September 14, 2018

Chemtron Corporation
Mr. Rick Timm
35850 Schneider Court
Avon, OH 44011

Re: Chemtron Corp
Director's Final Findings and Orders (DFFO)
DFFO
RCRA C - Hazardous Waste
Lorain County
OHD066060609 and OHD987021128

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 Chemtron Corporation.

Enclosed is the invoice for the total penalty amount of $45,000.00 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 Sarah Miles at (614) 644-3037.

Sincerely,

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

Enclosure

cc: Tammy Heffelfinger, DERR, CO
    Natalie Oryschewych, DERR, NEDO
    Adrienne LeFavre, DERR, NEDO
    Sarah Miles, Legal
Ohio EPA Invoice/Receipt

Date Printed: September 14, 2018

Revenue ID: 1245722

Please include this Revenue ID with all correspondence.

Due Date: October 14, 2018

Amount Due: $45,000.00

Effective Date: September 14, 2018

Place ID: 26096

Information: Chemtron Corp
35850 Schneider Ct
Avon, OH 44011-

Revenue Description: DHWM- Findings and Orders - hazardous waste cleanup
Program Name: RCRA C - Hazardous Waste
Reason: Penalty amount due per orders.

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

Place ID: 26096

Information: Chemtron Corp
35850 Schneider Ct
Avon, OH 44011-

Secondary Type/Id: RCRA / OHD066060609
Revenue Type: FFOHW

Due Date: Oct 14, 2018
Amount Due: $45,000.00
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: 1245722
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: 

4500000  FFOHW  1245722
BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Chemtron Corporation
35850 Schneider Court
Avon, Ohio 44011

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 Chemtron Corporation (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 or Transfer 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 hazardous waste storage and treatment facility
located at 35850 Schneider Court, Avon, Lorain County, Ohio (Facility), which receives hazardous waste from off-site. On January 14, 2015, Respondent was issued a hazardous waste facility installation and operation renewal permit (Permit) for storage and treatment of hazardous waste at the Facility. Respondent is permitted to store hazardous waste (specified quantities) in areas designated as Area 1, Area 2, Area 3, Area 4, Area 5, and Area 6 at the Facility. The Facility is assigned U.S. EPA identification number OHD066050609.

3. Respondent operates a transfer facility located at 33585 Pin Oak Parkway, Avon Lake, Lorain County, Ohio (Transfer Facility), which stores hazardous waste for ten days or less. The Transfer Facility has been assigned U.S. EPA identification number OHD987021128.

4. On August 31, 2017, Ohio EPA received an anonymous complaint alleging Respondent was storing more hazardous waste on-site than was allowed, and that trailers of hazardous waste had been on-site longer than allowed. Specific facility locations were not identified in the complaint.

5. On September 1, 2017, Ohio EPA conducted a complaint investigation and compliance evaluation inspection at the Transfer Facility. During this inspection, Ohio EPA reviewed hazardous waste manifests and inspected trailers. Ohio EPA identified ten trailers containing hazardous waste that had exceeded the ten-day storage time allowance. Two of the trailers that were stored at the Transfer Facility the longest were there for 15 days over the allowed ten days. Based upon this information Ohio EPA determined that Respondent, inter alia, established and operated a hazardous waste storage facility without a permit, in violation of ORC § 3734.02(E) and (F).

6. Respondent was notified of the violation referenced in Finding No. 5. of these Orders during the inspection and was provided an in-field notice of violation.

7. From September 1, 2017, through September 7, 2017, Respondent removed the trailers from the Transfer Facility that were stored greater than ten days. The trailers were taken to the Facility.

8. On September 6, 2017, Respondent notified Ohio EPA that it had voluntarily suspended all in-bound receipts of hazardous waste until the non-compliance issues were resolved.

9. On September 7, 2017, Ohio EPA conducted a complaint investigation and compliance evaluation inspection at the Facility. As part of the inspection, Ohio EPA reviewed documentation provided by Respondent demonstrating that
Respondent was over its permitted capacity of hazardous waste at the Facility. Ohio EPA conducted a visual container count of all permitted areas to confirm Respondent exceeded its permitted capacity. Based upon this information, Ohio EPA determined that Respondent, *inter alia*, stored hazardous waste in exceedance of Respondent’s permitted capacity, in violation of ORC § 3734.02(E) and (F), and permit condition C.1.a. Specifically, Respondent exceeded permitted amounts of hazardous waste in Areas 2, 3, 5 and 6 at the Facility. Area 5 stored hazardous waste over the permitted capacity for ten days from at least August 31, 2017 through September 15, 2017.

10. Respondent was notified of the violations referenced in Finding No. 9 of these Orders during the inspection and was provided an in-field notice of violation.

11. From September 7, through September 15, 2017 Respondent transported hazardous waste off-site to reduce the amounts of hazardous waste in Areas 2, 3, 5, and 6 to below the permitted levels. Respondent provided updates to Ohio EPA on a daily basis to demonstrate efforts to resolve the violations. Information provided by Respondent on September 16, 2017 indicated that Respondent was back in compliance with Respondent’s permitted storage capacity of hazardous waste in all permitted areas at the Facility. Respondent continued to provide daily updates of the amounts of hazardous waste in the permitted areas to Ohio EPA through September 29, 2017.

12. On September 15, 2017, Ohio EPA conducted a compliance evaluation inspection at the Transfer Facility and confirmed that all trailers stored greater than ten days had been removed.

13. On September 16, 2017, Ohio EPA conducted a compliance evaluation inspection at the Facility and confirmed that Respondent was below the permitted amounts of hazardous waste in each permitted area.

14. Based upon the activities of Respondent as described in Finding No. 9 of these Orders, Ohio EPA determined that in addition to the violation of ORC § 3734.02(E) and (F), and permit condition C.1.a. referenced in Finding No. 9 of these Orders, Respondent, *inter alia*:

   a. failed to have a permit allowing for the amounts of hazardous waste in storage at the Facility, in violation of OAC rules 3745-50-41(A) and 3745-50-45(A); and

   b. failed to comply with the terms and conditions of the Permit, in violation of ORC § 3734.11(B) and OAC rule 3745-50-58(A).
15. By letter dated January 10, 2018, Ohio EPA notified Respondent of the violations referenced in Findings Nos. 9. and 14. of these Orders.

16. Based upon the activities of Respondent as described in Finding No. 5. of these Orders, Ohio EPA determined that in addition to the violation of ORC § 3734.02(E) and (F) referenced in Finding No. 5. of these Orders, Respondent, inter alia, failed to have a permit for the storage of hazardous waste at the Transfer Facility, in violation of OAC rules 3745-50-41(A) and 3745-50-45(A).

17. By letter dated January 17, 2018, Ohio EPA notified Respondent of the violations referenced in Findings Nos. 5. and 16. of these Orders.

18. While no formal response to the notices of violations referenced in Findings Nos. 15. and 17. of these Orders was received from Respondent, the previous actions and daily updates as described in Findings Nos. 7. and 11. of these Orders were satisfactory to mitigate the violations.

19. Because Respondent will continue to use Areas 2, 3, 5, and 6 for the storage of hazardous waste at the Facility, and because no releases of hazardous waste were observed, the Director has determined that no additional action is required of Respondent at this time regarding the violations referenced in Findings Nos. 9. and 14. of these Orders.

20. Because no releases of hazardous waste were observed at the Transfer Facility, and Respondent will continue to use the Transfer Facility for temporary storage of hazardous waste, the Director has determined that no additional action is required of Respondent at this time regarding the violations referenced in Findings Nos. 5. and 16. 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 $45,000.00 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 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 $45,000.00. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, Department L-2711,
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
X. RESERVATION OF RIGHTS

Ohio EPA reserves its rights to exercise its lawful authority to require Respondent to perform closure and corrective action at the Transfer 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 and corrective action at the Transfer 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:

Chemtron Corporation

Signature

Date

Printed or Typed Name

Title