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

April 9, 2008

Preferred Airparts, LLC
Brian Stoltzfus
11234 Hackett Rd.
Kidron, OH 44636

RE: Director's Final Findings & Orders
Preferred Airparts, LLC
US EPA ID No.: OHR 000040857

Dear Mr. Stoltzfus:

Here are the Director's Final Findings and Orders (Orders) issued to Preferred Airparts, LLC on April 9, 2008. These Orders are effective today.

I have also enclosed invoices for the penalty payments as required by Order Nos. 3.a. and 3. B. Please remember that your payment is due no later than May 9, 2008.

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

Enclosure

cc: Michael A. Savage, Chief, DHWM
Harry Sarvis, Mgr., CAS, DHWM
Todd Anderson, Legal
Heidi Griesmer, PIC
Natalie Oryshkewych, Mgr., DHWM, NEDO

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
APR - 9 2008
ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Preferred Airparts, LLC
11234 Hackett Road
Kidron, OH 44636

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: 4.9.08

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Preferred Airparts, LLC (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 Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent or of the Facility owned by Respondent 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 there under.

IV. FINDINGS

All of the findings necessary for the issuance of these Orders pursuant to ORC §§ 3734.13 and 3745.01 have been made and are outlined below. Nothing in the findings shall be considered to be an admission by Respondent of any matter of law or fact. The Director of Ohio EPA has determined the following findings:

1. Pursuant to ORC § 3734.02(G) and rule 3745-50-31 of the Ohio

Administrative Code (OAC), the Director may, by order, exempt any person generating, storing, treating, or disposing of hazardous waste in such quantities or under such circumstances that, in the determination of the Director, it is unlikely that the public health or safety or the environment will be adversely affected thereby, from any requirement to obtain a permit or comply with other requirements of ORC Chapter 3734. Any such 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 a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).

3. Respondent is the owner and operator of a new and used aircraft parts sales facility located at 11234 Hackett Road, Kidron, Wayne County, OH 44636 (Facility).

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, and was issued generator identification number OHR000040857. Respondent is a conditionally exempt small quantity generator of hazardous waste at the Facility, generating spent solvents (F002) from parts cleaning operations, batteries (recycled), and fluorescent bulbs.

5. Respondent operates a septic system at the Facility comprised of a floor drain, grease trap, two septic tanks, a sand filter, a leach field, and associated piping (hereinafter referred to collectively as "septic system"). Respondent rinses F002 hazardous wastes generated from the parts cleaning operation down the floor drain into the tanks, sand filter and associated piping which is ultimately disposed of in the leach field.

6. On July 12, 2007, Ohio EPA conducted a compliance evaluation inspection at the Facility.

7. Respondent declined to address a number of questions during the July 12, 2007 inspection and requested that Ohio EPA submit questions in writing. Therefore, by letter dated July 19, 2007, Ohio EPA issued a list of questions regarding Respondent's compliance with hazardous waste laws.

8. By letter dated July 23, 2007, Respondent requested an extension of time to respond to the questions, and by letter dated July 26, 2007, Ohio EPA

granted an extension.

9. On August 17, 2007, Ohio EPA received a response to the questions in the July 19, 2007 letter. As a result of the July 12, 2007 inspection and a review of Respondent's July 19, 2007 letter, Ohio EPA has determined that Respondent had *inter alia*:

   a. Established and operated a hazardous waste disposal facility without a permit, in violation of ORC § 3734.02 (E) and (F), by disposing of hazardous wastes to the septic system;

   b. Failed to evaluate wastes generated at the Facility, to determine if those wastes were hazardous, in violation of OAC rule 3745-52-11. Specifically, Respondent failed to evaluate the following wastes:

      i. The dust from the bead blaster,
      ii. Material used to clean paint guns,
      iii. Status and disposition of used fluorescent bulbs,
      iv. The rags and wipers used with methyl ethyl ketone (MEK),
      v. Wastes from the methylene chloride containing solvents.

10. By letter dated August 21, 2007, Ohio EPA notified Respondent of the violations referenced in Finding No. 9. In addition, the Director has determined that Respondent was using the septic system units as a hazardous waste tank system without meeting the regulatory requirements for a hazardous waste tank system. Therefore, Respondent has failed to meet the design, installation, operation, and inspection requirements for tank systems used to accumulate hazardous waste, in violation of OAC rules 3745-66-90 through 3745-66-101.

11. On December 3, 2007, Ohio EPA received from Respondent a Work Plan for the septic system.

12. Due to Respondent's establishment and operation of a hazardous waste disposal facility as described in Finding No. 9.a. of these Orders, Respondent is required to have a hazardous waste facility installation and operation permit and is subject to all general facility standards found in OAC Chapters 3745-54 and 55, including but not limited to, closure in accordance with OAC rules 3745-55-11 through 3745-55-20, the financial assurance for closure requirements contained in OAC rules 3745-55-42 through 3745-55-51 and corrective action for waste management units in

accordance with OAC rule 3745-54-101. To obtain a hazardous waste facility installation and operation permit, Respondent is required to submit "Parts A and B" of the application in accordance with OAC Chapter 3745-50.

13. The submittal of a Closure Plan which complies with the administrative requirements of OAC Chapters 3745-65 and 66 and the substantive requirements of OAC Chapters 3745-54 and 55 including but not limited to the groundwater protection program in accordance with OAC rules 3745-54-90 through 3745-54-100 in lieu of the submittal of an application for a hazardous waste facility installation and operation permit is unlikely to adversely affect the public health or safety or the environment. Therefore, the Director finds that the issuance to Respondent of an exemption from the requirement to submit an application for a hazardous waste facility installation and operation permit for the Facility is unlikely to adversely affect the public health or safety or the environment within the meaning of ORC § 3734.02(G).

V. ORDERS

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

1. Within 30 days after the effective date of these Orders, Respondent shall submit documentation showing that all wastes generated at the Facility have been evaluated in accordance with OAC Rule 3745-52-11.

2. The Respondent is hereby exempted from the requirement to submit an application for a hazardous waste facility installation and operation permit for the Facility, *provided that* Respondent complies with the following:

   a. Within 120 days after Ohio EPA's approval of the Work Plan for the septic system referenced in Finding No. 11., Respondent shall complete the tasks in the approved Work Plan.

   b. Within 90 days after the completion of the tasks required by the approved Work Plan, Respondent shall submit to Ohio EPA for review and approval a Closure Plan(s) for the septic system referenced in Finding Nos. 5., 9. and 10.

c. This Closure Plan(s) shall comply with the administrative requirements of OAC Chapters 3745-65 and 3745-66 and the substantive requirements of OAC Chapters 3745-54 and 3745-55, including but not limited to, the groundwater protection program in accordance with OAC rules 3745-54-90 through 54-100.

d. The Closure Plan(s) is subject to approval by Ohio EPA. If Ohio EPA does not approve the Closure Plan(s) and provides Respondent with a written statement of deficiencies, Respondent shall submit a revised Closure Plan(s) for approval addressing the deficiencies within 30 days of receiving such written statement. If Ohio EPA modifies the Closure Plan(s), the modified Closure Plan(s) becomes the approved plan.

e. Upon Ohio EPA's written approval of the Closure Plan(s), Respondent shall implement the approved Closure Plan(s) in the manner and pursuant to the time frames set forth in the approved Closure Plan and OAC rules 3745-55-13/3745-66-13;

f. Within 30 days after the approval of the Closure Plan(s) pursuant to Order No. 2.e., above, Respondent shall submit to Ohio EPA for review, comment and approval a closure cost estimate. Within 30 days after approval of the closure cost estimate, Respondent shall establish financial assurance and liability coverage for the areas of the Facility subject to closure, in accordance with OAC rules 3745-55-42 through 3745-55-47; and

g. Within 90 days after completion of closure, Respondent shall submit certification of closure to Ohio EPA in accordance with OAC rules 3745-55-15. Closure certification of the area(s) described in Order No. 2. will abate the violations referenced in Finding Nos. 9.a. and 10.

3. Respondent shall pay Ohio EPA the amount of $15,000.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. in accordance with the following provisions:

a. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of $11,250.00 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

$11,250.00. 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. A copy of this check shall be submitted in accordance with Section X. of these Orders.

b. In lieu of paying the remaining $3,750.00 of civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of $3,750.00 to the Ohio EPA Clean Diesel School Bus Program (Fund 5CD). Respondent shall make the payment within 30 days after the effective date of these Orders by tendering an official check made payable to "Treasurer, State of Ohio" for $3,750.00. The official check shall be submitted to Brenda Case, or her successor, Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying Respondent. A copy of this check shall be submitted in accordance with Section X. of these Orders, and an additional copy of this check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, Ohio EPA, Division of Air Pollution Control, P.O. Box 1049, Columbus, Ohio 43216-1049.

c. Should Respondent fail to fund the SEP within the required time frame established in Order No. 3.b., Respondent shall pay to Ohio EPA, within 7 days after failing to comply with Order No. 3.b., the amount of $3,750.00 in accordance with the procedures in Order No. 3.a.

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 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 an individual 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
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:

Chris Korleski, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
50 West Town 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 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 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 specifically reserved in section XI., above, which rights Ohio EPA and Respondent do not waive, compliance with these Orders shall be an 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

APR 09 2008
Date

IT IS SO AGREED:

Preferred Airparts, LLC

Signature

3-21-2008
Date

BRIAN STOLTZFUS
Printed or Typed Name

SECRETARY / TREASURER
Title

Ohio EPA Invoice/Receipt

Date Printed: April 09, 2008

Revenue ID: 653433

Please include this Revenue ID with all correspondence.

Place ID: 52887

Information: Preferred Airparts
11234 Hackett Rd
Kidron, OH 44636-

Due Date: May 09, 2008

Amount Due: $11,250.00

Effective Date: April 09, 2008

Revenue Description: DHWM- Findings and Orders - hazardous waste cleanup

Program Name: Hazardous Enforcement

Reason: Civil penalty fees related to Director's final F&Os.

For some Revenues, Interest and/or Penalties may be charged for late payment.

Next Interest Date (if applicable):

Next Penalty Date (if applicable):

Remittance Advice **Detach Here - Please Return This Portion With Your Payment**

Place ID: 52887

Information: Preferred Airparts
11234 Hackett Rd
Kidron, OH 44636-

Due Date: May 09, 2008

Amount Due: $11,250.00

Secondary Type/Id: RCRA / OHR000040857

Revenue Type: FFOHW

Amount Enclosed: $_____

Please write this number on your check. Revenue ID: 653433
Make check or money order payable to "Treasurer, State of Ohio"

Remit to: **Ohio Environmental Protection Agency - OFA**
Department L-2711
Columbus, OH 43260-2711

For Ohio EPA use only

Check ID: _____

Check Date: _____

Check Number: _____

Check Amount: $_____

		1125000	FFOHW	653433

Ohio EPA Invoice/Receipt

Date Printed: April 09, 2008

Revenue ID: 653434

Please include this Revenue ID with all correspondence.

Place ID: 52887

Information: Preferred Airparts
11234 Hackett Rd
Kidron, OH 44636-

Due Date: May 09, 2008

Amount Due: $3,750.00

Effective Date: April 09, 2008

Revenue Description: DHWM- Findings and Orders - hazardous waste cleanup

Program Name: Hazardous Enforcement

Reason: Civil penalty fees related to Director's final F&Os for Ohio EPA's Clean Diesel Shcool Bus Progr

For some Revenues, Interest and/or Penalties may be charged for late payment.

Next Interest Date (if applicable):

Next Penalty Date (if applicable):

Remittance Advice **Detach Here - Please Return This Portion With Your Payment**

Place ID: 52887

Information: Preferred Airparts
11234 Hackett Rd
Kidron, OH 44636-

Due Date: May 09, 2008

Amount Due: $3,750.00

Secondary Type/Id: RCRA / OHR000040857

Revenue Type: FFOHW

Amount Enclosed: $_____

Please write this number on your check. Revenue ID: 653434
Make check or money order payable to "Treasurer, State of Ohio"

Remit to: **Ohio Environmental Protection Agency - OFA**
Department L-2711
Columbus, OH 43260-2711

For Ohio EPA use only

Check ID: _____

Check Date: _____

Check Number: _____

Check Amount: $_____

		375000	FFOHW	653434