

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

**Burton Metal Finishing, Inc.
dba Burton Metal Finishing, Inc.
& Powder Coating
1711 Woodland Avenue
Columbus, OH 43219**

**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 Burton Metal Finishing, Inc. dba Burton Metal Finishing, Inc. & Powder Coating (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

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Administrative Code (OAC) rule 3745-50-10(P).

2. Respondent operates a metal finishing, electroplating, and powder coating business located at 1711 Woodland Avenue, Columbus, OH 43219 (Facility). Respondent has been assigned U.S. EPA identification number OHD180657975 which is associated with the Facility.
3. At the Facility, Respondent generates "hazardous waste" as that term is defined by ORC §3734.01 and OAC rules 3745-50-10(H) and 3745-51-03. Respondent generates non-acute hazardous waste in amounts greater than 1000 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), subject to the requirements in OAC Chapter 3745-52.
4. At the Facility, Respondent generates characteristic hazardous wastes, including but not limited to, spent chromate waste which exhibits the characteristic of corrosivity (D002) as defined in OAC rule 3745-51-22, and the characteristic of toxicity due to chromium (D007) as defined in OAC rule 3745-51-24, and wastewater treatment sludge which exhibits the characteristic of toxicity due to barium (D005) as defined in OAC rule 3745-51-24 and is a listed hazardous waste, F006, wastewater treatment sludge from electroplating operations, as defined in OAC rule 3745-51-30.
5. On February 26, 2025, Ohio EPA conducted a compliance evaluation inspection (CEI) of the Facility. As a result of this CEI, Ohio EPA determined 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, Respondent stored 18 250-gallon containers of hazardous spent chromate waste (D002, D007) for greater than 90 days in the central accumulation area near the anodizing 800 line. The containers had been accumulated between 317 and 410 days.
 - b. Failed to label 12 containers of hazardous spent chromate waste (D002, D007) and one container of hazardous wastewater treatment sludge (D005, F006) with the words "hazardous waste," in violation of OAC rule 3745-52-17(A)(5)(a)(i).
 - c. Failed to label 13 containers of hazardous spent chromate waste (D002,

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D007), and three containers of hazardous wastewater treatment sludge (D005, F006) with an indication of the hazards, in violation of OAC rule 3745-52-17(A)(5)(a)(ii).

- d. Failed to label two containers of hazardous spent chromate waste (D002, D007) and three containers of hazardous wastewater treatment sludge (D005, F006) with the date the accumulation of the hazardous waste began, in violation of OAC rule 3745-52-17(A)(5)(a)(iii).
 - e. Failed to close two containers of hazardous wastewater treatment sludge (D005, F006) while the filter press was not in use, in violation of OAC rule 3745-52-17(A)(1)(d)(i). During the inspection, the two containers were covered with a plastic tarp.
 - f. Failed to provide written job descriptions for each position related to hazardous waste management, in violation of OAC rule 3745-52-17(A)(7)(d)(ii).
 - g. Failed to provide records of the annual refresher of the initial training for facility personnel, in violation of OAC rule 3745-52-17(A)(7)(c).
 - h. Failed to develop and submit a quick reference guide of the Facility's contingency plan to the local emergency responders, in violation of OAC rule 3745-52-262(B).
6. On March 3, 2025, Respondent provided images to Ohio EPA demonstrating that the containers referenced in Findings Nos. 5.b., 5.c., and 5.d. of these orders were properly labeled and dated.
 7. By letter dated March 6, 2025, Ohio EPA notified Respondent of the violation referenced in Finding No. 5.a. of these Orders.
 8. On March 6, 2025, Respondent provided Ohio EPA training attendance sheets documenting that the required annual refresher training had occurred on March 5, 2025, and provided job descriptions for positions related to hazardous waste management. Respondent also notified Ohio EPA that 9 of the containers referenced in Finding No. 5.a. of these Orders were transferred into the wastewater treatment system at the Facility. Four of the containers referenced in Finding No. 5.a. of these Orders were determined not to be wastes and reintroduced into the production baths.
 9. On March 10, 2025, Respondent notified Ohio EPA that the containers

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referenced in Finding No. 5.a. of these Orders were no longer being stored at the Facility. The remaining five containers referenced in Finding No. 5.a. of these Orders were transferred into the wastewater treatment system at the Facility.

10. On March 11, 2025, Respondent submitted a copy of the contingency plan quick reference guide to Ohio EPA.
11. By letter dated March 19, 2025, Ohio EPA notified Respondent of the violations referenced in Finding No. 5. of these Orders and that based upon Ohio EPA's observations during the CEI referenced in Finding No. 5. of these Orders, and information submitted by Respondent referenced in Findings Nos. 6., 8., and 10. of these Orders, the violations referenced in Findings Nos. 5.b., 5.c., 5.d., 5.e., 5.f., 5.g., and 5.h. of these Orders have been resolved.
12. Ohio EPA and Respondent have been engaged in negotiations regarding resolving these violations, including reviewing financial documentation to determine whether Respondent demonstrated a financial hardship in paying a penalty.
13. In early 2026, Respondent decided to end operations at the Facility.
14. In several electronic correspondences, Ohio EPA provided Respondent information regarding the activities needed to comply with Ohio's Cessation of Regulated Operations, including the submittal of forms, and how to demonstrate that the hazardous waste closure performance had been achieved. Most recently, Ohio EPA provided this information on July 21, 2026
15. Because there was no evidence of releases of hazardous waste observed where the hazardous waste was unlawfully stored at the Facility, as referenced in Finding No. 5.a. of these Orders, and Respondent continued to accumulate hazardous waste in this area, the Director has determined that closure is not required pursuant to OAC rule 3745-55-11 and no further action is required of Respondent to resolve the violations of ORC § 3734.02(E) and (F) and OAC rules 3745-50-41(A) and 3745-50-45(A) referenced in Finding No. 5.a. of these Orders. However, pursuant to OAC rule 3745-52-17(A)(8), as an LQG Respondent will be required to meet clean-up standards where hazardous waste has been accumulated to satisfy closure obligations, such as when use of the accumulation area ceases.

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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 45 days of the effective date of these Orders, Respondent shall provide documentation demonstrating that the closure performance standard described in OAC rule 3745-52-17(A)(8) has been achieved. This will include providing hazardous waste manifests as well as any other supporting documentation.
2. Within 45 days of the effective date of these Orders, Respondent shall submit the required cessation of regulated operations forms as described in ORC 3752.06, commonly referred to as CRO forms EPA0327 and EPA0329. These forms were included in the electronic email described in Finding No. 14. of these Orders.
3. Within 30 days of the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$11,200.00 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 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."

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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 Mitchell.Mathews@epa.ohio.gov.

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 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.

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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. Except for the right to seek closure and corrective action at the Facility, which rights Ohio EPA does not waive, 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.

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IT IS SO ORDERED AND AGREED:

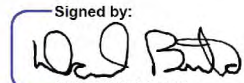
Ohio Environmental Protection Agency



John Logue
Director

IT IS SO AGREED:

Burton Metal Finishing, Inc. dba Burton Metal Finishing Inc. & Powder Coating

Signed by:


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Signature

8/3/2026

Date

Daniel Burton

Printed or Typed Name

President

Title