



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center  
122 S. Front Street  
Columbus, Ohio 43215

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

**CERTIFIED MAIL**

March 6, 2006

**Re: Director's Final Findings & Orders**  
Morrow Plating Company  
U.S. EPA No.: OHD 005 035 209

Mr. Larry J. Morrow  
Morrow Plating Company  
966 Oak Street  
Toledo, Ohio 43605

Dear Mr. Morrow:

Here are the Director's Final Findings and Orders (Orders) issued to Morrow Plating Company on March 6, 2006. These Orders are effective today.

I have also enclosed invoices for the penalty payments as required by Order Nos. 3.a. through 3.d. Please remember that your first payment is due no later than June 4, 2006.

If you have any questions concerning compliance with these Orders, do not hesitate to contact John Pasquarette at (419) 698-3130.

Sincerely,

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

F&O Cover-letterMorrowMarch'06

**Attachments**

cc: Michael A. Savage, Chief, DHWM  
Harry Sarvis, Mgr., CAS, DHWM  
Todd Anderson, Legal  
Heidi Greismer, PIC  
John Pasquarette, Mgr., NWDO

Bob Taft, Governor  
Bruce Johnson, Lieutenant Governor  
Joseph P. Koncelik, Director



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OHIO E.P.A.

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ENTR... DIRECTOR'S JOURNA

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

**Morrow Plating Company**  
966 Oak Street  
Toledo, Ohio 43605

**Respondent**

**Director's Final**  
**Findings and Orders**

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to Morrow Plating Company (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 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.

Due to be a true and accurate copy of the  
document as filed in the records of the Ohio  
Environmental Protection Agency  
*[Signature]* Date 5-6-06

#### IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent electroplates machine shop parts and knob fixtures for citizen band radios at its Facility located at 966 Oak Street, Toledo, Ohio (Facility). Respondent is the owner and operator of the Facility. Respondent was authorized to do business in Ohio on July 9, 1947.
2. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).
3. Respondent notified Ohio EPA of its hazardous waste activities and was issued generator identification number OHD005035209.
4. At the Facility, 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. Respondent is identified as a small quantity generator of hazardous waste. The hazardous waste generated by Respondent at the Facility includes electroplating sludges (D002, D005, D006, D007) and caustic cleaners (D006 and D007).
5. On February 10, 2004, Ohio EPA conducted an inspection of the Facility. As a result of this inspection, Ohio EPA determined that Respondent had, *inter alia*: Failed to evaluate twelve containers of waste to determine if the contents were hazardous wastes, in violation of OAC rule 3745-52-11.
6. By letter dated March 1, 2004, Ohio EPA notified Respondent of the violation referenced in Finding No. 5. of these Orders.
7. On April 1, 2004, Respondent submitted to Ohio EPA a sampling and analysis plan designed to characterize the unevaluated wastes referenced in Finding No. 5. of these Orders.
8. On May 18, 2004, Respondent sampled the twelve containers of unevaluated wastes at the Facility.
9. On June 8, 2004, Respondent submitted to Ohio EPA the analytical results from the sampling event conducted on May 18, 2004. The analytical results demonstrated that ten of the containers held hazardous wastes.
10. By letter dated August 4, 2004, Ohio EPA notified Respondent that based upon the analytical results referenced in Finding No. 9. of these Orders, Respondent had, *inter alia*:

- a. Failed to evaluate wastes to determine if the contents were hazardous wastes, in violation of OAC rule 3745-52-11; and
  - b. Stored ten containers of hazardous waste for greater than 180 days, in violation of ORC § 3734.02(E) and (F).
11. On September 17, 2004, Respondent submitted a response to Ohio EPA's letter referenced in Finding No. 10. of these Orders.
12. On June 30, 2005, Ohio EPA conducted a follow up inspection at the Facility. As a result of this inspection, Ohio EPA determined that Respondent had, *inter alia*:
  - a. Failed to evaluate waste to determine if they were hazardous wastes, in violation of OAC rule 3745-52-11; and
  - b. Stored ten containers of hazardous wastes for greater than 180 days, in violation of ORC § 3734.02(E) and (F).
13. By letter dated July 11, 2005, Ohio EPA notified Respondent of the violations referenced in Finding No. 12. of these Orders.
14. The Director has also determined that Respondent failed to comply with the small quantity generator regulations, including but not limited to:
  - a. Failing to label and date containers of hazardous waste, in violation of OAC rule 3745-52-34(A)(2) and (A)(3);
  - b. Failing to conduct and record weekly inspections of hazardous waste accumulation areas and inspections of emergency equipment, in violation of OAC rules 3745-66-74 and 3745-65-33;
  - c. Failing to post next to the telephone the name and number of the Facility's emergency coordinator, location of fire extinguishers and spill control materials and the telephone number of the fire department, in violation of OAC rule 3745-52-34(D)(5)(b); and
  - d. Failing to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, in violation of OAC rule 3745-52-34(D)(5)(C).
15. By facsimile dated December 9, 2005, Respondent submitted to Ohio EPA a manifest demonstrating that three of the ten containers of hazardous waste

referenced in Finding Nos. 10.b. and 12.b. of these Orders had been transported off-site to a permitted hazardous waste facility. As of this date, seven of the containers of hazardous waste referenced in Finding Nos. 10.b. and 12.b. of these Orders remained on-site.

16. Because no releases of hazardous waste were evident at the time of the inspections referenced in Finding Nos. 5. and 12. of these Orders and Respondent is continuing to use the storage area as a hazardous waste accumulation area, the Director has determined that closure of this area is not required at this time.
17. Based upon a review of financial information submitted by Respondent, Ohio EPA determined that Respondent does not possess the financial ability to pay the entire civil penalty settlement proposed in the Director's letter of September 16, 2005.

#### **V. ORDERS**

Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated thereunder according to the following compliance schedule:

1. Respondent shall ship the remaining seven containers of hazardous waste remaining at the Facility referenced in Finding No. 15. of these Orders off-site to a permitted hazardous waste treatment, storage or disposal facility pursuant to the following schedule:
  - a. Within 30 days after the effective date of these Orders, Respondent shall ship one container of hazardous waste referenced in Finding No. 15. of these Orders off-site to a permitted hazardous waste treatment, storage or disposal facility;
  - b. Within 60 days after the effective date of these Orders, Respondent shall ship a second container of hazardous waste referenced in Finding No. 15. of these Orders off-site to a permitted hazardous waste treatment, storage or disposal facility;
  - c. Within 90 days after the effective date of these Orders, Respondent shall ship a third container of hazardous waste referenced in Finding No. 15. of these Orders off-site to a permitted hazardous waste treatment, storage or disposal facility;
  - d. Within 120 days after the effective date of these Orders, Respondent shall ship a fourth container of hazardous waste referenced in Finding No. 15. of these Orders off-site to a permitted hazardous waste

treatment, storage or disposal facility;

- e. Within 150 days after the effective date of these Orders, Respondent shall ship a fifth container of hazardous waste referenced in Finding No. 15. of these Orders off-site to a permitted hazardous waste treatment, storage or disposal facility;
- f. Within 180 days after the effective date of these Orders, Respondent shall ship a sixth container of hazardous waste referenced in Finding No. 15. of these Orders off-site to a permitted hazardous waste treatment, storage or disposal facility; and
- g. Within 210 days after the effective date of these Orders, Respondent shall ship the seventh container of hazardous waste referenced in Finding No. 15. of these Orders off-site to a permitted hazardous waste treatment, storage or disposal facility.

A copy of each manifest complete with Land Disposal Restriction Forms shall be submitted to Ohio EPA's Northwest District Office pursuant to Section X. of these Orders within 7 days of the shipment. The submission of this documentation will abate the violations referenced in Finding Nos. 5., 10.a. and 12.a. of these Orders.

- 2. Within 45 days after the effective date of these Orders, Respondent shall submit to Ohio EPA the following:
  - a. Photographs documenting that all containers of hazardous waste are marked as "hazardous waste" and labeled with the accumulation start date;
  - b. Three weeks of container accumulation area and emergency equipment inspection logs;
  - c. A photograph demonstrating that the name and number of the Facility's emergency coordinator, location of fire extinguishers and spill control materials and the telephone number of the fire department is posted next to the telephone; and
  - d. Information demonstrating that all employees who handle hazardous wastes are thoroughly familiar with proper waste handling and emergency procedures.

The submission of this documentation will abate the violations referenced in Finding Nos. 14.a., 14.b., 14.c. and 14.d. of these Orders.

3. Respondent shall pay to Ohio EPA the amount of \$2,500.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. and which shall be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28 pursuant to the following schedule:
  - a. Within 90 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$625.00;
  - b. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$625.00;
  - c. Within 270 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$625.00; and
  - d. Within 360 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$625.00.

Each of the payments above shall be made by an official check made payable to "Treasurer, State of Ohio." The official checks shall be submitted to Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying the Respondent and the Facility. A copy of each check shall be submitted in accordance with Section X. of these Orders.

## **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 Ohio EPA's Division of Hazardous Waste Management 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."

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

Ohio Environmental Protection Agency  
Northwest District Office  
Division of Hazardous Waste Management  
347 North Dunbridge Road  
Bowling Green, Ohio 43402  
Attn: DHWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Joseph P. Koncelik, 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:

Joseph P. Koncelik, 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

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

#### **XI. RESERVATION OF RIGHTS**

Ohio EPA reserves its rights to exercise its lawful authority to require Respondent to perform closure as well as 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 such closure or corrective action. Ohio EPA and Respondent each reserve all other 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, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Except for the rights to seek closure of hazardous waste units 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**

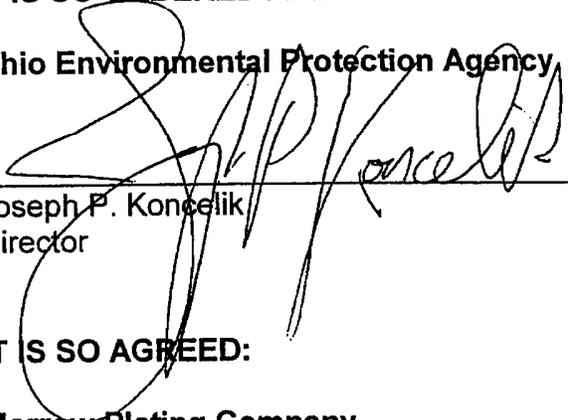
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**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.

**IT IS SO ORDERED AND AGREED:**

**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Joseph P. Konecnik  
Director

MAR - 6 2006  
Date

**IT IS SO AGREED:**

**Morrow Plating Company**

  
\_\_\_\_\_  
Signature

2-15-06  
Date

Larry J Morrow  
Printed or Typed Name

Plant Manager  
Title