

OHIO E.P.A.

OCT 29 2012

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Durr Ecoclean, Inc.
1350 Van Camp Road
Bowling Green, Ohio 43402-0859

:
:
:
:
:
:
:

Expedited Settlement
Agreement and
Director's Order

Respondent

I. JURISDICTION

This Expedited Settlement Agreement and Director's Order (ESA) is issued to Durr Ecoclean, 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 manufactures industrial parts cleaning, automation and filtration equipment at its facility located at 1350 Van Camp Road, Bowling Green, Wood County, Ohio 43402-0859 (Facility).
3. At the Facility, Respondent generates "hazardous waste" as that term is defined by §3734.01(J) and OAC rules 3745-50-10(A) and 3745-51-03. Respondent is a conditionally exempt small quantity generator of hazardous waste and has been assigned EPA ID number OHD005052154. The hazardous wastes generated by Respondent at the Facility include hazardous waste paint waste and solvent waste (D001, F003, and F005) and solvent distillation bottoms (F005) as described in OAC rules 3745-51-21 and 3745-51-31.
4. On October 27, 2011, Ohio EPA conducted a compliance evaluation inspection at the Facility. As a result of this inspection, Ohio EPA determined Respondent was causing the transportation of hazardous waste solvent distillation bottoms

(F005) to a solid waste facility. Based upon information obtained during the inspection, Respondent may have caused the transportation of hazardous waste to a solid waste facility for as many as twenty years. In a letter dated November 17, 2011, Ohio EPA requested additional information regarding the generation rate for the hazardous waste solvent distillation bottoms (F005).

5. On December 13, 2011, Ohio EPA conducted a follow-up inspection to observe the hazardous waste solvent distillation bottoms (F005) being removed from the solvent distillation unit in order to determine the quantity of hazardous waste being generated.
6. On January 4, 2012, Respondent submitted additional information regarding the hazardous waste solvent distillation bottoms (F005).
7. As a result of the October 27 and December 13, 2011, inspections and information provided by Respondent, Ohio EPA determined Respondent had, *inter alia*, caused the unlawful transportation of hazardous waste to a facility not authorized to manage hazardous waste, in violation of ORC § 3734.02(F), by allowing the hazardous waste solvent distillation bottoms (F005) to be transported to a solid waste landfill.
8. In a letter dated February 7, 2012, Ohio EPA notified Respondent of the violation referenced in Finding No. 7. of this ESA.
9. On June 26, 2012, Ohio EPA received information which demonstrated an arrangement with an authorized facility to manage the hazardous waste solvent distillation bottoms (F005). Therefore, the Director has determined no further action is required with regard to the violation in Finding No. 7. of this ESA.
10. 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 \$3,080.00 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. 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 and Respondent each reserve all rights, privileges and causes of action, except as specifically waived herein.

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. 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

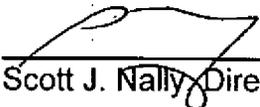
The effective date of this ESA is the date this ESA is entered into the Ohio EPA Director's journal.

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

October 29, 2012
Date

IT IS SO AGREED:

Durr Ecoclean, Inc.



Signature

9/18/2012
Date

Kenneth A. Banach
Printed or Typed Name

CFO
Title