OhioEPA
State of Ohio Environmental Protection Agency

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

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

CERTIFIED MAIL

April 24, 2008

Re: Modified Director's Final Findings & Orders
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 Modified Director's Final Findings and Orders (Orders) issued to GE Lighting, Inc. on April 24, 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 Griesmer, PIC
Natalie Oryshkewych, Mgr., DHWM, NEDO
Bonnie Harrington, Esq., Senior Counsel, Environment, Health & Safety

OHIO E.P.A.
APR 24 2008
DIRECTOR'S JOURNAL

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: 4-24-08

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

GE Lighting, Inc.
1210 N Park Ave
Warren, Ohio 44483

Respondent

Director's Final Findings and Orders

MODIFICATION OF DIRECTOR'S FINAL FINDINGS AND ORDERS OF FEBRUARY 22, 2008

PREAMBLE

It is agreed by 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) §§ 3734.13 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 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 in the Director's Final Findings and Orders of February 22, 2008 and ORC Chapter 3734. and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. On February 22, 2008, the Director issued Final Findings and Orders to Respondent. All findings made in the February 22, 2008 Director's Final Findings and Orders are hereby incorporated by reference.

2 The Director's Final Findings and Orders of February 22, 2008 required Respondent to, as a supplemental environmental project and in lieu of payment of $1,165 of the civil penalty, implement the "Ohio Lamp Chrome Reduction/Elimination Project." Order No. 1.d. of the February 22, 2008 Director's Final Findings and Orders required Respondent to take two samples of the wastewater treatment sludge each week for a period of six consecutive weeks commencing the week of November 19, 2007 and take two samples each week for a period of four additional weeks commencing the week of January 28, 2008.

4. Respondent, in a telephone call dated February 19, 2008 and via electronic mail dated February 27, 2008, notified Ohio EPA that it had observed some variability in the sampling results of the wastewater treatment sludge. To address this variability, Respondent requested that it be given an additional period of six weeks of sampling and sampling analysis commencing the week of February 25, 2008.

V. ORDERS

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

All terms and conditions contained in the February 22, 2008 Director's Final Findings and Orders remain valid and in effect with the exception of Section V., paragraphs 1.d. and 1.e. which are superseded by the following:

d. In lieu of payment of the remaining $1,165.00 of the civil penalty settlement, Respondent shall implement the Ohio Lamp Chrome Reduction/Elimination Project SEP referenced in Finding No. 10. of these Orders. As part of the implementation of the Ohio Lamp Chrome Reduction/Elimination Project SEP, Respondent shall take two samples of the wastewater treatment sludge each week for a period of six consecutive weeks commencing the week of November 19, 2007. Respondent shall take two samples of the wastewater treatment sludge each week for a period of four additional weeks

commencing the week of January 28, 2008. Finally, Respondent shall take two samples of the wastewater treatment sludge each week for a period of six weeks commencing the week of February 25, 2008. All sample results and supporting documentation shall be submitted to Ohio EPA for review and approval within 14 days after receipt of the results from the final sampling event. The sample results and supporting documentation shall demonstrate that the wastewater treatment sludge is not a characteristic hazardous waste.

e. Should Respondent fail to conduct the sampling as described in Order No. 1.d. or should any of the samples of the wastewater treatment sludge demonstrate that the wastewater treatment sludge is a characteristic hazardous waste, Respondent shall pay to Ohio EPA the amount of $1,165.00 within 7 days of failing to conduct the sampling as described in Order No.1.d. or within 14 days of receiving a sample result demonstrating that the wastewater treatment sludge is a characteristic hazardous waste. Payment shall be made in accordance with the procedures established in Order No. 1.a. of these Orders. 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 44087-1969
Attn: DHWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Chris Korleski
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
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

Chris Korleski
Director

Date 4/14/08

IT IS SO AGREED:

GE Lighting, Inc.

Signature

Date 3/19/08

JOHN FISH
Printed or Typed Name

VP Supply Chain
Title