



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

JUN - 8 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL 7009 1680 0000 7648 7184
RETURN RECEIPT REQUESTED

Mr. Mitch Bowers
President
G&S Titanium, Incorporated
4000 Lincoln Way East
Wooster, Ohio 44691

Re: Expedited Settlement Agreement
G&S Titanium, Incorporated, Wooster, Ohio
Docket No: **RCRA-05-2015-0011**

Dear Mr. Bowers:

Enclosed please find an original signed fully-executed Expedited Settlement Agreement (ESA) in resolution of the above case. The original was filed on June 8, 2015, with the Regional Hearing Clerk (RHC).

The ESA is binding on the U.S. Environmental Protection Agency and G&S Titanium, Incorporated. EPA will take no further action against the Respondent for the violations cited in the ESA. Thank you for your cooperation and for making a payment of \$10,000 on April 13, 2015.

Sincerely,

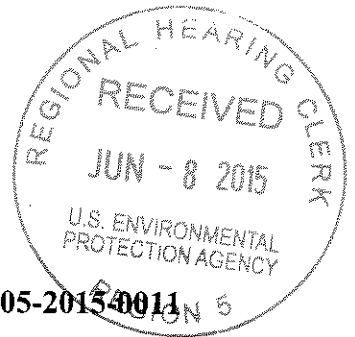
A handwritten signature in cursive script that reads "Gary J. Victorine".

Gary J. Victorine, Chief
RCRA Branch

Enclosure

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

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5



IN THE MATTER OF:)

Docket No. RCRA-05-2015-0011 5

G&S TITANIUM, INC.)
EPA ID Number OHR 000 135 962)
Respondent.)

**EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

1. The U.S. Environmental Protection Agency (“EPA”) alleges that G&S Titanium, Inc. (“Respondent”), owner or operator of the facility at 4000 East Lincoln Way, Wooster, Ohio (the “Facility”), failed to label containers of hazardous waste, failed to include an evacuation plan in the Contingency Plan, and failed to ship hazardous waste off-site within 90 days pursuant to 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(A)(3) [40 C.F.R. § 262.34(a)(3)], Respondent was required to label each container with the words “Hazardous Waste”. Also, under OAC Rule 3745-66-73(A) [40 C.F.R. § 262.34(a)(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. During the EPA and Ohio EPA inspection on April 17, 2012, the inspectors observed seven 1-cubic yard containers of wastewater filter cake which were not marked “Hazardous Waste” and were not closed. The September 10, 2012, G&S Titanium response to the EPA NOV letter included a photograph of the properly labeled closed containers.
3. Under OAC Rule 3745-65-52 [40 C.F.R. § 262.34(a)(1)(i) and 40 CFR § 265.52(f)] the contingency plan must include an evacuation plan for facility personnel where there is a possibility that evacuation may be necessary. The September 10, 2012, G&S Titanium response to the EPA NOV letter stated that the “Emergency Contingency Plan now includes an evacuation plan and was distributed to the Aultman Orrville Hospital, Wooster Community Hospital, Wooster Township Fire Department, Wayne County Sherriff’s office and to Ohio EPA.
3. Under OAC Rule 3745-52-34(B) [40 C.F.R. § 262.34(b)], Respondent was required to ship hazardous waste off-site within 90 days of accumulation or become an operator of a storage and/or treatment facility, and is subject to the 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 ninety-day period. G&S Titanium stored two 1-cubic yard containers of wastewater filter cake for 94 days (1/16/2012 to

4/9/2012) and 111 days (12/30/2011 to 4/19/2012).

4. EPA and Respondent agree that settlement of this matter for a penalty of Ten Thousand (\$10,000) is in the public interest.
5. EPA is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008 of RCRA and 40 C.F.R. § 22.13(b).
6. 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.
7. By its signature below, Respondent certifies that the alleged violation has been corrected. Respondent shall be subject to civil and criminal penalties for making a false statement and/or submission to the United States Government.
8. Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of Ten Thousand (\$10,000) 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 G&S Titanium, 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

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

9. The civil penalty is not deductible for federal tax purposes.
10. If the Respondent does not pay timely the civil penalty, EPA may refer this matter to the Attorney General who will recover such amount, plus interest, in the appropriate district court of the United States under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a) (check these). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.
11. 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.
12. This Agreement resolves Respondent's liability for federal civil penalties for the violations alleged in the Agreement.
13. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
14. 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.
15. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
16. Each party shall bear its own costs and fees, if any.
17. 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): MITCH BOWERS

Title (print): PRESIDENT

Signature: Mitch Bowers

Date 4-10-15

APPROVED BY EPA:



Date 5/20/2015

Margaret Guerriero, Director
Land and Chemicals Division
U.S. Environmental Protection Agency
Region 5

In the Matter of:


G&S Titanium, Inc.
Docket Number RCRA-05-2015-0011

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:

5-28-2015
Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency
Region 5

In the matter of: G&S Titanium, Inc.
Docket Number: RCRA-05-2015-0011

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement and Final Order**, which was filed on [June 8, 2015], this day in the following manner to the addressees:

Copy by certified mail
return-receipt requested:

Mr. Mitch Bowers
President
G&S Titanium, Incorporated
4000 Lincoln Way East
Wooster, Ohio 44691

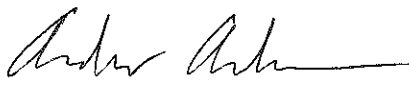
Copy by e-mail to
Attorney for Complainant:

Susan Perdomo
perdomo.susan@epa.gov

Copy by e-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated: June 8, 2015



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