OhioEPA

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

May 24, 2007

Re: Director's Final Findings & Orders
K-B Plating, Inc.
US EPA ID No.: OHD 982 066 664

Mr. David Kopea, President
K-B Plating, Inc.
3685 E. 78th Street
Cleveland, Ohio 44105

Dear Mr. Kopea:

Here are the Director's Final Findings and Orders (Orders) issued to K-B Plating, Inc. on May 24, 2007. These Orders are effective today.

I have also enclosed invoices for the penalty payments as required by Order No. 3.a. through 3.jj. and Order No. 4.a. through 4.jj. Please remember that your first payments are due no later than June 23, 2007.

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

Sincerely,

Edwin Lynn for

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

I:\USERS\DSHARPE\FOSSENT\enf.K-B Plating, Inc. 07.wpd

Attachments

cc: Michael A. Savage, Chief, DHWM CO
Harry Sarvis, Mgr., CAS, DHWM CO
Todd Anderson, Legal
Heidi Greismer, PIC
Kurt Princic, Mgr., DHWM, NEDO
Theodore J. Esborn, McDonald Hopkins

OHIO E.P.A.

MAY 24 2007

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

K-B Plating, Inc.
3685 E. 78th Street
Cleveland, Ohio 44105

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.

By: [signature] Date: 5-24-07

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to K-B Plating, 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 owns and operates an electroplating facility located at 3685 E. 78th Street, in Cleveland, Cuyahoga County (Facility). Respondent is an Ohio corporation, licensed to do business on October 4, 1961.

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 OHD982066664.

4. 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. The hazardous wastes generated by Respondent at the Facility include spent acid and chromate solutions (D002, D006, D007), spent cyanide bath and rinse waters (D006, D007), spent pickling solution (D002, D007), cyanide sludge (F008) and electroplating wastewater treatment sludge (F006).

5. On March 2 and March 6, 2006, Ohio EPA conducted compliance evaluation inspections at the Facility. As a result of these inspections, Ohio EPA determined that Respondent had, *inter alia*:

   a. Stored hazardous waste in tanks and containers without a permit, in violation of ORC § 3734.02 (E) and (F).

   b. Failed to comply with the hazardous waste tank system requirements, in violation of OAC rules 3745-66-92 to 3745-66-98. Respondent has informed Ohio EPA that it intends to remove the existing hazardous waste tank system(s) and install a new hazardous waste tank system(s);

   c. Failed to evaluate waste to determine if the waste was hazardous waste, in violation of OAC rule 3745-52-11;

   d. Failed to store hazardous waste in containers that were closed, in violation of OAC rule 3745-66-73;

   e. Failed to label and date containers of hazardous waste, in violation of OAC rule 3745-52-34 (A)(2) and (3);

   f. Failed to conduct inspections of emergency equipment and container accumulation areas, in violation of OAC rules 3745-65-33 and 3745-66-74;

   g. Failed to maintain adequate aisle space, in violation of OAC rule 3745-65-35;

h. Failed to have spill control equipment available for the hazardous waste tank system where the spent cyanide and spent acid are being accumulated, in violation of OAC rule 3745-65-32(B);

i. Failed to have an adequate hazardous waste contingency plan for the Facility and failed to provide all emergency services with a copy of the contingency plan, in violation of OAC rules 3745-65-51 through 3745-65-53;

j. Failed to have a personnel training program, in violation of OAC rule 3745-65-16;

k. Failed to maintain all necessary land disposal restriction (LDR) forms on site, in violation of OAC rule 3745-270-07(A)(2). During the March 6, 2006 inspection, Respondent was able to provide copies of the missing LDR forms, therefore, this violation was abated; and

l. Failed to submit an annual hazardous waste report for 2003, in violation of OAC rule 3745-52-41.

6. By letter dated April 3, 2006, Ohio EPA notified Respondent of the violations referenced in Finding No. 5. of these Orders. In this letter, Ohio also notified Respondent that due to the unlawful storage of hazardous waste, Respondent was subject to all applicable general facility standards found in OAC chapters 3745-54 and 3745-55.

7. By letters dated May 8 and June 6, 2006, Respondent submitted responses to Ohio EPA's April 3, 2006 letter.

8. On June 6, 2006, Ohio EPA conducted a follow-up inspection at the Facility.

9. By letter dated June 21, 2006, Ohio EPA notified Respondent that based upon the information submitted to Ohio EPA in the May 8 and June 6, 2006 letters, Respondent had abated the violations referenced in Finding Nos. 5.c., 5.d., 5.e., 5.f., 5.g., 5.h. and 5.l. of these Orders.

10. By letter dated June 26, 2006, Respondent submitted a response to Ohio EPA's June 21, 2006 letter.

11. By letter dated August 8, 2006, Ohio EPA notified Respondent of the remaining issues that needed to be addressed at the Facility.

12. By letters dated September 11 and September 22, 2006, Respondent submitted responses to Ohio EPA's August 8, 2006 letter.

13. On October 17, 2006, Ohio EPA sent another letter to Respondent outlining the outstanding violations that needed to be addressed at the Facility.

14. By letters dated November 16 and November 20, 2006, Respondent submitted responses to Ohio EPA's October 17, 2006 letter.

15. On January 9, 2007, Ohio EPA notified Respondent that based upon the information submitted to Ohio EPA in the November 16 and November 20, 2006 letters, Respondent had abated the violations referenced in Finding No. 5.i. of these Orders.

16. By letter dated February 16, 2007, Respondent submitted a response to Ohio EPA's January 9, 2007 letter.

17. On April 2, 2007, Ohio EPA sent letter to Respondent outlining the outstanding violations that needed to be addressed at the Facility.

18. Because Ohio EPA did not observe any releases of hazardous waste at the time of the inspections referenced in Finding Nos. 5. and 8. of these Orders, the Director has determined that closure of this area is not required at this time. Therefore, no further action is required at this time to abate the violation 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 thereunder according to the following compliance schedule:

1. Within 60 days after the effective date of these Orders, Respondent shall submit to Ohio EPA, documentation demonstrating that the design of the new hazardous waste tank system(s) meets the requirements found in OAC rules 3745-66-92 through 3745-66-98. The documentation shall include, but not be limited to, the professional engineer certification required by OAC rules 3745-66-92 and 3745-50-42 and a schedule for the installation of the new hazardous waste tank system. Within 30 days after completion of the installation of the new hazardous waste tank system pursuant to the approved schedule, Respondent shall submit to Ohio EPA and maintain on file at the Facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements of OAC rules 3745-66-92 through

3745-66-98 to attest that the tank system was properly designed and installed and that repairs were performed. These written statements shall include, but not be limited to, the professional engineer certification required by OAC rules 3745-66-92 and 3745-50-42. Ohio EPA's review and approval of the documentation required by this Order will abate the violations referenced in Finding No. 5.b. of these Orders.

2. Within 60 days after the effective date of these Orders, Respondent shall submit to Ohio EPA, documentation demonstrating that Facility personnel have been trained in accordance with OAC rule 3745-65-16. The submittal of this documentation will abate the violations referenced in Finding No. 5.j. these Orders.

3. Respondent shall pay Ohio EPA the amount of $85,000.00 in settlement of Ohio EPA's claims for civil penalties which may be assessed pursuant to ORC Chapter 3734. Of this total civil penalty amount, Respondent shall pay Ohio EPA the amount of $56,000.00, which will 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 $1,555.00;

   b. Within 60 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

   c. Within 90 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

   d. Within 120 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

   e. Within 150 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

   f. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

   g. Within 210 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

   h. Within 240 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

i. Within 270 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

j. Within 300 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

k. Within 330 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

l. Within 360 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

m. Within 390 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

n. Within 420 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

o. Within 450 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

p. Within 480 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

q. Within 510 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

r. Within 540 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

s. Within 570 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

t. Within 600 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

u. Within 630 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

v. Within 660 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

w. Within 690 days after the effective date of these Orders,

Respondent shall pay to Ohio EPA the amount of $1,555.00;

x. Within 720 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

y. Within 750 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

z. Within 780 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

aa. Within 810 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

bb. Within 840 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

cc. Within 870 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

dd. Within 900 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

ee. Within 930 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

ff. Within 960 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

gg. Within 990 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

hh. Within 1020 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00;

ii. Within 1050 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,555.00; and

jj. Within 1080 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,575.00.

Each of the payments above shall be made by an official check made payable to "Treasurer, State of Ohio." The official checks shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent and the Facility. A copy of each check shall be submitted in accordance with Section X. of these Orders.

4. In lieu of paying $14,000.00 of the total civil penalty settlement referenced in Order No. 3., Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of $14,000.00 to the Ohio EPA Clean Diesel School Bus Program (Fund 5CD) 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 $385.00;

   b. Within 60 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

   c. Within 90 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

   d. Within 120 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

   e. Within 150 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00

   f. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

   g. Within 210 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

   h. Within 240 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

   i. Within 270 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $$385.00;

   j. Within 300 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

k. Within 330 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

l. Within 360 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

m. Within 390 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

n. Within 420 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

o. Within 450 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

p. Within 480 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

q. Within 510 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

r. Within 540 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

s. Within 570 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

t. Within 600 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

u. Within 630 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

v. Within 660 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

w. Within 690 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

x. Within 720 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

y. Within 750 days after the effective date of these Orders,

Respondent shall pay to Ohio EPA the amount of $385.00;

z. Within 780 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

aa. Within 810 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

bb. Within 840 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

cc. Within 870 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

dd. Within 900 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

ee. Within 930 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

ff. Within 960 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

gg. Within 990 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

hh. Within 1020 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00;

ii. Within 1050 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $385.00; and

jj. Within 1080 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $525.00.

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

5. Should Respondent miss a scheduled payment as described in Order Nos. 3. and 4., Respondent shall pay to Ohio EPA the missed payment amount no later than 7 days after the missed payment due date. Payment shall be made in accordance with the procedures established in Order No. 3. of these Orders. A copy of each check shall be submitted in accordance with Section X. of these Orders.

6. In lieu of payment of the remaining $15,000.00 of the civil penalty settlement referenced in Order No. 3., Respondent shall complete a site-wide pollution prevention assessment utilizing Ohio EPA's 1993 "Ohio Pollution Prevention and Waste Minimization Planning Guidance Manual" ("the Manual") pursuant to the following schedule:

   a. Within 30 days from the effective date of these Orders, Respondent shall begin a comprehensive pollution prevention program for current site operations as described in Chapter 6 of the Manual; establish the pollution prevention program as described in Chapter 7 of the Manual; organize the pollution prevention program as described in Chapter 8 of the Manual; and document compliance of these steps by submitting a detailed narrative report to Ohio EPA for review and approval. The report shall include a formal policy statement, a consensus building plan, a list of the names and titles of the members of the pollution prevention task force/team, an outline of preliminary program goals, and plans to develop employee awareness.

   b. Within 90 days from the effective date of these Orders or 30 days after receipt of Ohio EPA's approval of the report referenced in Order No. 6.a., whichever comes later, Respondent shall perform a preliminary assessment and write the pollution prevention plan as described in Chapters 9 and 10 of the Manual, and document compliance by submitting to Ohio EPA a detailed narrative report for review and approval. The report shall include a discussion of methods and results from the preliminary assessment and the pollution prevention plan document.

   c. Within 180 days from the effective date of these Orders or 30 days after receipt of Ohio EPA's approval of the report

referenced in Order No. 6.b., whichever comes later, Respondent shall complete a detailed assessment and define pollution prevention options for the Respondent as described in Chapters 11 and 12 of the Manual, and document compliance by submitting to Ohio EPA a detailed narrative report for review and approval. The report shall discuss methods and results of the detailed assessment and describe pollution prevention opportunities (and prioritization methods) identified.

d. Within 270 days from the effective date of these Orders or 30 days after receipt of Ohio EPA's approval of the report referenced in Order No. 6.c., whichever comes later, Respondent shall evaluate cost considerations, perform a feasibility analysis, and write the assessment report as described in Chapters 13, 14 and 15 of the Manual; and document compliance by submitting to Ohio EPA a detailed narrative report for review and approval. The report shall discuss cost and feasibility considerations, and include the assessment report document. The assessment report shall include items bulleted in Table 7 (Chapter 15) of the Manual and discuss projects that have been eliminated as well as those under consideration for possible implementation.

7. Should Respondent fail to comply with any of the reporting requirements of Order Nos. 6.a., 6.b., 6.c. or 6.d., Respondent shall pay to Ohio EPA the amount of $15,000.00 within 7 days of failing to comply with the applicable reporting requirement. Payment shall be made in accordance with the procedures established in Order No. 3. of these Orders. 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 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 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
122 South Front 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 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 hazardous waste units 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

MAY 24 2007
Date

IT IS SO AGREED:

K-B Plating, Inc.

Signature

4/23/07
Date

David Kopea
Printed or Typed Name

Pres.
Title