



May 17, 2024

Eaton Corporation
23555 Euclid Avenue
Cleveland, OH 44117

**Re: Eaton Corporation
Director's Final Findings and Orders
(DFFO)
DFFO
RCRA C - Hazardous Waste
Cuyahoga County
OHD157367301**

Subject: Final Findings and Orders of the Director, Eaton Corporation

Dear Sir or Madam:

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

Enclosed is the invoice for the total penalty amount of \$ 7,600.00 required by the orders. The penalty payment(s) shall be made by official check(s) made payable to "Treasurer, State of Ohio."

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

Sincerely,

Mitchell Mathews

Mitchell Mathews, Environmental Manager
Division of Environmental Response & Revitalization

Attachment

ec: Kristie Shipley, DERR, CO
Mitch Mathews, DERR, CO
Tammy Heffelfinger, DERR, CO
Alex Johnson, DERR, NEDO
Natalie Oryshkewych, DERR, NEDO
Sarah Miles, Legal
Hartman L. Aguirre, HartmanLAguirre@eaton.com

By: *Valley Creek* Date: 05/16/2024

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Eaton Corporation
23555 Euclid Avenue
Cleveland, OH 44117

**Director's Final
Findings and Orders**

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Eaton Corporation (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.02(G), 3734.13, and 3745.01 and Ohio Administrative Code (OAC) rule 3745-50-31.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law (collectively, the Respondents). No change in ownership of Respondent or of the Facility shall in any way alter Respondents' 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 thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings. Respondent does not admit to any of Ohio EPA's factual or legal findings, including violations, and nothing in these Orders shall be considered as an admission by Respondent of any matter of fact, law or liability.

1. Pursuant to ORC § 3734.02(G) and OAC rule 3745-50-31, 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 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(P).
3. Respondent operates a fuel pump and aerospace manufacturing business located at 23555 Euclid Avenue, Cleveland, Ohio (Facility). The Facility has been assigned U.S. EPA identification number OHD157367301.
4. Respondent generates "hazardous waste" as that term is defined by ORC §3734.01 and OAC rules 3745-50-10(H)(2) and 3745-51-03. Respondent generates non-acute hazardous waste in amounts greater than 1,000 kilograms per calendar month and therefore is operating as a "Large Quantity Generator" (LQG) of hazardous waste, as defined in OAC rule 3745-50-10(L)(5), subject to the requirements in OAC Chapter 3745-52.
5. At the Facility, Respondent generates characteristic and listed hazardous wastes, including but not limited to, filter cake (D007- chromium, D008- lead, F006), chrome debris from plating line (D007- chromium), waste blast media bags (F006), waste aviation fuel mixed with turbine engine oil (D001- ignitable, D018- benzene), lab pack chemicals (D001- ignitable, D002- corrosive, D007- chromium, D008- lead), spent nickel strip solution (D002- corrosive), miscellaneous plating waste (D008-lead), and used Brayco 922 (D001- ignitable) as defined in OAC rules 3745-51-21, 3745-51-22, 3745-51-24 and 3745-51-31. Additionally, Respondent generates "used oil" as defined in OAC rule 3745-279-01.
6. On August 26, 2022, Ohio EPA conducted a Compliance Evaluation Inspection at the Facility. During the inspection, Ohio EPA determined Respondent:
 - a. Failed to label a hazardous waste satellite accumulation container with the words "Hazardous Waste," in violation of OAC rule 3745-52-15(A)(5)(a). However, Facility personnel corrected this during the inspection.
 - b. Failed to create and submit a quick reference guide when the contingency plan was amended, in violation of OAC rule 3745-52-262(B).
 - c. Failed to submit the contingency plan to local emergency responders, in violation of OAC rule 3745-52-262(A).

- d. Failed to provide training to the emergency coordinator, in violation of OAC rule 3745-52-17(A)(7)(c).
 - e. Failed to label multiple hazardous waste lab pack containers with the words "Hazardous Waste," in violation of OAC rule 3745-52-17(A)(5)(a)(i).
 - f. Failed to label multiple hazardous waste lab pack containers with an indication of the hazards of the contents, in violation of OAC rule 3745-52-17(A)(5)(a)(ii).
 - g. Failed to label multiple hazardous waste lab pack containers with an accumulation start date, in violation of OAC rule 3745-52-17(A)(5)(a)(iii).
7. On September 21, 2022, Respondent provided to Ohio EPA a quick reference guide that included all necessary components and documentation demonstrating the contingency plan was submitted to the required local emergency responders.
 8. On September 23, 2022, Respondent provided to Ohio EPA documentation demonstrating the hazardous waste referenced in Findings Nos. 6.e., 6.f., and 6.g. of these Orders was transported to an authorized facility on September 21, 2022.
 9. On September 23, 2022, Ohio EPA conducted a follow up inspection at the Facility to focus on Building 7 and Building 33 fuel pump testing and calibration activities and requested information regarding the management of used Brayco 922 that is generated from fuel pump testing activities in Building 7 and that was stored in an underground storage tank (UST) next to Building 7.
 10. By letter dated September 30, 2022, Ohio EPA notified Respondent of the violations referenced in Finding No. 6. of these Orders and notified Respondent that based upon information in Findings. Nos. 6.a., 7. and 8. of these Orders that violations referenced in Findings Nos. 6.a., 6.b., 6.c., 6.e., 6.f., and 6.g. of these Orders were resolved.
 11. On October 19, 2022, Respondent provided to Ohio EPA documentation demonstrating hazardous waste training was provided to the emergency coordinator on October 12, 2022 and information regarding the management of used Brayco 922.
 12. Ohio EPA conducted a Non-financial Record Review of documentation provided by Respondent on September 30, 2022, October 19, 2022, and October 28, 2022 regarding management of used Brayco 922. Documentation indicated Respondent was accumulating approximately 3,696 gallons of used Brayco 922 in a UST as referenced in Finding No. 9. of these Orders for the past 5 years. Since seventy-

five percent of the used Brayco 922 was not recycled in a calendar year it had been accumulated speculatively as described in OAC rule 3745-51-01(C)(8) and was a waste per OAC rule 3745-51-02(E)(2)(c). Documentation also indicated used Brayco 922 exhibits the characteristic of ignitability (D001 as described in OAC rule 3745-51-21) because it has a flashpoint of less than 140 degrees Fahrenheit. Since Respondent accumulated hazardous waste used Brayco 922 for greater than 90 days, Ohio EPA determined Respondent, *inter alia*, established and operated the Facility as a hazardous waste storage facility without a hazardous waste installation and operation permit, in violation of ORC § 3734.02(E) & (F) and OAC rules 3745-50-41(A) and 3745-50-45(A).

13. By letter dated November 9, 2022, Ohio EPA notified Respondent of the violations referenced in Finding No. 12. of these Orders and notified Respondent that based upon information referenced in Finding No. 11. of these Orders that the violation referenced in Finding No. 6.d. of these Orders was resolved.
14. In February 2023, Ohio EPA had further discussions with Respondent regarding additional management options for used Brayco 922 and Respondent confirmed Respondent would manage used Brayco 922 as an effective substitute for a commercial chemical product under OAC rule 3745-51-02(E)(b) for sale as a degreaser. On March 8, 2023, Respondent removed the used Brayco 922 from storage to be sold for solvent purposes.
15. As of March 23, 2023, the UST was taken out of service while the Respondent investigated other options for managing used Brayco 922. Respondent informed Ohio EPA its intentions to close (remove) the UST. Respondent further informed Ohio EPA of the need to seek funding from the corporate office to complete the closure work which would not take place until calendar year 2024.
16. On August 9, 2023, during a discussion between Ohio EPA and Respondent regarding these Orders, Respondent agreed to conduct closure of the hazardous waste storage unit described in Finding No. 12. Of these Orders
17. Due to Respondent's ownership of a hazardous waste storage facility as described in Finding No. 12. of these Orders, Respondent is required to have a hazardous waste facility installation and operation permit and is subject to all general facility standards found in OAC Chapter 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.

18. 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, as applicable, 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 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 for the Facility 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 Chapter 3734 of the ORC and the regulations promulgated thereunder according to the following compliance schedule:

1. Respondent 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:
 - a. 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 storage UST described in Finding No. 12. Of these Orders. 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, Eric Sainey, Manager, Engineering Section, P.O. Box 1049, Columbus, Ohio 43216-1049; An electronic copy shall be provided to following electronic mail addresses: Eric.Sainey@epa.ohio.gov.
 - b. 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, and OAC rule 3745-56-28, including but not limited to, the groundwater protection program in accordance with OAC rules 3745-54-90 through 54-100, as applicable;
 - c. The Closure Plan is subject to approval by Ohio EPA. If Ohio EPA does not approve the Closure Plan referenced in Order No. 1.a., 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;

- d. 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;
 - e. Within 60 days after approval of the Closure Plan pursuant to Order No. 1.a., Respondent shall submit a closure cost estimate for the implementation of the approved Closure Plan in accordance with OAC rule 3745-55-42;
 - f. Within 180 days after approval of the Closure Plan cost estimate pursuant to Order No. 1.e., Respondent shall submit 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 3745-55-43 through 3745-55-47; and
 - g. Within 60 days after completion of closure, Respondent shall submit certification of closure to Ohio EPA in accordance with OAC rules 3745-55-15. Closure certification of the area described in Order No. 1.a. will abate the violations referenced in Finding No. 12. of these Orders.
2. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$7,600.00 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 environmental protection remediation fund established pursuant to ORC § 3734.281. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$7,600.00. The official check shall be submitted to Ohio EPA, PO Box 77005, Cleveland, Ohio 44194-7005, together with a letter identifying the Respondent. Notification of penalty payment shall be sent to the Hazardous Waste Program Compliance Assurance Manager, Ohio EPA, Division of Environmental Response and Revitalization, P.O. Box 1049, Columbus, Ohio 43216-1049 or via electronic mail at Mitchell.mathews@epa.ohio.gov.

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 a responsible official of Respondent. For purposes of these Orders, a responsible official is a [e.g., 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 (except penalty payment checks) required to be submitted by Respondent pursuant to these Orders shall be addressed to:

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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:

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

For electronic mail delivery, submit documents to the following email addresses:

Mitchell.Mathews@epa.ohio.gov
Natalie.Oryshkewych@epa.ohio.gov

All correspondence related to closure described in Order No. 1. will be provided I be by electronic mail to:

Hartman Aguirre
23555 Euclid Avenue
Cleveland, Ohio 44117
HartmanLAguirre@eaton.com

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Diana Morales
23555 Euclid Avenue
Cleveland, Ohio 44117
DianaMoralesRosado@eaton.com

And

Emily Masalski
1000 Eaton Boulevard
Cleveland, Ohio 44122
EmilyNMasalski@eaton.com

With a copy to:

Heidi Friedman
3900 Key Center, 127 Public Square
Cleveland, Ohio 44114
Heidi.Friedman@thompsonhine.com

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 closure or corrective action. Ohio EPA and Respondent each reserve all 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. 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.

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

Anne M. Vogel

Anne M. Vogel
Director

IT IS SO AGREED:

Eaton Corporation

[Signature]

Signature

1/29/2024

Date

Hartman Aguirre

Printed or Typed Name

Plant Manager

Title

Ohio EPA Invoice

Date Printed: May 17, 2024

Eaton Corporation
23555 Euclid Ave
EUCLID, OH 44117

Receivable ID: 1637215
Please include this Receivable ID with all correspondence

Due Date:

June 15, 2024

Amount Due:

\$7,600.00

Effective Date: May 16, 2024

Revenue Description: DERR - Findings and Orders - Hazardous Waste Cleanup (FFOHW)
Program Name: RCRA C - Hazardous Waste
Reason: Eaton Corporation Civil Penalty for past violations of Ohio's Hazardous Waste Program

How to Pay Fee Online:

1. Go to Ohio EPA's homepage: <https://epa.ohio.gov/>
2. In the "Featured Content" section locate the tile for the eBusiness Center and click.
3. On the right side of the screen click the blue "Launch" tile to enter the eBusiness Center.
4. To use the eBusiness center you will need an account. If you have an account, click the OH|ID icon in the light blue section on the left of the screen to log in.
5. If you do not have an account, the light blue section on the right of the screen has eBiz Help Wizard to assist with creating an account.
6. If you are paying your receivable with a credit card no PIN is required. If you plan to pay using a bank account and routing information you will need to request a PIN.

CUT OFF THIS STUB AND MAIL IT WITH YOUR CHECK. DO NOT MAIL TOP PORTION.

Pay to: Treasurer, State of Ohio. Please write the Revenue ID on your check. Please send this stub with your check. DO NOT SEND LETTERS OR OTHER FORMS.

Ohio EPA
PO Box 77005
Cleveland, OH 44194-7005

Due Date:	6/15/2024
Revenue ID:	1637215
Amount Due	\$7,600.00
Type Code:	FFOHW
Transaction ID:	

1637215 0000760000 FFOHW 000000000 0