



State of Ohio Environmental Protection Agency

*John Rickette*

O.E.P.A.  
S.E.D.O.

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50 W. Town St., Suite 700  
Columbus, Ohio 43215

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2008 FEB 26 AM 11:06 P.O. Box 1049  
Columbus, OH 43216-1049

**CERTIFIED MAIL**

7007 0220 0000 7613 1312

February 22, 2008

**Re: Director's Final Findings & Orders  
Colgate-Palmolive Company  
OHD 981 802 580**

Mr. Lee Abbasi, Plant Director  
Colgate-Palmolive Company  
8800 Guernsey Industrial Blvd.  
Cambridge, Ohio 43725

Dear Mr. Abbasi:

Here are the Director's Final Findings and Orders (Orders) issued to Colgate-Palmolive Company on February 22, 2008. 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 March 24, 2008.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Dave Chenault at (740) 385-8501.

Sincerely,

David A. Sholtis  
Assistant Chief  
Division of Hazardous Waste Management

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**Attachments**

- c: Michael A. Savage, Chief, DHWM
- Harry Sarvis, Mgr., CAS, DHWM
- Todd Anderson, Legal
- Heidi Greismer, PIC
- Dave Chenault, Mgr., DHWM, SEDO
- Kristin L. Watt, Esq., Vorys, Sater, Seymour and Pease LLP

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korteski, Director



OHIO E.P.A.

FEB 22 2008

ENTERED DIRECTOR'S JOURNAL

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**In the Matter of:**

**Colgate-Palmolive Company**  
8800 Guernsey Industrial Blvd.  
Cambridge, OH 43725

**Director's Final**  
**Findings and Orders**

**Respondent**

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to Colgate-Palmolive 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.

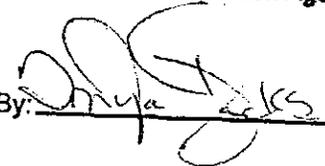
**II. PARTIES BOUND**

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the 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.

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: 2-22-08

#### IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent owns and operates a facility located at 8800 Guernsey Industrial Blvd., Cambridge (Facility). Respondent has conducted manufacturing operations at the Facility since 1987.
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 OHD 981 802 580.
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 August 20, 2007, Ohio EPA was notified by the Washington Township fire department that a tanker truck located at Zemba Brothers, Inc., in Zanesville, Muskingum County, had ruptured and released approximately 5,700 gallons of hazardous sodium hydroxide waste onto the ground. The hazardous sodium hydroxide waste was caused by a then undetected leak that occurred from a transfer pump sometime during the period of August 18 through 20, 2007. The leaked material commingled with rain in a sump within a secondary containment area. Zemba Brothers, Inc. was retained to haul Respondent's secondary containment liquid wastes to Suburban Landfill for solidification and disposal. At the time of the leak and hauling by Zemba Brothers, Inc., the waste was not known to be hazardous. Due to time constraints, the tanker truck was returned to Zemba Brothers, Inc. and not delivered to Suburban Landfill. The hazardous sodium hydroxide waste reacted with the aluminum from the tanker truck thus causing the rupture and release of hazardous waste to the ground.
6. On August 23, 2007, Ohio EPA conducted a compliance evaluation inspection at Respondent's Facility. As a result of this inspection, Ohio EPA determined that Respondent had, *inter alia*:
  - a. 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 they were hazardous waste, in violation of OAC rule 3745-52-11;

- c. Failed to comply with hazardous waste manifest and land disposal restriction requirements for the tanker truck of hazardous waste, in violation of OAC rule 3745-52-20 and OAC rules 3745-270-07 and 3745-270-09;
  - d. Failed to properly package, label and placard a shipment of hazardous waste, in violation of OAC rules 3745-52-30, 3745-52-31 and 3745-52-33; and
  - e. Failed to properly label universal waste lamps, in violation of OAC rule 3745-273-14(E).
7. By letter dated September 18, 2007, Ohio EPA notified Respondent of the violations referenced in Finding No. 6. of these Orders.
  8. By letter dated October 11, 2007, Respondent submitted a response to Ohio EPA's September 18, 2007 letter.
  9. After review of Respondent's October 11, 2007 letter, the Director has determined that Respondent has demonstrated that the violations listed in Finding Nos. 6.a to 6.e. of these Orders have 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 \$14,200.00 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 \$11,360.00 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 \$11,360.00. 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 \$2,840.00 of civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of \$2,840.00 to the Ohio EPA Clean

**X. NOTICE**

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Southeast District Office  
Division of Hazardous Waste Management  
2195 Front Street  
Logan, Ohio 43138  
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, Suite 700  
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.

IT IS SO AGREED:

Colgate-Palmolive Company

Signature

*Lee Abbasi*

Date

*1/25/08*

Printed or Typed Name

*LEE ABBASI*

Title

*PLANT DIRECTOR*