

OHIO E.P.A.

JAN 19 2006

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Advance Circuits, Inc.  
7266 Commerce Dr  
Mentor, Ohio 44060

)  
)  
)

Director's Final Findings  
and Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Findings and Orders ("Orders") are issued to Advance Circuits, Inc. ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") § 3745.01 and 3751.09.

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 the Respondent or of the facility (as hereinafter identified) 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 3751 and the rules promulgated thereunder.

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency  
 Date 1-19-06

#### **IV. FINDINGS**

The Director of Ohio EPA has determined the following findings:

- 1 Respondent manufactures circuit boards at its facility located at 7266 Commerce Drive in Mentor, Ohio.
- 2 Pursuant to Ohio Administrative Code ("OAC") Rules 3745-100-06 and 3745-100-07, the owner or operator of a facility that is classified within certain Standard Industrial Classification ("SIC") codes, has 10 or more full-time employees, and manufactures, processes, and/or otherwise uses a toxic chemical listed in OAC Rule 3745-100-10 in excess of the applicable annual threshold, must file a toxic release inventory ("TRI") report with Ohio EPA and U.S. EPA on or before July 1 of the following year.
- 3 Respondent's facility is classified within an applicable Standard Industrial Classification code, specifically 3672, printed circuit boards.
- 4 Respondent reported employment of eleven employees in 2001, 2002 and 2003 at the Mentor facility.
- 5 Lead, Chemical Abstract Services (CAS) number # 7439-92-1, is a listed toxic chemical in OAC Rule 3745-100-10.
- 6 Respondent reported processing 148, 185 and 185 pounds of lead in calendar years 2001, 2002 and 2003, respectively.
- 7 On June 22, 2005, Ohio EPA inspected the Respondent's facility and reviewed compliance with TRI record-keeping and reporting requirements.
- 8 Information provided by Respondent at the inspection and by way of August 9, 2005 correspondence, demonstrated that Respondent had violated the toxic chemical reporting requirements contained in OAC Rule 3745-100-07 and O.R.C. § 3751.07.

9. Respondent failed to submit TRI reports for calendar years 2001, 2002 and 2003 to Ohio EPA on or before July 1, of the following years, in violation of OAC Rule 3745-100-07 and ORC § 3751.07. Respondent also failed to pay the filing fees as required by OAC Rule 3745-100-12, in violation of that rule and ORC§ 3751.07. (Delinquent reports and fees, dated October 11, 2005, were received October 14, 2005.)
10. Respondent failed to submit TRI reports for calendar years 2001, 2002 and 2003 to U.S. EPA on or before July 1, 2002, July 1, 2003 and July 1, 2004, respectively, in violation of OAC Rules 3745-100-6, 3745-100-07 and 3745-100-12, and ORC § 3751.07.
11. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State to be derived from such compliance.

#### **V. ORDERS**

The Director hereby issues the following Order:

- 1 Within fourteen (14) days after the effective date of these Orders, Respondent shall pay the amount of two thousand, seven hundred and seventy-five dollars (\$2,775) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC § 3751.10. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" and submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent.

A copy of the check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Division of Air Pollution Control  
Ohio Environmental Protection Agency  
P.O. Box 1049  
Columbus, Ohio 43216-1049

## **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official check 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 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 required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Air Pollution Control  
122 South Front Street, P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: James A. Orlemann

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

## **XI. RESERVATION OF RIGHTS**

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

  
\_\_\_\_\_  
Joseph P. Koncelik  
Director

Date

1/13/06

**IT IS SO AGREED:**

Advance Circuits, Inc.

  
\_\_\_\_\_  
Signature

Date

1/4/06

J. K. PATEL  
\_\_\_\_\_  
Printed or Typed Name

President  
\_\_\_\_\_  
Title