

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.

OHIO E.P.A.

MAR 14 2014

ENTERED DIRECTOR'S JOURNAL

By: [Signature] Date: 3/14/14

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Aluminum Color Industries, Inc.  
P.O. Box 206  
Lowellville, Ohio 44436

Director's Expedited  
Settlement Agreement and Orders

Respondent

I. JURISDICTION

This Expedited Settlement Agreement and Order (ESA) is issued to Aluminum Color Industries, Inc. ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") 6111.03 and 3745.01.

II. FINDINGS

1. Respondent fabricates and anodizes aluminum parts at its facility located at 369 West Wood Street, Lowellville, Mahoning County, Ohio.
2. Respondent discharges to the Village of Lowellville Wastewater Treatment Plant (WWTP) and has been issued an Indirect Discharge (IDP) Permit NO. 3DP00001\*EP.
3. IDP Permit NO. 3DP00001\*EP expired March 31, 2010, and a renewal application has not been received.
4. On October 5, 2011 Ohio EPA sent the Respondent a letter stating that the renewal application had not been submitted.
5. On August 30, 2012 Ohio EPA sent the Respondent a Notice of Violation Letter ("NOV") in an effort to address the non-submittal of the renewal application. Attachment 1 is Respondent's NOV letter. Attachment 1 is hereby incorporated into these Findings and Orders as if fully stated herein.

6. Since March 31, 2010, Respondent has been discharging without an active permit in violation of ORC 6111.04 and 6111.07.
7. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purposes of ORC Chapter 6111.
8. In consideration of Respondent's size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record, this ESA is an appropriate mechanism to resolve the noncompliance detailed in the Findings of this ESA.

### III. ORDERS

1. Within sixty (60) days from the date of Director's letter inviting Respondent to sign this ESA, Respondent shall submit the IDP renewal permit application.
2. Respondent shall pay to the Ohio EPA the amount of two thousand five hundred dollars (\$ 2,500) in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to Chapter 6111 of the Ohio Revised Code. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" to the following address: Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent and the location of the noncompliance detailed in the Findings of this ESA. Respondent shall pay \$2,500 of the civil penalty in accordance with the following schedule:
  - a. By April 1, 2014 make payment to Ohio EPA by an official check made payable to "Treasurer, State of Ohio" for \$500.00;
  - b. By May 1, 2014 make payment to Ohio EPA by an official check made payable to "Treasurer, State of Ohio" for \$500.00;
  - c. By June 1, 2014 make payment to Ohio EPA by an official check made payable to "Treasurer, State of Ohio" for \$500.00;
  - d. By July 1, 2014 make payment to Ohio EPA by an official check made payable to "Treasurer, State of Ohio" for \$500.00; and
  - e. By August 1, 2014 make payment to Ohio EPA by an official check made payable to "Treasurer, State of Ohio" for \$500.00.

#### IV. TERMINATION

Respondent's obligations under this ESA shall terminate upon Ohio EPA's receipt of the civil penalty payment required by this ESA and compliance with Order No. 1.

#### V. RESERVATION OF RIGHTS AND WAIVER

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived herein.

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in this ESA, Respondent consents to the issuance of this ESA and agrees to comply with this ESA. Compliance with this ESA shall be a full accord and satisfaction of Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of this ESA, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of this ESA either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if this ESA is 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 comply with this ESA notwithstanding such appeal and intervention unless this ESA is stayed, vacated, or modified.

VI. EFFECTIVE DATE

The effective date of this ESA is the date this ESA is entered into the Ohio EPA Director's journal.

VII. SIGNATORY AUTHORITY

Each undersigned representative or party to this ESA certifies that he or she is fully authorized to enter into this ESA and to legally bind such party to this ESA.

**IT IS SO ORDERED AND AGREED:**

Ohio Environmental Protection Agency

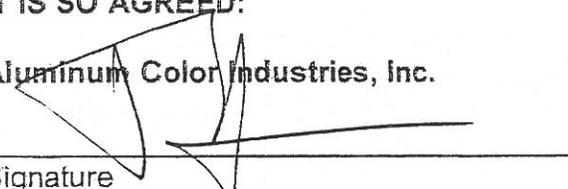
  
\_\_\_\_\_  
Craig W. Butler, ~~interim~~ Director

3/6/14  
Date

**IT IS SO AGREED:**

Aluminum Color Industries, Inc.

Signature

  
\_\_\_\_\_  
Tina Sinosa

Printed or Typed Name

VP

Title

2/13/14  
Date

# Attachment 1

Environmental  
Protection Agency

John F. Kasich Governor  
Robert Taylor Lt. Governor  
Scott A. Kahan Director

August 30, 2012

RE: ALUMINUM COLOR INDUSTRIES, INC.  
PERMIT NO. 3DP00001\*EP  
LOWELLVILLE  
MAHONING COUNTY

NOTICE OF VIOLATION

CERTIFIED MAIL

Ms. Tina Spinosa  
Aluminum Color Industries, Inc.  
369 West Wood Street  
Lowellville, OH 44436

Dear Ms. Spinosa:

On October 5, 2011, this office sent you a letter with the results of an Industrial User inspection on September 21, 2011. A key finding of that inspection was that the Aluminum Color indirect discharge permit (IDP) expired March 31, 2010, and a renewal application had not been received. The letter also identified other outstanding compliance issues. On June 28, 2012, this office sent you a Notice of Violation letter for the failure to submit an IDP renewal application and failure to address the outstanding compliance issues.

To date, this office has not received an IDP renewal application, any correspondence from you concerning the status of the renewal, or any of the items noted above. As noted in the June 28, 2012 letter, Aluminum Color Industries, Inc. is in significant non-compliance for failure to submit a timely renewal application as required by OAC 3745-36-03(G)(1), and for failure to submit the other required information.

This office will be referring Aluminum Color Industries, Inc. for escalated enforcement for its failure to respond to the identified violations. Please note that failure to submit an IDP renewal application may also result in revocation of the existing IDP. If you have any questions or comments, please contact me at (330) 963-1285. I can also be reached via e-mail at [donna.kniss@epa.state.oh.us](mailto:donna.kniss@epa.state.oh.us).

Sincerely,

*Donna J. Kniss*

Donna J. Kniss  
District Engineer  
Division of Surface Water

DJK/dl

cc: Marty Kamensky  
Ryan Laake, Ohio EPA, CO, DSW

ec: John Kwolsek, Ohio EPA, NEDO, DSW

File: Pretreatment Industrial User/Permit-Compliance

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