



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

May 8, 2015

Karl Colon, Director  
Greene County Public Library  
76 E. Market Street  
Senia, Ohio 45385

**Re: Greene County Public Library  
DFFO  
Acknowledgement  
RCRA C - Hazardous Waste  
Greene County  
OHR 000 185 181**

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

Dear Sir:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for Greene County Public Library.

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

Sincerely,

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

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

Enclosure

cc: Tammy Heffelfinger, DMWM, CO  
Kelly Jeter, DMWM, CO  
Andrea Smoktonowicz, Legal  
Cathy Altman, DMWM, SWDO

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.  
MAY -8 2015

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

**Greene County Public Library**  
Kinsey Road Service Center  
503 Kinsey Road  
Xenia, Ohio 45385

**Director's Final  
Findings and Orders**

**Respondent**

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to the Greene County Public Library (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 Respondent and successors in interest liable under Ohio law. No change in ownership of 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 there under.

**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 may, by order, 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 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. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) Rule 3745-50-10(A).
3. Respondent operates seven county library locations and owns and operates a service center facility located at 503 Kinsey Road, Xenia, Hamilton County, Ohio 45215 (Facility) that has been assigned EPA ID number OHR000185181. Respondent sends spent fluorescent lamps, as "lamp" is defined in OAC rule 3745-50-10(A), from its library locations to the Facility. At a minimum, these spent fluorescent lamps are characteristically hazardous for mercury (D009), as described in OAC Rule 3745-51-24.
4. On August 20, 2014, Ohio EPA conducted a compliance evaluation inspection at the Facility. During the inspection, Respondent informed Ohio EPA that Respondent operates seven library locations that deliver spent lamps to the Facility for storage prior to crushing using a drum-top crusher. Ohio EPA observed spent intact lamps improperly stored near the drum-top crusher.
5. As a result of the inspection referenced in Finding No 4. of these Orders, Ohio EPA determined that Respondent, *inter alia*:
  - a. Unlawfully established and operated a hazardous waste storage facility by storing hazardous waste spent fluorescent lamps generated and received from off-site site prior to conducting the initial recycling step by crushing them at the Facility, in violation of ORC §3734.02(E) and (F). Respondent stored the spent fluorescent lamps inside the building next to a fluorescent lamp drum-top crushing unit prior to crushing, thereby establishing this area as a hazardous waste management unit;
  - b. Failed to properly store the spent fluorescent lamps in containers; in violation of OAC Rule 3745-273-13(D)(1); and
  - c. Failed to have the spent fluorescent lamps properly labeled with one of the following phrases: "universal waste lamp(s)," "waste lamps," or "used

lamps," in violation of OAC Rule 3745-273-14(E).

6. By letter dated August 28, 2014, Respondent was notified of the violations referenced in Finding No. 5. of these Orders.
7. Also, in a letter dated August 28, 2014, Ohio EPA notified Respondent of the violation of OAC Rule 3745-273-18(A) (sending universal waste to a place other than another handler or properly permitted destination facility) for its seven county library locations.
8. By electronic mail dated September 3, 2014, Respondent provided documentation to Ohio EPA that the drum-top crusher, the drum of crushed lamps and containerized universal waste lamps were shipped off-site to an authorized facility.
9. Based on the information provided by Respondent as referenced in Finding No. 8. of these Orders, the Director has determined that the violations referenced in Findings Nos. 5.b. and 5.c. and 7. of these Orders have been corrected.
10. With Ohio EPA's assistance, Respondent prepared and submitted an approvable sampling plan on March 6, 2015, that included wipe sampling and analysis for mercury to determine if any releases of mercury occurred within the hazardous waste management unit where Respondent stored and crushed spent fluorescent lamps as described in Finding No. 5.a. of these Orders.
11. On March 20, 2015, Respondent implemented the sampling and analysis plan and conducted wipe sampling of the hazardous waste management unit where Respondent stored and crushed spent fluorescent lamps as referenced in Findings No. 5.a. of these Orders.
12. By electronic mail dated March 30, 2015, Respondent submitted analytical results of the samples collected as referenced in Finding No. 11. of these Orders showing detection of mercury slightly above background levels in the hazardous waste management unit.
13. Based upon the results of the wipe sampling performed and the detection of mercury above background levels, Respondent conducted surface decontamination of the hazardous waste management unit referenced in Finding No. 5a. of these Orders.
14. Based upon the decontamination activities referenced in Finding No. 13. of these Orders, the Director has determined that Respondent has met the substantive requirements of the closure performance standard pursuant to OAC rules 3745-

55-11(A) and (B) and 3745-55-78.

15. Due to Respondent's establishment and operation of hazardous waste storage facility as described in Finding No. 5.a. of these Orders, Respondent is required to have a hazardous waste facility installation and operation permit and is subject to all general facility standards found in OAC Chapters 3745-54 and 55, including but not limited to, closure in accordance with OAC Rules 3745-55-11 through 3745-55-20, the financial assurance for closure requirements contained in OAC Rules 3745-55-42 through 3745-55-51 and corrective action for waste management units in accordance with OAC Rule 3745-54-101. To obtain a hazardous waste facility installation and operation permit, Respondent is required to submit "Parts A and B" of the application in accordance with OAC Chapter 3745-50.
16. The submittal of a certification which documents/describes how the Respondent achieved the closure performance standard as set forth in OAC rule 3745-55-11 and 3745-55-78 with regard to the removal, sampling and surface decontamination activities which took place in the hazardous waste management unit, as referenced in Findings Nos. 8., 11., and 13. of these Orders in lieu of the submittal of an application for a hazardous waste facility installation and operation permit is unlikely to adversely affect the public health or safety or the environment. Therefore, the Director finds that the issuance to Respondent of an exemption from the requirement to submit an application for a hazardous waste facility installation and operation permit for the Facility is unlikely to adversely affect the public health or safety or the environment within the meaning of ORC § 3734.02(G) provided that Respondent meets the conditions set forth in the Orders.

## V. ORDERS

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

1. Respondent is hereby exempted from the requirement to submit an application for a hazardous waste facility installation and operation permit for the Facility and a closure plan, provided that Respondent, within 30 days after the effective date of these Orders, submits to Ohio EPA for review and approval a certification for the hazardous waste management unit where the spent fluorescent lamp crushing activities took place as referenced in Finding No. 5.a. of these Orders. The certification shall attest that the information regarding the actions taken to

address the hazardous waste management unit referenced in Finding No. 5.a. of these Orders met the requirements of OAC rules 3745-55-11(A) and (B) and 3745-55-78. This certification shall state:

"I certify under penalty of law that this attestation was prepared either by me, or under my direction, to assure that qualified personnel properly gathered, reviewed and evaluated the information with regard to the unit referenced in Finding No. 5.a. of the Orders dated (enter effective date). Based upon my knowledge or inquiry of the qualified person or persons who reviewed and evaluated the information gathered, the hazardous waste management unit referenced in Finding No. 5.a of the Orders dated (enter effective date of Orders) was closed in accordance with OAC rules 3745-55-11(A) and (B) and 3745-55-78. I believe this statement to the best of my knowledge to be true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." The certification shall be submitted to Erik Hagen, Manager, Engineering Section, Division of Environmental Response and Revitalization at the Ohio EPA Central Office address specified in Section X. of these Orders.

Successful completion of this Order will correct the violation referenced in Finding No. 5.a. of these Orders.

## **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Materials and Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is a [e.g., corporate officer] who is in charge of a principal business function of 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 party to these Orders, for any liability arising from, or related to, the operation of Respondent's 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 Respondent.

**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 Environmental Protection Agency  
Southwest District Office  
Division of Materials and Waste Management  
401 East 5<sup>th</sup> Street  
Dayton, Ohio 45402  
Attn: DMWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Enforcement Supervisor  
Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Materials and Waste Management  
P.O. Box 1049

Columbus, Ohio 43216-1049

For deliveries to the building:

Enforcement Supervisor  
Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Materials and Waste Management  
50 West Town Street  
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 Respondent to perform corrective action at the Facility at some time in the future, pursuant to ORC Chapter 3734. or any other applicable law. Respondent reserves its rights to raise any administrative, legal or equitable claim or defense with respect to any final action of the Director regarding such corrective action. Ohio EPA and Respondent 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, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Except for the right to seek corrective action at the Facility by Respondent, which right Ohio EPA does not waive, compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

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.

**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**



\_\_\_\_\_  
Craig Butler  
Director

**IT IS SO AGREED:**

**Greene County Public Library**



\_\_\_\_\_  
Signature

Karl Colari

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

Director

\_\_\_\_\_  
Title

4/14/15

\_\_\_\_\_  
Date