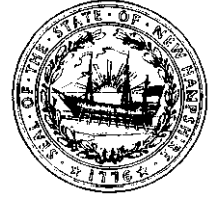




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

May 29, 2007

Parker Hannifin Corporation
Attn: Shawne Deary
6035 Parkland Boulevard
Cleveland, OH 44124-4141

Re: Docket No. AF 07-007 - Administrative Fine by Consent Agreement

Enclosed for your records is a copy of the fully executed and accepted Administrative Fine by Consent Agreement in the above-captioned matter.

On behalf of the Department of Environmental Services, thank you for your cooperation in resolving this matter.

Sincerely,


COPY

Michael P. Scrafani
Legal Assistant

cc: Michael J. Walls, DES Assistant Commissioner
Anthony P. Giunta, P.G., Director, Waste Management Division
Paul L. Heirtzler, DES WMD
John Duclos, DES WMD
Gretchen R. Hamel, DES Legal Unit
Richard Head, NH DOJ
DES Public Information Officer
Gary Wood, Parker Hannifin Corp.
Robert Holt, Parker Hannifin

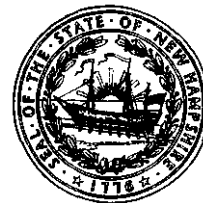
DES Web site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 • Fax: (603) 271-2867 • TDD Access: Relay NH 1-800-735-2964



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

Parker Hannifin Corporation
6035 Parkland Blvd.
Cleveland, OH 44124-4141

RE: Parker Hannifin Corporation
Chomerics TEC Division
Hudson, New Hampshire
EPA ID No. NHD048727994

**ADMINISTRATIVE FINE
BY CONSENT**

No. AF 07-007

I. INTRODUCTION

This Administrative Fine by Consent is entered into by and between the Department of Environmental Services, Waste Management Division, and Parker Hannifin Corporation - Chomerics TEC Division pursuant to RSA 147-A and New Hampshire Administrative Rule Env-C 601. This Administrative Fine by Consent ("Agreement") is effective upon signature by all parties.

II. PARTIES

1. The Department of Environmental Services, Waste Management Division ("Division"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, New Hampshire.
2. Parker Hannifan Corporation - Chomerics TEC Division ("Parker") is a corporation registered to do business in New Hampshire. Parker's headquarters are located at 6035 Parkland Blvd, Cleveland, Ohio. Parker's New Hampshire facility has a mailing address of 16 Flagstone Drive, Hudson, NH 03051- 4992.

III. BACKGROUND

1. Pursuant to RSA 147-A, the Department of Environmental Services ("DES") regulates the management and disposal of hazardous waste. Pursuant to RSA 147-A:3, the Commissioner of DES has adopted Env-Wm 100-1100 ("Hazardous Waste Rules") to implement this program.
2. Pursuant to RSA 147-A:17-a, the Commissioner of DES is authorized to impose fines of up to \$2,000 per offense for violations of RSA 147-A or rules adopted pursuant thereto. Pursuant to this section, the Commissioner has adopted Env-C 612 to establish the schedule of fines for such violations.

3. Parker is a hazardous waste generator that notified the United States Environmental Protection Agency (“EPA”) of its activities through DES on March 1, 1990. EPA Identification Number NHD048727994 was assigned to Parker’s site located at 16 Flagstone Drive in Hudson, New Hampshire.
4. On October 24, 2006, Division personnel inspected Parker for compliance with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules. As a result of the violations of the Hazardous Waste Rules observed during this inspection, the Division issued Letter of Deficiency No. WMD 06-034 (“LOD”) to Parker on November 9, 2006. Based on the violations observed during the inspection listed above, the Division believes that an administrative fine is appropriate in this case for the Class I violation.

IV. ALLEGATIONS, ADMINISTRATIVE FINES

1. Parker failed to maintain a personnel training program and provide hazardous waste training for the following employees with hazardous waste duties, as required by Env-Wm 509.02(a)(2): one (1) annual training each for Emergency Coordinators Thomas Cook, Gerry Couture, Shawne Deary and Barry Jayne; and two (2) annual trainings for Emergency Coordinator Stephen Hynes (“Violation 1”). Env-C 612.07(b) authorizes a fine of \$1,000 per individual not trained for annual updates, for a potential fine of \$6,000.
2. Parker failed to have, within 100 feet of the Large Chemical and Small Chemical Hazardous Waste Storage Areas, an internal/external communication system capable of providing immediate contact with facility personnel and local authorities (e.g., fire department), as required by Env-Wm 509.02(a)(4) (“Violation 2”). Env-C 612.07(d) authorizes a fine of \$1,250 per requirement not met per storage area, for a potential fine of \$2,500.
3. Parker failed to maintain a complete contingency plan on-site, as required by Env-Wm 509.02(a)(5) (“Violation 3”). Env-C 612.07(e) authorizes a fine of \$2,000.
4. Parker failed to conduct an initial used oil determination for used oil as required by Env-Wm 807.06(b)(7) (“Violation 4”). Env-C 612.10(c) which references Env-Wm 807.06(b)(4), modified in August 2000 to Env-Wm 807.06(b)(7), authorizes a fine of \$750 per determination not made.
5. Parker failed to close four (4) containers of universal waste lamps, except to add or remove universal waste, as required by Env-Wm 1102.03(c)(1) (“Violation 5”). Pursuant to Env-C 610, a fine of \$15 per container has been calculated by the Division, for a potential fine of \$60.

V. PAYMENT, WAIVER OF HEARING

1. For purposes of this action, the Division agrees to waive fines associated with Violations 2 through 5 because they are not Class I violations.

2. Parker agrees to pay \$6,000 for Violation 1, which is a Class I violation, upon execution of this Agreement by an authorized representative of Parker.

3. Payment under Section V. Paragraph 2 shall be paid by certified check made payable to: “Treasurer, State of New Hampshire” and shall be mailed to:

DES Legal Unit
Attn: Michael Sclafani, Legal Assistant
PO Box 95
Concord, NH 03302-0095

4. If any payment is made by check or money order that is returned due to insufficient funds, pursuant to NH RSA 6:11-a, DES may charge a fee in the amount of 5% of the face amount of the check or money order or \$25.00, whichever is greater, plus all protest and bank fees, in addition to the amount of the check or money order, to cover the costs of collection.

5. By executing this Agreement, Parker waives its right to a hearing on or any appeal of the administrative fines identified in this Agreement, and agrees that this Agreement may be entered into and enforced by a court of competent jurisdiction.

6. The effective date of this Agreement will be the date on which it is signed by an authorized representative of Parker, and the Director of the Waste Management Division, and the Commissioner of DES.

7. No failure by DES to enforce any provision of this Agreement after any breach or default will be deemed as a waiver of its rights with regard to that breach or default, nor will such failures be construed as a waiver of the right to enforce each and all provisions of this Agreement on any further breach or default.

WHEREFORE, the parties voluntarily accept the terms of this Agreement.


PARKER HANNIFIN CORPORATION-CHOMERICS TEC DIVISION

COPY

By: David Hill, General Manager
Duly Authorized

5/18/2007
Date

DEPARTMENT OF ENVIRONMENTAL SERVICES


Anthony P. Giunta, P.G., Director
Waste Management Division

5/20/07
Date


Thomas S. Burack, Commissioner

5/23/07
Date

cc: RCRA/DB/AF
Anthony P. Giunta, P.G., Director, WMD/ Paul L. Heirtzler, P.E., Esq., Administrator, WMP, WMD
Gretchen Hamel, Administrator, DES Legal Unit
Public Information Officer, DES PIP Office
Jennifer Patterson, NH DOJ
John J. Duclos, Administrator, HWCB
Garry Wood, Parker Hannifin Corp., 16 Flagstone Drive, Hudson, NH 03051-4992
Robert Holt, Manufacturing Services, Parker Hannifin Corp., 77 Dragon Court, Woburn, MA 01866-4014