



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

April 1, 2015

John Ransom, President and  
Managing Member  
4601 Homer Ohio Lane  
Groveport, Ohio 43125

**Re: Environmental Management Specialists, Inc.  
DFFO  
Exemption  
RCRA C - Hazardous Waste  
Muskingum County  
OHR 000 152 991**

**Subject:** Final Findings and Orders of the Director

Dear Sir or Madam:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for Environmental Management Specialists, Inc. and Ransom Holdings 3, LLC.

If you have any questions, please contact Todd Anderson at (614) 644-2840.

Sincerely,

A handwritten signature in black ink that reads "D. J. Crumiell-Hagens".

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

Enclosure

cc: Mitch Mathews, DMWM, CO  
Todd Anderson, Legal  
Joe Goicochea, DMWM, SEDO

OHIO E.P.A.

APR - 1 2015

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

**In the Matter of:**

**Environmental Management  
Specialists, Inc.**  
4601 Homer Ohio Lane  
Groveport, Ohio 43125

**Director's Final  
Findings and Orders**

**Ransom Holdings 3, LLC**  
160 Kensington Circle  
Cleveland, Ohio 44140

**Respondents**

**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 Environmental Management Specialists, Inc. (Respondent EMS) and Ransom Holdings 3, LLC (Respondent Ransom) (together known as Respondents) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.02(G), 3734.13, and 3745.01.

**II. PARTIES BOUND**

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

**III. DEFINITIONS**

Unless otherwise stated, all terms in these Orders shall have the same meaning as used in ORC Chapter 3734. and the regulations 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, or disposing of hazardous waste in such quantities or under such circumstances that, in the determination of the Director, it is unlikely that the public health or safety or the environment will be adversely affected thereby, from any requirement to obtain a permit or comply with the other requirements of ORC Chapter 3734. Any such 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. ORC § 3734.02(E)(2) requires all facilities engaged in the storage, treatment, or disposal of any hazardous waste to have a hazardous waste installation and operation permit.
3. Respondents are the owner and operator of a hazardous waste transfer facility located at 2055 Grief Road, Zanesville, Ohio 43702 (Facility) and Respondent EMS has been assigned EPA ID number OHR000152991. Respondents are seeking relief from the full General Facility Standards pursuant to OAC rules 3754-40 to 3745-50-235 and Chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256 and 3745-270 in order to store hazardous waste contaminated soils containing tetrachloroethylene (contaminated soils), from a hazardous waste closure operation located at 3120 Tremont Road, Upper Arlington, Ohio, which, due to site conditions, is unable to accumulate the hazardous waste on-site.
4. On April 24, 2014, Respondent EMS submitted an application, pursuant to ORC § 3734.02(G) and OAC rule 3745-50-31 to Ohio EPA for an exemption from the requirements of ORC § 3734.02(E)(2). Updated applications, including a site diagram, were submitted to Ohio EPA dated December 30, 2014, February 6, 2015, and March 6, 2015 (Application) by the Respondents, which are attached hereto and incorporated herein. ORC § 3734.02(E) requires all facilities storing, treating, or disposing of hazardous wastes to have a hazardous waste installation and operation permit issued in accordance with ORC § 3734.05. The Application included information justifying the request and documentation that the storage of hazardous wastes contaminated soils containing tetrachloroethylene from the closure operations at 3120 Tremont Road, Upper Arlington, Ohio, at the Facility without a permit is unlikely to adversely affect public health or safety or the environment. The Application indicated that the following will occur:
  - a. Respondents will accept up to a total of approximately 1300 cubic

yards of hazardous waste held in 20–30 cubic yard lined and tarped roll-off containers at the Facility. All roll-off containers will be stored within the Facility, which is a secure facility, which includes chain link fencing, a gate, and 24 hour video surveillance.

- b. Respondent EMS provides personnel training for the general management of hazardous wastes, including transportation. Additionally, only trained personnel will move any roll-off container stored at the Facility.
- c. Prior to receiving any shipment of contaminated soils from the closure operation, Respondent EMS will receive notification of an impending shipment of contaminated soils in order to ensure the Facility is prepared to receive the shipment (verbal). Respondent EMS will also maintain a log of dates and times of shipments received from the closure operation and of shipments off-site to the final disposal facility.
- d. Respondents will store contaminated soils at the Facility in the designated storage area described in the Application. The storage area consists of compacted gravel, which is sufficient to support the load of the contaminated soil roll-off containers. The roll-offs will be stored in a manner which allows for adequate aisle space for inspections.
- e. Respondent EMS will inspect the containers and maintain a log of the inspections, as described below. The log will include the date, time of each inspection, length of time each container has been stored at the Facility (for inspection ii.), the inspector's full name and any issues and corrective measures taken.
  - i. Upon initial receipt of the contaminated soils, Respondent EMS will visually inspect the contaminated soils in roll-offs to ensure there is no discrepancy between the waste received and the description on the manifest and the container does not contain any free liquids; and
  - ii. Each day, Respondent EMS will conduct inspections of all roll-offs for conditions described in OAC rules 3745-55-73 and 3745-55-74.
- f. Respondent EMS will ensure no releases will occur from stored roll-offs. Respondent EMS will keep all roll-offs closed, save for

conducting initial inspection of the contaminated soils. If Respondent EMS determines there is a need to open a roll-off (other than for an emergency,) e.g., for purposes of re-sampling, Respondent EMS will contact Ohio EPA prior to opening the roll-off. The Facility also is home to a full service 24-7 Emergency Spill Response Center and is fully equipped (ER Trailers, Vac Trucks, Spill Response Equipment, Decontamination Equipment, Containment Boom, Sorbets, Drums, etc.) and staffed with ER trained personnel in the event of a release of contaminated soils from a roll-off. In the event of a release of contaminated soils from a roll-off, Respondent EMS will contact Rich Stewart, Ohio EPA, Southeast District Office, Division of Materials and Waste Management within 24 hours of discovering the release and record in a log information regarding the release and response action taken to address the release. Any clean up residues from releases of contaminated soils will be managed as listed hazardous waste, F002, as described in OAC rule 3745-51-31.

- g. The storage of contaminated hazardous waste soils will not exceed 120 days from the receipt of the first shipment of contaminated soils at the Facility.
  - h. Respondent EMS will manifest contaminated soils from the Facility as described in Exhibit A of this Order.
5. Pursuant to ORC § 3734.02(G) and OAC rule 3745-50-31, the Director has determined that Respondents' storage of roll-off containers holding contaminated soils as described in Finding No. 3. of these Orders for no more than 120 days from the receipt of the first shipment is unlikely to adversely affect public health or safety or the environment so long as it is managed in accordance with the Application.

#### **V. ORDERS**

- 1. Respondents are hereby exempted from the requirement to have a hazardous waste installation and operation permit issued in accordance with ORC § 3734.05, as required by ORC § 3734.02(E)(2), provided Respondent complies with the Application referenced in Finding No. 4. of these Orders, incorporated into these Orders as if fully written herein.
- 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 Respondents' activities at the Facility adversely affect public health or

safety or the environment and/or the activities are not being conducted in accordance with these Orders and/or the Application.

3. Respondents shall notify Rich Stewart, Ohio EPA, Southeast District Office, Division of Materials and Waste Management, by electronic correspondence at [Rich.Stewart@epa.ohio.gov](mailto:Rich.Stewart@epa.ohio.gov) upon receipt of the first shipment of contaminated soils no later than the end of the next working day. The date of receipt of the first shipment, as recorded in the Facility operating record, shall be considered the first day of the storage period.
4. The exemption from the State of Ohio's hazardous waste requirements provided by these Orders shall terminate when any one of the following events occurs:
  - a. Respondents ship the last roll-off of contaminated soils from the Facility; or
  - b. 120 days elapses from the receipt of the first roll-off received at the Facility from the closure operation; or
  - c. The Director revokes the exemption granted to Respondents under these Orders.
5. Within 30 days of the last shipment of the contaminated soils described in Finding No. 4. of these Orders from the Facility, Respondents will submit a copy of all records including all manifests/non-hazardous shipping papers, the receiving/shipping log described in Finding No. 4.c. of these Orders, the inspection logs described in Finding No. 4.e. of these Orders, and the log described in Finding No. 4.f. of these Orders to Rich Stewart, Ohio EPA, Southeast District Office, Division of Materials and Waste Management, 2195 Front Street, Logan, OH 43138.
6. The issuance of these Orders by the Director does not release Respondents 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 Respondents from any obligation it has to comply with the State of Ohio's environmental laws, or any variance, except as otherwise specifically provided herein.
7. These Orders do not exempt Respondents 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 Respondents' 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 Respondents.

#### **VIII. RESERVATION OF RIGHTS**

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

#### **IX. WAIVER**

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 Ohio Environmental Review Appeals Commission, or any court, Respondents retain the right to intervene and participate in such appeal. In such event, Respondents 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 SO ORDERED AND AGREED:**

**Ohio Environmental Protection Agency**



\_\_\_\_\_  
Craig W. Butler  
Director

**IT IS SO AGREED:**

**Environmental Management Specialists, Inc.**



\_\_\_\_\_  
Signature

3/10/15

\_\_\_\_\_  
Date

Jon Ransom

\_\_\_\_\_  
Printed or Typed Name

President

\_\_\_\_\_  
Title

**Ransom Holdings 3, LLC**

Jon Ransom  
Signature

3/10/15  
Date

Jon Ransom  
Printed or Typed Name

Managing Member  
Title

Exhibit A

Manifest procedures for contaminated soil stored at the Facility generated and transported from closure operation site.

1. All contaminated soils transported off-site from the Facility by Respondent EMS which were generated from the closure operation shall be done pursuant to the manifest requirements in OAC rules 3745-52-20 through 3745-52-27 and 3745-53-20 through 3745-53-22, except for the instances described below.
2. Initially, Respondent EMS will ensure all contaminated soil containers (roll-offs) received at the Facility from the closure operation are shipped with a completed hazardous waste manifest. These containers will be stored at the Facility in accordance with the Application for purposes of awaiting a contained-in determination (CID) based upon representative sampling results.
3. Manifests will be kept at the Facility in an agreed upon location and available for inspection.
4. If a contained-in determination cannot be obtained, the container(s) will be transported to the designated facility described on the manifest, and the manifest requirements will be followed.
5. If the representative sample results demonstrate the contaminated soil does not exhibit a characteristic of a hazardous waste and a contained-in determination is obtained demonstrating the contaminated soil does not contain a listed hazardous waste, then the Respondent will follow the following provisions for transporting the contaminated soil to the municipal solid waste landfill (Suburban Landfill, Glenford, OH)
  - a. Respondent shall conspicuously void the hazardous waste manifest;
  - b. Respondent shall write in the comment field of the voided hazardous waste manifest the following information:

- i. On (insert date) this container no longer contains a hazardous waste as described in attached contained-in determination (CID) form; and
    - ii. This soil will be delivered to Suburban Landfill, Glenford, OH for disposal under non-hazardous waste manifest reference number (insert number);.
  - c. Respondent EMS shall keep one copy of voided hazardous waste manifest, a copy of the non-hazardous waste manifest and a copy of the CID form;
  - d. Respondent EMS shall return all remaining copies of the voided hazardous waste manifest to the generator and a copy of the non-hazardous waste manifest referenced in the comment field of the voided hazardous waste manifest.
6. If, based on the representative sample results, the contaminated soils cannot obtain a CID nor be delivered to the designated facility, e.g., original designated facility cannot treat the contaminated soil, Respondent EMS shall contact the generator and modify the manifest as if it were an emergency condition, as described in OAC rule 3745-53-21.