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: [illegible] Date: 8/22/08

OHIO E.P.A.

AUG 22 2008

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: **International Converter, LLC** 721 Farson Street Belpre, Ohio 45714 **Respondent**	**Director's Final Findings and Orders**

PREAMBLE

It is hereby agreed by and among the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to International Converter, LLC (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code §§ 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 in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the regulations promulgated thereunder.

IV. FINDINGS

All of the findings necessary for the issuance of these Orders pursuant to ORC §§ 3734.13 and 3745.01 have been made and are outlined below. Nothing in the findings shall be considered to be an admission by Respondent of any matter of law or fact. 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 operates a manufacturing facility located at 721 Farson Street, Belpre, Washington County, Ohio 45714 (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 small quantity generator of hazardous waste and has been assigned hazardous waste generator identification number OHD005000336. The hazardous wastes generated by Respondent at the Facility include spent solvent (D001), Methyl Ethyl Ketone (D001/D005) and parts washer solvent (D001/D039).

4. On April 11, and April 17, 2007, Ohio EPA conducted compliance evaluation inspections at the Facility. As a result of the inspections, Ohio EPA determined that Respondent had, *inter alia*:

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

   b. Failed to test and maintain communications or alarm systems, fire protection equipment, spill control equipment and decontamination equipment at the Facility and record the inspections in a log, in violation of OAC rule 3745-65-33;

   c. Failed to conduct and record weekly inspections of the hazardous waste storage areas, in violation of OAC rule 3745-66-74; and

   d. Failed to label with the words "Used Oil" several 55-gallon drums containing used oil, in violation of OAC rule 3745-279-22(C)(1). This violation was abated at the time of the inspection.

5. By letter dated April 24, 2007, Ohio EPA notified Respondent of the violations noted in Finding No. 4. of these Orders.

6. By letter dated June 5, 2007 and electronic correspondence dated June 27, 2007, Respondent provided a response to Ohio EPA's April 24, 2007 letter.

7. On June 26, 2007, Ohio EPA conducted a follow-up inspection at the Facility. As a result of this inspection and a review of the documentation referenced in Finding No. 6 of these Orders, Ohio EPA determined that Respondent had stored

hazardous waste in two outdoor areas at the Facility for greater than 270 days without a permit, in violation of ORC § 3734.02(E) and (F).

8. By letter dated July 17, 2007, Ohio EPA notified Respondent of the violation referenced in Finding No. 7 of these Orders. In addition, Ohio EPA also notified Respondent that the violations referenced in Finding Nos. 4.a, 4.b. and 4.c. of these Orders had been abated.

9. On September 14, 2007 and January 30, 2008, Respondent conducted soil sampling in the two outdoor hazardous waste storage areas referenced in Finding No. 7 of these Orders. By letters dated October 17, 2007 and March 10, 2008, the results of those sampling events were submitted to Ohio EPA.

10. Because the sampling results indicate that there was no release of hazardous waste from the drums in the two unpermitted storage areas referenced in Finding No. 7 of these Orders, Ohio EPA determined that Respondent met the closure performance standards in OAC rule 3745-55-11. Therefore, the Director has determined that no further action is required to abate the violation of ORC § 3734.02(E) and (F) referenced in Finding No. 7 of these Orders.

11. Upon review of information provided by Respondent, OEPA has determined that Respondent was in compliance with OAC rule 3745-65-33 with respect to the maintenance of alarm systems and fire protection equipment.

V. ORDERS

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

Respondent shall pay Ohio EPA the amount of $29,000.00 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 $23,200.00 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 $23,200.00. 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 $5,800.00 of civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of $5,800.00 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 $5,800.00. 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 $5,800.00 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
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 reserves its rights to exercise its lawful authority to require Respondent to perform corrective action at the Facility 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 agree to comply with these Orders. Except for the right to seek corrective action at the Facility, 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

August 22, 2008
Date

IT IS SO AGREED:

International Converter, LLC

Signature

Date July 29, 2008

Ken Neyhard
Printed or Typed Name

VP Operations
Title