

IN THE COURT OF COMMON PLEAS
MADISON COUNTY, OHIO

STATE OF OHIO, ex rel. :
 BETTY D. MONTGOMERY, :
 ATTORNEY GENERAL OF OHIO, :
 :
 Plaintiff, :
 :
 v. :
 :
 SHOWA ALUMINUM CORPORATION :
 OF AMERICA, :
 :
 Defendant :
 :

CASE NO. *98CV-001-101*

Judge

CONSENT ORDER AND
FINAL JUDGMENT ENTRY

FILED
 COMMON PLEAS COURT
 JUN 18 A 9:1
 MARIE PARKS
 CLERK OF COURT
 MADISON CO. OHIO

Plaintiff State of Ohio, ex rel. Betty D. Montgomery, Attorney General of Ohio, having filed the Complaint in this action against Defendant SHOWA Aluminum Corporation of America to enforce Ohio's hazardous waste laws found in Chapter 3734 of the Revised Code and rules adopted thereunder; and Plaintiff and Defendant having consented to the entry of this Order;

THEREFORE, without trial or admission of any issue of law or fact, and upon the consent of the parties hereto, it is hereby ORDERED, ADJUDGED and DECREED as follows:

I. DEFINITIONS

1. As used in this Consent Order:
 - A. "Consent Order" means this Consent Order and Final Judgment Entry and all appendices hereto. In the event of conflict between this Consent Order and any appendix, the Consent Order shall control.
 - B. "Contractor" means the individual(s), company or companies retained by or on behalf of Defendant to undertake and complete the work required by this Consent Order.

- C. **"Defendant"** means SHOWA Aluminum Corporation of America.
- D. **"Director"** means Ohio's Director of Environmental Protection.
- E. **"Effective Date"** means the date that the Madison County Court of Common Pleas enters this Consent Order.
- F. **"Facility"** refers to the location where the alleged disposal or other placement of hazardous waste was conducted by Defendant, particularly, the facility located at 10500 O'Day-Harrison Road, Mt. Sterling, Ohio 43143, in Madison County.
- G. **"Findings and Orders"** means the Final Findings and Orders of the Director of Ohio EPA signed by Plaintiff and Defendant and issued by the Director on March 14, 1996.
- H. **"Ohio EPA"** means the Ohio Environmental Protection Agency.
- I. **"Ohio Adm. Code"** means the Ohio Administrative Code.
- J. **"Plaintiff"** means the State of Ohio by and through the Attorney General of Ohio.
- K. **"R.C."** means the Ohio Revised Code.
- L. **"SAP"** means Sampling and Analysis Plan.

II. JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action, pursuant to R.C. Chapter 3734 and the rules adopted thereunder. This Court has jurisdiction over the parties. Venue is proper in this Court. The Complaint states a claim upon which relief can be granted.

III. PERSONS BOUND

3. The provisions of this Consent Order shall apply to and be binding upon Plaintiff and Defendant, their agents, officers, employees, assigns, successors in interest and any person acting in concert or participation with them who receives actual notice of this Consent Order

whether by personal service or otherwise. Defendant is ordered and enjoined to provide a copy of this Consent Order to each contractor they employ to perform work itemized herein.

IV. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS

4. Except as otherwise provided in this Consent Order, compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of Defendant to Plaintiff for all claims alleged in the Complaint.

5. Nothing in this Consent Order, including the imposition of stipulated civil penalties, shall limit the authority of the State of Ohio to:

- A. Seek relief for claims or conditions not alleged in the Complaint;
- B. Seek relief for claims or conditions alleged in the Complaint occurring after the effective date of this Consent Order;
- C. Enforce this Consent Order through a contempt action or otherwise for violations of this Consent Order;
- D. Bring any action against Defendant or against any other person, under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), as amended, 42 U.S.C. § 9601, et seq. and/or R.C. 3734.20 through 3734.27 to: (1) recover natural resource damages, and/or (2) order the performance of, and/or recover costs for any removal, remedial or corrective activities not conducted pursuant to the terms of this Consent Order.
- E. Take any action authorized by law against any person, including Defendant, to eliminate or mitigate conditions at the Facility that may present an imminent threat to the public health or welfare, or the environment.

V. INJUNCTIVE RELIEF

6. Defendant is ordered and enjoined to comply with R.C. 3734.02(E) and (F), R.C. 3734.11(A), R.C. 3734.13(D), Ohio Adm. Code 3745-66-95(A) and (C), Ohio Adm. Code 3745-

66-93(A) and (E) and Ohio Adm. Code 3745-65-31.

7. Defendant is ordered and enjoined to ensure that the Facility is operated and maintained in accordance with the Findings and Orders issued by the Director on March 14, 1996, the terms of which are incorporated herein and made part of this agreement. (Attached as Appendix A).

8. On or about November 6, 1997, Defendant submitted to Ohio EPA a sampling and analysis plan ("SAP") describing how Defendant will meet the clean soil levels for the area surrounding the side door of the Facility building where filter press sludge was released on July 3, 1996.

9. On or about December 5, 1997, Ohio EPA completed its review of the SAP and provided comments to Defendant.

10. On or about December 23, 1997, Defendant took soil samples of the area affected by the filter press release at depths ranging from zero to thirty inches.

11. On or about February 25, 1998, Defendant submitted to Ohio EPA a plan to remediate the area affected by the filter press release. Ohio EPA approved the remediation plan with modifications on March 4, 1998. Defendant implemented the plan on March 27, 1998 and took five (5) confirmatory samples of the area of excavation.

12. Within sixty (60) days of completion of remedial activities, Defendant shall submit to Ohio EPA, for review and approval, in accordance with Section VI. of this Consent Order, a certification that the remedial activities were conducted in accordance with the specifications in the approved remediation plan. The certification must be signed by Defendant and by an independent, qualified, registered professional engineer.

VI. SUBMITTAL OF DOCUMENTS

13. All documents required to be submitted to Ohio EPA pursuant to this Consent Order shall be submitted to the following addresses, or to such addresses as Ohio EPA may hereafter designate in writing:

Ohio EPA
Central District Office
3232 Alum Creek Drive
Columbus, Ohio 43207
Attn: DHWM Group Leader

Ohio EPA
Division of Hazardous Waste Management
1800 WaterMark Drive
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Manager,
Compliance Assurance Section

VII. CIVIL PENALTY

14. Defendant is ordered and enjoined to pay to the State of Ohio a civil penalty in the amount of Fifty Thousand Dollars (\$50,000). This amount shall be paid by delivering to Plaintiff, c/o Jena Suhadolnik, or her successor, at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, a cashier's or certified check in that amount, payable to the order of "Treasurer, State of Ohio", within thirty (30) days from the effective date of this Consent Order. This civil penalty shall be deposited into the hazardous waste clean-up fund created by R.C. 3734.28.

VIII. STIPULATED PENALTIES

15. In the event that Defendant fails to comply with any requirement or deadline of this Consent Order, Defendant is liable for and shall pay to Plaintiff a stipulated penalty in accordance with the following schedule for each failure to comply:

- A. For each day of each failure to comply with a requirement or deadline of this Consent Order, up to and including thirty (30) days --Four Hundred Dollars (\$400) per day for each requirement or deadline not met.

- B. For each day of each failure to comply with a requirement or deadline of this Consent Order, from thirty-one (31) to sixty (60) days -- Six Hundred Dollars (\$600) per day for each requirement or deadline not met.
- C. For each day of each failure to comply with a requirement or deadline of this Consent Order, over sixty (60) days -- One Thousand Dollars (\$1,000) per day for each requirement or deadline not met.

16. Any payment required to be made under the provisions of this Section of the Consent Order shall be made by delivering to Plaintiff, c/o Jena Suhadolnik, or her successor, at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, a cashier's or certified check or checks, payable to the order of "Treasurer, State of Ohio", for the appropriate amount within thirty (30) days from the date of the failure to meet the requirement or deadline of this Consent Order. The payment of the stipulated penalty shall be accompanied by a letter briefly describing the type of violation, deadline or requirement not met and the date upon which the violation of this Consent Order occurred. This penalty shall be deposited into the hazardous waste clean-up fund created by R.C. 3734.28.

17. The payment of stipulated penalties by Defendant and the acceptance of such stipulated penalties by Plaintiff for specific violations pursuant to this Section shall not be construed to limit Plaintiff's authority to seek additional relief pursuant to R.C. Chapter 3734, including civil penalties under R.C. 3734.13, or to otherwise seek judicial enforcement of this Consent Order for the same violation for which a stipulated penalty was paid or for other violations.

IX. COMPLIANCE WITH APPLICABLE LAWS, PERMITS AND APPROVALS

18. All activities undertaken by Defendant pursuant to this Consent Order shall be undertaken in accordance with the requirements of all applicable federal, state and local laws, rules, regulations and permits. For work both on and off the Facility, Defendant is ordered and enjoined to obtain all permits or approvals necessary under applicable federal, state or local laws and shall submit timely applications and requests for any such permits and approvals. Where such laws appear to conflict with the other requirements of this Consent Order, Defendant is ordered and enjoined to immediately notify Ohio EPA of the potential conflict. Defendant is ordered and enjoined to include in all contracts or subcontracts entered into for work required under this Consent Order, provisions stating that such contractors or subcontractors, including their agents and employees, shall perform all activities required by such contracts or subcontracts in compliance with all applicable laws and rules. This Consent Order is not a permit issued pursuant to any federal, state or local law or rule.

XI. RETENTION OF JURISDICTION

19. This Court shall retain jurisdiction of this action for the purpose of enforcing this Consent Order.

XII. COSTS

20. Defendant shall pay the court costs of this action.

XIII. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK

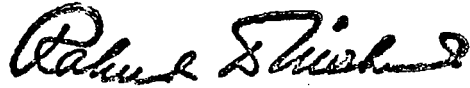
21. Upon the signing of this Consent Order by the Court, the Clerk of Courts is directed to enter it upon the journal. Within three (3) days of entering the judgment upon the journal, the Clerk is directed to serve upon all parties notice of the judgment and its date of entry upon the

journal in the manner prescribed by Rule 5(B) of the Ohio Rules of Civil Procedure and note the service in the appearance docket.

XIV. AUTHORITY TO ENTER INTO THE CONSENT ORDER

22. Each signatory for a corporation represents and warrants that he/she has been duly authorized to sign this document and so bind the corporation to all terms and conditions thereof, and that he/she submits with this Consent Order an authenticated and certified resolution from the corporation establishing that he/she is so empowered.

IT IS SO ORDERED:

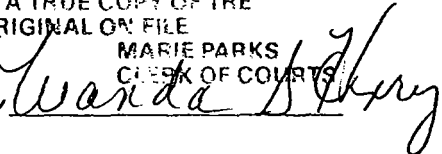


**JUDGE _____
COURT OF COMMON PLEAS
MADISON COUNTY**

I HEREBY CERTIFY THAT THIS
IS A TRUE COPY OF THE
ORIGINAL ON FILE

**MARIE PARKS
CLERK OF COURTS**

BY



Respectfully submitted,

BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO

By: Luann Hoover

Luann L. Hoover (0062404)
Assistant Attorney General
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43215-3428
Telephone: (614) 466-2766
Facsimile: (614) 644-1926

Attorney for Plaintiff
State of Ohio

SHOWA ALUMINUM CORPORATION
OF AMERICA

By: Hiroshi Hashimoto

Hiroshi Hashimoto
Executive Vice President
SHOWA Aluminum Corporation of America
10500 O'Day-Harrison Road
Mt. Sterling, Ohio 43143

By: Scott M. Doran

Scott M. Doran (0037150)
Vorys, Sater, Seymour & Pease
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008

Attorney for Defendant
SHOWA Aluminum Corporation of America

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AN ACTION BY THE DIRECTORS OF
SHOWA ALUMINUM CORPORATION OF AMERICA
WITHOUT A MEETING

The undersigned, being all of the Directors of Showa Aluminum Corporation of America (the "Company"), hereby take the actions expressed in the following resolutions in accordance with Section 1701.54 of the Ohio Revised Code and the Code of Regulations of the Company:

RESOLVED, that the Company be, and it hereby is, authorized to enter into and perform the Consent Order and Final Judgment Entry in the Matter of State of Ohio v. Showa Aluminum Corporation of America (the "Consent Order") in the form attached hereto as Exhibit A.

FURTHER RESOLVED, that Hiroshi Hashimoto, Executive Vice President of the Company be, and he hereby is, authorized, empowered and directed to execute and deliver the Consent Order and any and all other related agreements, documents, instruments and certificates in connection therewith.

FURTHER RESOLVED, that any action taken by any officer of the Company or any employee or agent thereof with respect to the foregoing matter prior to the date of these resolutions be, and they each hereby are, ratified, confirmed, approved and authorized as actions by and on behalf of the Company.

IN WITNESS WHEREOF, the undersigned being all of the Directors of Showa Aluminum Corporation of America, hereby indicate in writing their approval of and consent to the foregoing actions and resolutions, without a meeting, to be effective as of June 8, 1998.

I. Anzai
I. Anzai

K. Kikuchi
K. Kikuchi

H. Chuman
H. Chuman

H. Hashimoto
H. Hashimoto

T. Shibata
T. Shibata

APPENDIX A



State of Ohio Environmental Protection Agency

PHYSICAL ADDRESS:

1800 WaterMark Drive
Columbus, OH 43215-1099

TELE: (614) 644-3020 FAX: (614) 644-2329

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

March 14, 1996

Re: Director's Final Findings & Orders
Showa Aluminum Corporation of America
Mount Sterling, Ohio
US EPA ID No.: OHD 981 953 870

CERTIFIED MAIL

Showa Aluminum Corporation of America
Attn: Mr. Frank Balassone
General Manager - Human Resources & Administration
10500 O'Day - Harrison Road
Mount Sterling, Ohio 43143

Dear Mr. Balassone:

Transmitted herewith are Final Findings & Orders of the Director concerning the matter indicated.

Sincerely yours,

Thomas E. Crepeau, Manager
Data Management Section
Division of Hazardous Waste Management

TEC/dhs

cc: Mark Navarre, Legal
Michael Savage, Asst. Chief, DHWM
Pamela Allen, Manager, CAS, DHWM
Mike Kelley, Chief, OPP
Lundy Adelsberger, DHWM, CDO
Edith Long, Fiscal
Carol Hester, PIC
Scott M. Doran, Esq., Vorys, Sater, Seymour & Pease

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OHIO EPA
96 MAR 19 AM 10:59
LEGAL OFFICE

Issue Date: March 14, 1996

Effective Date: March 14, 1996

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Showa Aluminum Corporation of America : Director's Final
10500 O'Day - Harrison Road : Findings and Orders
Mount Sterling, Ohio 43143 :

Respondent

PREAMBLE

It is hereby agreed by and among the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Showa Aluminum Corporation of America ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under §3734.13 and §3745.01 of the Ohio Revised Code ("ORC").

II. PARTIES

These Orders shall apply to and be binding upon the Respondent, its assigns and successors in interest. No changes in ownership relating to the Facility will in any way alter the Respondent's responsibilities under these Orders. The Respondent's obligations under these Orders may be altered only by the written approval of the Director of the Ohio EPA.

OHIO E.P.A.

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I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: Mary Cavin Date 3-14-96

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in Chapter 3734. of the ORC and the regulations promulgated thereunder.

IV. FINDINGS OF FACT

The Director of the Ohio EPA has determined the following findings of fact:

1. The Respondent manufactures heating and cooling condensers and copy machine roller drums at its facility located at 10500 O'Day-Harrison Road, Mt. Sterling, Madison County, Ohio ("Facility"). The Respondent was licensed to do business in the State of Ohio on September 19, 1986.
2. The Respondent is a "person" as defined in §1.59 and §3734.01(G) of the ORC and Ohio Administrative Code ("OAC") rule 3745-50-10-(A)(83).
3. On February 12, 1987, the Respondent notified the United States Environmental Protection Agency ("U.S. EPA") of its hazardous waste activities at the Facility and was issued U.S. EPA Identification Number OHD981953870.
4. The Facility utilized two (2) storage tanks, identified as TD12 and TD14, which were installed in 1987, as part of the on-site wastewater treatment unit. Sometime in 1993 the Respondent disconnected the tanks from the wastewater treatment system and began to ship the hazardous wastes accumulated in these two tanks off-site as hazardous waste. Until 1993, when the tanks were disconnected from the wastewater treatment unit, these tanks were exempt from hazardous waste management storage tank regulations.

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By: Mary Cavin Date 3-14-96

5. During a December 20 and 21, 1994 inspection of the Facility, Ohio EPA determined that the Respondent had:
- a. Failed to contact the transporter and/or the owner/operator of the designated facility to determine the status of the hazardous waste which was offered for disposal and for which no copy of the manifest with the handwritten signature of the owner or operator of the designated facility was received within thirty-five (35) days, and failed to submit an exception report to the Ohio EPA within forty five (45) days, in violation of OAC rule 3745-52-42 (A)(1 & 2);
 - b. failed to weekly test and maintain alarm systems, fire protection and spill control equipment, in violation of OAC rule 3745-65-33;
 - c. failed to label the 3,400 gallon (TD12) and 7,000 gallon (TD14) above ground hazardous waste storage tanks used to accumulate hazardous wastes (D002 and D007) with the words "Hazardous Waste", in violation of OAC rule 3745-52-34(A)(3);
 - d. failed to store hazardous waste in containers which are closed except when it is necessary to add or remove waste, in violation of OAC rule 3745-66-73(A);
 - e. failed to provide weekly inspections of areas where containers are stored, looking for leaks and for deterioration caused by corrosion or other factors, in violation of OAC rule 3745-66-74(A);
 - f. failed to provide secondary containment for the hazardous waste storage tanks TD12 and TD14, in violation of OAC rule 3745-66-93;
 - g. failed to ensure the tank system integrity for the two above ground hazardous waste storage tanks, TD12 and TD14, which

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By: Mary Carvin Date 3-14-96

- are new tank systems without secondary containment, by testing the tank's structural integrity prior to use, and failed to maintain, on-site, a written tank assessment reviewed and certified by an independent, qualified registered professional engineer, in violation of OAC rule 3745-66-92;
- h. failed to inspect at least once each operating day: all overfill/spill control equipment; the aboveground portions of the tank system; data gathered from monitoring and leak detection equipment; and, construction materials and the area immediately surrounding the tank system; and failed to document these inspections, in violation of OAC rule 3745-66-95(A&C);
- i. failed to notify the treatment or storage facility in writing of, the U.S. EPA hazardous waste number, the corresponding treatment standards, and the associated manifest number, in violation of OAC rule 3745-59-07(A)(1)(a,b&c); and
- j. failed to retain on-site a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation for at least five (5) years from the date that the waste was last sent to an on-site or off-site treatment, storage, or disposal facility, in violation of OAC rule 3745-59-07(A)(7).
6. By letter dated January 9, 1995, Ohio EPA issued a Notice of Violation ("NOV") which, notified the Respondent of the violations discovered in the December 20 and 21, 1994 inspection of the Facility, and requested documentation demonstrating abatement of the violations within thirty (30) days. By letter dated March 8, 1995, Ohio EPA issued a second NOV for violations summarized in Findings Number 5f through 5h.
7. By letter dated February 28, 1995, and a letter received on March 23, 1995, the Respondent replied to Ohio EPA's NOVs, provided

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By: Mary Cavin Date 3-14-96

documentation demonstrating abatement of several violations, and indicated that the remaining violations were being evaluated to determine abatement measures.

8. By letter dated May 26, 1995, Ohio EPA issued a third NOV for failure to amend the Facility contingency plan to reflect the management of hazardous waste in storage tanks in violation of OAC rule 3745-65-54(C).
9. By letter received June 15, 1995, the Respondent notified Ohio EPA that the two (2) hazardous waste storage tanks, TD12 and TD14, will be eliminated and a new 8,000 gallon double wall above ground storage tank will be installed to abate violations listed in Findings number 5f and 5g of these Orders. The Respondent indicated it would amend the contingency plan after installation of the 8,000 gallon tank to abate the violation listed in Finding number 8 of these Orders. The Respondent also indicated it would provide documentation to Ohio EPA demonstrating compliance with Finding number 5h of these Orders.
10. Based on the violations presented in Finding number 5 of these Orders, the Respondent failed to provide an adequate personnel training program that ensures the facility's compliance with the requirements of the hazardous waste rules in accordance with OAC rule 3745-65-16(A)(1).
11. By letter dated January 16, 1996, the Respondent notified Ohio EPA that the two tanks TD12 and TD14 would not be replaced by a new 8,000 gallon double wall above ground storage tank. The Respondent has retained Burges & Niple to design and implement changes to the wastewater treatment system. These changes would allow the Respondent to cease using tanks TD12 and TD14 as hazardous waste storage tanks.

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By: Mary Gavin Date 3-14-96

V. ORDERS

The Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated thereunder according to the following compliance schedule:

1. Within ten (10) days after the effective date of these Orders, the Respondent shall submit to Ohio EPA, a schedule for compliance outlining the steps which Respondent shall take with respect to tanks TD12 and TD14 to abate the following outstanding violations: failure to provide secondary containment for the hazardous waste storage tanks TD12 and TD14, in violation of OAC rule 3745-66-93; failure to ensure the tank system integrity by maintaining, on-site, a written tank assessment reviewed and certified by an independent, qualified registered professional engineer, in violation of OAC rule 3745-66-92. Within ninety (90) days after the effective date of these Orders, the Respondent shall cease utilizing tanks TD12 and TD14 as hazardous waste storage and accumulation tanks.
2. The Respondent shall perform inspections at least once each operating day, until such time as tanks TD12 and TD14 are no longer used as hazardous waste storage and accumulation tanks, of: all overfill/spill control equipment; the aboveground portions of the tank system; data gathered from monitoring and leak detection equipment; construction materials and the area immediately surrounding the tank system; and document these inspections, in accordance with OAC rule 3745-66-95(A&C). Within forty-five (45) days after the effective date of these Orders, the Respondent shall provide documentation of the daily tank inspections to Ohio EPA.
3. Within forty five (45) days after the effective date of these Orders, the Respondent shall repair cracks and gaps identified in the secondary containment area. Within sixty (60) days after the effective date of these Orders, the Respondent shall submit to Ohio EPA documentation of such repairs.

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By: Mary Carvin Date 3-14-96

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4. Within forty five (45) days after the effective date of these Orders, the Respondent shall submit documentation to Ohio EPA, demonstrating the amendment of the contingency plan to reflect the current management of hazardous waste at the Facility in accordance with OAC rule 3745-65-54(C).
5. The Respondent shall implement a comprehensive pollution prevention program for the Facility, by initiating the program as described in the *Ohio Pollution Prevention and Waste Minimization Planning Guidance Manual*, dated September 30, 1993. Within thirty (30) days after the effective date of these Orders, the Respondent shall submit to Ohio EPA for review and approval a formal policy statement consistent with Figure 1 on page 18 of the *Ohio Pollution Prevention and Waste Minimization Planning Guidance Manual*. The formal policy statement shall include, inter alia, a consensus building plan, a list of names and titles of the members of a pollution prevention task force and an outline of preliminary program goals. A copy of the *Ohio Pollution Prevention and Waste Minimization Planning Guidance Manual* will be supplied to the Respondent by Ohio EPA.
6. Within one hundred and sixty (160) days after the effective date of these Orders, the Respondent shall complete the first four steps (establish the pollution prevention program; organize the pollution prevention program; perform a preliminary assessment; and write the pollution prevention plan) of the *Ohio Pollution Prevention and Waste Minimization Planning Guidance Manual* for the Respondent's facility and shall document compliance by submitting to Ohio EPA a detailed narrative report, for review and approval, that discusses all four steps.
7. Within two hundred and forty (240) days after the effective date of these Orders, the Respondent shall complete steps five (5) and six (6) (perform a detailed assessment; and define pollution prevention options) of the *Ohio Pollution Prevention and Waste Minimization Planning Guidance Manual* for the Respondent's facility and shall document compliance by

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By: Mary Carvin Date 3-14-96

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submitting to Ohio EPA a detailed narrative report, for review and approval, that discusses both steps and evaluates all processes which have been prioritized for pollution prevention by the Respondent.

8. Within three hundred and sixty (360) days from the effective date of these Orders, the Respondent shall complete steps seven (7), eight (8) and nine (9) (evaluate cost considerations; prepare feasibility analysis; and write the assessment report) of the *Ohio Pollution Prevention and Waste Minimization Planning Guidance Manual* for the Respondent's facility and shall document compliance by submitting to Ohio EPA a detailed narrative report, for review and approval, that discusses these three steps and evaluates the pollution prevention options that have been defined by the Respondent for the Facility.
9. Within four hundred and fifty (450) days after the effective date of these Orders, the Respondent shall complete steps ten (10) and eleven (11) (implement the pollution prevention plan; measure program progress and evaluate project(s)) of the *Ohio Pollution Prevention and Waste Minimization Planning Guidance Manual* for the Respondent's facility and shall document compliance by submitting to Ohio EPA a detailed narrative report, for review and approval, that discusses both steps and evaluates all pollution prevention options which have been selected for implementation by the Respondent for the Facility.
10. Within thirty (30) days after the effective date of these Orders, the Respondent shall pay Ohio EPA the amount of \$27,625.00 in settlement of the Ohio EPA's claims for civil penalties which may be assessed pursuant to Chapter 3734. of the ORC. Payment shall be made by tendering a certified check in the stated amount to Edith Long, or her successor, Fiscal Administration, Ohio EPA, P.O. Box 1049, Columbus, Ohio 43216-1049, made payable to "Treasurer, State of Ohio", and by submitting a copy of the certified check to Mark Navarre, Legal, Ohio EPA, 1800 WaterMark Drive, P.O. Box 1049, Columbus, Ohio 43216-1049.

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By: Mary Carvin Date 3-14-96

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VI. TERMINATION AND SATISFACTION

Respondent's obligations under these Orders shall terminate when the Respondent demonstrates in writing and certifies to the satisfaction of the Ohio EPA that all obligations under these Orders have been performed and the Ohio EPA Division of Hazardous Waste Management acknowledges, in writing, the Ohio EPA's acceptance of this demonstration and certification.

This certification shall be submitted by the Respondent and shall be signed by a responsible official of the Respondent. The certification shall make the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

For purposes of these Orders, a responsible official is a corporate officer who is in charge of a principle business function of the Respondent.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a signatory to these Orders, for any liability arising out of or relating to the operations of the Respondent's hazardous waste facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to the Respondent's operation of its hazardous waste facility. The Ohio EPA reserves all rights and privileges except as specified herein.

I certify this to be a true and accurate copy of the
official document as filed in the records of the Ohio
Environmental Protection Agency.

By: Mary Covin Date 3-14-96

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IX. NOTICE

All documents demonstrating compliance with these Orders, and other documents required under these Orders to be submitted to the Ohio EPA, shall be addressed to:

Ohio Environmental Protection Agency
Central District Office
Division of Hazardous Waste Management
Attn: RCRA Group Leader
3232 Alum Creek Drive
Columbus, Ohio 43207-3461

and

For mailings, use the post office box number:

Donald R. Schregardus, Director
Ohio Environmental Protection Agency
Division of Hazardous Waste Management
Attn: Manager, Compliance Assurance Section
P.O. Box 1049
Columbus, Ohio 43216-1049

For deliveries to the building and courier services:

Donald R. Schregardus, Director
Ohio Environmental Protection Agency
Division of Hazardous Waste Management
Attn: Manager, Compliance Assurance Section
1800 WaterMark Drive
Columbus, Ohio 43215-1099

or to such persons and addresses as may hereafter be otherwise specified in writing by the Ohio EPA.

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: Mary Cavin Date 3-14-96

OHIO E.P.A.

MAR 14 96

ENTERED DIRECTOR'S JOURNAL

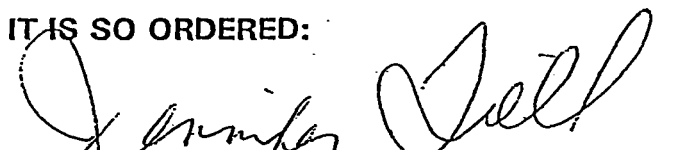
X. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent the Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against the Respondent for noncompliance with these Orders. Nothing contained herein shall be construed to prevent the Ohio EPA from exercising its lawful authority to require the Respondent to perform additional activities pursuant to Chapter 3734. of the Ohio Revised Code or any other applicable law in the future. Nothing herein shall restrict the right of the Respondent to raise any administrative, legal or equitable claim or defense with respect to such further actions which the Ohio EPA may seek to require of the Respondent. Nothing in these Orders shall be construed to limit the authority of the Ohio EPA to seek relief for violations not addressed in these Orders.

XI. SIGNATORIES

Each undersigned representative of a signatory to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such signatory to this document.

IT IS SO ORDERED:



Donald R. Schregardus
Director

March 14, 1996

Date

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by the Ohio EPA for only the matters addressed in these Orders, the Respondent agrees that these Orders are lawful and reasonable, that the times provided for compliance herein are reasonable and that the Respondent agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for the Respondent's liability for the violations cited herein.

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I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: Mary Gavin Date 3-14-96

The Respondent hereby waives the right to appeal the issuance, terms and service of these Orders and it hereby waives any and all rights it might have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, the Ohio EPA and the Respondent agree that in the event that these Orders are appealed by any other party to the Environmental Board of Review, or any court, the Respondent retains the right to intervene and participate in such appeal. In such an event, the Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

IT IS SO AGREED:

Showa Aluminum Corporation of America



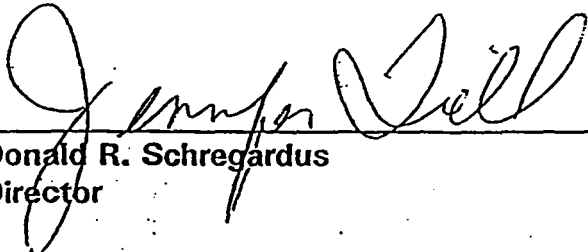
By

February 14, 1996
Date

GENERAL MANAGER HUMAN RESOURCES AND ADMINISTRATION

Title

Ohio Environmental Protection Agency



Donald R. Schregardus
Director

March 14, 1996
Date

wp81.DRS.pr.lcn.g:showafos

OHIO E.P.A.

MAR 14 96

ENTERED DIRECTOR'S JOURNAL

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By: Mary Gavin Date 3-14-96