



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

March 3, 2016

Allied Environmental Services,
Inc.
585 Liberty Commons Parkway
Lima, Ohio 45804

**Re: Allied Environmental Services, Inc.
Director's Final Findings and Orders (DFFO)
DFFO
RCRA C - Hazardous Waste
Allen County
OHR 000 042 531**

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 Allied Environmental Services, Inc.

Enclosed are invoices for the total penalty amount of \$7,000 required by the orders. The penalty payment(s) shall be made by official check(s) made payable to "Treasurer, State of Ohio."

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

Sincerely,


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

Enclosure

cc: Tammy Heffelfinger, DMWM, CO
Andrea Smoktonowicz, Legal

OHIO E.P.A.

MAR -3 2016

ENTERED DIRECTOR'S JOURNAL
In the Matter of:

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

Allied Environmental Services, Inc.
585 Liberty Commons Pkwy
Lima, Ohio 45804

Respondent

Director's Final
Findings and Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Allied 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 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 operates an environmental consulting, hazard abatement and industrial cleaning facility located at 585 Liberty Commons Parkway, Lima, Allen County, Ohio 45804 (Facility).
3. On October 20, 2014, Respondent was contracted by AIP Logistics, Inc. (AIP) to come to AIP's site located at 5 Krein Avenue, Wapakoneta, Ohio and pump spilled material which became a waste out of a manhole sump on the east side of the site. The waste which was pumped by Respondent out of the sump was collected in four 275-gallon totes, field screened for pH, the Lower Explosive Limit and PCBs, and left at the site.
4. On October 22, 2014, Respondent cleaned its vacuum truck and generated an additional 275-gallon tote and two drums of waste, which were soon thereafter returned to AIP's site and stored with the other totes.
5. On December 10, 2014, Respondent traveled back to AIP's site and collected samples for field screening for pH and flashpoint of the waste collected in the 275-gallon totes on October 20, 2014. Respondent transferred the waste from the totes and drums into its vacuum truck. AIP then requested that Respondent also evacuate another sump at the site, at which point Respondent emptied the contents of a second sump on the north side of AIP's site into the vacuum truck and transported both waste streams back to the Facility.
6. Based upon the information in Finding No. 5. of these Orders, Respondent was the generator of a new waste and required to properly characterize the waste pursuant to OAC 3745-52-11. The Director has determined that Respondent failed to properly characterize the waste in the vacuum truck after the second sump was evacuated into the vacuum truck, in violation of OAC rule 3745-52-11.
7. In mid-December 2014, at the Facility, a representative of the intended disposal company inspected the waste in Respondent's vacuum truck and rejected it based upon a perceived ammonia-like odor. Respondent subsequently emptied the contents of the vacuum truck into five totes and three drums and cleaned the vacuum truck for future use. The rinse water from cleaning the truck was contained along with the waste. The totes and drums were then stored in a box truck inside the warehouse at the Facility.
8. On December 31, 2014, Ohio EPA conducted a focused compliance inspection at the Facility and observed sampling of the totes and drums within the box truck for TCLP analysis by Respondent. Ohio EPA did not observe any releases of waste within the box truck.

9. Sample analysis results received from Respondent on January 23, 2015 via e-mail indicated the waste within the totes and drums was characteristically hazardous waste for ignitability (D001) as defined in OAC rule 3745-51-21 and corrosivity (D002) as defined in OAC rule 3745-51-22. The Director has determined that because Respondent properly characterized the waste, the violation of OAC rule 3745-52-11 referenced in Finding No. 6. of these Orders has been corrected.
10. Upon receipt of the sample analysis results referenced in Finding No. 9. of these Orders, Respondent moved the totes and drums containing the D001 and D002 hazardous waste from the truck to a concrete floor area of the warehouse at the Facility within a secondary containment constructed of reinforced 6-mil polyethylene and 5-inch absorbent boom(s).
11. During the process of locating an authorized facility to accept this hazardous waste, Respondent conducted additional sampling for more parameters to fully evaluate the waste for pesticides and herbicides, PCBs and reactive cyanide/sulfide. This additional sampling event was conducted on February 19, 2015, by Respondent. Furthermore, Respondent reviewed all material safety data sheets from AIP in an attempt to find which product may be present in the hazardous waste. Respondent determined the waste stream was likely isopropylamine, and on March 20, 2015, Respondent manifested the D001 and D002 hazardous waste off-site to an authorized hazardous waste facility.
12. Based upon Respondent's activities referenced in Finding Nos. 5. of these Orders and the sample analysis results referenced in Finding No. 9. of these Orders, Ohio EPA determined that Respondent, *inter alia*:
 - a. Established and operated a hazardous waste storage facility without a hazardous waste permit in violation of ORC § 3734.02(E) and (F) by storing hazardous waste received from AIP at the Facility. Specifically, Respondent stored D001 and D002 hazardous waste in the box truck and in a lined, boomed concrete floor area inside the warehouse at the Facility, establishing these areas as hazardous waste storage units;
 - b. Transported hazardous waste generated at AIP's site to Respondent's Facility, a facility not authorized to receive hazardous waste, in violation of ORC § 3734.02(F); and
 - c. Failed to comply with the manifest requirements for transporting hazardous waste, in violation of OAC rules 3745-53-20(A), (B), (C) and (D).

13. By letter dated May 1, 2015, Respondent was notified of the violations referenced in Finding No. 12. of these Orders. Additionally, the letter informed Respondent that no further action was required of Respondent with regard to the violations referenced in Findings Nos. 12.b. and 12.c. of these Orders.
14. By letter dated May 18, 2015, Respondent provided a response to the violations referenced in Finding No. 12. of these Orders. The response included notification of the implementation of a company policy requiring identifying documentation of wastes from the generator, or sample results prior to wastes being removed from any site with an unknown, uncontrolled release.
15. Respondent stored the hazardous waste referenced in Findings Nos. 9., 10., and 11. of these Orders at the Facility in containers of good integrity within a lined secondary containment area inside the warehouse. This hazardous waste was ultimately sent to an authorized hazardous waste facility, and Respondent submitted documentation stating that no releases of the waste occurred during the time period it was stored at the Facility. For these reasons, the Director has determined that Respondent met the closure performance standard requirements of OAC rule 3745-55-11(A) and (B) and no further action is required to abate the violation of ORC § 3734.02(E) and (F) referenced in Finding No. 12.a. of these Orders.

V. ORDERS

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

1. Respondent shall pay Ohio EPA the amount of \$7,000.00 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 pursuant to the following schedule:
 - a. Within 90 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,750.00;
 - b. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,750.00;

- c. Within 270 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,750.00; and
- d. Within 365 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$1,750.00.

Respondent shall make each payment by tendering an official check made payable to "Treasurer, State of Ohio." The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying the Respondent. A copy of the check shall be sent to Supervisor, Administrative Processing Unit, Ohio EPA, Division of Materials and Waste Management, P.O. Box 1049, Columbus, Ohio 43216-1049.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official checks 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
Northwest District Office
Division of Materials and Waste Management
347 North Dunbridge Road
Bowling Green, OH 43402
Attn: DMWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Manager, Hazardous Waste Compliance Assurance Section
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:

Manager, Hazardous Waste Compliance Assurance Section
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 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



Craig W. Butler
Director

IT IS SO AGREED:

Allied Environmental Services, Inc.



Signature

2/8/16

Date

STEVEN D. CARD

Printed or Typed Name

CEO

Title