



Mike Dewine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

April 1, 2019

Sherwood Laboratories, Inc.
36490 Reading Avenue
Willoughby, OH 44094

**Re: Sherwood Laboratories, Inc.
Director's Final Findings and Orders
(DFFO)
DFFO
RCRA C - Hazardous Waste
Lake County
OHR000193680**

Subject: Final Findings and Orders of the Director

To Whom It May Concern:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for Ohio Associated Enterprises, LLC, Stanley Industries, Inc., Clark Oil and Chemical, Inc. and Sherwood Laboratories, Inc.

If you have any questions, please contact Sarah Miles at (614) 644-3037.

Sincerely,

A handwritten signature in black ink that reads "Tonya Andrews". The signature is written in a cursive, flowing style.

Tonya Andrews, Administrative Professional 3
Division of Environmental Response & Revitalization

Enclosure

cc: Mitchell Mathews, DERR, CO
Tammy Heffelfinger, DERR, CO
Natalie Oryshkewych, DERR, NEDO
Frank Zingales, DERR, NEDO
Sarah Miles, Legal

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Ohio Associated Enterprises, Inc.
1382 W. Jackson St.
Painesville, OH 44077

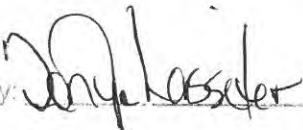
Stanley Industries, Inc.
19120 Cranwood Parkway
Warrensville Heights, OH 44128

Clark Oil & Chemical, Inc.
7555 Bessemer Ave.
Cleveland, OH 44127

Sherwood Laboratories, Incorporated
36490 Reading Ave.
Willoughby, OH 44094

**Director's Final
Findings and Orders**

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

By:  Date: 4-1-2019

Respondents

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Respondent Ohio Associated, Enterprises, Inc., Respondent Stanley Industries, Inc., Respondent Clark Oil & Chemical, Inc., and Respondent Sherwood Laboratories, Incorporated, (collectively known as Respondents), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.13 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondents and successors in interest liable under Ohio law. No change in ownership of Respondents or of the Facility shall in any way alter Respondents' obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same

meaning as defined in ORC Chapter 3734. and the rules promulgated there under.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondents are "persons" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A). As discussed hereafter, Respondents are generators of hazardous waste who caused their respective hazardous wastes to be transported to a property owned by The Adele C. Stewart Trust. The property is located at 11746 Kile Road, Chardon, Geauga County, Ohio (Facility). At no time did the Facility have an Ohio hazardous waste permit.
2. On April 4, 2014, the Ohio EPA's Office of Special Investigations, the Bureau of Criminal Identification and Investigation, and U.S. EPA executed a search warrant at the Facility. During the execution of the warrant, Ohio EPA discovered more than two hundred containers of waste ranging from 1 gallon to 330 gallons in size, a 1,700-gallon tank, a dozen compressed gas cylinders, and 18 crates (each containing four, 5-pint bottles) of hydrocyanic acid at the Facility.
3. Ohio EPA conducted follow-up inspections and field oversight of the Facility on: April 17, May 22, June 9, 16, and 19, July 8 and 21, August 4, September 4, October 2, and December 2 and 3, 2014; January 5, February 2, 3, and 4, March 9, May 20, July 31, August 25, September 18, 2015; and July 20, August 10 and 11, and September 28, 2016. Ohio EPA confirmed the number of containers of waste present and spoke with Russell Stewart who resides at the Facility and explained that the containers came from Respondents. Russell Stewart picked up the waste from these generators and transported the waste himself back to the Facility where they were stored outside. Many of the containers were in poor condition and some were leaking onto the ground.
4. Of the waste present at the Facility, Ohio EPA estimates the following hazardous waste are attributable to the respective generators:
 - a. Ohio Associated Enterprises, LLC – drums and small containers characterized as D001 (ignitability), D002 (corrosivity), D006 (cadmium), D007 (chromium), D008 (lead), D011 (silver), D022 (chloroform), D029 (1,1-dichloroethylene), D035 (methyl ethyl ketone), D039 (tetrachloroethylene), D040 (trichloroethylene), and F007 (cyanide) hazardous waste, as described in OAC rules 3745-51-21, 3745-51-22, 3745-51-24 and 3745-51-31;

- b. Stanley Industries, Inc. – drums and totes characterized as D001 (ignitability), and D005 (barium) hazardous waste, as described in OAC rules 3745-51-21 and 3745-51-24;
 - c. Clark Oil & Chemical, Inc. – a drum characterized as D002, D004, and D007 hazardous waste, as described in OAC rules 3745-51-22 and 3745-51-24; and
 - d. Sherwood Laboratories, Incorporated – 18 crates characterized as D003 (reactivity), and P063 (hydrocyanic acid) hazardous waste, as described in OAC rules 3745-51-23 and 3745-51-33.
5. On September 3, 2014, Ohio EPA issued notice of violation letters to Russell Stewart and The Adele C. Stewart Trust for, *inter alia*, establishment of an unpermitted hazardous waste storage and disposal facility in violation of ORC § 3734.02(E) and (F) at the Facility and transportation of hazardous waste to an unpermitted hazardous waste facility, i.e., the Facility, in violation of ORC § 3734.02(F) (Russell Stewart only).
6. On November 14, 2014, Ohio EPA issued notice of violation letters to Ohio Associated Enterprises, LLC, Stanley Industries, Inc., and Clark Oil & Chemical, Inc. for, *inter alia*, causing hazardous waste to be transported to an unauthorized facility, i.e., the Facility, in violation of ORC § 3734.02(F).
7. On July 12, 2015, Ohio EPA issued a notice of violation letter to Sherwood Laboratories, Incorporated for, *inter alia*, causing hazardous waste to be transported to an unauthorized facility, i.e., the Facility, in violation of ORC § 3734.02(F).
8. On January 27, 2015, Ohio EPA referred Russell Stewart, as operator of an unauthorized hazardous waste facility, and The Adele C. Stewart Trust, as owner of an unauthorized hazardous waste facility, to the Ohio Attorney General's Office for escalated criminal and/or civil enforcement.
9. On December 29, 2016, Russell Stewart was criminally convicted of transportation of hazardous waste and operating a hazardous waste facility in violation of ORC § 3734.02(E) and (F).
10. Since approximately mid-2014, Respondents have worked with Ohio EPA to characterize, remove and ship to authorized facilities all hazardous waste from the

Facility. Additionally, Respondents worked with Ohio EPA to perform a site investigation with Ohio EPA field oversight in which soil and private well sampling was performed. During the site investigation, one general area was identified as the hazardous waste management unit.

11. In September 2018, Ohio EPA conducted a sampling event of the hazardous waste management unit. Ohio EPA collected additional soil samples at depth as well as attempted to collect groundwater samples to fully delineate nature and extent of any releases from the hazardous waste management unit. During the event, Ohio EPA installed three groundwater monitoring wells at the Facility, but was unable to collect groundwater samples due to lack of production of groundwater. Furthermore, Ohio EPA collected soil samples at depth at three distinct locations.
12. In September 2018, Ohio EPA received the results from the sampling event described in Finding No. 11. of these Orders. The results did not indicate levels of constituents of concern in the soil above residential risk standards except for arsenic. Also, since no groundwater samples could be obtained, Ohio EPA has determined that groundwater is not subject to further consideration.
13. On March 22, 2019, Respondents provided information documenting that elevated arsenic concentrations found in previous sampling events meet on-site background concentrations. Also included in this documentation was information regarding the proper off-site management of investigative derived waste to an authorized facility.
14. Based upon the information described in Findings Nos. 10., 11., 12. and 13. of these Orders, the Director has determined that the closure performance standard described in OAC rules 3745-55-11 (A) and (B) 3745-55-14 has been achieved at the Facility.

V. ORDERS

Respondents shall achieve compliance with Chapters 3734. and the regulations promulgated thereunder according to the following compliance schedule:

1. Within 30 days after the effective date of these Orders, Respondents shall each pay Ohio EPA its portion of the amount of \$36,000.00 in settlement of Ohio EPA's claims of civil penalties, which may be assessed pursuant to ORC Chapter 3734. and which will be deposited in the environmental protection remediation fund established pursuant to ORC 3734.281. The individual Respondents shall pay its

individual portion as follows: Respondent Ohio Associated Enterprises, Inc. \$9,000.00; Respondent Stanley Industries, Inc. \$9,000.00; Respondent Clark Oil & Chemical, Inc. \$9,000.00; and Respondent Sherwood Laboratories, Incorporated \$9,000.00. Each payment shall be made by an official check made payable to "Treasure, State of Ohio" for individual Respondent's pro rata share of \$36,000.00. The official checks shall be submitted to Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying the Respondents. A copy of the check shall be sent to the Financial Program Manager, Ohio EPA Division of Environmental Response and Revitalization, P.O. Box 1049, Columbus, Ohio 43216-1049.

VI. TERMINATION

Each individual Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of each individual Respondent's official check required by Section V. of these Orders.

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 party to these Orders, for any liability arising from, or related to, the operation of the 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. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondents.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders

shall be addressed to:

Ohio EPA Central Office at the following addresses:

For mailings, use the post office box number:

Manager, Hazardous Waste Compliance Assurance Section
Ohio Environmental Protection Agency
Division of Environmental Response and Revitalization
P.O. Box 1049
Columbus, Ohio 43216-1049

For deliveries to the building:

Manager, Hazardous Waste Compliance Assurance Section
Ohio Environmental Protection Agency
Division of Environmental Response and Revitalization
50 West Town Street, Suite 700
Columbus, Ohio 43215

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

XI. RESERVATION OF RIGHTS

Ohio EPA reserves its rights to exercise its lawful authority to require Respondents to perform corrective action at the Facility, at some time in the future, pursuant to ORC Chapter 3734. or any other applicable law. Respondents reserve their rights to raise any administrative, legal or equitable claim or defense with respect to performing such corrective action. Ohio EPA and Respondents each reserve all other rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondents consent to the issuance of these Orders and agree to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondents' liability for the violations specifically cited herein.

Respondents hereby waive the right to appeal the issuance, terms and conditions, and

service of these Orders, and Respondents hereby waive any and all rights Respondents may have to seek administrative or judicial review of these Orders either in law or equity.

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

XIII. EFFECTIVE DATE

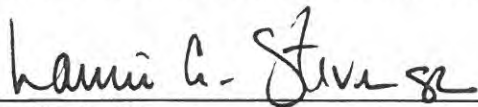
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

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

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



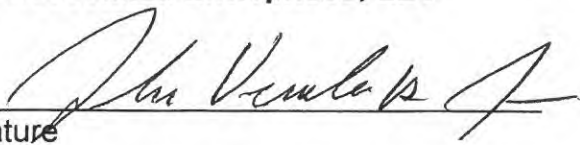
Laurie A. Stevenson
Director



Date

IT IS SO AGREED:

Ohio Associated Enterprises, LLC


Signature

3-1-2019
Date

John Venaleck Jr.
Printed or Typed Name

President
Title

IT IS SO AGREED:

Stanley Industries, Inc.



Signature

3-6-19
Date

THOMAS C. BOSSMAN
Printed or Typed Name

PRESIDENT
Title

IT IS SO AGREED:

Clark Oil & Chemical, Inc.

Tom Mesterhazy
Signature

3-5-19
Date

Tom Mesterhazy
Printed or Typed Name

President, Clark Oil
Title

IT IS SO AGREED:

Sherwood Laboratories, Incorporated



Signature

3-11-19

Date

RANDOLPH A. SPOTH

Printed or Typed Name

PRESIDENT

Title