



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

February 26, 2015

Stephen DeLussa
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, Ohio 43616

**Re: Envirosafe Services of Ohio, Inc.
DFFO
Approval
RCRA C - Hazardous Waste
Lucas County
OHD 045 243 706**

Subject: Final Findings and Orders of the Director

Dear Mr. DeLussa:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for Envirosafe Services of Ohio, Inc.

If you have any questions, please contact Andrea Smoktonowicz at (614) 644-3180.

Sincerely,

A handwritten signature in cursive script that reads "Demetria Crumiell-Hagens".

Demetria Crumiell-Hagens, Administrative Professional II
Division of Materials & Waste Management

Enclosure

cc: Brad Mitchell, DMWM, CO
Todd Anderson, Legal
Andrea Smoktonowicz, Legal
Jeremy Carroll, DMWM, CO
Scott Hester, DMWM, CO
Gary Deutschman, DMWM, NWDO
John Pasquarette, DMWM, NWDO

OHIO E.P.A.
FEB 26 2015
BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: DIRECTOR'S JOURNAL

Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, OH 43616-3518

Director's Final Findings
and Orders

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 Envirosafe Services of Ohio, Inc. (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.02(G), 3734.13 and 3745.01.

II. PARTIES BOUND

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

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Pursuant to ORC § 3734.02(G) and rule 3745-50-31 of the Ohio Administrative Code (OAC), the Director, by order, may exempt any person generating, storing, treating, disposing of, or transporting hazardous waste, in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a permit or comply with other requirements of ORC Chapter 3734. Such an exemption shall be consistent with and equivalent to rules promulgated under the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. § 6921 et seq., as amended.

2. Respondent is the owner and operator of the facility located at 876 Otter Creek Road, Oregon, Ohio (Facility). At the Facility, the Respondent treats, stores and disposes hazardous waste. Respondent has an Ohio Hazardous Waste Facility Installation and Operation Permit renewal issued on December 29, 2005. The permit allows for the treatment and disposal of off-site hazardous wastes, including but not limited to, residual materials from hazardous waste incineration facilities where carbamate wastes may have been treated.
3. Currently, OAC rules 3745-270-40 and 3745-270-48 require hazardous constituents in a treatment residue, including most carbamate wastes, meet numeric concentration limits before they can be land disposed. However, the lack of readily available analytical standards makes it difficult to measure whether the numeric Land Disposal Restrictions (LDRs) concentration limits have been met.
4. On August 12, 2011, the United States Environmental Protection Agency's (U.S. EPA's) final rule to revise the LDR treatment standards for hazardous wastes from the production of carbamates and carbamate commercial chemical products, off-specification or manufacturing chemical intermediates and container residues that become hazardous wastes when they are discarded or intended to be discarded became effective. U.S. EPA's revision to LDRs for hazardous wastes from the production of carbamates and carbamate commercial chemical products, off-specification or manufacturing chemical intermediates and container residues provides as an alternative standard the use of the best demonstrated available technologies (BDAT) for treating these wastes. In addition, this rule revision removed carbamate Regulated Constituents from the table of Universal Treatment Standards (UTS).
5. U.S. EPA's regulation in 40 Code of Federal Regulations (CFR) § 268.40 provides an alternative standard for treating carbamate wastes, where carbamate wastes can be treated using best demonstrated available technologies (BDAT), *i.e.*, combustion, chemical oxidation, biodegradation, or carbon adsorption. Thus, it eliminates the obligation to treat carbamate regulated constituents to meet numeric concentration limits in order to comply with land disposal restrictions. Furthermore, 40 CFR § 268.48 does not contain carbamate constituents in the UTS table.
6. Currently, Ohio EPA is pursuing a rule change to adopt the current federal rule.
7. On June 13, 2014, Respondent requested an exemption from the requirements of OAC rules 3745-270-40 and 3745-270-48 for hazardous wastes from the production of carbamates and carbamate commercial chemical products, off-specification or manufacturing chemical intermediates and container residues and permission to comply with 40 CFR § 268.40 and 268.48 for the disposal of those hazardous wastes. The applicable waste codes are listed in Respondent's exemption request. Respondent states in its exemption request that it will comply with the federal rule until Ohio EPA adopts the federal rule.

8. Pursuant to ORC § 3734.02(G) and OAC rule 3745-50-31, the Director has determined that BDAT treatment of carbamate wastes in lieu of meeting the numeric concentration limits in compliance with 40 CFR § 268.40 and the elimination of meeting treatment standards for carbamate constituents in compliance with 40 CFR § 268.48 for purposes of disposal at the Facility is unlikely to adversely affect the public health or safety or the environment.

V. ORDERS

1. Respondent is hereby exempted from the requirement to meet numeric concentration limits for hazardous constituents in carbamate wastes as required by OAC Rules 3745-270-40 and 3745-270-48, provided that treatment of the carbamate wastes comply with 40 CFR § 268.40 and 40 CFR § 268.48 and the June 13, 2014 request.
2. The Director may revoke the exemption granted in Order No. 1. of these Orders for any reason, including but not limited to, a determination that Respondent's activities at the Facility adversely affect public health or safety or the environment, and/or activities are not being conducted in accordance with these Orders.
3. The exemption from the State of Ohio's hazardous waste requirements provided by these Orders shall terminate when one of the following events occurs:
 - a. Respondent ceases to accept carbamate wastes;
 - b. Ohio EPA promulgates a final rule that adopts the alternative standard in 40 CFR § 268.40 and 40 CFR § 268.48 for carbamate wastes.
 - c. The Director revokes the exemption granted to Respondent under these Orders.
4. The issuance of these Orders by the Director does not release Respondent of any liability it may have incurred for any violations which may have occurred at the Facility prior to the effective date of these Orders. The issuance of these Orders does not release Respondent from any obligation it has to comply with the State of Ohio's environmental laws, except as otherwise specifically provided herein.
5. These Orders do not exempt Respondent from any other local, state, or federal laws or regulations which are otherwise applicable.

VI. 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 Respondent's Facility.

VII. 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 Respondent.

VIII. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section IX. of these orders.

IX. WAIVER

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

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

X. EFFECTIVE DATE

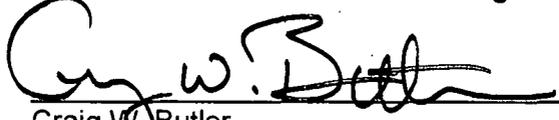
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's Journal.

XI. 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 ORDERED AND AGREED:

Ohio Environmental Protection Agency



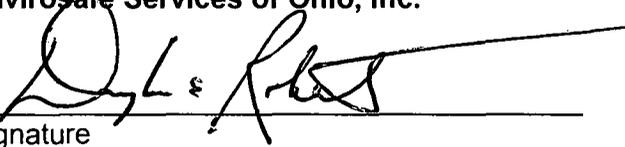
Craig W. Butler
Director

FEB 25 2015

Date

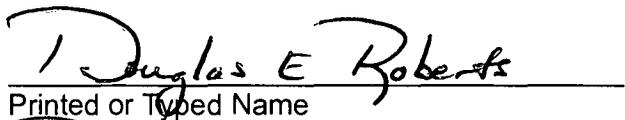
IT IS SO AGREED:

Envirosafe Services of Ohio, Inc.

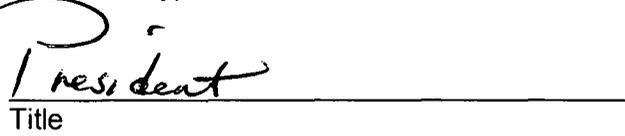


Signature

2/3/2015
Date



Printed or Typed Name



Title