



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

March 3, 2016

Spring Grove Resource
Recovery, Inc.
4879 Spring Grove Avenue
Cincinnati, Ohio 45232

**Re: Spring Grove Resource Recovery, Inc.
Director's Final Findings and Orders (DFFO)
DFFO
RCRA C - Hazardous Waste
Hamilton County
OHD 000 816 629**

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 Spring Grove Resource Recovery, Inc.

Enclosed are invoices for the total penalty amount of \$11,200 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,

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

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

Enclosure

cc: Kelly Smith, DMWM, CO
Mitch Mathews, DMWM, CO
Russ Brown, DMWM, NWDO
Jeff Smith, DMWM, NWDO
Andrea Smoktonowicz, Legal

OHIO E.P.A.

BEFORE THE
MAR - 3 2010 OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Spring Grove Resource Recovery, Inc.
4879 Spring Grove Avenue
Cincinnati, Ohio 45232

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 Spring Grove Resource Recovery, 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 owned by Respondent 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 owns and operates a hazardous waste treatment and storage facility located at 4879 Spring Grove Avenue, Cincinnati, Hamilton County, Ohio (Facility). Respondent has been assigned EPA identification number

OHD000816629 and Ohio Hazardous Waste Facility Installation and Operation Permit, No. 05-31-0012 (Permit).

2. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).
3. At the Facility, Respondent owns and operates a "treatment" and "storage" "facility" as those terms are defined by ORC § 3734.01 and OAC rule 3745-50-10(A). Respondent also generates non-acute "hazardous waste" as that term is defined in OAC rules 3745-50-10(A) and 3745-51-03, in amounts greater than 1000 kilograms per month, and therefore is operating as a large quantity generator of hazardous waste subject to the requirements in OAC rule 3745-52-34(A).
4. Respondent's Permit specifies that waste profiling will be managed by Clean Harbors Environmental Services, Inc. (Clean Harbors). Clean Harbors' Customer Service Representatives (CSRs) obtain the waste information directly from the generator and then submit the information to Clean Harbors' Central Profile Group (CPG), located at Clean Harbors' corporate headquarters in the State of Massachusetts. The CPG reviews and maintains the information regarding the generator's waste and determines whether the waste can be accepted at Respondent's Facility. CPG uploads an electronic "Clean Harbors Waste Material Profile Sheet" for each specific waste stream, which is available to Respondent for review. Respondent is responsible for making the final decision on final waste acceptance at the Facility. Once the profile is created, the CSRs will schedule waste pick-ups and supply the generator with the manifest (hazardous waste or non-hazardous waste depending upon the profile).
5. By letter dated January 28, 2015, Respondent self-reported an instance of non-compliance to Ohio EPA, as required by Permit Condition A.22. and OAC rule 3745-50-58(L)(10). In the letter, Respondent described the following series of events which resulted in the non-compliance:
 - a. On December 23, 2014, a waste shipment consisting of nine 55-gallon drums of waste paint chips (1,200 pounds) was received at the Facility;
 - b. On December 29, 2014, the waste paint chips were mixed with non-hazardous wastes and then consolidated into a 16-ton shipment which was sent to a solid waste landfill on December 31, 2014;

- c. Due to the error on the Clean Harbors Waste Material Profile Sheet for the waste paint chips, Respondent managed the hazardous waste paint chips as non-hazardous waste.
6. In two separate electronic mails on January 29, 2015, Respondent submitted information regarding the waste paint chips referenced in Finding No. 5. of these Orders, which included a non-hazardous waste manifest for the shipment from the generator to the Facility, the Clean Harbors Waste Material Profile Sheet, the analytical results which showed the waste paint chips were hazardous waste, and an unmanifested hazardous waste report (submitted in accordance with the requirements of OAC rule 3745-54-76).
7. By electronic mail on January 30, 2015, Respondent submitted copies of email correspondence between the generator of the waste paint chips and Ohio EPA that occurred on January 16, 2015. The generator was concerned that the waste paint chips may not have been properly characterized. Ohio EPA directed the generator to contact Respondent.
8. By electronic mail dated February 2, 2015, Respondent submitted the non-hazardous industrial waste manifest for the mixture of the waste paint chips and non-hazardous waste that was shipped from the Facility to the solid waste landfill. Respondent also informed Ohio EPA that the shipment occurred on December 30, 2014, not December 31, 2014, as originally reported.
9. On March 30, 2015, Ohio EPA conducted a compliance evaluation inspection at the Facility. This inspection included an assessment of Facility operations and a review of written documentation. By letter dated April 2, 2015, Ohio EPA notified Respondent that based on the results of the inspection, Respondent was in compliance with Ohio's hazardous waste regulations and the conditions of its Permit.
10. Based on the information referenced in Findings Nos. 5. through 8. of these Orders, by letter dated April 8, 2015, Ohio EPA notified Respondent of the following violations, *inter alia*:
 - a. Unlawfully treated the waste paint chips which were characteristically hazardous waste for chromium (D007) as described in OAC rule 3745-51-24, by mixing them with non-hazardous waste, in violation of ORC § 3734.02(F).

- b. Failed to follow the procedures in the approved Waste Analysis Plan of the Permit, in violation of OAC rule 3745-54-13 and Permit Condition B.3. The generator made an error when completing the Clean Harbors Waste Material Profile Sheet, but attached the analytical data which clearly showed the discrepancy. Respondent did not follow the procedures in the Waste Analysis Plan because it failed to properly review the Clean Harbors Waste Material Profile Sheet with the analytical data during the approval process for the waste stream;
 - c. Failed to comply with the requirements for Land Disposal Restriction, Permit Condition B.40 and OAC rule 3745-270-03(A), which prohibit dilution as a substitute for treatment, when Respondent mixed the waste paint chips with non-hazardous waste and disposed of the waste at a solid waste landfill;
 - d. Failed to test an extract of the treatment residues that were generated when the waste paint chips were mixed with non-hazardous waste to determine if the treatment residues met the applicable treatment standards, in violation of Land Disposal Restriction, Permit Condition B.40 and OAC rule 3745-270-07(B)(1);
 - e. Failed to send the required land disposal restriction notice with the shipment of waste paint chips to the solid waste landfill, in violation of Land Disposal Restriction, Permit Condition B.40 and OAC rule 3745-270-07(B)(3); and
 - f. Failed to comply with all applicable provisions of ORC Chapter 3734, all applicable hazardous waste rules, and all terms and conditions of the Permit, in violation of OAC rule 3745-50-58(A) and Permit Condition A.5.
11. The Director of Ohio EPA has determined that based on the information referenced in Findings Nos. 5. through 8. of these Orders, the mixing of the hazardous waste paint chips with non-hazardous waste, which is a type of hazardous waste treatment that is not authorized by Respondent's hazardous waste Permit, is a violation of ORC § 3734.02(E);

12. The Director of Ohio EPA has determined that no further action is required by Respondent to address the violations referenced in Findings Nos. 10. and 11. of these Orders, except for payment of a civil penalty.

V. ORDERS

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

1. Respondents shall pay to Ohio EPA the amount of \$11,200.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. in accordance with the following provisions:
 - a. Within 30 days after the effective date of these Orders, Respondent shall pay the amount of \$8,960.00 of the total amount which will be deposited into the environmental protection remediation fund established pursuant to ORC § 3734.281. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$8,960.00. 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 Respondent and the Facility. A copy of this check shall be sent to Ohio EPA Division of Materials and Waste Management, Supervisor, Administrative Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.
 - b. In lieu of paying the remaining \$2,240.00 of civil penalty identified in Order No. 1.a. above, Respondent shall fund a Supplemental Environmental Project (SEP) by making a contribution in the amount of \$2,240.00 to the Ohio EPA Clean Diesel School Bus Program. Respondent shall make the payment within 30 days after the effective date of these Orders by tendering an official check made payable to "Treasurer, State of Ohio" for \$2,240.00. 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 Respondent and the Facility. A copy of this check shall be sent to Ohio EPA Division of Materials and Waste Management, Supervisor, Administrative Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 and to Ohio EPA, Division of Air Pollution Control, Manager, Compliance and Enforcement Section, P.O. Box 1049, Columbus, Ohio 43216-1049.

- c. Should Respondent fail to fund the SEP within the required time frame established in Order No. 1.b., Respondent shall pay to Ohio EPA, within 7 days after failing to comply with Order No. 1.b., the amount of \$2,240.00 in accordance with the procedures in Order No. 1.a.

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
Southwest District Office
Division of Materials and Waste Management
401 East Fifth Street
Dayton, Ohio 45402
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

A handwritten signature in black ink, appearing to read "Craig W. Butler", is written over a horizontal line.

Craig W. Butler
Director

IT IS SO AGREED:

Spring Grove Resource Recovery, Inc.

William F. Connors
Signature

February 22, 2016
Date

William F. Connors
Printed or Typed Name

Sr. Vice President - Compliance
Title