

OHIO E.P.A.

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ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

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In the Matter of:

**Castings USA, Inc. and  
Reymond Products International, Inc. )     Director's Final Findings  
2061, 2066 Brightwood Rd., SE         )     and Orders  
New Philadelphia, Ohio 44663         )**

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Findings and Orders ("Orders") are issued to Castings USA, Inc. and Reymond Products International, Inc. (collectively, "Respondents") 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 Respondents and successors in interest liable under Ohio law. No change in ownership of the Respondents or of the facility (as hereinafter identified) 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 3751 and the rules promulgated thereunder.

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: *Doreen Jackson* Date: 5-6-08

#### IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Castings USA, Inc. and its parent corporation, Reymond Products International, Inc., conduct operations that collectively constitute a "facility", and are located on Brightwood Rd. in New Philadelphia.
2. Castings USA, Inc. operates a foundry specializing in manufacturing various chrome alloy, ductile iron and gray iron castings. These are finished at Reymond Products International, Inc.
3. 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.
4. Respondents' facility is classified within two applicable SIC codes: casting operations reporting as SIC 3321 (gray and ductile iron foundries) and finishing operations reporting as SIC 3544 (special dies and tools, die sets, jigs and fixtures and industrial molds).
5. On September 5, 2007, and October 2, 2007, Ohio EPA inspected the Respondents' facility and reviewed compliance with TRI record-keeping and reporting requirements.
6. Respondents reported employment of 38, 41, and 44 people in 2004, 2005, and 2006, respectively, at the New Philadelphia facility.
7. Chromium (CAS 7440-47-3) is a listed toxic chemical in OAC Rule 3745-100-10.
8. Respondents reported processing 56,720 pounds of chromium in 2004, 81,331 pounds of chromium in 2005, and 106,876 pounds of chromium in 2006. These amounts all exceed the TRI 25,000 pound processing threshold.

9. Information provided by Respondents at and subsequent to the inspection demonstrated that Respondents had violated the toxic chemical reporting requirements contained in OAC Rule 3745-100-07 and O.R.C. § 3751.07.
10. Respondents failed to submit TRI reports for calendar years 2004, 2005, and 2006 to Ohio EPA on or before July 1 of each following year, in violation of OAC Rule 3745-100-07 and ORC § 3751.07. (Fees are not required with Form As.)
11. Respondents failed to submit TRI reports for calendar years 2004, 2005, and 2006 to U.S. EPA on or before the following July 1, in violation of OAC Rules 3745-100-06, 3745-100-07, and 3745-100-12, and ORC § 3751.07.
12. Castings USA, Inc. submitted to Ohio EPA Form A reports for chromium, dated October 30, 2007. The reports were received by Ohio EPA November 2, 2007.
13. 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 Orders:

1. Respondents shall pay the amount of five hundred dollars (\$500) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC § 3751.10. Within fourteen (14) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for that amount. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying Respondents, to:

Ohio EPA  
Office of Fiscal Administration  
P.O. Box 1049  
Columbus, Ohio 43216-1049

#### **VI. TERMINATION**

Respondents' 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 Respondents' 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 Respondents.

#### **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 Respondents pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Air Pollution Control  
50 West Town 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 Respondents 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, Respondents consent to the issuance of these Orders and agree to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondents' liability for the violations specifically cited herein.

Respondents hereby waive the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondents hereby waive any and all rights Respondents may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondents agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondents retain the right to intervene and participate in such appeal. In such an event, Respondents 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**



Chris Korleski  
Director

4/25/08  
Date

**IT IS SO AGREED:**

**Castings USA, Inc. and  
Reymond Products International, Inc.**

  
Signature

3-31-08  
Date

Gregory M. Deard  
Printed or Typed Name

PRESIDENT  
Title