Agreement and Director's Order ("ESA") is issued to Com-Corp 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 3745.01.

II. 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 operates a metal stamping facility for the automotive industry located at 7601 Bittern Ave., Cleveland, Cuyahoga County, Ohio 44103 (Facility).
3. 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 generates hazardous waste in quantities greater than 1,000 kilograms per month, commonly known as a large quantity generator of hazardous waste, and has been assigned EPA ID number OHR000019232. At the Facility, Respondent generates characteristic and listed hazardous waste, as those hazardous wastes are described in OAC Chapter 3745-51, including hazardous waste spent solvent from paint booth operations, (hazardous waste codes D001/D035/F003/F005), paint stripper sodium hydroxide (D002/D006/D007/D018), and filter cake from a nickel chrome electroplating line waste water treatment unit (D007/F006). Respondent is a small quantity handler of universal waste and generates spent lamps.

4. On May 22, 2008, Respondent entered into consensual Orders (2008 Orders) with Ohio EPA to resolve violations of Ohio's hazardous waste laws and rules.
5. On November 8, 2012, Ohio EPA conducted a compliance evaluation inspection at the Facility. Based on the results of the inspection, Ohio EPA determined that Respondent, *inter alia*:
  - a. Established and operated a hazardous waste storage facility without a hazardous waste facility permit, in violation of ORC § 3734.02 (E) and (F). Respondent stored hazardous waste spent paint booth solvents for greater than the 90 days allowed for large quantity generators without obtaining a hazardous waste facility permit, as described in OAC rule 3745-52-34;
  - b. Failed to meet all of the contingency plan requirements, in violation of OAC rule 3745-65-52;
  - c. Failed to conduct and document the required personnel training for the management of hazardous wastes, in violation of OAC rule 3745-65-16;
  - d. Failed to mark all containers of hazardous waste with the date accumulation began in violation of OAC rule 3745-52-34(A)(2), specifically the gaylord container of hazardous waste filter cake in the basement 90-day accumulation area was not marked with an accumulation date;
  - e. Failed to conduct and document weekly inspections of the hazardous waste accumulation area, in violation of OAC rule 3745-66-74;
  - f. Failed to conduct and document inspections of the emergency equipment in the hazardous waste accumulation area, in violation of OAC rule 3745-65-33; and
  - g. Failed to label containers of universal waste spent lamps with one of the required phrases, in violation of OAC rule 3745-273-14(E).
6. By letter dated November 21, 2012, Respondent was notified of the violations referenced in Finding No. 5. of these Orders. This letter also notified Respondent that the violation referenced in Finding No. 5.g. of these Orders was abated during the inspection.
7. By submittals dated January 18, January 28, January 30, and March 4, 2013, Respondent submitted documentation in response to the violations referenced in Finding No. 5. of these Orders.

8. By letter dated March 8, 2013, Ohio EPA notified Respondent that Respondent abated the violations referenced in Findings Nos. 5.b. through 5.f. of these Orders.
9. Because no releases of hazardous waste were observed by Ohio EPA at the time of the inspection referenced in Finding No. 5. of these Orders and Respondent is still using the spent solvent hazardous waste accumulation area, the Director has determined that closure of the unpermitted storage area is not required at this time. Therefore, no further action is required at this time to abate the ORC § 3734.02 (E) and (F) violation referenced in Finding No. 5.a. of these Orders.
10. Although the violations referenced in Finding No. 5. of these Orders are similar violations to those detailed in the 2008 Orders as referenced in Finding No. 4. of these Orders, Respondent's good faith effort to comply in this matter, the benefits of prompt compliance to the public, and other factors as justice may require, and upon consideration of the entire record, the Director has determined that this ESA is an appropriate mechanism to resolve the noncompliance detailed in these Findings.

### III. ORDER

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

1. Respondent shall pay Ohio EPA the amount of \$9,800.00 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 pursuant to the following schedule:
  - a. Within 90 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,450.00;
  - b. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,450.00;
  - c. Within 270 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,450.00; and
  - d. Within 365 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$2,450.00.

Payment shall be made by tendering official checks made payable to "Treasurer, State of Ohio" and shall be deposited in the hazardous waste cleanup fund established pursuant to ORC § 3734.28. The official checks shall be submitted

to Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying Respondent and the Facility. A copy of each check shall be submitted to the Processing and Records Management Unit Supervisor, Ohio EPA, Division of Materials and Waste Management, P.O. Box 1049, Columbus, Ohio 43216-1049.

#### **IV. TERMINATION**

Respondent's obligations under this ESA shall terminate upon both Ohio EPA's entry of this ESA in the Ohio EPA Director's journal and Ohio EPA's receipt of the civil penalty payment required by this ESA.

#### **V. RESERVATION OF RIGHTS AND WAIVER**

Ohio EPA reserves its rights to exercise its lawful authority to require Respondent to perform closure of the hazardous waste container storage area as well as 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 such closure or corrective action. Ohio EPA and Respondent each reserve all other rights, privileges and causes of action, except as specifically waived herein.

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 this ESA, Respondent consents to the issuance of this ESA and agrees to comply with this ESA. Compliance with this ESA shall be a full accord and satisfaction of Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of this ESA and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of this ESA either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if this ESA is 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 comply with this ESA notwithstanding such appeal and intervention unless this ESA is stayed, vacated or modified.

#### **VI. EFFECTIVE DATE**

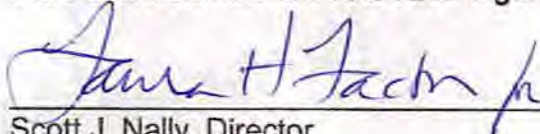
The effective date of this ESA is the date this ESA is entered into the Ohio EPA Director's journal.

**VII. SIGNATORY AUTHORITY**

Each undersigned representative or party to this ESA certifies that he or she is fully authorized to enter into this ESA and to legally bind such party to this ESA.

**IT IS SO ORDERED AND AGREED:**

**Ohio Environmental Protection Agency**

  
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Scott J. Nally, Director

October 15, 2013  
\_\_\_\_\_  
Date

**IT IS SO AGREED:**

**Com-Corp Industries, Inc.**

  
\_\_\_\_\_  
Signature

9-17-13  
\_\_\_\_\_  
Date

JOHN D. STRAZZANTI  
\_\_\_\_\_  
Printed or Typed Name

CEO  
\_\_\_\_\_  
Title