



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

November 2, 2016

Mr. Timothy Shenigo  
 President  
 Sandusky Fabricating and Sales,  
 Inc.  
 2000 Superior Street  
 Sandusky, Ohio 44870

**Re: Sandusky Fabricating and Sales, Inc.  
 Director's Final Findings and Orders (DFFO)  
 DFFO  
 RCRA C - Hazardous Waste  
 Erie County  
 OHR000199943**

**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 Sandusky Fabricating and Sales, Inc.

Enclosed is the invoice for the total penalty amount of \$6,160.00 required by the orders. The penalty payment shall be made by official check made payable to "Treasurer, State of Ohio."

If you have any questions, please contact Andrea Smoktonowicz at (614) 644-3037.

Sincerely,

Angela Edwards, Administrative Professional II  
 Division of Environmental Response and Revitalization

Enclosure

cc: Mitch Mathews, DERR, CO  
 Andrea Smoktonowicz, Legal  
 Colleen Weaver, DERR, NWDO  
 John Pasquarrette, DMWM, NWDO

OHIO E.P.A.

NOV -2 2016

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

**Sandusky Fabricating and Sales, Inc.**  
2000 Superior Street  
Sandusky, Ohio 44870

**Respondent**

**Director's Final  
Findings and Orders**

I certify this to be a true and accurate copy of the  
official documents as filed in the records of the Ohio  
Environmental Protection Agency.

**PREAMBLE**

It is agreed by the parties hereto as follows:

By: Dan Kassler Date: 11-2-16

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to Sandusky Fabricating and Sales, 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 industrial conveyor manufacturing business located at 2000 Superior Street, Sandusky, Ohio 44870 (Facility).

Hazardous Waste Findings

3. 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 generates hazardous waste in amounts less than 100 kilograms per month, and would be considered a conditionally exempt small quantity generator (CESQG) of hazardous waste subject to the requirements of OAC rule 3745-51-05. The hazardous waste generated by Respondent at the Facility include spent solvent (D001 – ignitable, D018 – toxicity for benzene, D035 – toxicity for methyl ethyl ketone, F003 – listed for ignitability and toxicity, F005 – listed for toxicity). Respondent is also a "used oil generator" as that term is defined in OAC rule 3745-279-01(A)(17).
4. At some point prior to August 2011, Respondent accumulated greater than 1,000 kilograms of hazardous waste spent solvent on-site. In accordance with OAC rule 3745-51-05, Respondent was subject to the requirements of OAC rule 3745-52-34(D), including the prohibition of accumulating hazardous waste on-site for greater than 180 days without a hazardous waste installation and operation permit.
5. On November 12, 2015, Ohio EPA conducted a complaint and compliance evaluation inspection at the Facility. The complaint alleged wastes were being unlawfully mismanaged at the Facility. During the inspection, Ohio EPA documented greater than 1,000 kilograms of hazardous waste spent solvent in a storage area at the Facility, resulting in evaluation of compliance with the hazardous waste rules applicable to a small quantity generator (SQG) of hazardous waste as outlined in OAC rule 3745-52-34(D), including a 180-day time limit for storage of hazardous waste. Respondent informed Ohio EPA that the hazardous waste spent solvent had accumulated at the Facility for a long time, and that it was stored until June 2013 when Respondent began transporting the stored hazardous waste to a permitted hazardous waste facility in batches of five, 55-gallon drums per shipment for a total of six shipments through November 2015.
6. As a result of the inspection referenced in Finding No. 5. of these Orders, Ohio EPA determined that Respondent, *inter alia*:
  - a. Stored hazardous waste for greater than 180 days without a hazardous waste facility installation and operation permit, in violation of ORC § 3734.02(E) and (F). Specifically, Respondent became subject to the SQG requirements, including the 180-day storage limit for hazardous waste, on



or about August 2011. As a result of this, unlawful storage of hazardous waste began on or about February 2012 and continued until the shipment of accumulated hazardous waste spent solvent on December 22, 2015;

- b. Failed to evaluate waste to determine if it is hazardous, in violation of OAC rule 3745-52-11. Specifically, Respondent was disposing of spent fluorescent lamps with its solid waste without evaluating the lamps prior to disposal;
  - c. Failed to obtain a U.S. EPA identification number prior to offering hazardous waste for transportation to an authorized facility, in violation of OAC rule 3745-52-12;
  - d. Failed to properly complete a hazardous waste manifest with all required information, in violation of OAC rule 3745-52-20(A)(1);
  - e. Failed to label containers of used oil with the appropriate wording, in violation of OAC rule 3745-279-22(C);
  - f. Failed to ensure the used oil transporter had a U.S. EPA identification number, in violation of OAC rule 3745-279-24; and
  - g. Failed to comply with the requirements for SQGs of hazardous waste in violation of OAC rule 3745-52-34(D).
7. By letter dated March 2, 2016, Ohio EPA notified Respondent of the violations referenced in Finding No. 6. of these Orders. This letter also notified Respondent that the violations referenced in Findings Nos. 6.c. and 6.d. of these Orders were corrected.
8. By letter dated March 14, 2016, Respondent submitted documentation in response to the violations referenced in Finding No. 6. of these Orders. This documentation included a hazardous waste manifest dated December 22, 2015, for the off-site management of five containers of hazardous waste spent solvent, a statement that spent fluorescent lamps will be managed under the universal waste rules found in OAC Chapter 3745-273, photographs of labeled used oil containers, a new plan for management of used oil, and a statement that Respondent will ensure it remains subject to the CESQG requirements for hazardous waste.
9. By letter dated March 18, 2016, Ohio EPA notified Respondent that based upon the information submitted as referenced in Finding No. 8. of these Orders, the violations referenced in Findings Nos. 6.b., 6.e., 6.f., and 6.g. of these Orders were corrected.

10. Because Respondent will continue to store hazardous waste in the accumulation area and no evidence of releases of hazardous waste were observed during the inspection, the Director has determined that no additional action is required of Respondent at this time regarding the ORC § 3734.02(E) and (F) violation referenced in Finding No. 6.a. of these Orders.

#### Solid Waste Findings

11. On November 12, 2015, Ohio EPA conducted an inspection of the Facility. During the inspection, Respondent admitted to burying spent paint booth filters (later established to be solid waste) at the Facility.
12. Open dumping is a violation of ORC Section 3734.03 and OAC Rule 3745-27-05(C), which respectively state: ... "[n]o person shall dispose of solid wastes by ... open dumping" and "[n]o person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed."

### **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 immediately cease open dumping of solid waste at the Facility.
2. Within 60 days after the effective date of these Orders, Respondent shall delineate the lateral and vertical extent of waste open dumped at the Facility, then remove and dispose of it at a licensed solid waste disposal facility. Delineation may require use of a backhoe or other equipment. Respondent shall provide a photographic record of the delineation and removal.
3. Respondent shall provide notice to Ohio EPA at least seven days prior to the removal of solid waste so Ohio EPA may be present; and Respondent shall submit photographs and disposal receipts within fifteen days after disposal of the solid waste.
4. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$6,160.00 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 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 \$6,160.00. 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 the Respondent. A copy of the check shall be sent to the Financial Program Manager, Ohio EPA, Division of Environmental Response and Revitalization, 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 check[s] 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:

Division of Materials and Waste Management - Solid Waste Correspondence

Ohio Environmental Protection Agency  
Northwest District Office  
Division of Materials and Waste Management  
Attn: DMWM Supervisor  
347 North Dunbridge Road  
Bowling Green, Ohio 43402-9398  
and Ohio EPA Central Office at the following address:

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 closure of the hazardous waste accumulation area as well as 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 closure or 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 rights to seek closure of the hazardous waste accumulation area and corrective action at the Facility, which rights 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:**

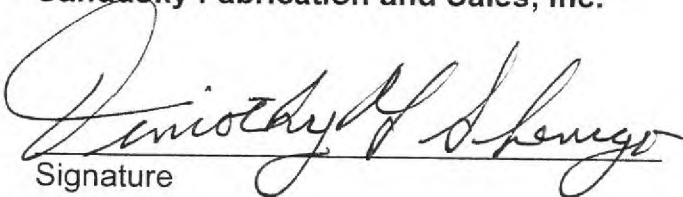
**Ohio Environmental Protection Agency**



Craig W. Butler  
Director

**IT IS SO AGREED:**

**Sandusky Fabrication and Sales, Inc.**

  
Signature

10/18/16  
Date

TIMOTHY H SHENIGO  
Printed or Typed Name

PRESIDENT  
Title



# Ohio EPA Invoice/Receipt

Date Printed: November 02, 2016

Revenue ID: 1111734

*Please include this Revenue ID with all correspondence.*

Organization ID: 127944

Information: Sandusky Fabricating and Sales Inc  
2000 Superior Street  
Sandusky, OH 44870-

Due Date: December 01, 2016

Amount Due: \$6,160.00

Effective Date: November 01, 2016

Revenue Description: DHWM- Findings and Orders - hazardous waste cleanup

Program Name: RCRA C - Hazardous Waste

Reason: Settlement with Sandusky Fabricating and Sales, Inc. for past hazardous waste violations and is

*For some Revenues, Interest and/or Penalties may be charged for late payment.*

Next Interest Date (if applicable):

Next Penalty Date (if applicable):

## Remittance Advice

**Detach Here - Please Return This Portion With Your Payment**

Organization ID: 127944

Information: Sandusky Fabricating and Sales Inc  
2000 Superior Street  
Sandusky, OH 44870-

Due Date: Dec 01, 2016

Amount Due: \$6,160.00

Secondary Type/Id: /

Revenue Type: FFOHW

Amount Enclosed: \$ \_\_\_\_\_

Many Ohio EPA fee invoices are payable online. For online credit card or ACH payment, go to <https://eBiz.epa.ohio.gov>, login or create an account and from the "Available Services" window choose "Pay Ohio EPA Fees Online".

**Please write this number on your check. Revenue ID: 1111734**  
**Make check or money order payable to "Treasurer, State of Ohio"**

Remit to: Ohio Environmental Protection Agency - OFA  
Department L-2711  
Columbus, OH 43260-2711

**For Ohio EPA use only**

Check ID: \_\_\_\_\_

Check Date: \_\_\_\_\_

Check Number: \_\_\_\_\_

Check Amount: \$ \_\_\_\_\_

127944	Sandusky Fabricating and Sales Inc	616000	FFOHW	1111734
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