OhioEPA

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

December 11, 2006

Re: Director's Final Findings & Orders
Republic Engineered Products, Inc.
US EPA ID No.: OHR 000 110 197

Mr. Noel J. Hueitich, Vice President
Republic Engineered Products, Inc.
Corporate Operations
2633 Eighth Street, NE
Canton, OH 44704-2311

Dear Mr. Hueitich:

Here are the Director's Final Findings and Orders (Orders) issued to Republic Engineered Products, Inc. on December 11, 2006. These Orders are effective today.

I have also enclosed invoices for the penalty payments as required by Order No. 1.a. and 1.b. Please remember that your payments are due no later than January 10, 2007.

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

Sincerely,

Pamela S. Allen

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

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Attachments

c: Michael A. Savage, Chief, DHWM
Harry Sarvis, Mgr., CAS, DHWM
Elissa Miller, Legal
Heidi Greismer, PIC
Kurt Princic, Mgr., DHWM, NEDO

OHIO E.P.A.

DEC 11 2006

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

: Matter of:

ublic Engineered Products, Inc.
3 Eighth Street NE
,ton, Ohio 44704-2311

Respondent

Director's Final Findings and Orders

I certify this to be a true and accurate copy official documents as filed in the records of Environmental Protection Agency.

By: _____ **Date:** 12

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Republi Engineered Products, Inc. (Respondent) pursuant to the authority vested in the Directc 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 successor interest liable under Ohio law. No change in ownership of the Respondent or of the Fac 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 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 operates a business located at 2633 Eighth Street NE, Stark County, Ohio (Facility).

2. Respondent is a "person" as defined in ORC § 3734.01(G) and OAC rule 3745-50-10(A).

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 identified as a large quantity generator of hazardous waste.

4. Respondent notified Ohio EPA of its hazardous waste activities and was issued generator identification number OHR 000 110 197.

5. On April 10, 2006, Respondent transported or caused to be transported at least one roll-off container of hazardous waste dust (D007 and D008) to Countywide Recycling and Disposal Facility (Countywide) located at 3619 Gracemont St. SW, East Sparta, Ohio. Countywide does not hold a hazardous waste facility installation and operation permit.

6. On May 25, 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 April 10, 2006, caused the transportation of hazardous waste to an unpermitted facility, in violation of ORC § 3734.02(F);

   b. Failed to label fifteen containers of used oil, in violation of OAC rule 3745-279-22;

   c. Failed to maintain employee names and job title records for each hazardous waste position and failed to maintain written job descriptions for each position, in violation of OAC rule 3745-65-16(D);

   d. Failed to keep containers of universal waste lamps closed, in violation of OAC rule 3745-273-13(D)(1);

   e. Failed to properly clean up and manage a release of used oil, in violation of OAC rule 3745-279-22(D); and

   f. Failed to comply with hazardous waste tank system standards, in violation of OAC rules 3745-66-92 to 3745-66-95.

7. By letter dated July 12, 2006, Ohio EPA notified Respondent of the violations referenced in Finding No. 6. of these Orders.

8. In addition to the violations referenced in Finding No. 6. of these Orders, the Director has determined that Respondent had failed to properly evaluate, ship on a manifest and meet land disposal restriction requirements for the roll-off container of hazardous waste referenced in Finding No. 6.a. of these Orders, in violation of OAC rules 3745-52-11, 3745-52-20 and 3745-270-07(A)(1). Because Respondent is now manifesting this waste stream off-site as a hazardous waste, the Director has determined that no further action is required to abate these violations.

9. By letter dated August 11, 2006, Respondent submitted a response to Ohio EPA's letter referenced in Finding No. 6. of these Orders.

10. By letter August 28, 2006, Ohio EPA notified Respondent that the violations referenced in Finding Nos. 6.a., 6.b., 6.c., 6.d. and 6.e. of these Orders 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. Within 90 days after the effective date of these Orders, Respondent shall submit documentation to Ohio EPA demonstrating that the violations of hazardous waste tank system standards referenced in Finding No. 6.f. of these Orders have been abated. Ohio EPA's approval of Respondent's submittal will abate the violations referenced in Finding No. 6.f. of these Orders.

2. Respondent shall pay Ohio EPA the amount of $8,400.00 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 $6,700.00 in settlement of Ohio EPA's claims for civil penalties 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 $6,700.00. 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 $1,700.00 of civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of $1,700.00 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 $1,700.00 . 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. 2.b of these Orders, Respondent shall pay to Ohio EPA within 7 days of failing to comply with Order No. 2.b. the amount of $1,700.00 in accordance with the procedures in Order No. 2.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 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
Attn: DHWM Manager
2110 E. Aurora Road
Twinsburg, Ohio 44087

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, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, 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

DEC 11 2006
Date

IT IS SO AGREED:

Republic Engineered Products, Inc.

Signature

1 DECEMBER 2006
Date

NOEL J. HUEITICH
Printed or Typed Name

VICE PRESIDENT CORPORATE OPERATIONS
Title