



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

MAILING ADDRESS:

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

**CERTIFIED MAIL**

September 7, 2006

**Re: Director's Final Findings & Orders**  
Hukill Chemical Corporation  
US EPA ID No.: OHD 001 926 740

Robert L. Hukill, President  
Hukill Chemical Corporation  
7013 Krick Road  
Bedford, Ohio 44146

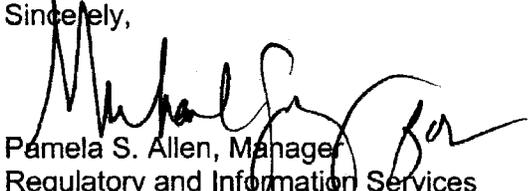
Dear Mr. Hukill:

Here are the Director's Final Findings and Orders (Orders) issued to Hukill Chemical Corporation on September 7, 2006. These Orders are effective today.

I have also enclosed invoices for the penalty payments as required by Orders No. 1.a. through 1.d. and Orders No. 2.a. through 2.d. Please remember that your first payments are due no later than December 6, 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  
Elissa Miller, Legal  
Heidi Greismer, PIC  
Kurt Princic, Mgr., DHWM, Northeast District Office

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

OHIO E.P.A.

SEP - 7 2006

ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

**Hukill Chemical Corporation**  
7013 Krick Road  
Bedford, Ohio 44146

**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 Hukill Chemical Corporation (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.

**IV. FINDINGS**

The Director of Ohio EPA has determined the following findings:

1. Respondent is the owner and operator of a permitted hazardous waste storage facility located at 7013 Krick Road, Bedford, Ohio (Facility). At the

This is to be a true and accurate copy of the  
official document as filed in the records of the Ohio  
Environmental Protection Agency

*[Signature]* 9-7-06

Facility, Respondent is also a large quantity generator of hazardous waste. Respondent is a corporation qualified to do business in Ohio on July 23, 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 OHD001926740 and hazardous waste storage permit number 02-18-0315.
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.
5. On February 26, 2003, March 29, 2004 and February 23, 2005, Respondent submitted to Ohio EPA its 2002, 2003 and 2004 Annual Hazardous Waste Reports.
6. By letters dated December 1, 2003, March 25, 2004, May 18, 2004 and September 1, 2005, Ohio EPA notified Respondent that Ohio EPA had received Respondent's 2002, 2003, and 2004 Annual Hazardous Waste Reports and upon reviewing Respondent's 2002, 2003 and 2004 Annual Hazardous Waste Reports, Ohio EPA determined that Respondent had, *inter alia*:
  - a. In the 2002 Annual Hazardous Waste Report, failed to provide valid U.S. EPA ID numbers for customers from which hazardous waste was received, in violation of OAC rule 3745-54-75;
  - b. In the 2003 Annual Hazardous Waste Report, failed to submit the report by March 1, 2004, failed to describe the type and amounts of hazardous waste generated and shipped off-site, failed to provide a description and the quantity of each hazardous waste received during the year and failed to provide a description of how hazardous wastes are managed, in violation of OAC rule 3745-54-75; and
  - c. In the 2004 Annual Hazardous Waste Report, failed to accurately list by U.S. EPA ID number a description and the quantity of each hazardous waste received during the year and failed to accurately list the method of treatment, storage or disposal for each hazardous waste, in violation of OAC rule 3745-54-75.

7. By letters and facsimiles dated January 9, 2004, June 14, 2004 and September 2, 2004, Ohio EPA received amendments to the 2002 and 2003 Annual Hazardous Waste Reports.
8. By letters dated March 30, 2004, June 17, 2004 and June 28, 2004, Ohio EPA notified Respondent that the violations referenced in Finding Nos. 6.a. and 6.b of these Orders had been abated.
9. On February 2, 3, and 8, 2006 Ohio EPA conducted a compliance evaluation inspection of the Facility. As a result of this inspection, Ohio EPA determined that Respondent had, *inter alia*:
  - a. On three occasions, December 4, 2003, March 29, 2005 and November 10, 2005, caused the transportation of hazardous waste to an unpermitted facility, in violation of ORC § 3734.02(F);
  - b. Failed to evaluate wastes to determine if the wastes were hazardous wastes, in violation of OAC rule 3745-52-11;
  - c. Failed to ship hazardous waste on a hazardous waste manifest, in violation of OAC rule 3745-52-20; and
  - d. Failed to meet land disposal restriction requirements, in violation of OAC rule 3745-270-07(A)(1).
10. By letter dated March 7, 2006, Ohio EPA notified Respondent of the violations referenced in Finding No. 9. of these Orders.
11. By letter dated April 13, 2006, Respondent submitted a response to Ohio EPA's letter dated March 7, 2006.
12. By letter dated May 1, 2006, Ohio EPA notified Respondent that based upon the information submitted to Ohio EPA in the April 13, 2006 letter, Respondent had abated the violations referenced in Finding Nos. 9.b., 9.c. and 9.d.
13. Because Respondent has implemented new procedures to ensure all hazardous wastes will be handled properly, the Director has determined that no further action is required of Respondent to abate the violation of ORC § 3734.02(F) as referenced in Finding No. 9.a. of these Orders.

14. By letter dated June 30, 2006, Respondent submitted documentation demonstrating that the violation referenced in Finding No. 6.c. had been abated.

## **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 \$11,250.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. \$9,000.00 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 90 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,250.00;
  - b. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,250.00;
  - c. Within 270 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,250.00; and
  - d. Within 360 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,250.00.

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.

2. In lieu of paying the remaining \$2,250.00 of civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of \$2,250.00 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 \$550.00;

- 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 \$550.00;
- 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 \$550.00; 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 \$600.00.

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 each 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.

3. Should Respondent miss a scheduled payment as described in Order Nos. 2.a., 2.b., 2.c. and 2.d. of these Orders, Respondent shall pay to Ohio EPA the missed payment amount no later than 7 days after the payment was due. Payment shall be made in accordance with the procedures established in Order No. 1. 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:

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 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**

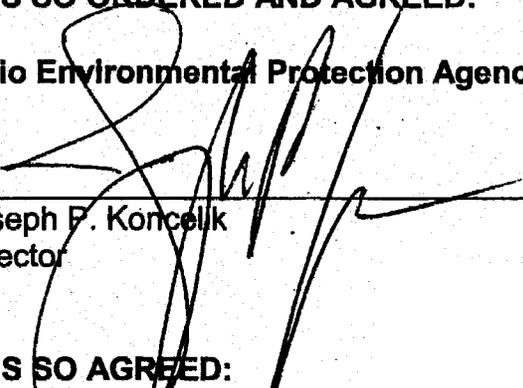
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

#### **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:**

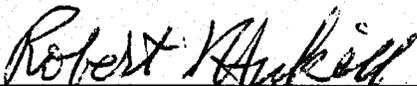
**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Joseph P. Koncelik  
Director

**SEP - 7 2006**  
\_\_\_\_\_  
Date

**IT IS SO AGREED:**

**Hukill Chemical Corporation**

  
\_\_\_\_\_  
Signature

August 18, 2006  
\_\_\_\_\_  
Date

Robert L. Hukill  
\_\_\_\_\_  
Printed or Typed Name

President  
\_\_\_\_\_  
Title