



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 21 2011

REPLY TO THE ATTENTION OF:  
SC-5J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Gary Eichler  
Owner  
Eichler LP Gas, Incorporated  
3014 Lisbon Road  
Salem, Ohio 44460

Re: Eichler LP Gas, Incorporated, Salem, Ohio, Consent Agreement and Final Order  
Docket No. EPCRA-05-2011-0026

Dear Mr. Eichler:

Enclosed please find a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the other original CAFO with the Regional Hearing Clerk on JUL 21 2011.

Please pay the civil penalty in the amount of \$13,068 in the manner prescribed in paragraph 61, and reference your check with the billing document number 2751144E024 and the docket number EPCRA-05-2011-0026.

Your payments are due on AUG 22 2011.

Please feel free to contact James Entzminger at (312) 886-4062 if you have any questions regarding the enclosed documents. Please direct any legal questions to John P. Steketee, Associate Regional Counsel, at (312) 886-0588. Thank you for your assistance in resolving this matter.

Sincerely,

Bob Mayhugh, Acting Chief  
Chemical Emergency Preparedness  
and Prevention Section

Enclosure



6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and the terms of the CAFO.

**Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

**Statutory and Regulatory Background**

9. Section 311 of EPCRA, 42 U.S.C. § 11021, and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the Occupational Safety and Health Act (OSHA) to prepare or have available a material safety data sheet (MSDS) for a hazardous chemical, to submit to the state emergency response commission (SERC), community emergency coordinator for the local emergency planning committee (LEPC), and the fire department with jurisdiction over the facility an MSDS for each such hazardous chemical present at the facility at any one time in an amount equal to or greater than 10,000 pounds, and for each extremely hazardous chemical present at the facility in an amount equal to or greater than 500 pounds, or the threshold planning quantity (TPQ), whichever is lower, or to submit a list of such chemicals. The owner or operator must submit the required MSDS or list within three months after the owner or operator is first required to have the MSDS available or after the hazardous chemical requiring an MSDS first becomes present at the facility in an amount exceeding the threshold level.

10. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the OSHA to prepare or have available an MSDS for a hazardous chemical, to submit to the SERC, community coordinator for the LEPC, and fire department with jurisdiction over the facility by March 1, 1988, and annually thereafter, an emergency and hazardous chemical inventory form (Tier I or Tier II as described in 40 C.F.R. Part 370).

11. The form must contain the information required by Section 312(d) of EPCRA, covering all hazardous chemicals present at the facility at any one time during the preceding year in amounts equal to or exceeding 10,000 pounds and all extremely hazardous chemicals present at the facility at any one time in amounts equal to or greater than 500 pounds or the threshold planning quantity designated by U.S. EPA at 40 C.F.R. Part 355, Appendices A and B, whichever is lower.

12. Sections 311 and 312(a) of EPCRA, 42 U.S.C. §§ 11021 and 11022(a), assist state and local committees in planning for emergencies and make information on chemical presence and hazards available to the public. A delay in reporting could result in harm to human health and the environment.

13. Under 29 C.F.R. § 1910.1200(b)(1), all employers are required to provide information to their employees about the hazardous chemicals to which they are exposed including, but not limited to, MSDS.

14. Under 29 C.F.R. § 1910.1200(d)(3), chemicals listed in 29 C.F.R. Part 1910, Subpart Z are hazardous chemicals.

15. Section 325(c)(1) of EPCRA, 42 U.S.C. §11045(c)(1), authorizes U.S. EPA to assess a civil penalty of up to \$25,000 per day of violation of EPCRA Section 312. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and its implementing regulations at 40 C.F.R. Part 19 increased these statutory maximum penalties to \$27,500 per day of violation that occurred from January 31, 1997 through March 15, 2004, to \$32,500 per day of violation for violation that occurred after March 15, 2004 through January 12, 2009, and to \$37,500 per day of violation for violations that occurred after January 12, 2009.

16. Section 325(c)(2) of EPCRA, 42 U.S.C. § 11045(c)(2), authorizes U.S. EPA to assess a civil penalty of up to \$10,000 for each EPCRA Section 311 violation. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and its implementing regulations at 40 C.F.R. Part 19 increased the statutory maximum penalty to \$11,000 per day of violation for EPCRA 311 violations that occurred after January 31, 1997 through January 12, 2009 and to \$16,000 per day of violation for violations that occurred after January 12, 2009.

#### **Factual Allegations and Alleged Violations**

17. Respondent is a corporation, and, therefore, is a “person” as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

18. At all times relevant to this CAFO, Respondent owned or operated the subject facility located at 3014 State Route 45 South, Salem, Ohio (facility).

19. At all times relevant to this CAFO, Respondent was an employer at the facility.

20. At all times relevant to this CAFO, Respondent’s facility consisted of buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites, and which are or were owned or operated by the same person,

therefore, Respondent's facility is a "facility" as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

21. Propane (CAS #74-98-6) is listed as a toxic and hazardous substance under OSHA regulations at 29 C.F.R. Part 1910, Subpart Z, and 29 C.F.R. § 1910.1000, Table Z-1.

22. Propane (CAS #74-98-6) is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

23. Propane (CAS #74-98-6) has a minimum threshold level of 10,000 pounds, as provided in 40 C.F.R. Part 370.

24. As of December 31, 2004, propane was present at the facility at any one time in an amount equal to or greater than the minimum threshold level.

25. During at least one period of time in calendar year 2005, propane was present at the facility in an amount equal to or greater than the minimum threshold level.

26. During at least one period of time in calendar year 2006, propane was present at the facility in an amount equal to or greater than the minimum threshold level.

27. During at least one period of time in calendar year 2007, propane was present at the facility in an amount equal to or greater than the minimum threshold level.

28. OSHA requires Respondent to prepare, or have available, an MSDS for propane.

29. Respondent was required to submit to the state emergency response commission, local emergency planning committee, and fire department within three months after propane was on-site over the minimum threshold level, an MSDS for propane or a list including propane.

30. Respondent was required to submit to the state emergency response commission, local emergency planning committee, and fire department, a completed emergency and

hazardous chemical inventory form including propane on or before March 1, 2006, for calendar year 2005.

31. Respondent was required to submit to the state emergency response commission, local emergency planning committee, and fire department, a completed emergency and hazardous chemical inventory form including propane on or before March 1, 2007, for calendar year 2006.

32. Respondent was required to submit to the state emergency response commission, local emergency planning committee, and fire department, a completed emergency and hazardous chemical inventory form including propane on or before March 1, 2008, for calendar year 2007.

33. At all times relevant to this CAFO, the Ohio State Emergency Response Commission was the SERC for Ohio under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

34. At all times relevant to this CAFO, the Columbiana County Local Emergency Planning Committee was the LEPC for under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

35. At all times relevant to this CAFO, the Leetonia Village Fire Department was the fire department with jurisdiction over the facility.

#### **Count 1**

36. Complainant incorporates paragraphs 1 through 35 of this CAFO as if set forth in this paragraph.

37. As of April 22, 2008, Respondent had not submitted to the SERC an MSDS for propane or a list showing propane.

38. Each day Respondent failed to submit to the SERC an MSDS or a list for propane within three months after the propane was on-site above the minimum threshold level, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

**Count 2**

39. Complainant incorporates paragraphs 1 through 35 of this CAFO as if set forth in this paragraph.

40. As of April 22, 2008, Respondent had not submitted to the LEPC an MSDS for propane or a list showing propane.

41. Each day Respondent failed to submit to the LEPC an MSDS or a list for propane within three months after the propane was on-site above the minimum threshold level, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

**Count 3**

42. Complainant incorporates paragraphs 1 through 35 of this CAFO as if set forth in this paragraph.

43. As of April 22, 2008, Respondent had not submitted to the Leetonia Village Fire Department an MSDS for propane or a list showing propane.

44. Each day Respondent failed to submit to the Leetonia Village Fire Department an MSDS or a list for propane within three months after the propane was on-site above the minimum threshold level, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.



#### **Count 4**

45. Complainant incorporates paragraphs 1 through 35 of this CAFO as if set forth in this paragraph.

46. As of April 22, 2008, Respondent had not submitted to the SERC, the LEPC, or the local fire department with jurisdiction over the facility, a completed Emergency and Hazardous Chemical Inventory Form including propane for calendar year 2005.

47. Each day Respondent failed to submit to the SERC, the LEPC, and the local fire department with jurisdiction over the facility, a completed Emergency and Hazardous Chemical Inventory Form including propane by March 1, 2006, for calendar year 2005 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. §11022(a).

#### **Count 5**

48. Complainant incorporates paragraphs 1 through 35 of this CAFO as if set forth in this paragraph.

49. As of April 22, 2008, Respondent had not submitted to the SERC, the LEPC, or the local fire department with jurisdiction over the facility, a completed Emergency and Hazardous Chemical Inventory Form including propane for calendar year 2006.

50. Each day Respondent failed to submit to the SERC, the LEPC, and the local fire department with jurisdiction over the facility, a completed Emergency and Hazardous Chemical Inventory Form including propane by March 1, 2007, for calendar year 2006 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. §11022(a).

**Count 6**

51. Complainant incorporates paragraphs 1 through 35 of this CAFO as if set forth in this paragraph.

52. As of April 22, 2008, Respondent had not submitted to the SERC a completed Emergency and Hazardous Chemical Inventory Form including propane for calendar year 2007.

53. Each day Respondent failed to submit to the SERC a completed Emergency and Hazardous Chemical Inventory Form including propane by March 1, 2008, for calendar year 2007 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. §11022(a).

**Count 7**

54. Complainant incorporates paragraphs 1 through 35 of this CAFO as if set forth in this paragraph.

55. As of April 22, 2008, Respondent had not submitted to the LEPC a completed Emergency and Hazardous Chemical Inventory Form including propane for calendar year 2007.

56. Each day Respondent failed to submit to the LEPC a completed Emergency and Hazardous Chemical Inventory Form including propane by March 1, 2008, for calendar year 2007 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Count 8**

57. Complainant incorporates paragraphs 1 through 35 of this CAFO as if set forth in this paragraph.

58. As of April 22, 2008, Respondent had not submitted to the Leetonia Village Fire Department a completed Emergency and Hazardous Chemical Inventory Form including propane for calendar year 2007.

59. Each day Respondent failed to submit to the Leetonia Village Fire Department a completed Emergency and Hazardous Chemical Inventory Form including propane by March 1, 2008, for calendar year 2007 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

#### **Civil Penalty**

60. Complainant has determined that an appropriate civil penalty to settle this action is Thirteen Thousand, Sixty Eight Dollars and No Cents (\$13,068) for the alleged EPCRA violations. In determining the penalty amount, Complainant considered the nature, circumstances, extent, and gravity of the violations, Respondent's agreement to perform a supplemental environmental project, and with respect to Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violations, and any other matters as justice may require. Complainant also considered U.S. EPA's Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act, dated September 30, 1999 (EPCRA/CERCLA Enforcement Response Policy).

61. Within 30 days after the effective date of this CAFO, Respondent must pay a \$13,068 civil penalty to the United States for the subject violations. Respondent must pay the penalty by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

**for checks sent by regular U.S. postal service**

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

**for checks sent by express mail**

sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. Bank  
Government Lockbox 979077 U.S. EPA Fines and Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, MO 63101

The check must note the following: Eichler LP Gas, Incorporated, the docket number of this CAFO, and the billing document number 2751144E024.

62. A transmittal letter, stating Respondent's name, the case name, Respondent's complete address, the case docket number, and the billing document number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

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

James Entzminger, (SC-5J)  
Chemical Emergency Preparedness  
and Prevention Section  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

John P. Steketee, (C-14J)  
Associate Regional Counsel  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

63. This civil penalty is not deductible for federal tax purposes.

64. If Respondent does not timely pay the civil penalty, or any stipulated penalties due under paragraph 76 below, 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.

65. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due 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 thirty (30) days past due. In addition, U.S. EPA will assess a six percent (6%) per year penalty on any principal amount ninety (90) days past due.

**Supplemental Environmental Project**

66. Respondent must complete the following supplemental environmental projects (SEPs) designed to protect the environment or public health by:

- a. purchasing eleven (11) Iron Duck Ultra-View 18" Blackboards with pins; forty Seven (47) Metal 5' push straps; four (4) Pedi lite Pediatric immobilization systems; sixteen (16) Fastex side release straps; two (2) Pro lite infant speedboards; two (2) speedboard bags; one (1) Tough Book Computer; one (1)

ELBRA 8287 monitor, with stream & quad stack tips; one (1) Akron Brass Mid-Range SaberJet Nozzle, dual shut off, with pistol grip, 1.5" inlet, must choose between 3/4", 7/8", 15/16", or 1" orifice, Part Number AK1533; and (1) one Akron Brass Mid-Range SaberJet Nozzle, dual shut off, with pistol grip, 2.5" inlet, must choose between 3/4", 7/8", 15/16", or 1" orifice, Part Number AK1536, and donating this equipment to the Leetonia Fire Department;

- b. purchasing one (1) dell power point projector; one (1) flat screen television; one (1) blitzfire package; one (1) Stinger monitor with 4" storz base; one (1) master stream fog nozzle; one (1) set Rescue Strut Kit; and seven (7) PR860 portable radios and donating this equipment to the Winona Fire Department;
- c. purchasing and paying for the construction of a building as described in the Scope of Work (Attachment A) for the Columbiana County, Ohio Emergency Management Agency; and;
- d. purchasing sixteen (16) 30 kilowatt generators; one (1) HP Officejet Pro "All in One" printer/copier; one (1) Dell M210X projector; One (1) 70" x 70" tripod projection screen; five (5) Tsurumi submersible trash pumps 3000 GPH, 1/2 HP; five (5) Apache 2' x 50' water pump PVC discharge hoses; five (5) Homelite 3000 watt generators; and donating this equipment to the Columbiana County, Ohio LEPC.

67. Respondent must complete the SEP as follows:

- a. within thirty (30) days of the effective date of the CAFO, Respondent must purchase and donate to the Leetonia Fire Department the equipment identified

in paragraph 66a, above, and purchasing and donating to the Winona Fire Department the equipment identified in paragraph 66b, above; and,

- b. within sixty (60) days of the effective date of the CAFO, Respondent must purchase and pay for the construction of the building in the Scope of Work (Attachment A) for the Columbiana County, Ohio LEPC identified in paragraph 66c, and purchase and donate the equipment identified in paragraph 66d to the Columbiana County, Ohio LEPC.

68. Respondent must spend at least Thirty Nine Thousand, Two Hundred and Four Dollars and No Cents (\$39,204) to purchase the above-listed emergency response equipment.

69. Respondent certifies that it is not required to perform or develop the SEP by any law, regulation, grant, order, or agreement, or as injunctive relief as of the date it signs this CAFO. Respondent further certifies that it has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

70. Respondent must maintain copies of the data for all reports submitted to U.S. EPA according to this CAFO. Respondent must provide the supporting documentation of any data submitted to U.S. EPA within seven days of U.S. EPA's request for the information.

71. Within ninety (90) days of the effective date of the CAFO, Respondent must submit a SEP completion report to U.S. EPA. This report must contain the following information:

- a. Detailed description of the SEP as completed including pictures of the equipment;
- b. Description of any operating problems and the actions taken to correct the problems;
- c. Itemized costs of goods and services used to complete the SEP documented by copies of invoices, purchase orders, or canceled checks that specifically identify

and itemize the individual costs of the goods and services;

- d. Letters from Leetonia Fire and Emergency Medical Service, Leetonia Fire Department, Winona Fire Department, and the Columbiana County, Ohio LEPC identifying the equipment donated and the dates of delivery,
- e. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- f. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

72. Respondent must submit all notices and reports required by this CAFO by first class mail to James Entzminger of the Chemical Emergency Preparedness and Prevention Section at the address specified in paragraph 62, above.

73. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

74. Following receipt of the SEP completion report described in paragraph 71, above, U.S. EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP as completed or in the SEP report and U.S. EPA will give Respondent thirty (30) days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP report and U.S. EPA will seek stipulated penalties under paragraph 76.

75. If U.S. EPA exercises option 74b, above, Respondent may object in writing to the



deficiency notice within ten (10) days of receiving the notice. The parties will have thirty (30) days from U.S. EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, U.S. EPA will give Respondent a written decision on its objection. Respondent will comply with any requirements that U.S. EPA imposes in its decision. If Respondent does not complete the SEP as required by U.S. EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 76, below.

76. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

- a. Except as provided in subparagraph b, below, if Respondent did not complete the SEP satisfactorily according to the requirements of this CAFO, including the schedule in paragraph 66, Respondent must pay a civil penalty to the United States of \$29,403.
- b. If Respondent did not complete the SEP satisfactorily, but U.S. EPA determines that Respondent made good faith and timely efforts to complete the SEP and certified, with supporting documents, that it spent at least ninety percent (90%) of the amount set forth in paragraph 68, Respondent will not be liable for any stipulated penalty under subparagraph a, above.
- c. If Respondent completed the SEP satisfactorily, but spent less than ninety percent (90%) of the amount set forth in paragraph 68, Respondent must pay a penalty of \$9,801.
- d. If Respondent did not submit timely the SEP completion report, Respondent must pay penalties in the following amounts for each day after the report was due until it submits the report:

<u>Penalty Per Violation Per Day</u>	<u>Period of Violation</u>
\$ 500	1st through 14th day
\$1,000	15th through 30th day
\$1,500	31st day and beyond

77. U.S. EPA's determinations of whether Respondent completed the SEP satisfactorily and whether Respondent made good faith and timely efforts to complete the SEP will bind

Respondent.

78. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraph 61, above, and will pay interest, handling charges, and nonpayment penalties on any overdue amounts.

79. Any public statement that Respondent makes referring to the SEP must include the following language, "Respondent undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Respondent for violations of Sections 311 and 312 of EPCRA, 42 U.S.C. §§ 11021 and 11022."

80. If an event occurs which causes or may cause a delay in completing the SEP as required by this CAFO:

- a. Respondent must notify U.S. EPA in writing within ten (10) days after learning of an event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Respondent's past and proposed actions to prevent or minimize the delay, and a schedule to carry out those actions. Respondent must take all reasonable actions to avoid or minimize any delay. If Respondent fails to notify U.S. EPA according to this paragraph, Respondent will not receive an extension of time to complete the SEP.
- b. If the parties agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.
- c. If U.S. EPA does not agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, U.S. EPA will notify Respondent in writing of its decision and any delays in completing the SEP will not be excused.
- d. Respondent has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the SEP will not be a basis for an extension of time under subparagraph b, above. Delay in achieving an interim step will not necessarily

justify or excuse delay in achieving subsequent steps.

81. Nothing in this CAFO is intended to nor will be construed to constitute U.S. EPA approval of the equipment or technology installed by Respondent in connection with the SEP under the terms of this CAFO.

82. For federal income tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct any costs or expenditures incurred in performing the SEP.

### **General Provisions**

83. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

84. This CAFO does not affect the rights of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

85. Respondent certifies that it is complying with Sections 311 and 312(a) of EPCRA, 42 U.S.C. §§ 11021 and 11022(a).

86. This CAFO does not affect Respondent's responsibility to comply with EPCRA and other applicable federal, state and local laws, and regulations.

87. This CAFO is a "final order" for purposes of U.S. EPA's EPCRA Enforcement Response Policy.

88. The terms of this CAFO bind Respondent and its successors and assigns.

89. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

90. Each party agrees to bear its own costs and attorney's fees in this action.

91. This CAFO constitutes the entire agreement between the parties.

**In the Matter of: Eichler LP Gas, Incorporated, Salem, Ohio**  
**Docket No. \_\_\_\_\_**

**Eichler LP Gas, Incorporated, Respondent**

July 7 2011  
Date

Gary K. Eichler Sr.  
Gary Eichler  
Owner  
Eichler LP Gas, Incorporated

**U.S. Environmental Protection Agency, Complainant**

7/14/2011  
Date


Richard A. Karl  
Richard A. Karl  
Director  
Superfund Division  
U.S. Environmental Protection Agency  
Region 5

**In the Matter of: Eichler LP Gas, Incorporated, Salem, Ohio**  
**Docket No. EPCRA-05-2011-0026**

**Final Order**

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

7-18-11  
Date

  
Susan Hedman  
Regional Administrator  
U.S. Environmental Protection Agency  
Region 5

**RECEIVED**  
JUL 21 2011  
REGIONAL HEARING CLERK  
USEPA  
REGION 5

**In the Matter of: Eichler LP Gas, Incorporated, Salem, Ohio**  
**Docket No. EPCRA-05-2011-0026**

**Certificate of Service**

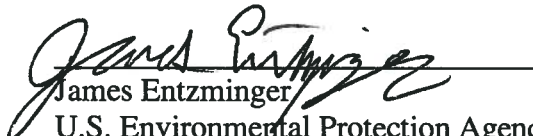
I, James Entzminger, certify that I filed the original and a copy of the Consent Agreement and Final Order (CAFO) with the Regional Hearing Clerk, U. S. Environmental Protection Agency, Region 5, delivered a copy of the CAFO by intra-office mail to the Regional Judicial Officer, U.S. Environmental Protection Agency, Region 5, and mailed the second original CAFO by first-class, postage prepaid, certified mail, return receipt requested, to Respondent by placing it in the custody of the United States Postal Service addressed as follows:

Gary Eichler, Owner  
Eichler LP Gas, Inc.  
3014 Lisbon Road  
Salem, OH 44460

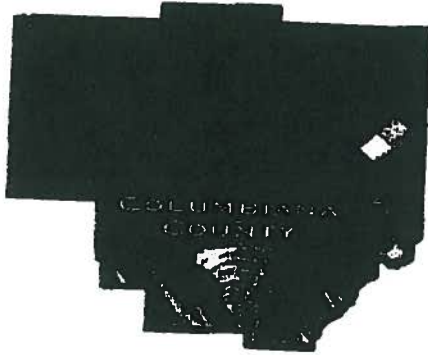
Robert W. Hum, II, Attorney  
117 Columbiana Plaza  
Columbiana, Ohio 44408

**RECEIVED**  
JUL 21 2011  
REGIONAL HEARING CLERK  
USEPA  
REGION 5

on the 21 day of July, 2011.

  
James Entzminger  
U.S. Environmental Protection Agency  
Region 5

Attachment A



**COLUMBIANA COUNTY  
EMERGENCY MANAGEMENT AGENCY**

215 S. MARKET ST.  
LISBON, OH 44432

Office: 330-424-9725 Fax: 330-424-9267

29 November 2010

Attn: Mr. James Entzminger  
(312) 692-2419  
Subject: Preparedness Items

1. The Columbiana County Emergency Management Agency is extremely grateful for the opportunity to improve its capability to serve the citizens of Columbiana County through this donation. As we discussed prior, our first request for consideration is to erect a covered area located outside of the Emergency Operations Center in Lisbon. Within this area we maintain several trailers designed to support the first responder agencies during large scale emergency situations. These trailers are exposed to harsh sunlight during the summer months, rain and severe cold and snow during the winter months. A covering of the area will help preserve the condition of the trailers and extend the life of the critical supplies within them.
2. Attached you will find the company specifics as it relates to the building project I brought to your attention previously. The building dimensions described will provide adequate cover for each of the trailers. The seller has given a cost of the project as \$6525.00.
3. I apologize for the delay in getting you this information sooner. I am at a loss as to what the disconnect between the manufacturer and the company was in getting the information sent more timely.
4. I am grateful for your patience and appreciate your assistance in this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Darren L. Dodson".

Darren L. Dodson, Director  
Columbiana County Emergency Management Agency





FROM : 11/24/2010 12:57 1888531805

FAX NO. :

Nov. 28 2010 07:55PM P3  
ASC & AC TX OFFICE PAGE 03/09

**BOW SCHEDULE (TOP & COLUMN MEMBERS GAUGE AND SPACING)**

GS/LL	POST HT.	BLDG. & WIDTH		
		90'-100'	22'-26'	20'-30'
20120	5'-0" TO 6'-0"	F 100.00 @ 60"	100.00 @ 60"	100.00 @ 60"
	9'-0" TO 12'-0"	F 100.00 @ 60"	100.00 @ 60"	100.00 @ 60"
30120	5'-0" TO 6'-0"	F 100.00 @ 60"	100.00 @ 60"	100.00 @ 60"
	9'-0" TO 12'-0"	F 100.00 @ 60"	100.00 @ 60"	100.00 @ 60"

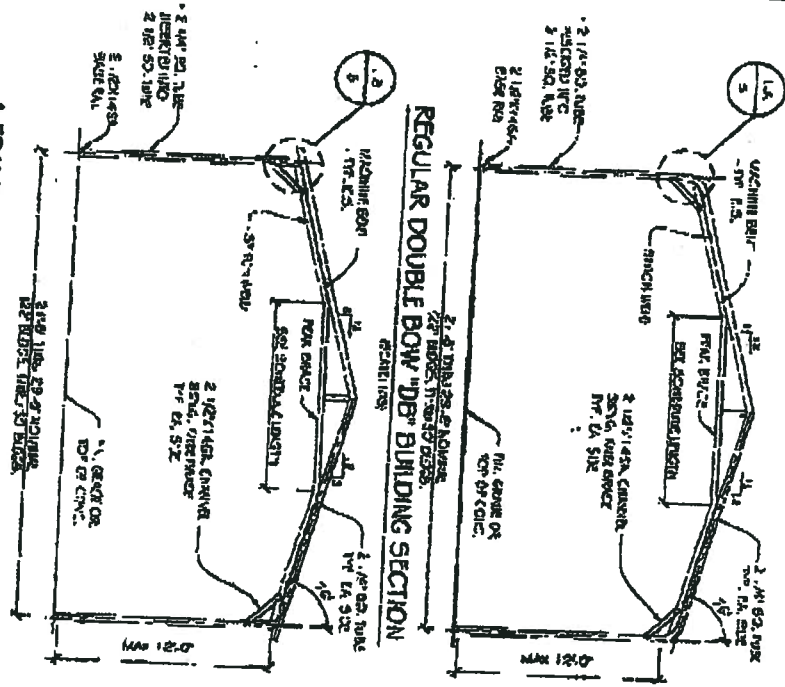
S.B. = SINGLE BOW  
D.B. = DOUBLE BOW  
F = FULLY ENCLOSED (CLOSED)  
P = PARTIALLY ENCLOSED (OPEN)  
G.S. = GROUND SHOW  
L.L. = LINE LOAD

**PEAK BRACE SCHEDULE**

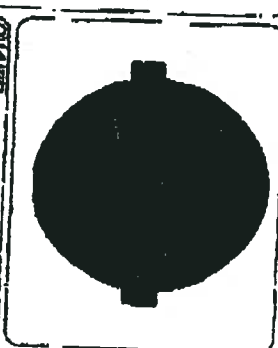
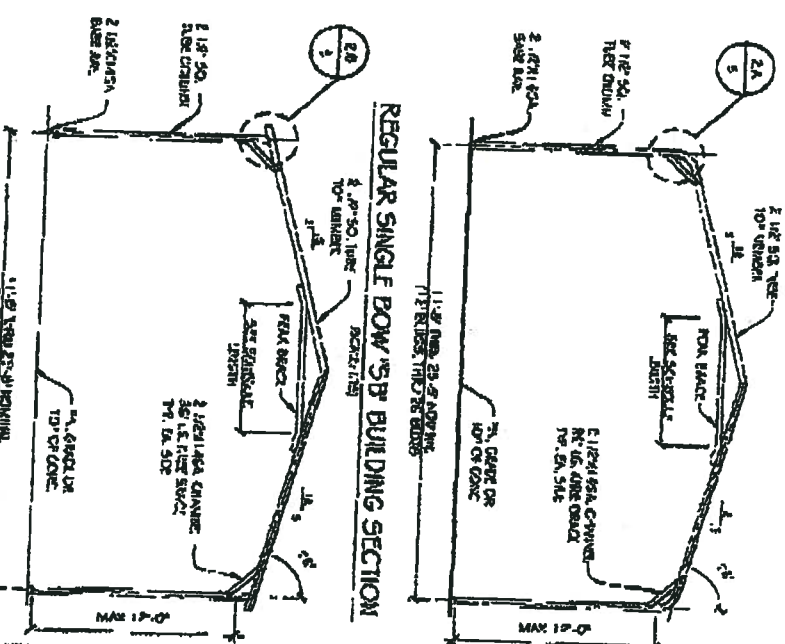
WIDTH	SIZE	LENGTH
12	2 1/2" X 1/4" CHANNEL	2'-0"
14	2 1/2" X 1/4" CHANNEL	4'-0"
16	2 1/2" X 1/4" CHANNEL	6'-0"
20-22	2 1/2" X 1/4" CHANNEL	6'-0"
20-22	2X1 1/4" SQ. TUBE	10'-0"
24-26	2X1 1/4" SQ. TUBE	14'-0"
28-30	2X1 1/4" SQ. TUBE	16'-0"

4. WORN TO BE FULL 1/8" RND BOLLWATERING  
NEAR 1" 12" CK - STAINLESS BRONZE W/ENOX

**A-FRAME DOUBLE BOW "DB" BUILDING SECTION**



**A-FRAME SINGLE BOW "SB" BUILDING SECTION**



**OWNER:** AMERICAN STEEL CARPORTS  
**LOCATION:** OHIO  
**DRAWING NO.:** 12 TO 3D  
**DATE:** 5/28/2010  
**PROJECT NUMBER:** 038-10-0422  
**DRAWN BY:** JMS  
**CHECKED BY:** OA

**DRAWING TITLE:** TYP BLDG. SECTION  
**SHEET NO.:** 3 OF 9

**DATE SIGNED:** 7/20/2010

**Professional Engineer Seal:** STATE OF OHIO, ABU YASER A. OMAR, E-68237, LICENSED PROFESSIONAL ENGINEER

**Logo:** A & A ENGINEERING CIVIL & STRUCTURAL

**Contact Info:** 5811 Sanduskey Rd, Suite B, Toledo, Ohio 43623, Tel: (419) 241-1825, Fax: (419) 272-0265



FROM : 11/29/2010 12:07 12/17/11 081569888

FAX NO. :

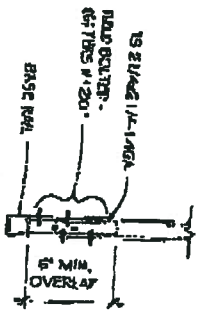
Nov. 28 2010 07:56PM P5

ASC & AC TX OFFICE

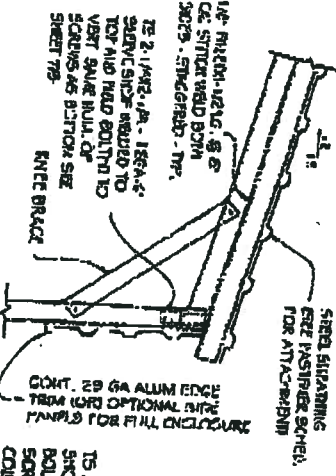
PAGE 05/09

**FRONTIER SECTION:**  
 TYPE TRUSS & ROOF SCREWING WITH HIGH STRENGTH STEEL WASHERS  
 @ 6" OC OF CORNER PANEL AND 6" OC ELSEWHERE.  
 MIN. 4" OC AT EDGE LAP PANELS W/ SILICON CALK IN BETWEEN PANELS.

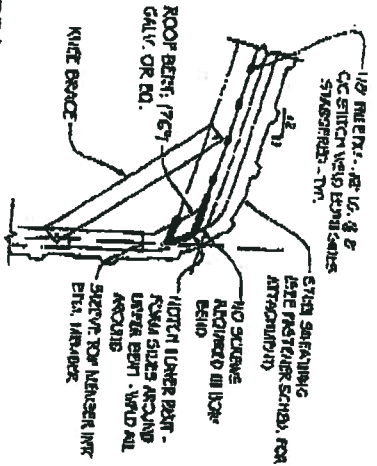
**COLUMN/BASE RAIL DETAIL**  
 SCALE: 1/8" = 1'-0"



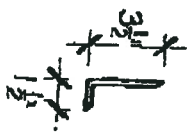
**A-FRAME DOUBLE BOW SECTION DETAIL**  
 SCALE: 1/8" = 1'-0"



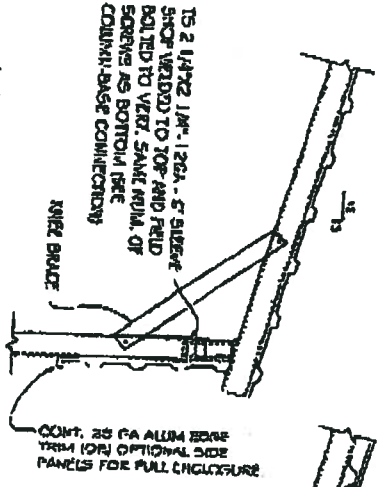
**REGULAR DOUBLE BOW SECTION DETAIL**  
 SCALE: 1/8" = 1'-0"



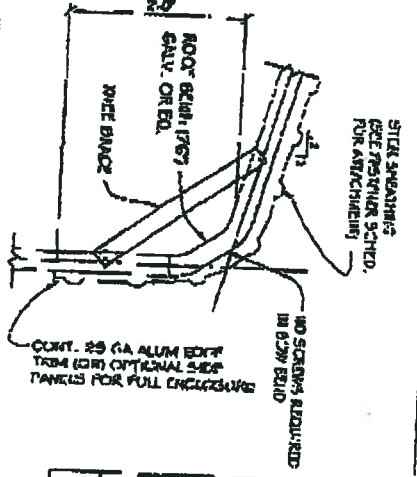
**TRIM DETAIL**  
 SCALE: 1/8" = 1'-0"



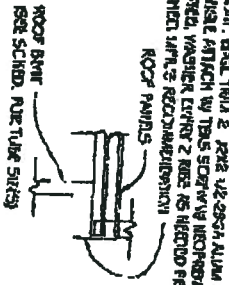
**A-FRAME SINGLE BOW SECTION DETAIL**  
 SCALE: 1/8" = 1'-0"



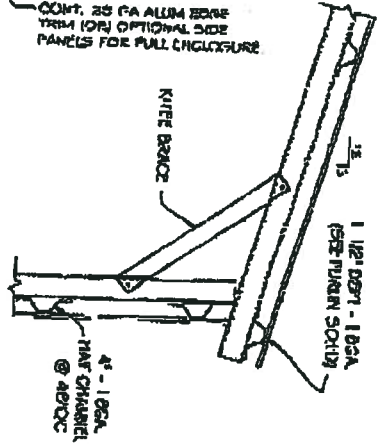
**REGULAR SINGLE BOW SECTION DETAIL**  
 SCALE: 1/8" = 1'-0"



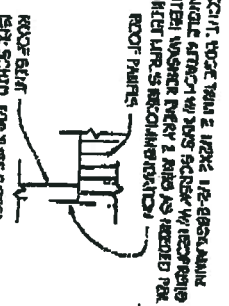
**EDGE DETAIL**  
 SCALE: 1/8" = 1'-0"



**TYPICAL A-FRAME VERTICAL SECTION DETAIL**  
 SCALE: 1/8" = 1'-0"



**EDGE DETAIL**  
 SCALE: 1/8" = 1'-0"



PURLIN SCHED.	
SNOW/LOAD	HAT CHANNEL SPACING
20	48" CC
30	48" CC

DATE SIGNED: 7/20/2010



**SECTION TITLE:**  
 SECTION DETAILS

**SHEET NO.:**  
 50F8

**A & A ENGINEERING**  
 CIVIL & STRUCTURAL  
 741 Sanduskey Rd., Suite 11  
 Toledo, Ohio 43623  
 Tel: (419) 296-1881  
 Fax: (419) 292-1883

**DRAWN BY:**  
 JMS

**CHECKED BY:**  
 OA

**PROJECT NUMBER:**  
 033-10-0422

**DATE:**  
 12 TO 30

**LOCATION:**  
 OHIO

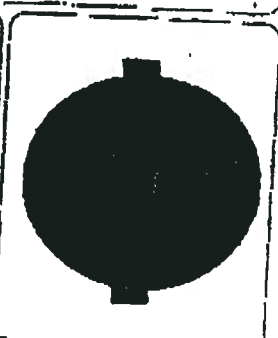
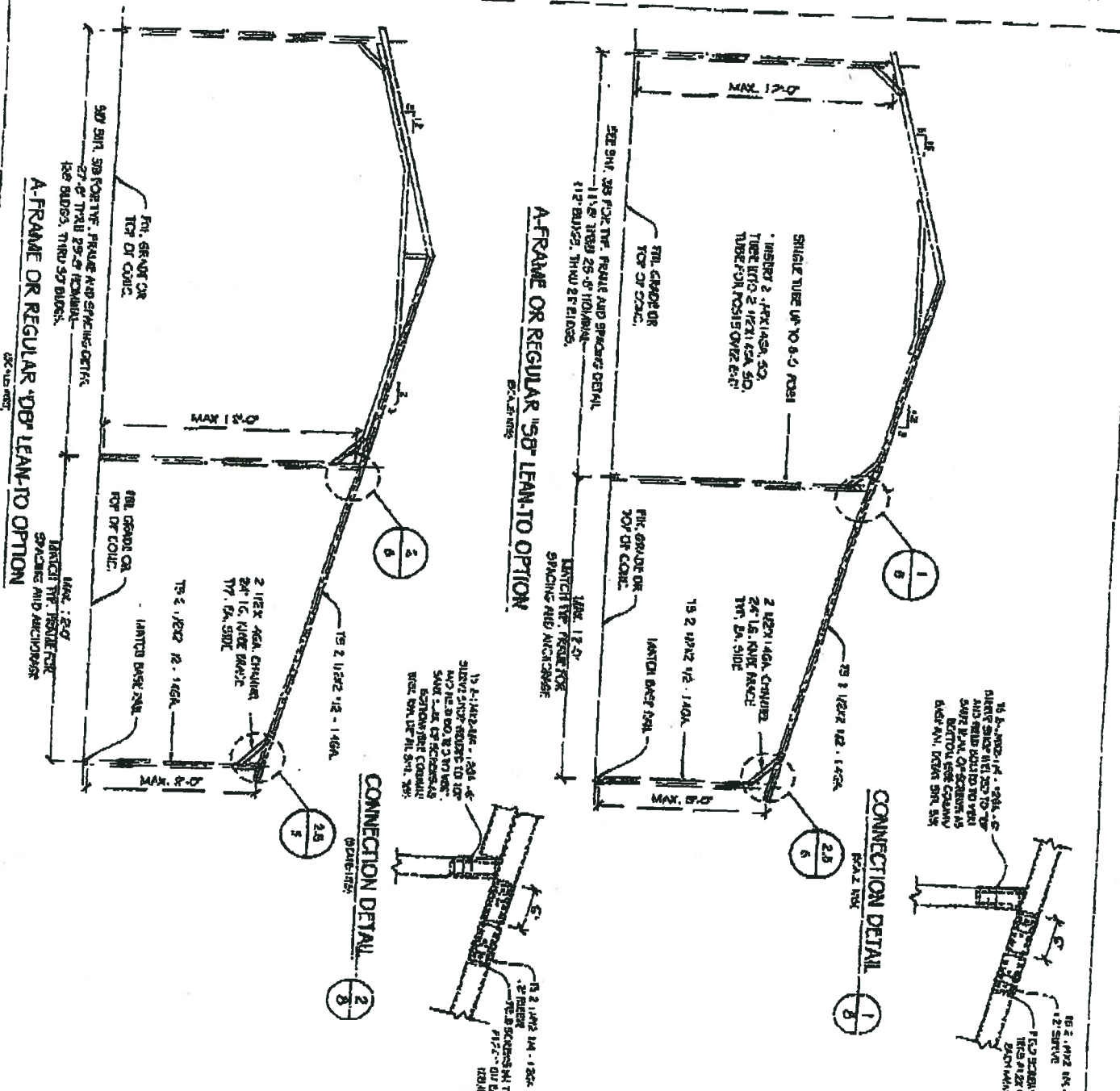






FROM : 11/29/2010 12:57 FAX NO. : 3304247018

NOV. 28 2010 07:58PM PB  
PAGE 08/09



<p><b>SWAYE:</b> AMERICAN STEEL CARPORTS</p>	
<p><b>LOCATION:</b> OHIO</p>	
<p><b>DRAWING NO.:</b> 12 TO 30</p>	
<p><b>DATE:</b> 6/28/2010</p>	
<p><b>PROJECT NUMBER:</b> 033-10-0422</p>	
<p><b>DRAWN BY:</b> JMS</p>	
<p><b>CHECKED BY:</b> DA</p>	

<p><b>DRAWING TITLE:</b> LEAN-TO OPTION</p>	
<p><b>SHEET NO.:</b> 8 OF 9</p>	

<p><b>1911 Resounders Pl, Suite 300 Tulsa, OK 74123 Tel: (918) 272-0755</b></p>	
<p><b>A &amp; A ENGINEERING CIVIL &amp; STRUCTURAL</b></p>	

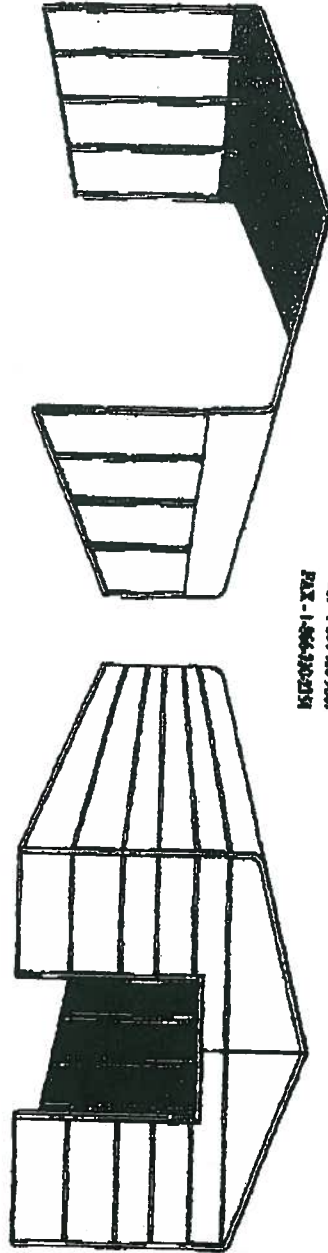
<p><b>STATE OF OHIO</b> OHAR ABU-YASSEN E-58237 LICENSED PROFESSIONAL ENGINEER</p>	
<p><b>DATE SIGNED:</b> 7/20/2010</p>	



FROM : 11/29/2010 14:31 FAX NO. : Nov. 28 2010 09:00PM P10

# AMERICAN STEEL CARPORTS INC.

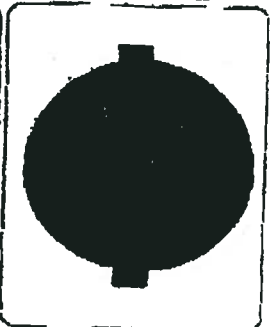
457 N. BROADWAY  
 YOSHUA, TX 76058  
 PHONE: 1-800-789-9883  
 FAX: 1-800-330-2134



REGULAR / A-FRAME - VERTICAL / HORIZ.  
 12' THRU 30' CARPORTS  
 (STATE OF OHIO)  
 AS PER DESIGN CRITERIA

DESIGN NOTES	DESIGN CRITERIA	DRAWING INDEX
<ol style="list-style-type: none"> <li>ALL CONSTRUCTION SHALL BE PROVIDED IN ACCORDANCE WITH IBC 2006, OSHA, ASCE, ASCE 7-05, AWSD 1.1 CODES AND ALL APPLICABLE LOCAL REQUIREMENTS.</li> <li>STEELER BASE CONNECTIONS SHALL BE PROVIDED AS SHOWN ON SHEET 9</li> <li>ALL MATERIALS IDENTIFIED BY MANUFACTURER NAME MAY BE SUBSTITUTED WITH MATERIAL EQUAL OR EXCEEDING ORIGINAL.</li> <li>ALL SHOP CONNECTIONS SHALL BE WELDED CONNECTIONS.</li> <li>ALL FIELD CONNECTIONS SHALL BE TENS @ 12 (MAX) X 17.</li> <li>STEEL SHEATHING SHALL BE 29GA, CORRUGATED GALV. OR PAINTED STEEL - MAIN RIB HT. 3/4" (7"=60KSI) OR EQ.</li> <li>ALL STRUCTURAL LIGHT GAUGE TUBING AND CHANNELS SHALL BE GRADE 50 STEEL</li> </ol>	<p>PREVALING CODE: IRC 2009 / IBC 2006                  USE GROUP: U (CARPORTS, BARRIS)                  BASIC WIND VELOCITY: 90 TO 100 MPH (SEE SCHEDULE)                  ROOF DEAD LOAD: 2.0 PSF                  ROOF LIVE LOAD: AS PER GROUND SNOW MAP, 20 PSF / MAX. 20 PSF</p> <p>GROUND SNOW LOAD: 20 TO 30 PSF                  IMPORTANCE FACTOR = 1.0                  WIND 0.87                  SEISMIC 1.0</p> <p>SEISMIC DESIGN CATEGORY: A</p> <p>LOAD COMBINATIONS:                  DL+LL, 0.6DL+WL                  DL+0.75LL+0.75WL</p>	<ol style="list-style-type: none"> <li>COVER SHEET</li> <li>LOOK PLAN</li> <li>REGULAR / A-FRAME BIDS. SECTIONS</li> <li>SIDE ELEVATIONS</li> <li>SECTION DETAILS</li> <li>EAVE WALL DETAILS</li> <li>OPENING DETAILS</li> <li>LEAN-TO OPTION</li> <li>ANCHORAGE</li> </ol>

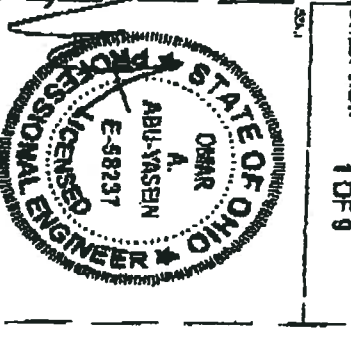
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OWNER: AMERICAN STEEL CARPORTS  
 LOCATION: OHIO  
 DRAWING NO.: 12 TO 30  
 DATE: 5/28/2010  
 PROJECT NUMBER: 033-10-0422  
 DRAWN BY: JMS  
 CHECKED BY: OA

**A & A ENGINEERING**  
 CIVIL - STRUCTURAL  
 1391 Renaissance Pl., Suite B, Toledo, Ohio 43623  
 Tel: (419) 243-1860  
 Fax: (419) 243-0333

DRAWING TITLE: COVER  
 SHEET NO.: 1 OF 9



LICENSE EXPIRES: 1/23/2010  
 DATE SIGNED: 7/20/2010