



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

Bucket #

RUST-05-2010-0009

FILE COPY

Billing #

REPLY TO THE ATTENTION OF:

LR-8J

2751006M009

CERTIFIED MAIL #7001 0320 0006 1559 1527
RETURN RECEIPT REQUESTED

Mr. Kevin Mathis
POLY-CARB, Inc.
33095 Bainbridge Road
Solon, Ohio 44139

Re: Notice of Violation and Compliance Order/Settlement Agreement for the POLY-CARB, Inc., facility, located at 33095 Bainbridge Road, Solon, Ohio Illinois

Dear Mr. Mathis:

On April 26, 2010, the U.S. Environmental Protection Agency, RCRA Programs Section issued a Notice of Violation and a Compliance Order/Settlement Agreement concerning underground storage tank (UST) violations (i.e., release detection and financial responsibility), found at the POLY-CARB, Inc., facility, 33095 Bainbridge Road, Solon, Ohio. This letter is to inform you that we have received your signed copy of the Settlement Agreement, which we received on July 15, 2010. We also received your supporting documentation stating that the UST violations were addressed. In addition, we received your check (#5542846) for a total of \$750.00 in penalties.

The Settlement Agreement states that it is effective upon EPA's final approval. This is to inform you that I have enclosed a signed and dated copy of the approved Settlement Agreement. The original Settlement Agreement will remain in the EPA's files. We also have accepted and processed your check as part of the settlement process. If you have any further questions, please feel free to contact Arturo Cisneros, of my staff, at 312/886-7447.

Sincerely,

Mary S. Setnicar
Acting Chief, RCRA Branch
Land and Chemicals Division

RECEIVED

JUL 26 2010

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

Enclosure

R.H.C.
Copy of
Letter

Docket #

RUST-05-2010-0009

cc: Andrew Thompson, Ohio BUSTR

Billing#
2751006M009

Docket #

Billing #

RUST-05-2010-0009

2751006M009

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) REGION 5
77 West Jackson Boulevard (LR-8J), Chicago, Illinois 60604-3590
UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO. R5-UST-10-006-AC

PART I: INSPECTION SUMMARY

On: 04/08/2010 Time: 02:57 PM

At: POLY-CARB Inc.
Address: 33095 Bainbridge Road
Solon, OH 44139

Kevin Mathis
(Name of Site Representative if not the Owner or Operator)

Name and address of the UST Owner

Name: POLY-CARB Inc.
Address: 33095 Bainbridge Road
Solon, OH 44139

A duly designated officer, employee, or representative of the EPA or a duly designated officer or employee of the State or Tribe inspected this facility. EPA has reviewed the inspection report and other relevant materials and has identified the following violation(s) of the UST regulations promulgated or approved by EPA under Subtitle I of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6991 et seq).

1. Violation: Failure to provide adequate release detection for a new hazardous substance UST system
Cite: 40 CFR 280.42(b)
Proposed Penalty: \$300

2. Violation: Failure to provide any release detection for underground piping.
Cite: 40 CFR 280.44
Proposed Penalty: \$300

3. Violation: Failure to comply with financial responsibility requirements by the required phase-in time.
Cite: 40 CFR 280.93(a)
Proposed Penalty: \$150

4. Violation: .
Cite: 40 CFR
Proposed Penalty: .

TOTAL PROPOSED PENALTY: \$750

EPA finds the Owner or Operator in violation of the above referenced UST regulations.

[Signature]
(Signature of EPA Inspector) 4-8-10
(Date)

Part II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER

A. Settlement Agreement: The Owner or Operator by signing this Settlement Agreement (or by having an authorized representative sign it) agrees to settle the violations identified in Part I, subject to the following terms and conditions:

The Owner or Operator certifies, subject to civil and criminal penalties for making a false submission to the U. S. Government, that he or she has corrected the violations, submitted true and accurate documentation of their correction, and submitted payment to the U.S. Treasury for the amount of \$750 in payment of the full proposed penalty amount, as described in Part I of this Form.

The Owner or Operator agrees to comply with the terms of the Compliance Order in Part II.B. Without admitting liability for the violations cited in Part I, the Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to the Compliance Order and this Settlement Agreement, and consents to EPA's final approval of this Settlement Agreement without further notice. The Owner or Operator waives the opportunity for a public hearing pursuant to RCRA section 9006.

Once EPA signs the Settlement Agreement, EPA will take no further enforcement action against the Owner or Operator for the civil violations described in Part I, provided the violations have been timely corrected and the penalty has been paid. EPA does not waive its right to enforce against the Owner or Operator for any other violations not described in Part I and violations of the UST requirements or other requirements listed in Part I that were not corrected in a timely manner.

This Settlement Agreement and Compliance Order will become effective once signed by EPA and is binding on EPA and the Owner or Operator upon signature by both parties. Final approval of the Settlement Agreement and Compliance Order is in the sole discretion of the Regional Administrator, Region 5, EPA, or his or her authorized delegate. Upon final approval, EPA shall mail a copy of this document to the Owner or Operator signing below.

SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE:

X Name (Print): Kevin M. Mathis
X Title (Print): Production/Responsible Care Leader
X Signature: [Signature] Date: 7/8/10

B. Compliance Order: This Compliance Order is issued under the authority of RCRA section 9006 to resolve the civil violations identified in Part I. The Owner or Operator is ordered to correct the violations, submit true and accurate documentation that the violations were corrected, and pay the total penalty amount listed in Part I of this Form. This Compliance Order shall become final and enforceable only upon signature by an EPA official with the authority to sign this document.

Name (Print): MARY S. SEVICAR
Title (Print): Acting Chief, RCRA Branch
Signature: [Signature] Date: 7/26/10

Notes:

RECEIVED

JUL 26 2010

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

UST Section
original

Docket #

Billing #

27510261009

RUST-05-2010-0009

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) REGION 5
77 West Jackson Boulevard (LR-8J), Chicago, Illinois 60604-3590
UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO. R5-UST-10-006-AC

PART I: INSPECTION SUMMARY

On: 04/08/2010 Time: 02:57 PM

At: POLY-CARB Inc.
Address: 33095 Bainbridge Road
Solon, OH 44139

Kevin Mathis
(Name of Site Representative if not the Owner or Operator)

Name and address of the UST Owner

Name: POLY-CARB Inc.
Address: 33095 Bainbridge Road
Solon, OH 44139

A duly designated officer, employee, or representative of the EPA or a duly designated officer or employee of the State or Tribe inspected this facility. EPA has reviewed the inspection report and other relevant materials and has identified the following violation(s) of the UST regulations promulgated or approved by EPA under Subtitle I of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6991 et seq).

1. Violation: Failure to provide adequate release detection for a new hazardous substance UST system
Cite: 40 CFR 280.42(b) Proposed Penalty: \$300

2. Violation: Failure to provide any release detection for underground piping.
Cite: 40 CFR 280.44 Proposed Penalty: \$300

3. Violation: Failure to comply with financial responsibility requirements by the required phase-in time.
Cite: 40 CFR 280.93(a) Proposed Penalty: \$150

4. Violation: .
Cite: 40 CFR Proposed Penalty:

TOTAL PROPOSED PENALTY: \$750

EPA finds the Owner or Operator in violation of the above referenced UST regulations.

 (Signature of EPA Inspector) 4-8-10 (Date)

Part II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER

A. Settlement Agreement: The Owner or Operator by signing this Settlement Agreement (or by having an authorized representative sign it) agrees to settle the violations identified in Part I, subject to the following terms and conditions:

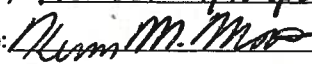
The Owner or Operator certifies, subject to civil and criminal penalties for making a false submission to the U. S. Government, that he or she has corrected the violations, submitted true and accurate documentation of their correction, and submitted payment to the U.S. Treasury for the amount of \$750 in payment of the full proposed penalty amount, as described in Part I of this Form.

The Owner or Operator agrees to comply with the terms of the Compliance Order in Part II.B. Without admitting liability for the violations cited in Part I, the Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to the Compliance Order and this Settlement Agreement, and consents to EPA's final approval of this Settlement Agreement without further notice. The Owner or Operator waives the opportunity for a public hearing pursuant to RCRA section 9006.

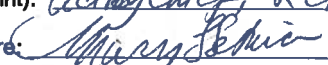
Once EPA signs the Settlement Agreement, EPA will take no further enforcement action against the Owner or Operator for the civil violations described in Part I, provided the violations have been timely corrected and the penalty has been paid. EPA does not waive its right to enforce against the Owner or Operator for any other violations not described in Part I and violations of the UST requirements or other requirements listed in Part I that were not corrected in a timely manner.

This Settlement Agreement and Compliance Order will become effective once signed by EPA and is binding on EPA and the Owner or Operator upon signature by both parties. Final approval of the Settlement Agreement and Compliance Order is in the sole discretion of the Regional Administrator, Region 5, EPA, or his or her authorized delegate. Upon final approval, EPA shall mail a copy of this document to the Owner or Operator signing below.

SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE:

Name (Print): Kevin M. Mathis
Title (Print): Production/Responsible Care Leader
Signature:  Date: 7/8/10

B. Compliance Order: This Compliance Order is issued under the authority of RCRA section 9006 to resolve the civil violations identified in Part I. The Owner or Operator is ordered to correct the violations, submit true and accurate documentation that the violations were corrected, and pay the total penalty amount listed in Part I of this Form. This Compliance Order shall become final and enforceable only upon signature by an EPA official with the authority to sign this document.

Name (Print): MARY S. SEMICAR
Title (Print): Acting Chief, RCRA Branch
Signature:  Date: 7/26/10

Notes:

RECEIVED

JUL 26 2010

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

R.H.C.
Original

Docket #

RUST-05-2010-0009

Billing # 27510061009

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) REGION 5
77 West Jackson Boulevard (LR-8J), Chicago, Illinois 60604-3590

UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO. R5-UST-10-006-AC

PART I: INSPECTION SUMMARY

Part II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER

On: 04/08/2010 Time: 02:57 PM

A. Settlement Agreement: The Owner or Operator by signing this Settlement Agreement (or by having an authorized representative sign it) agrees to settle the violations identified in Part I, subject to the following terms and conditions:

At: POLY-CARB Inc.
Address: 33095 Bainbridge Road
Solon, OH 44139

The Owner or Operator certifies, subject to civil and criminal penalties for making a false submission to the U. S. Government, that he or she has corrected the violations, submitted true and accurate documentation of their correction, and submitted payment to the U.S. Treasury for the amount of **\$750** in payment of the full proposed penalty amount, as described in Part I of this Form.

Kevin Mathis
(Name of Site Representative if not the Owner or Operator)

The Owner or Operator agrees to comply with the terms of the Compliance Order in Part II.B. Without admitting liability for the violations cited in Part I, the Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to the Compliance Order and this Settlement Agreement, and consents to EPA's final approval of this Settlement Agreement without further notice. The Owner or Operator waives the opportunity for a public hearing pursuant to RCRA section 9006.

Name and address of the UST Owner

Name: POLY-CARB Inc.
Address: 33095 Bainbridge Road
Solon, OH 44139

A duly designated officer, employee, or representative of the EPA or a duly designated officer or employee of the State or Tribe inspected this facility. EPA has reviewed the inspection report and other relevant materials and has identified the following violation(s) of the UST regulations promulgated or approved by EPA under Subtitle I of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6991 et seq).

Once EPA signs the Settlement Agreement, EPA will take no further enforcement action against the Owner or Operator for the civil violations described in Part I, provided the violations have been timely corrected and the penalty has been paid. EPA does not waive its right to enforce against the Owner or Operator for any other violations not described in Part I and violations of the UST requirements or other requirements listed in Part I that were not corrected in a timely manner.

1. Violation: Failure to provide adequate release detection for a new hazardous substance UST system
Cite: 40 CFR 280.42(b)
Proposed Penalty: **\$300**

This Settlement Agreement and Compliance Order will become effective once signed by EPA and is binding on EPA and the Owner or Operator upon signature by both parties. Final approval of the Settlement Agreement and Compliance Order is in the sole discretion of the Regional Administrator, Region 5, EPA, or his or her authorized delegate. Upon final approval, EPA shall mail a copy of this document to the Owner or Operator signing below.

2. Violation: Failure to provide any release detection for underground piping.
Cite: 40 CFR 280.44
Proposed Penalty: **\$300**

SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE:

3. Violation: Failure to comply with financial responsibility requirements by the required phase-in time.
Cite: 40 CFR 280.93(a)
Proposed Penalty: **\$150**

Name (Print): Kevin M. Mathis
 Title (Print): Production/Responsible Care Leader
 Signature: Kevin M. Mathis Date: 7/8/10

4. Violation: _____
Cite: 40 CFR
Proposed Penalty: _____

B. Compliance Order: This Compliance Order is issued under the authority of RCRA section 9006 to resolve the civil violations identified in Part I. The Owner or Operator is ordered to correct the violations, submit true and accurate documentation that the violations were corrected, and pay the total penalty amount listed in Part I of this Form. This Compliance Order shall become final and enforceable only upon signature by an EPA official with the authority to sign this document.

TOTAL PROPOSED PENALTY: **\$750**

EPA finds the Owner or Operator in violation of the above referenced UST regulations.

Name (Print): MARY S. SETNICAR
Title (Print): Acting Chief, RCRA Branch
Signature: Mary Setnicar Date: 7/26/10

(Signature of EPA Inspector)

(Date)

Notes:

RECEIVED

JUL 26 2010

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL

COLLECTION INFORMATION

DEPOSIT (SCHEDULE) NUMBER 2748910 SUSPENSE LIABILITY
 CR NUMBER UST05100060 REMOVED BY _____
 BILL NUMBER (IF DIFFERENT FROM CR NUMBER) _____ REMOVED DATE _____
 _____ IFMS ENTERED DATE _____
 DATE ITEM REC'D (IF NOT CIRCLED ON CHECK) _____ COLLECTION ENTRY DONE BY ERIC
 NOT IN: ICIS, BRAINS, RHC DATABASE IPAC TO: LV RTP HQ

ACCOUNTING

CR Line	BFY	APPR	Bud Org	PRC	BOC	Site/Proj	AMOUNT	Ref. Line	Rep Cat
								998	
								997	
								001	
								002	
								003	
								004	
								005	
								999	

Page 1 of 1

POLY-CARB, INC
 33095 Bainbridge Road
 Cleveland OH 44139

7-14-2010

Page 1 of 1

THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE BY A DATE AND AUTHORITY. THIS INFORMATION IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE BY A DATE AND AUTHORITY.

FIRSTMERIT Bank

1833 0001 A125406 14:34 17610 05/19/2010 07 C8CK 17610 - 07 5542846

REMITTER POLY-CARB, INC DATE MAY 19, 2010 SC-55 412

PAY SEVEN HUNDRED FIFTY DOLLARS AND 00/100 \$ ***750.00*

TO THE ORDER OF TREASURER OF THE UNITED STATES OF AMERICA

UI# R-UST-10-006-AC

CASHIER'S CHECK
 OFFICIAL BANK SIGNATURE

TWO SIGNATURES REQUIRED OVER \$10,000.00