



State of Ohio Environmental Protection Agency

**STREET ADDRESS:**

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**MAILING ADDRESS:**

P.O. Box 1049  
Columbus, OH 43216-1049

**CERTIFIED MAIL**

February 22, 2008

**Re: Director's Final Findings & Orders  
Exemption Pursuant to R.C. 3734.02(G)  
GE Lighting, Inc.  
US EPA ID No.: OHD 066 052 804**

Mr. John Fish  
Vice President Manufacturing  
GE Lighting, Inc.  
1210 North Park Avenue  
Warren, Ohio 44483

Dear Mr. Fish:

Here are the Director's Final Findings and Orders (Orders) issued to GE Lighting, Inc. on February 22, 2008. These Orders are effective today.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Natalie Oryshkewych at (330) 963-1267.

Sincerely,

David A. Sholtis  
Assistant Chief  
Division of Hazardous Waste Management

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**Attachments**

cc: Michael A. Savage, Chief, DHWM  
Harry Sarvis, Mgr., CAS, DHWM  
Elissa Miller, Legal  
Heidi Greismer, PIC  
Natalie Oryshkewych, Mgr., DHWM, NEDO  
Bonnie Harrington, Esq., Senior Counsel, Environment, Health & Safety

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

OHIO E.P.A.

FEB 22 2008

ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

GE Lighting, Inc.  
1210 North Park Avenue  
Warren, Ohio 44483

:  
:  
:

Director's Final Findings  
and Orders

PREAMBLE

It is hereby agreed by and among the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to GE Lighting, Inc. (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.02(G), 3734.13 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon the Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent, or of the Facility, shall in any way alter Respondent's obligations under these Orders.

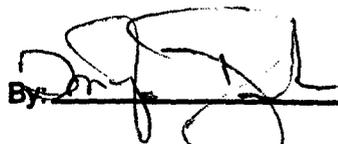
III. DEFINITIONS

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:

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: 2-22-08

1. Pursuant to ORC § 3734.02(G) and rule 3745-50-31 of the Ohio Administrative Code (OAC), the Director, by order, may exempt any person generating, storing, treating, disposing of, or transporting hazardous waste, in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a permit or comply with other requirements of ORC Chapter 3734. Such an exemption shall be consistent with and equivalent to rules promulgated under the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. § 6921 et seq., as amended.
2. Respondent is the operator of the facility located at 1210 North Park Avenue, Warren, Ohio (Facility). At the Facility, known as the "GE Ohio Lamp Plant," Respondent assembles light bulb components primarily for consumer use. Respondent is a large quantity generator of hazardous waste. The hazardous wastes generated by Respondent at the Facility include, but are not limited to, ignitable hazardous waste paint, spent alcohol and spent solvent (D001). The ignitable hazardous waste is accumulated in containers.
3. OAC rule 3745-66-76 requires that containers holding ignitable hazardous waste or reactive hazardous waste shall be located at least 15 meters, i.e., 50 feet, from a facility's property line.
4. Respondent accumulates its hazardous waste, including ignitable hazardous waste, less than 50 feet from the property line. The accumulation area is located in an area of the Facility known as the "Ohio Lamp Flammables/Hazardous Waste Storage Room." The storage room is located in the northwest corner of the Facility within 50 feet of the Facility's property line. The storage room is located within a separate block room with a two-hour fire rated construction.
5. On January 5, 2007, Respondent requested an exemption from the requirement of OAC rule 3745-66-76 to locate containers holding ignitable hazardous waste at least 50 feet from the Facility's property line. The exemption request included information justifying the exemption, including a letter from Fire Chief Ken Nussle of the City of Warren Fire Department supporting the exemption request. Specifically, Chief Nussle's letter stated the storage room "meets all [Ohio Fire Code] and [National Fire Protection Association] standards regarding fire rated doors, grounding of dispensing containers and storage."

6. Pursuant to ORC § 3734.02(G) and OAC rule 3745-50-31, the Director has determined that Respondent's accumulation of ignitable hazardous waste less than 50 feet from the Facility property line is unlikely to adversely affect the public health or safety or the environment.

#### **V. ORDERS**

1. Respondent is hereby exempted from the requirement to store ignitable hazardous waste at least 50 feet from the Facility property line, as required by OAC rule 3745-66-76, provided that the ignitable hazardous waste is only accumulated in the storage room described in Finding No. 4. of these Orders and is managed in accordance with all other applicable hazardous waste laws and Ohio Fire Code and National Fire Protection Association requirements and standards.
2. The Director may revoke the exemption granted in Order No. 1. of these Orders for any reason, including but not limited to, a determination that Respondent's activities at the Facility adversely affect public health or safety or the environment, and/or activities are not being conducted in accordance with these Orders.
3. The exemption from the State of Ohio's hazardous waste requirements provided by these Orders shall terminate when either one of the following events occurs:
  - a. Respondent ceases to accumulate ignitable hazardous waste at the Facility; or
  - b. The Director revokes the exemption granted to Respondent under these Orders.
4. The issuance of these Orders by the Director does not release Respondent of any liability it may have incurred for any violations which may have occurred at the Facility prior to the effective date of these Orders. The issuance of these Orders does not release Respondent from any obligation it has to comply with the State of Ohio's environmental laws, except as otherwise specifically provided herein.
5. These Orders do not exempt Respondent from any other local, state, or federal laws or regulations which are otherwise applicable.

#### **VI. 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.

#### **VII. 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.

#### **VIII. RESERVATION OF RIGHTS**

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section X. of these Orders.

#### **IX. WAIVER**

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.

#### **X. EFFECTIVE DATE**

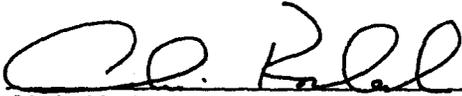
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

#### **XI. 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 ORDERED AND AGREED:**

**Ohio Environmental Protection Agency**

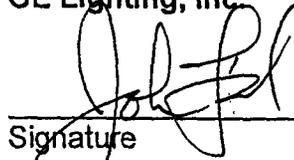


Chris Korleski  
Director

FEB 22 2008  
Date

**IT IS SO AGREED:**

**GE Lighting, Inc.**



Signature

JOHN FISH

Printed or Typed Name

2/4/08  
Date

VP MFG

Title