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

July 17, 2007

CERTIFIED MAIL
91 7108 2133 3932 4449 0465

Re: Director's Final Findings & Orders
Durga, Inc. dba Ohio Circuits
US EPA ID No.: OHD 004 198 412

Mr. Nilesh Patel, Vice President
Durga, Inc. dba Ohio Circuits
2250 East Aurora Road
Twinsburg, Ohio 44087

Dear Mr. Patel:

Here are the Director's Final Findings and Orders (Orders) issued to Durga, Inc. dba Ohio Circuits on July 17, 2007. These Orders are effective today.

I have also enclosed invoices for the penalty payments as required by Order No. 1.a. through 1.d. and Order No. 2.a. through 2.d. Please remember that your first payments are due no later than October 15, 2007.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Kurt Princic at (330) 963-1200.

Sincerely,

David A. Sholtis, Assistant Chief
Division of Hazardous Waste Management

I:\USERS\DSHARPE\FOSSENT\enf.Durga.Inc.dba.Ohio.Circuits.2007.doc

Attachments

c: Laura A. Ephlin, Roetzel & Andress
Michael A. Savage, Chief, DHWM CO
Harry Sarvis, Mgr., CAS, DHWM CO
Elissa Miller, Legal
Heidi Greismer, PIC
Kurt Princic, Mgr., DHWM, NEDO

OHIO E.P.A.

JUL 17 2007

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Durga, Inc. dba Ohio Circuits 2250 East Aurora Road Twinsburg, Ohio 44087 **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 Durga, Inc. dba Ohio Circuits (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 defined in ORC Chapter 3734. and the rules promulgated thereunder.

[redacted]

By: [redacted] Date: 7-17-07

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

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 printed circuit boards and is located at 2250 East Aurora Road, Twinsburg, Summit County, Ohio (Facility). Respondent notified Ohio EPA of its hazardous waste activities and was issued generator identification number OHD004198412.

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. The hazardous waste generated by Respondent at the Facility includes plating waste (D002) and etching waste (D002, D004, D005, D006, and D007).

4. On April 11 and 12, 2006, Ohio EPA conducted a compliance evaluation inspection at the Facility. As a result of the inspection, Ohio EPA determined that Respondent had, *inter alia*:

   a. Failed to meet the design, installation, operation, and inspection requirements for two hazardous waste storage tanks, as well as the hazardous waste storage tank system ancillary equipment, in violation of OAC rules 3745-66-92 through 3745-66-95;

   b. Failed to file, by March 1, 2006, an annual hazardous waste report for hazardous waste generated during the 2005 calendar year, in violation of OAC rule 3745-52-41;

   c. Failed to develop and implement a hazardous waste management training program for employees at the Facility that handle and/or manage hazardous waste, in violation of OAC rule 3745-65-16;

   d. Failed to develop and maintain a hazardous waste contingency plan at the Facility, in violation of OAC rules 3745-65-51 and 3745-65-52;

   e. Failed to submit copies of the hazardous waste contingency plan to all local authorities that may be requested to respond to an emergency at the Facility, in violation of OAC rule 3745-65-53;

f. Failed to designate an employee at the Facility to act as the emergency coordinator during an emergency, in violation of OAC rule 3745-65-55;

g. Failed to equip the hazardous waste storage area at the Facility with a communication device capable of summoning emergency assistance, in violation of OAC rule 3745-65-32(B);

h. Failed to provide fire control, spill control and decontamination equipment in the hazardous waste storage area at the Facility, in violation of OAC rule 3745-65-32(C);

i. Failed to maintain and test, as necessary, all communication and emergency equipment at the Facility, in violation of OAC rule 3745-65-33;

j. Failed to mark hazardous waste accumulation containers with the words, "Hazardous Waste," or with other words that identify the contents of the container, in violation of OAC rule 3745-52-34(C)(1)(b);

k. Failed to mark eleven hazardous waste storage containers and two hazardous waste storage tanks with the words, "Hazardous Waste," and failed to mark the containers with the accumulation start date, in violation of OAC rule 3745-52-34(A)(2) and (3);

l. Failed to conduct and document inspections of the hazardous waste storage area at the Facility, in violation of OAC rule 3745-66-74;

m. Failed to respond to releases of used oil at the Facility, in violation of OAC rule 3745-279-22(D); and

n. Failed to label a used oil storage container with the words, "Used Oil," in violation of OAC rule 3745-279-22(C).

5. By letter dated June 1, 2006, Ohio EPA notified Respondent of the violations referenced in Finding Nos. 4.a. through 4.n. of these Orders.

6. In electronic correspondence dated June 21, July 11 and July 20, 2006, Respondent provided responses to Ohio EPA's June 1, 2006 letter.

7. By letter dated August 31, 2006, Ohio EPA notified Respondent that, based upon the information contained in Respondent's June 21, July 11 and July 20, 2006 electronic correspondences, Respondent had abated the violation referenced in Finding No. 4.b. of these Orders.

8. In electronic correspondence dated September 5, 2006, Respondent provided responses to Ohio EPA's August 31, 2006 letter.

9. On October 5, 2006, Ohio EPA conducted a follow-up inspection at the Facility.

10. By letter dated October 12, 2006, Ohio EPA notified Respondent that, based upon information obtained during the October 5 site visit and photographs obtained immediately after the site visit, Respondent had abated the violations referenced in Finding Nos. 4.j. through 4.n.

11. On January 8, January 26, February 6, and February 9, 2007, Ohio EPA received additional information and documentation from Respondent.

12. By letter dated February 23, 2007, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Findings Nos. 4.e. through 4.h.

13. On February 28 and March 1, 2007, Ohio EPA received additional documentation from Respondent.

14. By letter dated March 8, 2007, Ohio EPA notified Respondent that, based upon the documentation received on February 28 and March 1, 2007, Respondent had abated the violations referenced in Findings Nos. 4.a., 4.c., 4.d., and 4.i.

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 pay Ohio EPA the amount of $22,920.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. Of this amount, $18,336.00 will 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 $4,584.00;

b. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $4,584.00;

c. Within 270 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $4,584.00; and

d. Within 360 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $4,584.00.

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.

2. In lieu of paying the remaining $4,584.00 of civil penalty, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of $4,584.00 to the Ohio EPA Clean Diesel School Bus Program (Fund 5CD) in accordance with the following schedule:

a. Within 90 days after the effective date of these Orders, Respondent shall pay to the Ohio EPA Clean Diesel School Bus Program the amount of $1,146.00;

b. Within 180 days after the effective date of these Orders, Respondent shall pay to the Ohio EPA Clean Diesel School Bus Program the amount of $1,146.00;

c. Within 270 days after the effective date of these Orders, Respondent shall pay to the Ohio EPA Clean Diesel School Bus Program the amount of $1,146.00; and

d. Within 360 days after the effective date of these Orders, Respondent shall pay to the Ohio EPA Clean Diesel School Bus Program the amount of $1,146.00.

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, and an additional copy of the checks 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.

3. Should Respondent miss a scheduled payment as described in Order Nos. 2.a. through 2.d. of these Orders, 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. 1. 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 upon Ohio EPA's receipt of the official checks required by Section V. of these Orders.

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:

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:

Director, Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
50 West Town Street, Suite 700
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 and Respondent each reserve all 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. 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

Director

July 17, 2007
Date

IT IS SO AGREED:

Durga, Inc. dba Ohio Circuits

Signature

06-26-2007
Date

Nilesh Patel.
Printed or Typed Name

Vice President.
Title

G:\Ohio Circuits.Orders.wpd