



**Environmental
Protection Agency**

**John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director**

CERTIFIED MAIL

March 24, 2011

**Re: Director's Final Findings & Orders
The Duffin Manufacturing Company
US EPA ID No.: OHD 004 196 630**

Mr. Christopher J. Minnick
General Manager
The Duffin Manufacturing Company
313 Warden Avenue
Elyria, Ohio 44036

Dear Mr. Minnick:

Here are the Director's Final Findings and Orders (Orders) issued to The Duffin Manufacturing Company on March 24, 2011. These Orders are effective today.

Enclosed are invoices for the penalty payments required by Order No. 1.a thru 1.b. Please remember your payments are due no later than April 23, 2011.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Natalie Oryshkewych at (330) 425-9171.

Sincerely,

Harry E. Sarvis, Manager
Division of Hazardous Waste Management

enl.TheDuffinManufacturingCo.NEDO.10.jams.doc

Attachments

c: David A. Sholtis, Acting Chief, DHWM
Todd Anderson, Legal
Heidi Greismer, PIC
Natalie Oryshkewych, Mgr., DHWM, NEDO
Frank Zingales, DHWM, NEDO

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

MAR 24 2011

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

The Duffin Manufacturing Company
316 Warden Avenue
Elyria, Ohio 44036

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.

PREAMBLE

By: Donna Lassiter Date: 3-24-11

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to The Duffin Manufacturing 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 there under.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent owns and operates a screw machine facility located at 316 Warden Avenue, Elyria, Lorain County, Ohio (Facility). At the Facility, Respondent manufactures internal faucet parts using bar stock composed of aluminum, brass, bronze, copper, eco-brass and steel.

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 OHD004196630.
4. Respondent generates hazardous waste, used oil and universal waste as those terms are defined by ORC §3734.01, and OAC rules 3745-50-10(A) and 3745-51-03. At the Facility, Respondent is a Small Quantity Generator (SQG) of hazardous waste and generates hazardous waste spent kerosene (characteristically hazardous for lead, D008, as described in OAC rule 3745-51-24) from metal degreasing activities; wastewater from floor cleaning and aqueous parts washers (D008); sludge from a wastewater evaporator unit (D006-cadmium, D008); and solids/debris from the mop water recycling system and used oil filtering system (D008).
5. On January 22, January 28 and February 11, 2010, Ohio EPA visited the Facility to conduct a compliance evaluation inspection. As a result of the inspection and waste evaluation information submitted by Respondent on March 3, 2010, Ohio EPA determined that Respondent had, *inter alia*,
 - a. Caused hazardous waste spent kerosene (D008) to be transported to a facility that does not hold a hazardous waste installation and operation permit, nor is otherwise authorized to receive hazardous waste, in violation of ORC §3734.02(F). The hazardous waste spent kerosene was ultimately treated and disposed by being open burned at an out of state property.
 - b. Failed to adequately evaluate wastes generated at the Facility to determine if the wastes were hazardous wastes, in violation of OAC rule 3745-52-11;
 - c. Failed to properly label a container being used for the satellite accumulation of hazardous waste, in violation of OAC rule 3745-52-34(C)(1)(b);
 - d. Failed to post the required emergency information by the telephone, in violation of OAC rule 3745-52-34(D)(5)(b);
 - e. Failed to obtain the required handwritten signature on one of the Facility's hazardous waste manifests, in violation of OAC rule 3745-52-42(B);

- f. Failed to operate and maintain the Facility in a manner which minimizes the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment, in violation of OAC rule 3745-65-31;
 - g. Failed to conduct inspections of emergency equipment at the Facility, in violation of OAC rule 3745-65-33;
 - h. Failed to evaluate and retain a copy of the land disposal restriction notification form for the evaporator hazardous waste at the Facility, in violation of OAC rule 3745-270-07(A);
 - i. Failed to accumulate universal waste lamps in proper containers, as well as in containers that were closed, in violation of OAC rule 3745-273-13(D)(1);
 - j. Failed to properly label universal waste lamps, in violation of OAC rule 3745-273-14(E);
 - k. Failed to track the length of time universal waste batteries were accumulated, in violation of OAC rule 3745-279-15(C); and
 - l. Failed to label container and tanks storing used oil with the words "Used Oil," in violation of OAC rule 3745-279-22(C)(1).
6. By letter dated March 23, 2010, Ohio EPA notified Respondent of the violations referenced in Finding No. 5. of these Orders and that violations 5.e., 5.i., and 5.j. had been abated.
7. In electronic mail correspondence on March 25, April 2, April 7, April 14, May 20, May 21, and June 1, 2010, Ohio EPA received information to address the violations referenced in Finding No. 5. of these Orders.
8. By letter dated June 2, 2010, Ohio EPA notified Respondent it had abated the violations referenced in Finding Nos. 5.b., 5.c., 5.d., 5.g., 5.k. and 5.l. of these Orders, but also had caused the following additional violations:

- a. Failed to label hazardous waste tanks at the Facility with the words "Hazardous Waste" in violation of OAC rule 3734-52-34(A)(3). Based on the information submitted by Respondent on May 21 and June 1, 2010, this violation was abated.
 - b. Failed to comply with the inspection requirements for tank systems operated by SQGs, in violation of OAC rule 3745-66-101(C).
9. By electronic mail on June 28, July 20, and July 21, 2010 Ohio EPA received additional information in response to the remaining outstanding violations referenced in Finding Nos. 5. and 8. of these Orders.
 10. By electronic mail on August 2, 2010, Respondent submitted the plan: *RCRA Generator Closure of Former Hazardous Waste Accumulation Area, July 2010*.
 11. By electronic mail on August 9, 2010, Ohio EPA advised Respondent to proceed with implementation of the plan referenced in Finding No. 10. of these Orders.
 12. By electronic mail on September 13, 2010, Respondent submitted the report: *Final Report RCRA Generator Closure of Former Hazardous Waste Accumulation Area, September, 2010*.
 13. By electronic mail on September 14, 2010, Respondent submitted further information to address the outstanding violations referenced in Finding No. 5. of these Orders.
 14. By letter dated September 30, 2010, Ohio EPA notified Respondent it had abated the violations referenced in Finding Nos. 5.f., 5.h. and 8.b. of these Orders.
 15. Since Respondent has properly evaluated the hazardous waste spent kerosene (D008), as referenced in Finding No. 8. of these Orders, and has made arrangements for future shipments of the hazardous waste spent kerosene (D008) to be transported to an authorized facility, the Director has determined that no further action is required of Respondent to abate the violation of ORC §3734.02(F) 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 \$12,000.00 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 \$9,600.00 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 \$9,600.00. 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 \$2,400.00 of civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of \$2,400.00 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 \$2,400.00. 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 Thomas Kalman, Manager, Compliance and Enforcement Section, 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 \$2,400.00 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
Northeast District Office
Division of Hazardous Waste Management
2110 East Aurora Road
Twinsburg, Ohio 44087
Attn: DHWM 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 Hazardous 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 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 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, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. 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

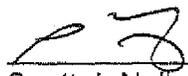
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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

March 24, 2011

Date

IT IS SO AGREED:

The Duffin Manufacturing Company

Christopher J. Minnick
Signature

3/3/2011
Date

Christopher J. Minnick
Printed or Typed Name

General Manager
Title