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

October 8, 2009

Re: Director's Final Findings & Orders
Morgan Adhesives Company
dba MACtac
US EPA ID No.: OHD 004 155 347

Mr. Mark J. Cuenot
Plant Manager
Morgan Adhesives Company dba MACtac
4560 Darrow Road
Stow, Ohio 44224

Dear Mr. Cuenot:

Here are the Director's Final Findings and Orders (Orders) issued to Morgan Adhesives Company dba MACtac on October 8, 2009. These Orders are effective today.

I have also enclosed invoices for the penalty payments required by Order No. 1.a. and 1.b. Please remember that your payments are due no later than November 7, 2009.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Natalie Oryshkewych at (330) 963-1267.

Sincerely,

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

G:\DSHARPE\FOSSENT\enf Morgan Adhesives Company NEDO 09.doc

cc: Michael A. Savage, Chief, DHWM
Elissa Miller, Legal
Heidi Greismer, PIC
Natalie Oryshkewych, Mgr., DHWM, NEDO

OHIO E.P.A.

OCT -8 2009

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Morgan Adhesives Company
dba MACtac
4560 Darrow Road
Stow, Ohio 44224

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 Oh Environmental Protection Agency.

By: [signature] Date: 10-8-C

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Morgan Adhesives Company dba MACtac (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 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 there under.

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 manufactures pressure sensitive labels and adhesive films/tapes for use in automotive, manufacturing, and other industrial applications at a facility located at 4560 Darrow Road, Stow, Summit County, Ohio (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.

4. Respondent is a large quantity generator of hazardous waste and generates hazardous waste solvent and solvent contaminated solids from tank cleaning and line purging (D001, D018, D035, F003 and F005). Respondent also generates universal waste and used oil.

5. Respondent notified Ohio EPA of its hazardous waste activities and was issued generator identification number OHD004155347.

6. On September 25, 2008, Ohio EPA conducted a compliance evaluation inspection at the Facility. As a result of this inspection, Ohio EPA determined that Respondent had, *inter alia*:

   a. Failed to inspect areas where containers are stored, at least weekly, and record the inspections in an inspection log or summary, in violation of OAC rule 3745-66-74;

   b. Failed to comply with the requirements for hazardous waste satellite accumulation containers, in violation of OAC rule 3745-52-34(C);

   c. Failed to mark each container accumulating hazardous waste with the accumulation start date, in violation of OAC rule 3745-52-34(A)(2);

   d. Failed to keep containers of hazardous waste closed except when it is necessary to add or remove waste, in violation of OAC rule 3745-66-73(A);

   e. Failed to label containers of hazardous waste with the words "Hazardous Waste," in violation of OAC rule 3745-52-34(A)(3);

   f. Failed to label containers used to store used oil with the words "Used Oil," in violation of OAC rule 3745-279-22(C);

g. Failed to properly label containers used to store universal wastes, in violation of OAC rule 3745-273-14(A) and (E);

h. Failed to manage universal waste lamps in closed containers, in violation of OAC rule 3745-273-13(D);

i. Accumulated universal waste batteries for longer than one year, in violation of OAC rule 3745-273-15(A);

j. Failed to demonstrate the length of time universal waste batteries and lamps had been accumulated, in violation of OAC rule 3745-273-15(C);

k. Failed to maintain and distribute an updated contingency plan for the Facility, in violation of OAC rules 3745-65-52 and 3745-65-53; and

l. Failed to provide an annual review of the initial training and failed to maintain the required personnel training documentation, in violation of OAC rules 3745-65-16(C) and (D).

7. By letter dated October 14, 2008, Ohio EPA notified Respondent of the violations referenced in Finding No. 6. of these Orders. Ohio EPA also notified Respondent that Respondent had abated the violation set forth in Finding No. 6.f. of these Orders.

8. By letter dated November 12, 2008, Respondent submitted documentation in response to the October 14, 2008 letter referenced in Finding No. 7. of these Orders.

9. Upon review of the November 12, 2008 information submitted by Respondent, Ohio EPA determined that Respondent had stored four 55-gallon drums of hazardous waste (D001, D018, D035, F003 and F005) on-site for two days past the 90 day accumulation period, without a hazardous waste permit, in violation of ORC § 3734.02 (E) and (F).

10. By letter dated November 19, 2008, Ohio EPA notified Respondent of the violation referenced in Finding No. 9. of these Orders. Further, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 6.a., 6.b., 6.c., 6.d., 6.g., 6.h., 6.i., and 6.j. of these Orders.

11. By letter dated December 3, 2008, Respondent submitted documentation in response to the November 19, 2008 letter from Ohio EPA referenced in Finding No. 10. of these Orders.

12. By letter dated December 8, 2008, Ohio EPA notified Respondent that Respondent had abated the remaining outstanding violations from the September 25, 2008 inspection and referenced in Finding Nos. 6.e., 6.k. and 6.l. of these Orders.

13. Because the hazardous waste was shipped offsite to an authorized facility, there were no visible signs of a release, and Respondent will continue to use the area where the hazardous waste was stored to accumulate hazardous waste, the Director has determined that no additional action is required of Respondent at this time regarding the ORC § 3734.02(E) and (F) violation referenced in Finding No. 9. of these Orders.

V. ORDERS

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

1. Respondent shall pay Ohio EPA the amount of $14,720.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734., in accordance with the following schedule:

    a. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of $11,776.00 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 $11,776.00. 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 $2,944.00 of civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of $2,944.00 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 $2,944.00. 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 $2,944.00 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
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 accumulation 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 right to seek closure of the hazardous waste accumulation area and corrective action at the Facility by Respondent, which right 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

OCT 08 2009
Date

IT IS SO AGREED:

Morgan Adhesives Company dba MACtac

Signature

9/23/09
Date

MARK J. CUENOT
Printed or Typed Name

PLANT MANAGER
Title

Ohio EPA Invoice/Receipt

Date Printed: October 08, 2009

Revenue ID: 728344

Please include this Revenue ID with all correspondence.

Place ID: 39915

Information: Morgan Adhesives Company (MACtac)
4560 Darrow Rd
Stow, OH 44224-1898

Due Date: November 07, 2009

Amount Due: $11,776.00

Effective Date: October 08, 2009

Revenue Description: DHWM- Findings and Orders - hazardous waste cleanup

Program Name: Hazardous Enforcement

Reason: Civil penalty fees related to Director's Final Findings and Orders for hazardous waste program.

For some Revenues, Interest and/or Penalties may be charged for late payment.

Next Interest Date (if applicable):

Next Penalty Date (if applicable):

Remittance Advice — Detach Here - Please Return This Portion With Your Payment

Place ID: 39915

Information: Morgan Adhesives Company (MACtac)
4560 Darrow Rd
Stow, OH 44224-1898

Due Date: Nov 07, 2009

Amount Due: $11,776.00

Secondary Type/Id: AIRFI / 1677110026

Revenue Type: FFOHW

Amount Enclosed: $_____

Please write this number on your check. Revenue ID: 728344
Make check or money order payable to "Treasurer, State of Ohio"

Remit to: **Ohio Environmental Protection Agency - OFA**
Department L-2711
Columbus, OH 43260-2711

For Ohio EPA use only

Check ID: _____
Check Date: _____
Check Number: _____
Check Amount: $_____

1177600 FFOHW 728344

Ohio EPA Invoice/Receipt

Date Printed: October 08, 2009

Revenue ID: 728345

Please include this Revenue ID with all correspondence.

Place ID: 39915

Information: Morgan Adhesives Company (MACtac)
4560 Darrow Rd
Stow, OH 44224-1898

Due Date: November 07, 2009

Amount Due: $2,944.00

Effective Date: October 08, 2009

Revenue Description: DHWM- Findings and Orders - hazardous waste cleanup

Program Name: Hazardous Enforcement

Reason: Civil penalty fees related to Director's Final Findings and Orders for Clean Diesel School Bus Pı

For some Revenues, Interest and/or Penalties may be charged for late payment.

Next Interest Date (if applicable):

Next Penalty Date (if applicable):

Remittance Advice — Detach Here - Please Return This Portion With Your Payment

Place ID: 39915

Information: Morgan Adhesives Company (MACtac)
4560 Darrow Rd
Stow, OH 44224-1898

Due Date: Nov 07, 2009

Amount Due: $2,944.00

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Please write this number on your check. Revenue ID: 728345
Make check or money order payable to "Treasurer, State of Ohio"

Remit to: **Ohio Environmental Protection Agency - OFA**
Department L-2711
Columbus, OH 43260-2711

For Ohio EPA use only

Check ID: _____

Check Date: _____

Check Number: _____

Check Amount: $_____

294400 FFOHW 728345