OhioEPA

State of Ohio Environmental Protection Agency

STREET ADDRESS:
Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:
P.O. Box 1049
Columbus, OH 43216-1049

CERTIFIED MAIL

February 9, 2007

Re: Director's Final Findings & Orders
Norman Noble, Inc.
US EPA ID No.: OHR 000 018 374

Mr. Scott Noble, CFO
Norman Noble, Inc.
1650 Collamer Road
Cleveland, Ohio 44110

Dear Mr. Noble:

Here are the Director's Final Findings and Orders (Orders) issued to Norman Noble, Inc. on February 9, 2007. These Orders are effective today.

I have also enclosed an invoice for the penalty payment as required by Order No. 1. Please remember that your payment is due no later than March 11, 2007.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Kurt Princic at (330) 963-1200.

Sincerely,

Pamela S. Allen

Pamela S. Allen, Manager
Regulatory and Information Services
Division of Hazardous Waste Management

I:\USERS\DSHARPE\FOSSENT\enf.Norman Noble, Inc.wpd

Attachments

c: Michael A. Savage, Chief, DHWM CO
Harry Sarvis, Mgr., CAS, DHWM CO
Elissa Miller, Legal
Heidi Greismer, PIC
Kurt Princic, Mgr., DHWM, NEDO
Michael S. McMahon

OHIO E.P.A.

FEB -9 2007

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Norman Noble, Inc.
1650 Collamer Road
Cleveland, Ohio 44110

Respondent

Director's Final Findings and Orders

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: _____ Date: 2-9-07

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Norman Noble, 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 Collamer and/or Avion Park Facilities 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(A).

2. Respondent operates two facilities in Ohio and was authorized to do business on October 31, 1962. Respondent operates as a manufacturer of use-specific devices for the medical, aerospace and commercial industries, and conducts operations at 1650 Collamer Road, Cleveland, Cuyahoga County, Ohio (Collamer Facility) and 5507 Avion Park Drive, Highland Heights, Cuyahoga County, Ohio (Avion Park Facility).

3. Respondent notified Ohio EPA of its hazardous waste activities and was issued generator identification numbers OHR000018374 for the Collamer Facility and OHD987014891 for the Avion Park Facility.

4. At the Collamer and Avion Park Facilities, Respondent generates "hazardous waste" as that term is defined by ORC § 3734.01(J) and OAC rules 3745-50-10(A) and 3745-51-03. At the Collamer and Avion Park Facilities, Respondent is a large quantity generator of hazardous waste. The hazardous waste generated by Respondent at the Collamer Facility includes electro-polishing wastewaters (D002, D007) and lab wastes (D002, D007, D010). Hazardous waste generated by Respondent at the Avion Park Facility includes electro-polishing wastes (D001, D002, F003), degreasing wastes (F001), passivation and pickling wastewaters (D002, D007) and parts cleaning wastes (D001, D018, D039, D040).

Findings for Respondent's Collamer Facility

5. On May 2, 2006, Ohio EPA conducted a compliance evaluation inspection at Respondent's Collamer Facility. As a result of the inspection, Ohio EPA determined that Respondent had, *inter alia*:

   a. Failed to maintain the necessary hazardous waste management training documentation at the Collamer Facility, in violation of OAC rule 3745-65-16(D)(1) and (4);

   b. Failed to update the hazardous waste contingency plan with the location of a hazardous waste tank system, in violation of OAC rule 3745-65-54;

c. Failed to label a container holding hazardous waste with the words, "Hazardous Waste," in violation of OAC rule 3745-54-34(A);

d. Failed to maintain containers holding hazardous waste closed when not adding or removing waste, in violation of OAC rule 3745-66-73; and

e. Failed to maintain on-site copies of all land disposal restriction notification documentation, in violation of OAC rule 3745-270-07(A).

6. By letter dated June 1, 2006, Ohio EPA notified Respondent of the violations referenced in Finding Nos. 5.a. through 5.e. of these Orders.

7. In correspondence dated July 6, 2006, Respondent provided responses to Ohio EPA's June 1, 2006 letter.

8. By letter dated August 11, 2006, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 5.a. through 5.e. of these Orders.

Findings for Respondent's Avion Park Facility

9. On April 19 and 21, 2006, Ohio EPA conducted a compliance evaluation inspection at Respondent's Avion Park Facility. As a result of this inspection, Ohio EPA determined that Respondent had, *inter alia*:

a. Failed to file an exception report after not receiving a copy of a manifest with the handwritten signature of the owner or operator of the designated facility for ten off-site shipments of hazardous waste, in violation of OAC rule 3745-52-42(A);

b. Failed to mark a hazardous waste storage container with the accumulation start date, in violation of OAC rule 3745-52-34(A)(3);

c. Failed to maintain a hazardous waste contingency plan that includes a list of all emergency equipment at the Avion Park Facility, including the location and capabilities of each item on the list, in violation of OAC rule 3745-65-52(E);

d. Failed to maintain an updated copy of the hazardous waste contingency plan at the Avion Park Facility, in violation of OAC rule 3745-65-53(A);

e. Failed to identify all underlying hazardous constituents on land disposal restriction notification forms for off-site shipments of hazardous waste, in violation of OAC rule 3745-270-07(A)(2); and

f. Failed to label containers storing used oil with the words, "Used Oil," in violation of OAC rule 3745-279-22(C).

10. In facsimile and electronic mail correspondence with dates between April 20 and 28, 2006, Respondent submitted responses to Ohio EPA's April 19 and 21, 2006 inspection.

11. By letter dated May 1, 2006, Ohio EPA notified Respondent of the violations referenced in Finding Nos. 9.a. through 9.f. of these Orders. Also in the May 1, 2006 letter, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 9.a., 9.b. and 9.f.

12. In correspondences dated June 15, August 7 and 28, 2006, Respondent provided responses to Ohio EPA's May 1, 2006 letter.

13. By letter dated September 27, 2006, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 9.c., 9.d. and 9.e. of these Orders.

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 $5,000.00 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 hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for $5,000.00. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying Respondent and the Facility. A copy of this check shall be submitted in accordance with Section X. of these Orders.

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 Collamer and Avion Park Facilities.

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 required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northeast District Office
Division of Hazardous Waste Management
2110 E. Aurora Road
Twinsburg, Ohio 44087
Attn: DHWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Chris Korleski, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Manager, Compliance Assurance Section

For deliveries to the building before December 31, 2006:

Chris Korleski, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
122 South Front Street
Columbus, Ohio 43215
Attn: Manager, Compliance Assurance Section

For deliveries to the building after December 31, 2006:

Chris Korleski, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
50 West Town Street, Suite 700
Columbus, Ohio 43215
Attn: Manager, Compliance Assurance Section

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

Chris Korleski
Director

FEB 9 2007
Date

IT IS SO AGREED:

Norman Noble, Inc.

Signature

1-24-2007
Date

Scott Noble
Printed or Typed Name

CFO
Title

I:\USERS\Bmurphy\Norman Noble Orders 5.wpd