



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

August 14, 2007

CERTIFIED MAIL

7007 0220 0000 7613 2425

Re: **Director's Final Findings & Orders**
Ray Hatem II dba Ray's Body Shop

Mr. Ray Hatem, II
Ray Hatem II dba Ray's Body Shop
601 North Pleasant Street
New Lexington, Ohio 43764

Dear Mr. Hatem:

Here are the Director's Final Findings and Orders (Orders) issued to Ray Hatem II dba Ray's Body Shop on August 14, 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 first payment is due no later than September 13, 2007.

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

cc: Michael A. Savage, Chief, DHWM CO
Harry Sarvis, Mgr., CAS, DHWM CO
Todd Anderson, Legal
Heidi Greismer, PIC
Dave Chenault, Mgr., DHWM, SEDO

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

Ohio EPA is an Equal Opportunity Employer

OHIO E.P.A.

AUG 14 2007

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Ray Hatem II
dba Ray's Body Shop
601 North Pleasant Street
New Lexington, Ohio 43764

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: Joseph J. Jankowski Date: 8-14-07

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Ray Hatem II, dba Ray's Body Shop (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 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 is the owner and operator of an auto body service facility located at 601 Pleasant Street, New Lexington, Perry County, Ohio 43764 (Facility).
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 conditionally exempt small quantity generator of hazardous waste. The hazardous waste generated by Respondent at the Facility includes hazardous waste paint solids generated from the Facility's solvent recycling unit (hazardous waste codes F003/F005). Respondent has not notified US EPA of its hazardous waste activity at the Facility, nor has Respondent received a US EPA hazardous waste generator identification number.
4. On December 9, 2002, Ohio EPA conducted a complaint investigation at the Facility. As a result of this investigation, Ohio EPA determined that Respondent had:
 - a. Caused hazardous waste paint solids generated from the Facility's solvent recycling unit (hazardous waste codes F003/F005) to be transported for disposal to a facility not permitted to manage hazardous waste, in violation of ORC §3734.02(F); and
 - b. Failed to evaluate the Facility's paint booth filters to determine if they were hazardous waste, in violation of OAC Rule 3745-52-11.
5. By letter dated December 12, 2002, Ohio EPA notified Respondent of the results of the investigation referenced in Finding No. 4. Respondent did not reply to Ohio EPA's December 12, 2002, letter.
6. On February 27, 2007, Ohio EPA conducted an inspection at the Facility. As a result of the inspection, Ohio EPA once again determined that Respondent had, on more than one occasion, violated ORC §3734.02(F) by causing hazardous waste paint solids generated from the Facility's solvent recycling unit (hazardous waste codes F003/F005) to be transported to

Athens Hocking Reclamation Center, a facility not permitted to manage hazardous waste, where the waste was disposed.

7. By letter dated March 12, 2007, Ohio EPA notified Respondent of the results of the inspection referenced in Finding No.6. After meeting with Respondent on March 21, 2007, and receiving Respondent's March 22, 2007 letter, by letter dated April 13, 2007, Ohio EPA notified Respondent that Respondent had abated the violation noted in Finding No.6.
8. The Director of Ohio EPA has determined that no further action is required of Respondent to abate those violations referenced in Finding No. 4. The waste paint filters listed in Finding No.4. have subsequently been identified as non-hazardous waste.

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 to Ohio EPA the amount of \$4,160.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. and which shall be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28, in accordance with the following schedule:
 - a. Within 30 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,080.00; and
 - b. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$2,080.00.

Each of the payments above shall be made by official checks made payable to "Treasurer, State of Ohio." The official checks 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 each check shall be submitted in accordance with Section X. of these Orders.

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
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.

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. 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

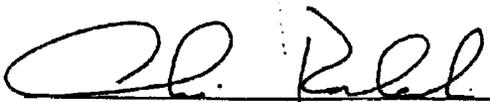
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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

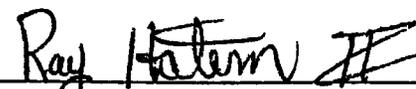


Chris Korleski
Director

August 14, 2007
Date

IT IS SO AGREED:

Ray Hatem II



Signature

07/27/07
Date

RAY HATEM II

Printed or Typed Name

OWNER

Title