



May 22, 2024

Parker Trutec, Inc.
4700 Gateway Blvd.
Springfiled, OH 45502

**Re: Parker Trutec, Inc.
Director's Final Findings and Orders
(DFFO)
DFFO
RCRA C - Hazardous Waste
Clark County
OHD986998474**

Subject: Final Findings and Orders of the Director, Parker Trutec, Inc.

Dear Sir or Madam:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for Parker Trutec, Inc.

Enclosed is the invoice for the total penalty amount of \$ 22,600.00 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

Final Findings and Orders of the Director, Parker Trutec, Inc.

Page 2

cc: Zakary Kabelen, DERR, CO

Mitch Mathews, DERR, CO

Patrick Willoughby, DERR, SWDO

George Strobel, DERR, SWDO

Sarah Miles, Legal

Renee Smith, rsmith@parkertrutec.com

Chris Creviston, ccreviston@parkertrutec.com

Michael Fagan, mfagan@parkertrutec.com

Ashley Newhart, anewhart@parkertrutec.com

By: Valley A. M. C. Date: 05/16/2024

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Parker Trutec, Inc.
4700 Gateway Blvd.
Springfield, Ohio 45502

Respondent

**Director's Final
Findings and Orders**

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Parker Trutec, 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. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or 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 Chapter 3734. 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-(P).
2. Respondent operates a metal heat treating business for the automotive industry located at 4700 Gateway Blvd., Springfield, Ohio (Facility) and has been assigned U.S. EPA Identification Number OHD986998474.

3. At the Facility, Respondent generates "hazardous waste" as that term is defined by ORC § 3734.01(J) and OAC rules 3745-50-10(H) and 3745-51-03. The hazardous waste generated at the Facility includes, but is not limited to, cyanide quench oil waste (toxicity for chromium - D007, listed for cyanides - F010 as defined in OAC rules 3745-51-24 and 3745-51-30), cyanide solids (characteristic for reactivity - D003, listed for cyanides - F011 and F012 as defined in OAC rules 3745-51-23 and 3745-51-30) and cyanide sludge filter bags (characteristic for reactivity - D003, listed for cyanides - F012 as defined in OAC rules 3745-51-23 and 3745-51-30). Ohio EPA has determined that Respondent is subject to the hazardous waste laws and rules applicable to a "Large Quantity Generator" (LQG) of hazardous waste, as defined in OAC rule 3745-50-10(L).
4. On May 6, 2023, Ohio EPA received a complaint alleging hazardous waste was being stored for greater than the 90 days allowed by an LQG of hazardous waste, contents of containers were leaking onto the ground and multiple containers of hazardous waste were either improperly labeled or without labels.
5. On May 11, 2023, Ohio EPA conducted a compliance inspection at the Facility in response to the complaint referenced in Finding No. 4. of these Orders. During the inspection, Ohio EPA observed:
 - a. One, 55-gallon container of cyanide sludge filter bags with an accumulation date of September 1, 2021, and one, 1-cubic yard container containing cyanide sludge filter bags with an accumulation date of April 20, 2021; , three, 55-gallon containers of cyanide solids, two with an accumulation date of February 2, 2023, and one with an accumulation date of November 29, 2022, and one, 1-cubic yard container of cyanide solids with an accumulation date of December 17, 2022, containing cyanide solids located in the less than 90-day hazardous waste accumulation area.
 - b. An additional 55-gallon container of cyanide sludge filter bags was observed without an accumulation start date.
 - c. Ohio EPA also observed approximately 60, 55-gallon containers of cyanide solids, and 43, 1-cubic yard containers of cyanide sludge filter bags located in the less than 90-day hazardous waste accumulation area and a 4,500-gallon storage tank containing cyanide quench oil waste located outside that were not properly labeled.
 - d. one 55-gallon satellite accumulation container of cyanide solids was observed to be in poor condition and three 55-gallon satellite accumulation containers of cyanide solids were left open.

- e. Respondent was not able to provide a quick reference guide for the Facility contingency plan, or tank assessment information for the 4,500-gallon storage tank. Additionally, Ohio EPA determined that weekly inspections for the less than 90-day hazardous waste accumulation area and hazardous waste storage tank had not been conducted since August 12, 2019, and personnel training records indicated that annual training had not been conducted since March 20, 2021. Multiple universal waste lamp mismanagement issues were observed.
6. As a result of the inspection referenced in Finding No. 5. of these Orders, Ohio EPA determined that Respondent, *inter alia*:
- a. 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) and (F) and OAC rules 3745-50-41(A) and 3745-50-45(A). Specifically:
 - i. One, 55-gallon container of cyanide sludge filter bags dated September 1, 2021, located in the less than 90-day hazardous waste accumulation area and stored for 618 days.
 - ii. One, 1-cubic yard container of cyanide sludge filter bags dated April 20, 2021, located in the less than 90-day hazardous waste accumulation area and stored for 751 days.
 - iii. Two, 55-gallons containers of cyanide solids dated February 2, 2023, located in the less than 90-day hazardous waste accumulation area and stored for 98 days.
 - iv. One, 55-gallon container of cyanide solids dated November 29, 2022, located in the less than 90-day hazardous waste accumulation area and stored for 164 days.
 - v. One, 1-cubic yard container of cyanide solids dated December 17, 2022, located in the less than 90-day hazardous waste accumulation area and stored for 145 days.
 - b. Failed to properly mark or label approximately 60, 55-gallon containers of cyanide solids and 43, 1-cubic yard containers of cyanide sludge filter bags in the less than 90-day hazardous waste accumulation area with an indication of the hazards of the contents, in violation of OAC rule 3745-52-17(A)(5)(a)(ii).

- c. Failed to properly mark or label the hazardous waste storage tank with the words "Hazardous Waste" in violation of OAC rule 3745-52-17(A)(5)(b)(i).
- d. Failed to properly mark or label the hazardous waste storage tank with an indication of the hazardous of the contents, in violation of OAC rule 3745-52-17(A)(5)(b)(ii).
- e. Failed to properly indicate the accumulation date on one, 55-gallon container of cyanide sludge filter bags located in the less than 90-day hazardous waste accumulation area, in violation of OAC rule 3745-52-17(A)(5)(a)(iii).
- f. Failed to inspect the central accumulation area at least weekly, in violation of OAC rule 3745-52-17(A)(1)(e). Specifically, weekly inspections had not been completed since August 12, 2019.
- g. Failed to meet annual personnel training requirements for an LQG of hazardous waste, in violation of OAC rule 3745-52-17(A)(7)(c). Specifically, Ohio EPA determined that Respondent had not conducted annual training to instruct personnel on Facility hazardous waste management procedures since March 20, 2021.
- h. Failed to develop and submit a quick reference guide of the contingency plan to the local emergency responders in violation of OAC rule 3745-52-262(B).
- i. Failed to store hazardous waste in a container that is in good condition, in violation of OAC rule 3745-52-15(A)(1). Specifically, one 55-gallon satellite accumulation container of cyanide solids was observed to be in poor condition.
- j. Failed to keep satellite accumulation containers closed, in violation of OAC rule 3745-52-15(A)(4). Specifically, three 55-gallon satellite accumulation containers of cyanide solids were not closed.
- k. Failed to inspect the hazardous waste storage tank at least once each operating day, in violation of OAC rule 3745-66-95. Specifically, inspections of the hazardous waste storage tank had not been completed since August 12, 2019.
- l. Failed to provide a written assessment attesting that the design, installation, and structural integrity of the hazardous waste storage tank is adequate for the management of hazardous wastes, in violation of OAC rule 3745-66-

92(A).

- m. Failed to provide written statements by those persons required to certify the design of the hazardous waste storage tank and supervise the installation of the tank, in violation of OAC rule 3745-66-92(G).
 - n. Failed to demonstrate how long universal waste lamps had been stored at the Facility, in violation of OAC rule 3745-273-15(C).
 - o. Failed to properly store universal waste lamps in containers that are adequate to prevent breakage, and kept closed, in violation of OAC rule 3745-273-13(D)(1). Specifically, Ohio EPA observed six boxes of universal waste lamps that were open and approximately 12 universal waste lamps not stored in boxes located in the Maintenance Shop.
 - p. Failed to properly mark or label four containers of universal waste lamps with the words "Universal Waste-Lamps" or "Waste Lamps" or "Used Lamps", in violation of OAC rule 3745-273-14(E).
7. By letter dated June 1, 2023, Ohio EPA notified Respondent of the violations referenced in Finding No. 6. of these Orders.
8. On June 8, 2023, Respondent submitted a response to the June 1, 2023, Notice of Violation (NOV) letter referenced in Finding No. 7. of these Orders. In their response, Respondent provided a hazardous waste manifest dated May 18, 2023, demonstrating that the containers of hazardous waste that were unlawfully stored as referenced in Finding No. 6.a. of these Orders were transported to an authorized facility. Respondent provided photographic documentation showing all hazardous waste containers and the hazardous waste storage tank were properly labeled, three 55-gallon satellite accumulation containers of cyanide solids referenced in Finding No. 6.j of these Orders were closed, and the contents of the 55-gallon satellite accumulation container of cyanide solids that was in poor condition and referenced in Finding No. 6.i. of these Orders was placed into a new container. Respondent provided a copy of the quick reference guide, personnel training records, inspection records for the central accumulation area and hazardous waste storage tank, the written tank assessment and written statements by those persons required to certify the design of the hazardous waste storage tank. Additionally, Respondent provided a shipping manifest dated May 30, 2023, showing all universal waste lamps were transported to an authorized facility.
9. By letter dated September 12, 2023, Ohio EPA notified Respondent that based upon the documentation provided by Respondent and referenced in Finding No.

8. of these Orders, the violations described in Findings Nos. 6.b., 6.c., 6.d., 6.e., 6.f., 6.g., 6.h., 6.i., 6.j., 6.k., 6.l., 6.m., 6.n., 6.o., 6.p. of these Orders have been resolved.

10. Because Respondent transported all the unlawfully stored hazardous waste referenced in Finding No. 6.a. of these Orders to an authorized facility on May 18, 2023, the hazardous waste containers were in good condition, no evidence of releases were observed in the less than 90-day hazardous waste accumulation area, and the less than 90-day hazardous waste accumulation area will continue to be used for accumulation in accordance with the regulations governing LQG's, the Director has determined that there is no further action required by Respondent at this time regarding the violation referenced in Finding No. 6.a. of these Orders. However, as an LQG, Respondent will be required to meet the closure performance standard (*i.e., clean-up*) described in OAC rule 3745-52-17(A)(8)(c) for the less than 90-day area at some time in the future, such as when use of the area ceases.

V. ORDERS

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

1. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$22,600.00 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. The official payment shall be submitted to Ohio EPA according to the instructions on the invoice. 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 upon Ohio EPA's receipt of the official payment[s] required by Section V. of these Orders.

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:

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

Mitchell.Mathews@epa.ohio.gov

XI. RESERVATION OF RIGHTS

Ohio EPA reserves its rights to exercise its lawful authority to require Respondent to perform closure and 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

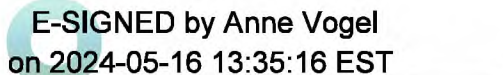
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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

E-SIGNED by Anne Vogel
on 2024-05-16 13:35:16 EST

2024-05-16 13:35:16 UTC

Anne M. Vogel
Director

IT IS SO AGREED:

Parker Trutec, Inc.

Michael Fagan
Signature

5-9-29
Date

Michael Fagan
Printed or Typed Name

VP
Title

Ohio EPA Invoice

Date Printed: May 22, 2024

Parker Trutec
4700 Gateway Blvd
Springfield, OH 45502

Receivable ID: 1637853
*Please include this Receivable ID with
all correspondence*

Due Date:

June 15, 2024

Amount Due:

\$22,600.00

Effective Date: May 16, 2024

Revenue Description: DERR - Findings and Orders - Hazardous Waste Cleanup (FFOHW)

Program Name: RCRA C - Hazardous Waste

Reason: Settlement of Ohio EPA's claims for civil penalties for Parker Trutec, 4700 Gateway Blvd., Springfield, OH 45502

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:	1637853
Amount Due	\$22,600.00
Type Code:	FFOHW
Transaction ID:	