BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
JAN 16 2009
ENTERED DIRECTOR'S JOURNAL

In the Matter of:

The Gorman-Rupp Company 305 Bowman Street Mansfield, Ohio 44901 **Respondent**	**Director's Final Findings and 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: _____ Date: 1-16-09

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to The Gorman-Rupp 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 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 facility that manufactures pumps and pumping systems for use in the municipal, water, wastewater, sewage, industrial, construction, petroleum and fire markets. The facility is located at 305 Bowman Street, Richland County, Mansfield, Ohio (Facility).

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

3. Respondent notified Ohio EPA regarding its hazardous waste activities on October 15, 1985 and was issued generator identification number OHD004154308. Respondent was authorized to do business in Ohio on April 18, 1934.

4. Respondent is a small quantity generator and 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 generates spent paint filters (hazardous waste codes D001, F003), still bottoms (D001, F003), waste solvent (D001, F003) and waste mineral spirits from a tank cleanout that occurred in April 2006 (D001).

5. On February 27, 2007, Ohio EPA performed a compliance evaluation inspection at the Facility. As a result of the inspection, Ohio EPA determined that Respondent had, *inter alia*:

    a. Disposed of its waste acetone solvent used for cleaning paint guns by spraying the waste solvent onto cardboard and subsequently treated the waste solvent by allowing it to evaporate from the cardboard into the air in violation of ORC § 3734.02(E) and (F);

    b. Failed to evaluate the waste acetone solvent and the waste cardboard containing the spent acetone to determine if the wastes were hazardous waste, in violation of OAC rule 3745-52-11;

    c. Failed to determine if the waste acetone solvent or waste cardboard containing the spent acetone needed to be treated before land disposal, in violation of OAC rule 3745-270-07(A)(1);

    d. Failed to determine each EPA hazardous waste number applicable to the waste acetone solvent and waste cardboard containing the spent acetone, in order to determine the applicable treatment standards for these wastes, in violation of OAC rule 3745-270-09(A);

e. Failed to submit an exception report for its April 28, 2006 bulk shipment of waste mineral spirits (D001), in violation of OAC rule 3745-52-42(A)(2). This violation was abated at the time of the inspection;

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

g. Failed to label its universal waste lamps, in violation of OAC rule 3745-273-14(E). This violation was abated at the time of the inspection; and

h. Failed to demonstrate the length of time its universal waste lamps had been accumulated, in violation of OAC rule 3745-273-15(C).

6. By letter dated April 18, 2007, Ohio EPA notified Respondent of the violations referenced in Finding No. 5 of these Orders.

7. By letter dated May 17, 2007, Respondent submitted a response to Ohio EPA's April 18, 2007 letter.

8. By letter dated November 8, 2007, Ohio EPA informed Respondent that it had abated all violations discovered during the February 27, 2007 inspection at the Facility, with the exception of ORC § 3734.02(E) and (F) listed in Finding No. 5.a. of these Orders.

9. After review of the information submitted on May 17, 2007, Ohio EPA determined Respondent had ceased treatment and disposal of its hazardous waste acetone solvent and waste cardboard containing the spent acetone, and had developed a new standard operating procedure for managing the hazardous waste acetone. Therefore, the Director has determined no further action is required to abate the violation referenced in Finding No. 5.a. of these Orders.

V. ORDERS

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

1. Respondent shall pay Ohio EPA the amount of $12,400.00 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 $ 9,920.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. and 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 $ 9,920.00. 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 $ 2,480.00 of civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of $ 2,480.00 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 $ 2,480.00. 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. 1.b., Respondent shall pay to Ohio EPA, within 7 days after failing to comply with Order No. 1.b., the amount of $2,480.00 in accordance with the procedures in Order No. 1.a.

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
Northwest District Office
Division of Hazardous Waste Management
347 N. Dunbridge Road
Bowling Green. Ohio 43402
Attn: DHWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Chris Korleski, 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:

Chris Korleski, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
50 West Town 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 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 corrective action. 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. Except for the right to seek corrective action at the Facility, which right 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.

Not withstanding 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.

IV. 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

January 16, 2009
Date

IT IS SO AGREED:

The Gorman-Rupp Company

Signature

30 DEC 08
Date

JACK S. DABNEY
Printed or Typed Name

DIRECTOR OF QUALITY
Title CONTINUOUS IMPROVEMENT