OHIO E.P.A.
MAY 17 2011
ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Great Lakes Etching and Finishing Company
7010 Krick Road
Walton Hills, Ohio 44146

Director's Final Findings and Orders

Respondent

MODIFICATION OF DIRECTOR'S FINAL FINDINGS AND ORDERS DATED NOVEMBER 17, 2008

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Great Lakes Etching and Finishing Company (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 Bedford Anodizing Company Facility shall in any way alter Respondent's obligations under these Orders.

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: Linda Cassidy Date: 5-17-11

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 dated November 17, 2008, and defined in ORC Chapter 3734. and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Ohio EPA and Respondent agreed to Director's Final Findings and Orders (2008 Orders) which were entered into the Director's journal on November 17, 2008. All Findings made in the 2008 Orders are hereby incorporated by reference.

2. The 2008 Orders required Respondent, *inter alia*, to pay a civil penalty in the amount of $50,000.00 pursuant to a stated schedule. Of the $50,000.00 total civil penalty, $30,000.00 was to be paid to the Treasurer, State of Ohio. In lieu of payment of the remaining $20,000.00 of civil penalty, Respondent was required to fund a supplemental environmental project (SEP) which includes preparing and implementing a sampling and analysis plan for the property formerly occupied by the Bedford Anodizing Company located at 7110 Krick Road, Bedford, Ohio (Bedford Anodizing Facility). Currently, Respondent has implemented a sampling and analysis plan at the Bedford Anodizing Facility that was approved by Ohio EPA.

3. On December 26, 2008, Ohio EPA, pursuant to ORC §§ 3734.10 and 3734.13, referred the Bedford Anodizing Company to the Ohio Attorney General's Office (AGO) with the request to initiate civil enforcement proceedings to address violations of the state's hazardous waste laws at the Bedford Anodizing Facility. The enforcement referral to the AGO included the request to pursue a civil penalty and closure of unpermitted hazardous waste management units.

4. Respondent and Ohio EPA, subsequent to the 2008 Orders, had several discussions regarding Respondent's payment of the civil penalty. After submitting documentation to Ohio EPA to demonstrate Respondent's financial condition was deteriorating and the economic hardship presented by payment of the civil penalty, Respondent requested that the additional civil penalty be applied to implementing the remaining SEP activities at the Bedford Anodizing Facility.

5. On February 17, 2010, the AGO filed a complaint in the Cuyahoga County Court of Common Pleas against the Bedford Anodizing Company. The complaint alleged violations of the state's hazardous waste laws and sought the payment of a civil penalty and the closure of unpermitted hazardous waste management units at the

Bedford Anodizing Facility. Since the Bedford Anodizing Company was referred to the AGO on December 26, 2008, the parties have engaged in negotiations in an effort to resolve the hazardous waste violations at the Bedford Anodizing Facility. Those negotiations have resulted in an April 27, 2011 Consent Order (Consent Order) that requires the closure of the hazardous waste units at, and removal of waste from, the Bedford Anodizing Facility.

6. Respondent and Ohio EPA have discussed modifying the civil penalty payment requirement in the 2008 Orders due to Respondent's economic hardship and a demonstrated need for third party funding of remedial work at the Bedford Anodizing Facility that is required by the Consent Order.

7. Respondent has demonstrated to Ohio EPA that Respondent has complied with Orders Nos. 2, 3., 4., and 5. of the 2008 Orders.

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 2008 Orders remain valid and in effect with the exception of Section V, Orders Nos. 1., 2., 6., 7., 8., 9., and 10. which are superseded by the following:

1. Respondent shall pay to Ohio EPA the amount of $30,000.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. Of this amount, within 60 days of the effective date of these Orders, $2,000.00 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 $2,000.00. 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.

2. In lieu of paying the remaining $28,000.00 of the civil penalty to Ohio EPA, Respondent shall pay this amount toward the funding of the remedial work required by the Consent Order at the Bedford Anodizing Facility. Respondent shall spend no less than $28,000.00 toward the remedial work required by the Consent Order at the Bedford Anodizing Facility. Should Respondent fail to spend $28,000.00 pursuant to this Order by December 31, 2012, Respondent shall pay to Ohio EPA, within 7 days after failing to comply with this Order, the amount of $28,000.00 less the amount actually spent toward the remedial work required by the Consent Order

in accordance with the procedures in Order No. 1. of these Orders.

3. Within 60 days after completing remedial work at the Bedford Anodizing Facility, or reaching the $28,000.00 threshold in these Orders, Respondent shall submit to Ohio EPA a summary of work performed. At a minimum, the summary shall include itemized statements evidencing the remedial work performed by Respondent and documentation evidencing the expenditure of at least $28,000.00 on said remedial work.

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, in the case of a corporation, 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 Materials and Waste Management
2110 East Aurora Road
Twinsburg, Ohio 44087-1924
Attn: DMWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Scott J. Nally, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Materials and Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Manager, Compliance Assurance Section

For deliveries to the building:

Scott J. Nally, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Materials and Waste Management
50 West Town Street,
Columbus, Ohio 43216-1049
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 the owner and/or operator of the Bedford Anodizing Facility to perform closure and corrective action at the Bedford Anodizing Facility at some time in the future, pursuant to ORC Chapter 3734. or any other applicable law. Ohio EPA and Respondent each reserve all other rights, privileges and cause 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 and corrective action at the Bedford Anodizing Facility by the owner and/or operator of the Bedford Anodizing 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

Scott J. Nally
Director

May 17, 2011
Date

IT IS SO AGREED:

Great Lakes Etching and Finishing Company

Signature

5/10/11
Date

Ronald G. Poole III
Printed or Typed Name

V. PRES.
Title