OHIO E.P.A.

MAY 24 2012

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Shincor Silicones, Inc. **1030 Evans Avenue** **Akron, Ohio 44305**	: : :	**Expedited Settlement Agreement and Director's Order**
Respondent	: : :	

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: Donna Lasseter Date: 5-24-12

I. JURISDICTION

This Expedited Settlement Agreement and Director's Order ("ESA") is issued to Shincor Silicones, Inc. (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. 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 operates a silicone base rubber manufacturing facility located at 1030 Evans Ave., Akron, Summit County, Ohio 44305 (Facility).

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 and has been assigned EPA ID number OH0000065342. Additionally, Respondent is a small quantity handler of universal waste and a used oil generator.

4. On August 4, and August 12, 2011, Ohio EPA conducted a compliance evaluation inspection at the Facility. As a result of this inspection, Ohio EPA determined that Respondent, *inter alia,* stored hazardous waste for greater than ninety days without a hazardous waste facility installation and operation permit,

in violation of ORC § 3734.02 (E) and (F), and violated other hazardous waste generator, universal waste and used oil requirements.

5. By letter dated September 9, 2011, Respondent was notified of the violations referenced in Finding No. 4. of these Orders, and the partial abatement of the violations referenced in Finding No. 4. of these Orders.

6. By electronic mail dated September 13, October 17, October 31, November 30, and December 1, 2011, Respondent submitted documentation in response to the violations referenced in Finding No. 4. of these Orders. Ohio EPA also received a written response to the violations on October 14, 2011.

7. By letter dated December 15, 2011, Respondent was notified of the abatement of all the remaining violations, except the violation of ORC § 3734.02(E) and (F). Because Respondent will continue to store hazardous waste in the less than ninety day accumulation area and because no releases of hazardous waste were observed, the Director has determined that no additional action is required of Respondent regarding the ORC § 3734.02(E) and (F) violation referenced in Finding No. 4. of these Orders.

8. In consideration of Respondent's compliance history, its good faith effort to comply in this matter, the benefits of prompt compliance to the public, and other factors as justice may require, and upon consideration of the entire record, this ESA is an appropriate mechanism to resolve the noncompliance detailed in these Findings.

III. ORDER

Within sixty (60) days from the date of the Director's letter inviting Respondent to sign this ESA, Respondent shall pay to the Ohio EPA the amount of $8,586.00 in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to Chapter 3734.13 of the Ohio Revised Code. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" for the full amount, and shall be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be mailed to the following address: Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent and a copy of this check shall be submitted to Supervisor, Processing/Records Management Unit, Ohio EPA, Division of Materials and Waste Management, P.O. Box 1049, Columbus, Ohio 43216-1049.

IV. TERMINATION

Respondent's obligations under this ESA shall terminate upon both Ohio EPA's entry of this ESA in the Ohio EPA Director's journal and Ohio EPA's receipt of the civil penalty payment required by this ESA.

V. RESERVATION OF RIGHTS AND WAIVER

Ohio EPA reserves its rights to exercise its lawful authority to require Respondent to perform closure of the hazardous waste storage area as well as 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 such closure or corrective action. Ohio EPA and Respondent each reserve all other rights, privileges and causes of action, except as specifically waived in this Section.

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 this ESA, Respondent consents to the issuance of this ESA and agrees to comply with this ESA. Except for the right to seek closure and corrective action at the Facility by Respondent, which right Ohio EPA does not waive, compliance with this ESA shall be a full accord and satisfaction of Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of this ESA, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of this ESA either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if this ESA is 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 comply with this ESA notwithstanding such appeal and intervention unless this ESA is stayed, vacated, or modified.

VI. EFFECTIVE DATE

The effective date of this ESA is the date this ESA is entered into the Ohio EPA Director's journal.

VII. SIGNATORY AUTHORITY

Each undersigned representative or party to this ESA certifies that he or she is fully authorized to enter into this ESA and to legally bind such party to this ESA.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Scott J. Nally, Director

May 24, 2012
Date

IT IS SO AGREED:

Shincor Silicones, Inc.

Signature

5/17/2012
Date

Timothy L. Gregory
Printed or Typed Name

EHS Engineer
Title