January 2, 2018

Steubenville Truck Center, Inc.
620 South Street
Steubenville, OH 43952

Re: Steubenville Truck Center
Director’s Final Findings and Orders (DFFO)
RCRA C - Hazardous Waste
Jefferson County
OHR000202085

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 Steubenville Truck Center, Inc.

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

Sincerely,

Tonya Andrews, Administrative Professional 3
Division of Environmental Response & Revitalization

Enclosure

cc: Tammy Heffelfinger, DERR-CO
Mitch Mathews, DERR-CO
Elissa Miller, Legal
Elizabeth Herron, DERR-SEDO
BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Steubenville Truck Center, Inc.
620 South Street
Steubenville, Ohio 43952

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:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Steubenville Truck Center, Inc. (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 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 a truck servicing and sales facility located at 620 South Street, Steubenville, Jefferson County, Ohio 43952 (Facility).

3. At the Facility, Respondent is a conditionally exempt small quantity generator of "hazardous waste" as that term is defined by ORC § 3734.01(J) and OAC rules 3745-50-10(A) and 3745-51-03, and has been assigned U.S. EPA ID number OHR000202085. The hazardous wastes generated by Respondent at the Facility include spent mineral spirits (D001 - ignitability) as described in OAC rule 3745-51-21. Respondent is also a "small quantity handler of universal waste" including spent "universal waste lamps" as that term is defined in OAC rule 3745-273-09 and generates "used oil" regulated under OAC Chapter 3745-279 at the Facility.

4. On April 26, 2016, Ohio EPA conducted a complaint investigation and compliance evaluation inspection at the Facility. The complaint alleged mismanagement of used oil and antifreeze at the Facility. During the inspection, Respondent explained that it cleans engine parts by spraying them with mineral spirits. Ohio EPA observed a pallet outside the building with evidence of mineral spirits overspray on the concrete and gravel under the pallet leading to a storm drain with a sheen on the liquid surrounding the storm drain. Inside the building, Respondent sprays parts with mineral spirits on the floor, then absorbs the overspray with oil dry. The oil dry is then collected and placed in the dumpster with solid waste. Ohio EPA also observed widespread used oil on the ground outside at the Facility.

5. As a result of the inspection referenced in Finding No. 4. of these Orders, Ohio EPA determined that Respondent, inter alia:

   a. Disposed of hazardous waste mineral spirits without a hazardous waste facility installation and operation permit, in violation of ORC § 3734.02(E) and (F). Specifically, Respondent created a hazardous waste disposal unit in the area outside the building where engine parts were cleaned, extending from the location of the pallet observed at the time of the inspection, to the storm drain that the mineral spirits were allowed to enter;

   b. Disposed of hazardous waste mineral spirits without a hazardous waste facility installation and operation permit, in violation of ORC § 3734.02(E) and (F). Specifically, every location inside the building that Respondent sprayed parts on the floor is considered a hazardous waste disposal unit;

   c. Failed to evaluate the waste spent mineral spirits mixed with oil dry to determine if it is a hazardous waste, in violation of OAC rule 3745-52-11;
d. Failed to contain and respond to releases of used oil, in violation of OAC rule 3745-279-22(D); and

e. Failed to label containers of used oil with the words “used oil” in violation of OAC rule 3745-279-22(C).

6. By letter dated August 5, 2016, Respondent was notified of the violations referenced in Finding No. 5. of these Orders.

7. By electronic mail dated August 12, August 23, September 2, September 14, and September 23, 2016, Respondent submitted documentation to resolve the violations referenced in Finding No. 5. of these Orders. The documentation submitted included photos of labeled containers of used oil, analytical results of waste and used oil-contaminated soil samples, and documentation of the clean-up of oil-contaminated soil.

8. On November 3, 2016, Ohio EPA conducted a follow up inspection at the Facility to observe the areas where used oil-contaminated soil had been removed.

9. By letter dated December 14, 2016, Ohio EPA notified Respondent that based upon the information provided by Respondent as referenced in Finding No. 7. of these Orders, as well as the conditions at the Facility observed by Ohio EPA during the inspection as referenced in Finding No. 8. of these Orders, Respondent resolved the violation referenced in Finding No. 5.e. of these Orders.

10. By electronic mail dated December 28, and December 30, 2016, and January 3, January 4, and January 23, 2017, Respondent provided additional information to resolve the violations referenced in Findings Nos. 5.a., 5.b., 5.c. and 5.d. of these Orders. This information included a procedural change where Respondent would spray parts with the mineral spirits in a metal basin with a drain that would be emptied into a container to recover the excess mineral spirits. Respondent will then manage the spent mineral spirits by mixing it with the used oil generated at the Facility and burn it in an on-site heater. Respondent also provided documentation of additional used oil-contaminated soil removal.

11. By letter dated February 23, 2017, Ohio EPA notified Respondent that based upon the information provided as referenced in Finding No. 10. of these Orders, the violations referenced in Findings Nos. 5.c. and 5.d. of these Orders were resolved.

12. On August 17, 2017, Ohio EPA met with Respondent at the Facility to observe the disposal unit described in Finding No. 5.a. of these Orders. Ohio EPA and Respondent discussed the number of samples to be collected and location of
samples to be collected in order to determine the rate and extent of any contamination present from the disposal of mineral spirits.

13. On September 27, 2017, Respondent collected soil and sediment samples from the area where mineral spirits were disposed to the ground and entered a storm drain, as described in Findings Nos. 4. and 5.a. of these Orders.

14. By electronic mail dated October 10, 2017, Respondent submitted the analytical results of the samples referenced in Finding No. 13. of these Orders to Ohio EPA for review.

15. On October 27, 2017, Respondent conducted power washing activities in the area around the storm drain and collected the liquids from this activity.

16. By electronic mail dated November 14, 2017, Respondent submitted documentation demonstrating the off-site management of the power washing liquids.

17. Based upon the results of the soil and sediment sampling performed in conjunction with the power washing of the storm drain referenced in Findings Nos. 13. and 15. of these Orders, the Director has determined that Respondent has met the closure performance standard requirements of OAC rule 3745-55-11(A) and (B) and no further action is required to resolve the violation referenced in Finding No. 5.a. of these Orders.

18. The Director has determined that because Respondent will continue to use the inside of the building for its daily operations, and there is no feasible way to determine that the staining present inside the building is from the cleaning of parts, there is nothing further required of Respondent at this time with regard to the violation of ORC § 3734.02(E) and (F) referenced in Finding No. 5.b. 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. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of $9,360.00 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 $9,360.00. 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 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 Environmental Response and Revitalization 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
Southeast District Office
Division of Environmental Response and Revitalization
2195 Front Street
Logan, Ohio 43138
Attn: Hazardous Waste Program 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 Environmental Response and Revitalization
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 Environmental Response and Revitalization
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 closure of the building where disposal of mineral spirits occurred and 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 closure or corrective action. 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. Except for the right to seek closure of the building where disposal of the mineral spirits occurred, 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

[Signature]
Craig W. Butler
Director

IT IS SO AGREED:

Steubenville Truck Center, Inc.

[Signature] 11-27-17
Larry Bemp
Printed or Typed Name
President
Title