



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**

April 20, 2006

**Re: Director's Final Findings & Orders**  
American Spring Wire Corporation  
US EPA ID No.: OHD 042 708 586

Mr. Greg Bokar  
American Spring Wire Corporation  
26300 Miles Road  
Bedford Heights, Ohio 44146

Dear Mr. Bokar:

Here are the Director's Final Findings and Orders (Orders) issued to American Spring Wire Corporation on April 20, 2006. These Orders are effective today.

I have also enclosed invoices for the penalty payments as required by Order No. 3.a. and b. and, Order No. 4.a. and b. Please remember that your first payments are due no later than May 20, 2006.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Kurt Princic at (330) 425-9171.

Sincerely,

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

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Attachments

cc: Michael A. Savage, Chief, DHWM  
Harry Sarvis, Mgr., CAS, DHWM  
Todd Anderson, Legal  
Heidi Greismer, PIC  
Kurt Princic, Mgr., DHWM, NEDO  
Susan R. Strom, Esq., Calfee, Halter, & Griswold, LLP

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



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1. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).
2. Respondent manufactures spring wire and is located at 26300 Miles Road, Bedford Heights, Cuyahoga County (Facility).
3. 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 a large quantity generator of hazardous waste and has been assigned generator identification number OHD 042 708 586. The hazardous waste generated by Respondent at the Facility includes lead-contaminated dross and pea coal waste (D008) from its wire-coating process.
4. On May 6, 2003, Ohio EPA conducted a complaint investigation at the Facility to determine the validity of claims that pea coal hazardous waste had been disposed of on the ground at the Facility from approximately 1980 until 1996. During the complaint investigation, Ohio EPA observed large, solidified pieces of waste material on the ground at the Facility, as specified by the complainant, that appeared unnatural in origin.
5. By letter dated June 5, 2003, Ohio EPA notified Respondent that the waste material referenced in Finding No. 4 of these Orders appeared to be releases of hazardous waste lead contaminated dross and pea coal, and requested that Respondent develop and submit a Sampling and Analysis Plan (SAP) to determine the nature and extent of contamination, if any, at the Facility.
6. By letter dated July 30, 2003, Respondent submitted a SAP to Ohio EPA for review and approval.
7. By letter dated August 26, 2003, Ohio EPA provided Respondent with comments on the SAP referenced in Finding No. 6 of these Orders.
8. By letter dated September 19, 2003, Respondent responded to Ohio EPA's August 26, 2003 letter by submitting a revised SAP to Ohio EPA for review and approval.
9. By letter dated October 16, 2003, Ohio EPA provided Respondent with comments on the revised SAP referenced in Finding No. 8 of these Orders.
10. By letter dated October 29, 2003, Respondent provided responses to Ohio EPA's October 16, 2003 letter, referenced in Finding No. 9 of these Orders.
11. By letter dated November 12, 2003, Ohio EPA provided Respondent with comments on Respondent's October 29, 2003 letter, referenced in Finding No. 10 of these Orders.

12. By letter dated December 12, 2003, Respondent provided responses to Ohio EPA's November 12, 2003 letter, referenced in Finding No. 11 of these Orders.
13. On February 19 and 20, 2004, Ohio EPA observed the collection of soil samples at the Facility by Respondent.
14. By letter dated March 24, 2004, Respondent submitted a document entitled, "Site Map and Soil Boring Results" which summarized laboratory results from soil samples collected on February 19 and 20, 2004 at the Facility. The results indicated that lead contamination was found in the soils at the Facility.
15. By letter dated April 14, 2004, Respondent submitted a Phase II SAP which incorporated Ohio EPA's comments on the SAP and "Site Map and Soil Boring Results" document, referenced in Finding Nos. 6 and 14 of these Orders, respectively, and also included a proposed remediation plan to address the lead contamination in the soils at the Facility for Ohio EPA review and approval.
16. Based upon the information contained in the "Site Map and Soil Boring Results" document, referenced in Finding No. 14 of these Orders, Ohio EPA notified Respondent, by letter dated May 6, 2004, of its determination that Respondent had disposed of hazardous waste without a permit at the Facility, in violation of ORC § 3734.02(E) and (F).
17. By letter dated June 4, 2004, Ohio EPA provided comments on Respondent's Phase II SAP, referenced in Finding No. 15 of these Orders.
18. By letter dated June 22, 2004, Respondent provided responses to Ohio EPA's letters dated May 6 and June 4, 2004, referenced in Finding Nos. 16 and 17, respectively, of these Orders.
19. By letter dated August 25, 2004, Ohio EPA responded to Respondent's June 22, 2004 letter, referenced in Finding No. 18 of these Orders.
20. In correspondence dated September 24, 2004, Respondent submitted a revised Phase II SAP, which incorporated Ohio EPA's comments on the Phase II SAP referenced in Finding No. 17 of these Orders, for Ohio EPA review and approval.
21. By letter dated October 15, 2004, Ohio EPA approved, with modifications, Respondent's revised Phase II SAP, referenced in Finding No. 20 of these Orders.
22. On November 16, 2004, Respondent notified Republic Waste Services of Ohio II, LLC that Republic Waste Services of Ohio II, LLC had transported from Respondent's Facility a roll-off box that may have contained a lead-contaminated block to the Countywide Landfill in Canton, Ohio.

23. On November 17, 2004, Ohio EPA was notified of the aforementioned incident referenced in Finding No. 22 of these Orders.
24. By letter dated November 22, 2004, Ohio EPA notified Respondent of its determination that Respondent had caused to be transported a block of solidified, lead-contaminated hazardous waste (D008) to a solid waste facility not operating under a hazardous waste permit issued in accordance with ORC Chapter 3734., in violation of ORC § 3734.02(F).
25. On December 15, 16 and 17, 2004, Ohio EPA observed the collection of additional soil samples, conducted pursuant to the approved revised Phase II SAP referenced in Finding No. 21 of these Orders, at the Facility by Respondent.
26. In a letter from Respondent dated January 19, 2005 and a letter from Republic Services of Ohio II, LLC dated May 31, 2005, it was explained that Respondent had taken significant steps and had expended significant financial resources to locate and remove the lead-contaminated block but, after a ten day search and the excavation of approximately 7,300 tons of waste, the block could not be located.
27. In correspondence dated March 4, 2005, Respondent submitted to Ohio EPA the results of the sampling performed under the approved revised Phase II SAP referenced in Finding No. 21 of these Orders.
28. In correspondence dated May 2, 2005, Respondent submitted a Remediation Plan to Ohio EPA for review and approval.
29. By letter dated July 20, 2005, Ohio EPA provided comments on Respondent's Remediation Plan referenced in Finding No. 28 of these Orders.
30. In correspondence dated August 31, 2005, Respondent submitted Remediation Plan Revision 001, which incorporated Ohio EPA's comments on the Remediation Plan, referenced in Finding No. 29 of these Orders, to Ohio EPA for review and approval.
31. By letter dated November 8, 2005, Ohio EPA approved, with modifications, Respondent's Remediation Plan Revision 001, referenced in Finding No. 30 of these Orders. In addition to the required modifications, Ohio EPA also recommended certain changes to the portion of the Remediation Plan Revision 001 that described Respondent's plan for analysis of soil samples in the field and for confirmation testing of the results of such analysis.
32. In correspondence dated December 19, 2005, Respondent, through its environmental consultant, acknowledged Ohio EPA's modifications to the approved Remediation Plan Revision 001, as referenced in Finding No. 31 of these Orders.

33. In correspondence dated January 12, 2006, Respondent submitted to Ohio EPA Remediation Plan Revision 002, which incorporated Ohio EPA's modifications to the approved Remediation Plan Revision 001, referenced in Finding No. 31 of these Orders.
34. In correspondence dated March 21, 2006, Respondent submitted a modification request, for Ohio EPA review and approval, to Remediation Plan Revision 002, referenced in Finding No. 33 of these Orders.
35. By letter dated March 23, 2006, Ohio EPA acknowledged and incorporated Respondent's modification to Remediation Plan Revision 002, referenced in Finding No. 34 of these Orders.
36. The Director has determined that no additional action is required of Respondent regarding the ORC § 3734.02(F) violation referenced in Finding No. 24 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. Respondent shall implement Remediation Plan Revision 002, referenced in Finding No. 35 of these Orders, in accordance with the specifications and schedules contained in Remediation Plan Revision 002 and any conditions attached thereto.
2. Within 60 days after the completion of work required by Remediation Plan Revision 002, Respondent shall submit to Ohio EPA, for review and approval, a certification that the remediation work was conducted in accordance with Remediation Plan Revision 002. The certification shall be signed by Respondent using the format found in OAC rule 3745-50-42(D).
3. Respondent shall pay Ohio EPA the total amount of \$44,000.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. \$35,200.00 of this amount will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28 pursuant to the following schedule:
  - a. Within 30 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$17,600.00; and
  - b. Within 210 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$17,600.00.

Payments shall be made by official checks 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 Respondent. A copy of each check shall be submitted in accordance with Section X. of these Orders.

4. In lieu of paying the remaining \$8,800.00 in hazardous waste related claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734., Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of \$8,800.00 to the Ohio EPA Clean Diesel School Bus Program (Fund 5CD) in accordance with the following schedule:
  - a. Within 30 days after the effective date of these Orders, Respondent shall pay to the Ohio EPA Clean Diesel School Bus Program the amount of \$4,400.00; and
  - b. Within 210 days after the effective date of these Orders, Respondent shall pay to the Ohio EPA Clean Diesel School Bus Program the amount of \$4,400.00.

Payments shall be made by official checks made payable to "Treasurer, State of Ohio." The official checks 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.

5. Should Respondent miss a scheduled payment as described in Order Nos. 4.a. and 4.b., Respondent shall pay to Ohio EPA the missed payment amount no later than 7 days after the missed payment due date. Payment shall be made in accordance with the procedures established in Order No. 3. 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  
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:

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 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 right to seek corrective action at the Facility by Respondent, which right 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. Kondelik  
Director

**APR 20 2006**

Date

**IT IS SO AGREED:**

**American Spring Wire Corp.**



Signature

**3/31/06**

Date

**GREG BOKAR**  
Printed or Typed Name

**CFO**  
Title