



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JAN 29 2016

**CERTIFIED MAIL 7009 1680 0000 7648 6958**  
**RETURN RECEIPT REQUESTED**

REPLY TO THE ATTENTION OF:

Ms. Debra Storrs  
Health and Safety Director  
Perfection Finishers, Incorporated  
1151 North Ottokee Street  
Wauseon, Ohio 43567

Re: Expedited Settlement Agreement  
Perfection Finishers, Incorporated, Wauseon, Ohio  
Docket No: **RCRA-05-2016-0003**

Dear Ms. Storrs:

Enclosed please find an original signed fully-executed Expedited Settlement Agreement (ESA) in resolution of the above case. The original was filed on January 29, 2016, with the Regional Hearing Clerk (RHC).

The ESA is binding on the U.S. Environmental Protection Agency and Perfection Finishers, Incorporated. EPA will take no further action against the Respondent for the violations cited in the ESA.

Please pay the civil penalty in the amount of \$8,000 in the manner prescribed in paragraph 14 of the ESA, and reference all checks with the docket number **RCRA-05-2016-0003**. Your payment is due within 30 calendar days of the effective date of the ESA. Also, enclosed is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings*. Thank you for your cooperation in resolving this matter.

Sincerely,

Gary J. Victorine, Chief  
RCRA Branch

Enclosure

cc: Teri Finfrock, Ohio Environmental Protection Agency  
(teri.finfrock@epa.ohio.gov)

**NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY  
TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS**

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the SEC Office of the Special Senior Counsel for Disclosure Operations at (202) 942-1888.

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:

PERFECTION FINISHERS, INC. U.S. ENVIRONMENTAL  
EPA ID Number OHD 005 041 405, PROTECTION AGENCY

Respondent.



Docket No. RCRA-05-2016-0003

EXPEDITED SETTLEMENT  
AGREEMENT AND  
FINAL ORDER

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Perfection Finishers, Inc. (“Respondent”), owner or operator of the facility at 1151 N. Ottokee Street, Wauseon, Ohio (the “Facility”), failed to label and keep closed two satellite accumulation area (SAA) containers in the Paint Shop, to include the date of accumulation on seven containers in the less than 90-day accumulation area, to provide annual hazardous waste training in the year 2013, to conduct and establish a log of weekly inspections, to provide spill control equipment, to label and keep containers of universal waste closed, to label containers with the words “Used Oil,” and that Perfection Finishers stored hazardous waste on-site without a permit for more than 90 days in violation of the Resource Conservation and Recovery Act (“RCRA”) and the EPA approved and authorized Ohio hazardous waste management program.
2. Under OAC Rule 3745-52-34(C)(1)(a) and (b) [40 C.F.R. § 262.34(c)(1)], Respondent was required comply with OAC Rule 3745-66-73(A) and was required to label each SAA container with the words “Hazardous Waste” or with the identity of the contents, respectively. Under OAC Rule 3745-66-73(A) [40 C.F.R. § 262.34(c)(1)(i) and 40 C.F.R. 265.173(a)] a container holding hazardous waste must always be closed, except when it is necessary to add or remove waste. In addition, under OAC Rule 3745-52-34(C)(2) [40 C.F.R. § 262.34(c)(2)] a generator who accumulates in excess of the amounts listed in paragraph (C)(1) of this rule at or near any point of generation must mark the container holding the excess accumulation with the date the excess began accumulating.
3. During the EPA and Ohio EPA inspection on January 14, 2014, the inspectors observed several 5-gallon SAA containers in the Paint Shop which were open and unlabeled. In addition, the inspectors observed a full 55-gallon waste container from the Electrostatic Painting Area in the wastewater treatment area which did not have an accumulation start date. The July 7, 2014, Perfection Finishers response to the EPA NOV letter stated the 5-gallon containers were taken out of service and the 55-gallon container was shipped off-site on January 20, 2014.
3. Under OAC Rule 3745-52-34(A)(2) [40 C.F.R. § 262.34(a)(2)], the date upon which each

period of accumulation begins must be clearly marked and visible for inspection on each container. During the inspection, the inspectors observed seven 55-gallon containers that did not have the start of accumulation dates. The July 7, 2014, Perfection Finishers response to the EPA NOV letter stated that personnel were given refresher training on dating containers of hazardous waste.

4. OAC Rule 3745-52-34(B) [40 C.F.R. § 262.34(b)] prohibits the accumulation and storage of hazardous waste for more than 90 days without becoming an operator of a hazardous waste storage and/or treatment facility subject to the permitting and other requirements of OAC Rules 3745-50-40 to 3745-50-62 and Chapters 3745-54 to 3745-57 and 3745-65 to 3745-69, unless the facility has been granted an extension to the 90-day period. Perfection Finishers stored one 55-gallon container of hazardous waste for 104 days (from October 8, 2013 to January 20, 2014) and two 55-gallon containers for 111 days (from October 10, 2013 to January 20, 2014) without a permit and without an extension of the 90-day period. The July 7, 2014, Perfection Finishers response to the EPA NOV letter stated that the 55-gallon containers were shipped off-site on January 20, 2014.
5. Under OAC Rule 3745-65-16(C) [40 C.F.R. § 265.16(c)], facility personnel must take part in an annual review of the initial training required in paragraph (A) of this rule during each period from January first to December thirty-first. The review must occur within 15 months after the previous review. During the records review portion of the inspection, no personnel had taken an annual review in 2013. Personnel had received training in 2010, 2011, and on September 13, 2012. The July 7, 2014, Perfection Finishers response to the EPA NOV letter stated that refresher training was given on February 12, 2014.
6. Under OAC Rule 3745-66-74 [40 C.F.R. § 262.34(a)(1)(i) and 40 C.F.R. § 265.174], the owner or operator must inspect areas where containers are stored, at least once during the period from Sunday to Saturday, looking for leaks and for deterioration caused by corrosion or other factors. During the records review portion of the inspection, the inspectors reviewed the weekly inspection logs. A weekly inspection had not been conducted the week of December 18, 2013. The July 7, 2014, Perfection Finishers response to the EPA NOV letter stated it would work to ensure inspections are conducted and recorded for all weeks of the year.
7. Under OAC Rule 3745-65-32(C) [40 C.F.R. § 265.32(c)], all facilities must be equipped with portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment. During the inspection of the Hazardous Waste Shed, the inspectors did not observe any spill control equipment. The July 7, 2014, Perfection Finishers response to the EPA NOV letter stated a spill kit was taken to the hazardous waste pad and will be maintained.
8. Under OAC Rule 3745-273-13(D)(1) [40 C.F.R. § 273.13(d)(1)] and OAC Rule 3745-273-14(E) [40 C.F.R. § 273.14(e)], a small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and

packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. In addition, each lamp or container or package in which such lamps are contained must be labeled or marked clearly as: "Universal Waste-Lamps," or "Waste Lamps," or "Used Lamps." During the inspection of the universal lamp accumulation area, the inspectors observed several boxes of used fluorescent lamps that were open and not labeled. The July 7, 2014, Perfection Finishers response to the EPA NOV letter stated "the lamps were sealed shut and labeled."

9. Under OAC Rule 3745-279-22(C) [40 C.F.R. §279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." During the inspection, the inspectors observed two unlabeled containers of used oil. The July 7, 2014, Perfection Finishers response to the EPA NOV letter stated the containers had been labeled "Used Oil."
10. EPA and Respondent agree that settlement of this matter for a penalty of \$8,000 is in the public interest.
11. EPA is authorized to enter into this Expedited Settlement Agreement and Final Order pursuant to Section 3008 of RCRA and 40 C.F.R. § 22.13(b).
12. In signing this Agreement, Respondent: (1) admits that Respondent is subject to OAC Rule 3745-52-34(B); (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; and (5) waives any right to contest the allegations contained herein.
13. By its signature below, Respondent certifies that the alleged violation has been corrected. Respondent shall be subject to civil and criminal penalties for making any false statement and/or submission to the United States Government.
14. Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of \$8,000 for the RCRA violation identified in this Agreement by sending a cashier's or certified check, payable to "Treasurer, United States of America" to:

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

The check must state the case title ("In the Matter of Perfection Finishers, Inc.") and the docket number of this Agreement.

To pay on line go to:

WWW.PAY.GOV

Use the Search Public Forms option and enter 'sfo 1.1' in the search field.  
Open form and complete required fields.

Respondent must send a notice of payment that states Respondent's name, complete address, and the case docket number (along with a photocopy of the check) to EPA at the following addresses, when it pays the penalty:

Regional Hearing Clerk  
U.S. EPA, Region 5  
77 West Jackson Boulevard (E-19J)  
Chicago, IL 60604

Walt Francis  
U.S. EPA, Region 5  
77 West Jackson Boulevard (LR-8J)  
Chicago, IL 60604

Stuart Hersh  
U.S. EPA, Region 5  
77 West Jackson Boulevard (C-14J)  
Chicago, IL 60604

15. The civil penalty is not deductible for federal tax purposes.
16. U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.
17. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this Agreement. Interest will accrue on any amount overdue at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.
18. This Agreement resolves Respondent's liability for federal civil penalties for the violations alleged in the Agreement.
19. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
20. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.

21. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
22. Each party shall bear its own costs and fees, if any.
23. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.

IT IS SO AGREED,

Name (print): DEBRA S. STURKS

Title (print): HEALTH/SAFETY DIRECTOR

Signature: 

Date 12-18-15

APPROVED BY EPA:

Michael D. Harris <sup>for M.G.</sup>  
Margaret Guerriero, Director  
Land and Chemicals Division  
U.S. Environmental Protection Agency  
Region 5

Date 1/21/2016


In the Matter of:  
Perfection Finishers, Inc.  
Docket Number **RCRA-05-2016-0003**

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED:

1/28/14  
Date

  
\_\_\_\_\_  
Susan Hedman  
Regional Administrator  
United States Environmental Protection Agency  
Region 5



In the matter of: Perfection Finishers, Inc.  
Docket Number: **RCRA-05-2016-0003**

**CERTIFICATE OF SERVICE**

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement**, which was filed on January 29, 2016, this day in the following manner to the addressees:

Copy by certified mail  
return-receipt requested:

Debra S. Storrs  
Health and Safety Director  
Perfection Finishers, Inc.  
1151 N. Ottokee Street  
Wauseon, Ohio 43567


Copy by e-mail to  
Attorney for Complainant:

Stuart Hersh  
hersh.stuart@epa.gov

Copy by e-mail to  
Regional Judicial Officer:

Ann Coyle  
[coyle.ann@epa.gov](mailto:coyle.ann@epa.gov)

Dated:

*January 29, 2016* 

LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5

CERTIFIED MAIL RECEIPT NUMBER: **7009 1680 0000 7648 6958**