



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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50 W. Town St., Suite 700
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P.O. Box 1049
Columbus, OH 43216-1049

CERTIFIED MAIL

June 10, 2009

**Re: Director's Final Findings & Orders
Goodrich Corporation
US EPA ID No.: OHD 004 173 621**

Mr. Michael Brand
President – Goodrich Landing Gear
Goodrich Corporation
2800 East 33rd Street
Cleveland, Ohio 44115

Dear Mr. Brand:

Here are the Director's Final Findings and Orders (Orders) issued to Goodrich Corporation on June 10, 2009. These Orders are effective today.

Enclosed are invoices for the penalty payments required by Order No. 1.a thru 1.e. Please remember your first payment is due no later than July 10, 2009.

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

Sincerely,

Harry Sarvis, Manager
Compliance and Assurance Section
Division of Hazardous Waste Management

enf.GoodrichCorp.NEDO.09.jams.doc

Attachments

- c: Michael A. Savage, Chief, DHWM
- Todd Anderson, Legal
- Heidi Greismer, PIC
- Natalie Oryshkewych, Mgr., DHWM, NEDO
- Frank Popotnik/Suzanne Prusnek, DHWM, NEDO

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

OHIO E.P.A.
JUN 10 2009
ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Goodrich Corporation
2800 East 33rd Street
Cleveland, OH 44115

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

It is agreed by the parties hereto as follows:

By:  Date 6/10/09

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Goodrich Corporation (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 owned by Respondent 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 a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).

2. Respondent operates an aircraft landing gear parts plating facility under the name "Goodrich Landing Gear Division" located at 2800 East 33rd Street, Cleveland, Cuyahoga County, Ohio 44115 (Facility). Respondent was authorized to do business in Ohio on May 10, 1912.
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 OHD004173621 . The hazardous wastes generated by Respondent at the Facility include hazardous masking wastes, stripping solution and electroplating process debris (D006, D007, D008), spent solvents and associated still bottoms (F001, D040), waste dust (D006), spent anode cleaner solution (D002, D008) and spent chromic acid/barium carbonate solution from the Facility's stripping of reject parts (D002, D005, D007), wastewater treatment sludge (F006) and used oil. Respondent is also a small quantity handler of universal waste and generates spent lamps.
4. Ohio EPA conducted a compliance evaluation inspection at the Facility on March 5 and 10, 2008. As a result of this inspection, Ohio EPA determined that Respondent had, *inter alia*:
 - a. Failed to include all of the required emergency contact information in the contingency plan, in violation of OAC rule 3745-65-52(D);
 - b. Failed to include all of the required emergency equipment information in the contingency plan, in violation of OAC rule 3745-65-52(E);
 - c. Failed to keep satellite accumulation area containers closed except when adding or removing wastes, in violation of OAC rule 3745-52-34(C)(1)(a);
 - d. Failed to properly label satellite accumulation containers of hazardous waste, in violation of OAC rule 3745-52-34(C)(1)(b);
 - e. Failed to keep containers of hazardous waste closed, except when adding or removing waste, in violation of OAC rule 3745-66-73(A);
 - f. Failed to properly mark containers of used oil with the appropriate words, in violation of OAC rule 3745-279-22(C);
 - g. Failed to keep containers of universal waste lamps closed, in violation of OAC rule 3745-273-13(D);

12. The Director has since determined that Respondent is in violation of ORC § 3734.02 (E) and (F) through its disposal and mismanagement of hazardous waste at the Facility, specifically the releases of the aluminum oxide grits. Respondent disposed of hazardous waste by releasing and not immediately responding to the releases of hazardous waste aluminum oxides to the ground (via wind dispersion and runoff) at the Facility. The spent blasting grit, which exhibits a characteristic of a hazardous waste, is not being used as an ingredient to make a product, and is therefore not afforded the exemption from being a waste per OAC rule 3745-51-02.
13. Because the area where the disposal of hazardous waste occurred is a concrete area, and Respondent previously cleaned up any visible contamination and installed equipment to further prevent any future releases of hazardous waste blasting grits, the Director has determined there is no further action required to abate the ORC § 3734.02 (E) and (F) violation referenced in Finding Nos. 8. and 12. of these Orders at this time.
14. Respondent analyzed several batches of used and unused aluminum oxide grits, and has received variable results indicating that some are hazardous and some are not. Because Respondent has committed to manage all of the aluminum oxide grits as a hazardous waste until such time Respondent can be certain the grits are no longer hazardous, the Director has determined that no further action is required to abate the violation referenced in Finding Nos. 10.a. and 10.b. of these Orders at this time.
15. By electronic mail dated March 31, 2009, Respondent submitted information pertaining to a proposed supplemental environmental project (SEP). Specifically, the SEP information detailed the replacement of the existing 80-grit aluminum oxide blast booth and associated equipment at the Facility with a new, more efficient blast booth and related equipment. The waste aluminum oxide blast grit can be hazardous for lead, cadmium and chromium (D008, D006, and D007). As a result of the more efficient booth, Respondent expects to see a significant reduction in the amount of hazardous 80-grit aluminum oxide blast waste generated.

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 \$25,000.00 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 \$15,000.00 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 \$15,000.00. 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 the Respondent. A copy of each check shall be submitted in accordance with Section X. of these Orders.
 - b. In lieu of payment of \$7,000.00 of the civil penalty settlement and as a SEP, Respondent shall:
 - i. No later than December 31, 2009, replace the existing 80-grit aluminum oxide blast booth with the new more efficient booth as described in Finding No. 15. of these Orders;
 - ii. No later than January 15, 2010, submit to Ohio EPA documentation demonstrating that the new 80-grit aluminum oxide blast booth has been installed and is operating; and
 - iii. No later than January 15, 2011, submit documentation to Ohio EPA demonstrating that the new 80-grit aluminum oxide blast booth has been operating for at least one year. This report shall include specific information on the amount of hazardous waste generated from the new booth.
 - c. Should Respondent fail to replace the 80-grit aluminum oxide blast booth within the time frame established in Order No. 1.b.i. of these Orders or fail to operate the new aluminum oxide blast booth for a period of at least one year as referenced in Order No. 1.b.ii. of these Orders, Respondent shall pay to Ohio EPA the amount of \$7,000.00 within 7 days of failing to comply with Order No. 1.b.i. or 1.b.ii. of these Orders. Payment shall be made in accordance with the procedures in Order No. 1.a. of these Orders.

- d. In lieu of paying the remaining \$3,000.00 of civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of \$3,000.00 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 \$3,000.00. 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.
- e. Should Respondent fail to fund the SEP within the required time frame established in Order No. 1.d., Respondent shall pay to Ohio EPA, within 7 days after failing to comply with Order No. 1.d., the amount of \$3,000.00 in accordance with the procedures in Order No. 1.a.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and Ohio EPA's Division of Hazardous Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is a [e.g., corporate officer] who is in charge of a principal business function of Respondent.

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:

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 closure of the hazardous waste disposal 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 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 rights to seek closure of the hazardous waste disposal area and corrective action at the Facility, which rights 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.

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

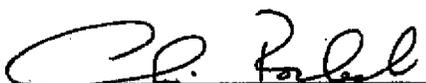
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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



Chris Korleski
Director

JUN 10 2009

Date

IT IS SO AGREED:

Goodrich Corporation

Michael Beard

Signature

5/15/09

Date

MICHAEL BEARD

Printed or Typed Name

PRESIDENT - GOODRICH LANDING GEAR

Title

AGREED
5/15/09