State of Ohio Environmental Protection Agency

STREET ADDRESS:
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MAILING ADDRESS:
P.O. Box 1049
Columbus, Ohio 43216-1049

CERTIFIED MAIL

June 7, 2006

Re: Director's Final Findings & Orders
Griffin Wheel Company, Inc.
US EPA ID No.: OHD 986 998 623

Mr. William J. Demmert
Griffin Wheel Company, Inc.
3900 Bixby Road
Groveport, Ohio 43125

Dear Mr. Demmert:

Here are the Director's Final Findings and Orders (Orders) issued to Griffin Wheel Company, Inc. on June 7, 2006. These Orders are effective today.

I have also enclosed invoices for the penalty payments as required by Hazardous Waste Order No. 1.a. and b., and Solid Waste Order No. 12.a. and b. Please remember that payments are due no later than July 7, 2006.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Steve Rath, Manager, Central District Office (614) 728-3778.

Sincerely,

Pamela S. Allen

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

enf.Griffin Wheel Co., Inc. FFO's.

Attachments

cc: Michael A. Savage, Chief, DHWM
Harry Sarvis, Mgr., CAS, DHWM
Todd Anderson, Legal
Marty Cooper, Legal
Heidi Greismer, PIC
Steve Rath, Mgr., DHWM, CDO
Kelly Jeter, Solid Waste
Jim Kavalec, DHWM, CO

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Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director

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JUN - 7 2006

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Griffin Wheel Company, Inc.
3900 Bixby Road
Groveport, Ohio 43125

Respondent

Director's Final Findings and Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Griffin Wheel Company, 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 manufactures railroad wheels at its facility located at 3900 Bixby Road, Groveport, Ohio (Facility). Respondent is a foreign corporation

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency
6-7-06

qualified to do business in Ohio on October 1, 2005.

2. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) Rules 3745-50-10(A) and 3745-27-01(P)(3).

Hazardous Waste Related Findings

3. Respondent notified Ohio EPA of its hazardous waste activities and was issued generator identification number OHD986998623.

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 electric arc furnace dust (D008), drag cleaner dust (D008) and peener cleaner dust (D010).

5. Respondent managed the drag cleaner dust in a waste pile (Staging Area) at the Facility. The Staging Area is located outside on the north side of the main building at the Facility. The treated drag cleaner dust was subsequently disposed of into an on-site landfill located at the Facility (On-Site Landfill) until approximately April 16, 2002. The On-Site Landfill consists of Areas A, B, C, D, E, and F. Treated drag cleaner dust was placed into Area C of the On-Site Landfill. Respondent also disposed of the peener cleaner dust into Area C of the On-Site Landfill until approximately May 2, 2002.

6. On January 30, 2002, Respondent received analytical results for the drag cleaner dust and peener cleaner dust wastes. The analytical results indicated that the drag cleaner dust and the peener cleaner dust exceeded the hazardous waste regulatory threshold for lead (D008) and selenium (D010), respectively.

7. On April 15, 2002, Respondent received a second set of analytical results for the drag cleaner dust and peener cleaner dust. The second set of analytical results indicated that the drag cleaner dust continued to exceed the hazardous waste regulatory threshold for lead (D008). The second set of analytical results indicated that the peener cleaner dust was not hazardous, however, the analytical results incorrectly reported the regulatory level for selenium as 2.0 mg/L. Pursuant to OAC Rule 3745-51-24, the regulatory level for selenium is 1.0 mg/L.

8. Respondent ceased managing the waste drag cleaner dust (D008) in the Staging Area and disposing of the drag cleaner dust (D008) in the On-Site

Landfill on approximately April 16, 2002.

9. On April 30, 2002, Ohio EPA conducted an inspection of the Facility. As a result of this inspection, Ohio EPA determined that Respondent had, *inter alia*:

   a. Disposed of hazardous waste in the On-Site Landfill without a permit, in violation of ORC § 3734.02(E) and (F);

   b. Failed to properly evaluate wastes to determine if the wastes were hazardous wastes, in violation of OAC Rule 3745-52-11;

   c. Failed to provide hazardous waste management training to employees on an annual basis, in violation of OAC Rule 3745-65-16;

   d. Failed to keep containers holding hazardous waste closed, in violation of OAC Rule 3745-66-73(A);

   e. Failed to label one container holding hazardous waste, in violation of OAC Rule 3745-52-34(C)(1); and

   f. Failed to label containers of used oil, in violation of OAC Rule 3745-279-22(C). This violation was abated at the time of the inspection.

10. Respondent ceased disposing of the peener cleaner dust (D010) in Area C of the On-Site Landfill on approximately May 2, 2002.

11. By letter dated May 20, 2002, Ohio EPA notified Respondent of the violations referenced in Finding No. 9. of these Orders.

12. By letters dated June 18, 2002, June 19, 2002 and June 27, 2002 Respondent provided responses to Ohio EPA's May 20, 2002 letter.

13. On June 26, 2002, Respondent submitted a Quality Assurance Project Plan and TCLP Characterization Report to Ohio EPA. In these documents, Respondent proposed a process to further evaluate the drag cleaner dust and peener cleaner dust.

14. On June 26, 2002, Respondent submitted to Ohio EPA a report of TCLP characterization of sixteen samples of peener cleaner baghouse dust for lead and selenium. The analytical results using analytical method 6010A showed all lead TCLP results were below the hazardous waste regulatory threshold for lead and the TCLP results for selenium were below the

regulatory threshold for selenium.

15. On July 10, 2002, Respondent submitted a revised Quality Assurance Project Plan to Ohio EPA.

16. By letter dated August 15, 2002, Ohio EPA notified Respondent that the violations referenced in Finding Nos. 9.c., 9.d., 9.e. and 9.f. of these Orders had been abated.

17. On August 21, 2002, Ohio EPA met with Respondent to discuss the conditions at the Facility. During this meeting Respondent informed Ohio EPA that Respondent had placed wastes, including hazardous waste, into the Staging Area referenced in Finding No. 5. of these Orders and directly into Area C of the On-Site Landfill at the Facility.

18. In addition to the violations referenced in Finding No. 9. of these Orders, the Director has determined that Respondent unlawfully treated, stored and disposed of hazardous waste in the Staging Area, in violation of ORC § 3734.02(E) and (F). Furthermore, the Director has determined that Respondent violated numerous rules found in OAC Chapters 3745-54/3745-55 and 3745-65/3745-66 applicable to owners and operators of hazardous waste facilities.

19. By letter dated September 9, 2002, Ohio EPA notified Respondent of the deficiencies in the Quality Assurance Project Plan.

20. By letter dated September 12, 2002, Respondent provided responses to Ohio EPA's September 9, 2002 letter.

21. By letter dated November 12, 2002, Ohio EPA provided a response to Respondent's September 12, 2002 letter.

22. By letter dated November 26, 2002, Respondent provided responses to Ohio EPA's November 12, 2002 letter.

23. By letter dated December 4, 2002, Respondent provided to Ohio EPA supplemental analytical information requested by Ohio EPA for split sample analyses of peener cleaner dusts by Methods 6010A and 6010B.

24. By letter dated December 13, 2002, Respondent provided additional responses to Ohio EPA's November 12, 2002 letter.

25. On May 30, 2003, Respondent submitted to Ohio EPA a report of

supplemental TCLP lead and selenium analyses of split samples of peener cleaner dusts analyzed by Method 6010B. These samples had previously been analyzed by Method 6010A, an outdated method. The Method 6010B analyses confirmed the Method 6010A analyses that lead and selenium were not present above the regulatory levels.

26. By letter dated September 26, 2003, Ohio EPA approved Respondent's Quality Assurance Project Plan for sampling of the Staging Area and Landfill Areas A, B, and C.

27. On September 24, September 25, October 1, October 2, October 6, October 14 and October 15, 2003, Respondent sampled Landfill Areas A, B, C and the Staging Area.

28. On December 8, 2003 and March 29, 2004, Respondent submitted analytical results for the sampling events referenced in Finding No. 27. of these Orders. Upon reviewing the analytical data, Ohio EPA discovered problems with the Quality Assurance/Quality Control (QA/QC) data, indicating a significant matrix interference for selenium, in which some samples passed QA/QC and some samples failed QA/QC. In each instance, the QA/QC data indicated that a negative bias was present which made a hazardous waste determination difficult to make. Respondent re-analyzed samples and on April 14, 2004 submitted the analytical results to Ohio EPA.

29. The analytical results reported by Respondent on December 8, 2003, showed no samples with TCLP concentrations for lead above the regulatory level and one sample duplicate from On-Site Landfill Area C with reported analytical results greater than the regulatory level for selenium. The original and split samples were from a roll-off box known as "No. 3008-12 RO213." Split samples from the original and duplicate samples and six new samples from roll-off box No. 3008-12 RO213 were analyzed using inductively-coupled plasma/mass spectroscopy (ICP/MS) and were found not to contain TCLP selenium above 0.00025 mg/l, below the regulatory level for selenium of 1.0 mg/l. At Ohio EPA's request and because Respondent's laboratory failed to properly perform the TCLP analysis, Respondent had six samples re-analyzed on April 19, 2004. The subsequent ICP/MS results reported to Ohio EPA on April 29, 2004 confirmed the initial ICP/MS analyses.

30. Included within the reports referenced in Finding No. 29. of these Orders was Respondent's assertion that, based upon generator knowledge and the analytical results, selenium was not a significant component of raw material used by Respondent nor a component of waste generated by Respondent.

31. By letter dated July 1, 2004, Respondent submitted to Ohio EPA a proposal on how to address the outstanding issues at the Facility.

32. By letter dated September 8, 2004, Ohio EPA sent Respondent a response to the July 1, 2004 letter referenced in Finding No. 31. of these Orders. In it's letter, Ohio EPA requested that Respondent dispose of the contents of the roll-off box referenced in Finding No. 29. of these Orders as a hazardous waste. In the same letter, Ohio EPA stated that based upon sampling information presented to Ohio EPA, the On-Site Landfill had been sufficiently investigated such that hazardous waste facility closure pursuant to OAC Chapters 3745-54 and 55 is not necessary.

33. In October of 2004, Respondent sampled the Staging Area and Landfill Area C to determine if Land Disposal Restrictions were met.

34. On October 4, 2004 and November 9, 2004, Ohio EPA and Respondent conducted discussions regarding appropriate Land Disposal Restriction constituents to be analyzed from On-Site Landfill Areas A and B.

35. On February 24, 2005, at Ohio EPA's request, Respondent disposed of the contents of the roll-off box referenced in Finding Nos. 29. and 32. of these Orders as a hazardous waste at an off-site permitted hazardous waste facility.

36. By letter dated April 11, 2005, Respondent submitted to Ohio EPA the analytical data from the sampling of the Staging Area and Landfill Area C referenced in Finding No. 33. of these Orders. The analytical results demonstrated that the hazardous wastes placed in the Staging Area and On-Site Landfill Area C had been treated to meet Land Disposal Restrictions, therefore, the wastes are considered non-hazardous wastes.

37. Based upon the analytical results referenced in Finding No. 36. of these Orders, the Director has determined that no further action is necessary at this time to abate the violations referenced in Finding Nos. 9.b. and 18. of these Orders for the Staging Area. In addition, the Director has determined that, based upon the analytical results referenced in Finding No. 36. of these Orders, Respondent has abated the violation referenced in Finding No. 9.a of these Orders for the On-Site Landfill.

Solid Waste Related Findings

38. At the Facility Respondent generates "solid waste" as that term is defined ORC § 3734.01(E) and OAC Rule 3745-27-01(S)(24). The solid was

generated by Respondent at the Facility include, but are not limited to, air pollution control dusts and unspent foundry sand.

39. Air pollution control dusts and unspent foundry sand, generated by foundry operations, are "residual solid wastes" as defined by OAC rule 3745-30-01(B)(2).

40. From approximately 1987 when the Facility opened until July 30, 2002, Respondent disposed of its air pollution control dusts at an on-site disposal area (On-Site Disposal Area) located at the Facility per Ohio EPA letter dated September 15, 1986. Based upon Respondent's representations, its unspent foundry sand was sent to a licensed and permitted sanitary landfill facility.

41. The On-Site Disposal Area is defined as the area located between Big Walnut Creek and the north western edge of the Facility as indicated in the attached Figure I and at a minimum consists of the areas labeled Area A, Area B, and Area C.

42. The On-Site Disposal Area is neither permitted nor licensed as a residual waste landfill facility. Therefore, Respondent's disposal of solid wastes at this location constitutes "open dumping" of solid wastes, as that term is defined in OAC Rule 3745-27-01(O)(4)(a), in violation of ORC § 3734.03 and OAC Rule 3745-27-05(C).

43. On March 20, 1992, the Residual Solid Waste Rules contained in OAC Chapter 3745-30, became effective.

44. Ohio EPA inspected the Facility on August 26, 1997, and in correspondence dated September 15, 1997, notified Respondent that the wastes collected by the air pollution control systems (dust waste streams) were residual solid wastes as defined in OAC Rule 3745-30-01(B)(2) and could not be disposed of in the On-site Disposal Area.

45. In correspondence dated October 15, 1997, Respondent notified the Ohio EPA that the dust waste streams would be sent off site for disposal at a sanitary landfill facility as the residual waste represented only a small fraction of the total solid wastes generated at the Facility.

46. Ohio EPA inspected the Facility on May 2, 2002, and in correspondence dated May 20, 2002, notified Respondent that it was in violation of ORC § 3734.03 and OAC Rule 3745-27-05(C) for open dumping of solid waste. Respondent failed to send the dust waste streams off-site for disposal as

stated in Respondent's October 15, 1997, correspondence.

47. In correspondence dated June 18, 2002, Respondent informed the Ohio EPA that due to multiple changes in personnel at the Facility it inadvertently failed to send the dust waste streams off site for disposal. Respondent further stated that it believed the dust waste streams were exempt from the definition of solid waste. However, Respondent stated that it would send the dust waste streams off site for disposal once the dust waste streams were properly characterized.

48. Respondent began shipping the dust waste streams off site for disposal in May of 2002. However, the dust waste that was previously disposed of in the On-Site Disposal Area remains at the Facility in violation of ORC § 3734.03 and OAC Rule 3745-27-05(C).

49. Respondent met with Ohio EPA on March 28, 2003, to discuss a sampling and analysis plan for the On-Site Disposal Area.

50. In correspondence dated August 14, 2003, Respondent submitted a draft sampling plan for the On-Site Disposal Area to Ohio EPA for review. The final sampling plan was submitted to Ohio EPA on September 8, 2003, and sampling began at the On-Site Disposal Area on September 24, 2003.

51. In correspondence dated June 23, 2004, Respondent's consultant submitted analytical results for solid waste samples taken from the On-site Disposal Area. Respondent has represented to Ohio EPA that these results are consistent with a Class III residual solid waste landfill. The analytical results are included as Attachment I.

52. In June of 2004, Respondent sampled various waste streams disposed into the On-Site Disposal Area and analyzed the samples for the constituents required by the rescinded DSW Policy 400.007. The results indicate that the waste streams being disposed of on-site meet criteria for exempt spent foundry sand.

53. Respondent has represented that it wishes to dispose of exempt waste in the On-Site Disposal Area and has further represented that all currently generated residual waste is sent off site to a sanitary landfill facility for disposal.

54. Ohio EPA conducted a follow up inspection of the Facility on January 20, 2005, and in correspondence dated January 28, 2005, notified Respondent that it was in violation of ORC § 3734.03 and OAC Rule 3745-27-05(C) for

the open dumping of air pollution control dusts which remained in the On-Site Disposal Area.

V. ORDERS

Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated thereunder according to the following compliance schedule:

Hazardous Waste Orders

1. Respondent shall pay Ohio EPA the amount of $26,000.00 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 $20,800.00 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 $20,800.00. 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 $5,200.00 of civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of $5,200.00 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 $5,200.00. 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., Respondent shall pay to Ohio

EPA, within 7 days after failing to comply with Order No. 1.b., the amount of $5,200.00 in accordance with the procedures in Order No. 1.a.

Solid Waste Orders

2. Within 90 days after the effective date of these orders, Respondent shall submit, for Ohio EPA review and approval, a facility topographic survey which shall include borings or trenches to delineate the perimeter of all existing areas of waste placement at the On-Site Disposal Area. This facility topographic survey shall be submitted to Ohio EPA on detailed engineering plan drawings prepared in accordance with OAC Rule 3745-30-05-(B)(1) through (B)(3). The facility topographic survey shall include a notarized statement that, to the best of the knowledge of Respondent, the information included in the On-Site Disposal Area delineation is true and accurate.

3. Upon the effective date of these Orders, Respondent shall not laterally expand the On-Site Disposal Area beyond areas of existing residual waste placement, unless otherwise authorized in writing by Ohio EPA.

4. Within 180 days after the effective date of these orders, Respondent shall submit, for Ohio EPA review and approval, a final closure/post closure plan for a Class III residual waste landfill in accordance with OAC Rule 3745-30-09, which includes but is not limited to:

   a. The ground water monitoring program plan dated February 2006 which meets the requirements of OAC Rule 3745-30-08, and is attached as Exhibit I including the schedule for implementation of the plan;

   b. A final grading plan that represents a final cap system for a Class III residual waste landfill constructed in accordance with OAC Rules 3745-30-05 and 3745-30-09, including an estimate of the time remaining until the On-Site Disposal Area reaches final elevations;

   c. Grading the On-Site Disposal Area to a maximum slope of twenty-five percent and a minimum slope of two percent in the On-Site Disposal Area;

   d. Grading the On-Site Disposal Area in a manner that prevents the ponding of water in the On-Site Disposal Area to achieve compliance with OAC Rule 3745-30-14(J); and

   e. The installation of appropriate surface water control structures at the

On-Site Disposal Area, in accordance with OAC Rules 3745-30-07(C)(4) and 3745-30-14(J), to prevent surface water and sediment run-on/run-off in the On-Site Disposal Area.

5. Within 180 days after the effective date of these Orders, Respondent shall establish and fund financial assurance for final closure and post-closure care of the On-Site Disposal Area in accordance with the following schedule:

   a. Within 90 days after the effective date of these Orders, Respondent shall submit to Ohio EPA an itemized final closure cost estimate and an itemized post-closure care cost estimate for the final closure/post-closure plan in accordance with Order No. 4. of these Orders.

   b. Within 180 days after the effective date of these Orders, Respondent shall submit to Ohio EPA an executed and funded final closure and post-closure care financial assurance instrument meeting the requirements of OAC Rules 3745-27-15(E), 3745-27-16(E) and 3745-27-17.

   c. The financial assurance established in Order Number 5.b. above shall be maintained throughout final closure and post-closure care and updated annually in accordance with OAC Rules 3745-27-15(D) and 3745-27-16(D).

6. Within 120 days after the effective date of these orders Respondent shall implement the ground water detection monitoring plan dated February, 2006 (Exhibit I) in accordance with the schedule contained therein. For the purposes of this Order, implementation is defined as the commencement of the sampling of ground water monitoring wells in accordance with OAC Rule 3745-30-08. Respondent shall comply with OAC Rule 3745-30-08 with respect to the On-Site Disposal Area.

7. Unless otherwise expressly authorized by Ohio EPA, Respondent shall cease waste acceptance and disposal and shall begin closure of the On-Site Disposal Area in accordance with OAC Rule 3745-30-09(F), (G), (H), and (I) as a Class III residual waste facility, or any other residual waste classification requested by Respondent and approved by Ohio EPA in writing, and if approved, pursuant to a final closure plan, upon any of the following occurrences:

   a. A maximum slope of twenty-five percent is reached in the On-site Disposal Area; or

b. May 1, 2010; or

c. The discontinuation of the disposal of exempt waste in the On-site Disposal Area.

8. Closure of the On-Site Disposal Areas shall begin within 7 days after the occurrences specified in Order No. 7. of these Orders, and be completed within 270 days in accordance with OAC Rule 3745-30-09(G), unless otherwise authorized in writing by Ohio EPA.

9. Within 60 days after the completion of closure of the On-Site Disposal Area, Respondent shall submit a written closure certification report in accordance with OAC Rule 3745-30-09(H).

10. Respondent shall conduct post-closure monitoring of the On-Site Disposal Area in accordance with OAC Rule 3745-30-10. Upon completion of a minimum of two full years of ground water monitoring following the certification of closure of the On-Site Disposal Area Respondent may petition Ohio EPA for approval to terminate post-closure groundwater monitoring and properly abandon the monitoring system. Ohio EPA's approval of the Respondent's petition to terminate the post-closure ground water monitoring plan will not be unreasonably withheld.

11. In the event Ohio EPA notifies Respondent that Respondent's submittals required by Order Nos. 2., 4., and 5. of these Orders are unsatisfactory in whole or in part, Respondent shall, within 45 days after the date of notification, amend such documents(s) in accordance with Ohio EPA's notice of deficiency and resubmit the documents(s) to Ohio EPA. Ohio EPA may approve such submittals with conditions or modifications.

12. Respondent shall pay to Ohio EPA the amount of $23,147 in settlement of Ohio EPA's claims for civil penalties for violations of the State of Ohio's solid waste laws, 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 $18,517 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapters 3734 and which will be deposited into the environmental protection remediation fund established pursuant to ORC § 3734.281. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for $18,517. The official check 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 site. A copy of the letter and check to shall be sent to Supervisor, Systems Management Unit, DSIWM, P.O. Box 1049, Columbus, Ohio 43216-1049.

b. In lieu of paying the remaining $4,630 of the civil penalty, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of $4,630 to the Ohio EPA Clean Diesel School Bus Program. Respondent shall make the payment on or within 30 days after July 1, 2005 by tendering an official check made payable to "Treasurer, State of Ohio" for $4,630. The official check shall be submitted to Brenda Case, or her successor, Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent. A copy of the check shall be submitted in accordance with Section X. of these Orders, and an additional copy of the check shall be submitted 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 fully fund the SEP within the required time frame established in Order No. 12.b. of these Orders, Respondent shall pay to Ohio EPA the amount of $4,630 in accordance with the procedures in Order No. 12.a. 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 Solid and Infectious 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 Order No. 1. of these Orders shall be addressed to:

Ohio Environmental Protection Agency
Central District Office
Division of Hazardous Waste Management
122 South Front St., 5th Floor
Columbus, Ohio 43215
Attn: DHWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Joseph P. Koncelik, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049

ttn: Manager, Compliance Assurance Section

or deliveries to the building:

Joseph P. Koncelik, 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

All documents required to be submitted by Respondent pursuant to Order Nos. 2. ugh 12. of these Orders shall be addressed to:

Ohio Environmental Protection Agency
Central District Office
Division of Solid and Infectious Waste
122 South Front Street, 5th Floor
Columbus, Ohio 43215
Attn: Supervisor, DSIWM

nd Ohio EPA Central Office at the following address:

For mailings use the post office box number:

Joseph P. Koncelik, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Solid and Infectious Waste
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Manager, Compliance Assurance Section

For deliveries to the building:

Joseph P. Koncelik, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Solid and Infectious Waste
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 of the Staging 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 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 Staging 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

Joseph P. Koncelik
Director

JUN 7 2006
Date

IT IS SO AGREED:

Griffin Wheel Company, Inc.

Signature

MAY 12, 2006
Date

WILLIAM J. DEMMERT
Printed or Typed Name

PRESIDENT
Title