

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

**Clean Harbors Environmental
Services, Inc.**
1501 Washington Street
Braintree, MA 02185-9048

Respondent

**Director's Final
Findings and Orders**

OHIO E.P.A.
JAN 14 2003
ENTERED DIRECTOR'S JOURNAL

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Clean Harbors Environmental Services, Inc. (Respondent) 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 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. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio

Administrative Code (OAC) rule 3745-50-10(A).

2. Respondent owns and operates a wastewater treatment facility located at 2900 Rockefeller Avenue, Cleveland, Cuyahoga County, Ohio (Facility). At the Facility, Respondent utilizes two separate treatment systems for the treatment of hazardous and non-hazardous wastewaters. Respondent was qualified to do business in the State of Ohio on February 19, 1991.
3. Respondent notified Ohio EPA of its hazardous waste activities and was issued generator identification number OHD 000 724 153.
4. At the Facility, Respondent generates "hazardous waste" as that term is defined by ORC § 3734.01(J) and OAC rules 3745-50-10(A) and 3745-51-03. Respondent is a large quantity generator and transporter of hazardous waste. Hazardous waste generated by Respondent at the Facility include wastewater treatment sludge, spent fluorescent bulbs, and laboratory waste.
5. On July 12, 2002, Respondent notified Ohio EPA by telephone that it had caused hazardous waste to be transported to a facility which does not hold a hazardous waste permit. By letter dated July 15, 2002, Respondent notified Ohio EPA that two 20-cubic yard boxes of hazardous waste were transported off-site to a facility which does not hold a hazardous waste permit.
6. By letter dated August 1, 2002, Ohio EPA notified Respondent that Respondent had violated ORC § 3734.02(F) by transporting hazardous waste to a facility which does not hold a hazardous waste permit.
7. By letter dated August 29, 2002, Respondent provided responses to Ohio EPA's letter dated August 1, 2002.
8. By letter dated September 11, 2002, Ohio EPA notified Respondent that Respondent had abated the violation referenced in Finding No. 6. of these Orders.
9. In addition to the violation referenced in Finding No. 6. of these Orders, the Director has determined that Respondent failed to prepare a uniform hazardous waste manifest prior to offering hazardous waste for transportation off-site, in violation of OAC rule 3745-52-20(A). Based upon review of the correspondence referenced in Finding No. 7. of these Orders, the Director has determined that Respondent has abated this violation.

V. ORDERS

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

Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$7,500.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. and which will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$7,500.00. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent and the Facility. A copy of this check shall be submitted in accordance with Section X. of these Orders.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the 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 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
Northeast District Office
Division of Hazardous Waste Management
2110 E. Aurora Road
Twinsburg, Ohio 44087
Attn: DHWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Christopher Jones, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Manager, Compliance Assurance Section

For deliveries to the building:

Christopher Jones, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
122 South Front Street
Columbus, Ohio 43215
Attn: Manager, Compliance Assurance Section

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

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all 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, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. 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

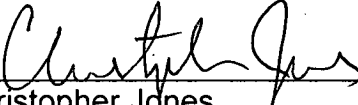
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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



Christopher Jones
Director

JAN 14 2003

Date

IT IS SO AGREED:

Clean Harbors Environmental Services, Inc.

William F. Connors
Signature

12/20/02
Date

William F. Connors
Printed or Typed Name

Vice President
Title