



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

CERTIFIED MAIL

April 3, 2007

Re: Director's Final Findings & Orders
Henkel Corporation
US EPA ID No.: OHD 004 467 452

Mr. Randall J. Clement, Vice President
Henkel Corporation
123 West Bartges Street
Akron, OH 44311

Dear Mr. Clement:

Here are the Director's Final Findings and Orders (Orders) issued to Henkel Corporation on April 3, 2007. 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 May 3, 2007.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Kurt Princic, at (330) 963 - 1200.

Sincerely,

Pamela S. Allen, Manager
Regulatory and Information Services
Division of Hazardous Waste Management

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Attachments

c: Michael A. Savage, Chief, DHWM CO
Harry Sarvis, Mgr., CAS, DHWM CO
Elissa Miller, Legal
Heidi Greismer, PIC
Kurt Princic, Mgr., DHWM, NEDO

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

OHIO E.P.A.

APR -3 2007

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY



In the Matter of:

Henkel Corporation
123 West Bartges Street
Akron, Ohio 44311

Director's Final
Findings and Orders

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.

PREAMBLE

It is agreed by the parties hereto as follows:

By: John J. Jackson Date: 4-3-07

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Henkel Corporation, formerly known as SIA Adhesives, 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. 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.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent operates a business located at 123 West Bartges Street, Akron, Summit County, Ohio (Facility).

2. Respondent is a "person" as defined in ORC § 3734.01(G) and OAC rule 3745-50-10(A).
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 identified as a large quantity generator of hazardous waste.
4. Respondent notified Ohio EPA of its hazardous waste activities and was issued generator identification number OHD004467452.
5. On April 7, 8, 14 and May 16, 2005, Ohio EPA conducted a compliance evaluation inspection at Vexor Technology, Inc. located at 955 West Smith Road, Medina, Ohio (Vexor). As a result of this inspection, Ohio EPA determined that Respondent had, on June 9, 2004, September 15, 2004, March 23, 2005, July 20, 2005 and March 15, 2006, transported or caused to be transported eight containers of hazardous waste to Vexor. In addition, on June 25, 2004, Respondent transported or caused to be transported one tanker truck containing 4,300 gallons of ignitable and toxic (D001 and D035) hazardous waste to McCutcheon Enterprises Biosolids Treatment Facility (McCutcheon) in Apollo, Pennsylvania. Vexor and McCutcheon do not hold hazardous waste facility installation and operation permits. On all six shipments, the containers of waste were transported as non-hazardous waste and were accompanied by non-hazardous waste shipping papers.
6. On April 11, 2006, Ohio EPA conducted a compliance evaluation inspection of the Facility. As a result of this inspection, Ohio EPA determined that Respondent had, *inter alia*:
 - a. On six occasions, June 9, 2004, June 25, 2004, September 15, 2004, March 23, 2005, July 20, 2005 and March 15, 2006, 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 the wastes were hazardous wastes, in violation of OAC rule 3745-52-11;
 - c. Failed to ship hazardous waste on a hazardous waste manifest, in violation of OAC rule 3745-52-20;
 - d. Failed to meet land disposal restriction requirements, in violation of OAC rule 3745-270-07(A)(1);

- e. Failed to properly report a shipment of hazardous waste in Respondent's 2004 Annual Hazardous Waste Report, in violation of OAC rule 3745-52-41(A)(5); and
 - f. Failed to have a contingency plan that addressed all the necessary hazardous waste components, in violation of OAC rules 3745-65-52 to 3745-65-56.
7. By letter dated May 5, 2006, Ohio EPA notified Respondent of the violations referenced in Finding No. 6. of these Orders.
 8. By letter dated June 14, 2006, Respondent submitted a response to Ohio EPA's letter dated May 5, 2006.
 9. By letter dated June 21, 2006, Ohio EPA notified Respondent that based upon the information submitted to Ohio EPA in the June 14, 2006 letter, Respondent had abated all the violations referenced in Finding No. 6. of these Orders.

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 \$12,200.00 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 \$9,800.00 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 \$9,800.00. 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 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.

- c. Should Respondent fail to fund the SEP within the required time frame established in Order No. 1.b of these Orders, Respondent shall pay to Ohio EPA within 7 days of failing to comply with Order 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
Attn: DHWM Manager
2110 E. Aurora Road
Twinsburg, Ohio 44087

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.

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

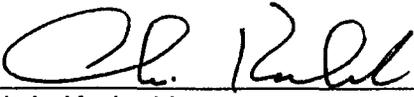
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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



Chris Korleski
Director

Date

IT IS SO AGREED:

Henkel Corporation 



Signature

March 12, 2007
Date

Randall J. Clement

Printed or Typed Name

Vice President - Operations

Title