



**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor  
**Anne M. Vogel**, Director

June 14, 2023

Ross Incineration Services, Inc.  
36790 Giles Road  
Grafton, OH 44044

**Re: Ross Incineration Services, Inc.  
Director's Final Findings and Orders (DFFO)  
RCRA C - Hazardous Waste  
Lorain County  
OHD048415665**

**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 Ross Incineration Services, Inc.

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

Sincerely,

*Diana Bammerlin*

Diana Bammerlin, Administrative Professional 2  
Division of Environmental Response & Revitalization

Enclosure

cc: Kristie Shipley, DERR, CO  
Mitch Mathews, DERR, CO  
Tammy Heffelfinger, DERR, CO  
Nyall McKenna, DERR, NEDO  
Karen Nesbit, DERR, NEDO  
Natalie Oryshkewych, DERR, NEDO  
Sarah Miles, Legal  
Chad Colman, Ross Incineration Services, Inc.

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Ross Incineration Services, Inc.  
36790 Giles Road  
Grafton, OH 44044

Modified Director's Final  
Findings and Orders

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Modified Director's Final Findings and Orders (Modified Orders) are issued to Ross Incineration Services, Inc. (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.02(G), 3734.13, 3745.01 and rule 3745-50-31 of the Ohio Administrative Code (OAC).

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. 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(P).
2. Respondent owns and operates a hazardous waste storage and treatment facility located at 36790 Giles Road, Grafton, Lorain County, Ohio (Facility), which receives hazardous waste from off-site. On January 29, 2014, Respondent was issued a hazardous waste facility installation and operation renewal permit (Permit) for storage and treatment of hazardous waste at the Facility.
3. On January 27, 2022, Ohio EPA issued Director's Final Findings and Orders which

exempted the Respondent from obtaining a hazardous waste installation and operation permit for the activities described in the 2021 Application. This exemption was valid for 180 days but included a onetime provision to renew the exemption for an additional 180 days.

4. On July 8, 2022, Ohio EPA renewed and modified the Director's Final Findings and Orders (July 8, 2022 Orders).
5. On November 16, 2022, Respondent submitted a request to modify the July 8, 2022 Orders. In this request, Respondent stated a surge in containerized waste in the marketplace has continued and increased in recent months due to a number of factors in the waste treatment industry, including multiple facilities' simultaneous extended shutdowns, the general lack of containerized storage and treatment capacity overall, and changes in availability of cement kilns and captive treatment capacity. Respondent estimates an extension will be needed for 270 days after the effective date of these Modified Orders. On January 24, 2023, Ohio EPA agreed to the request and issued Modified Director's Final Findings and Orders to Respondent (January 2023 Modified Orders).
6. On March 10, 2023, Respondent submitted a request to modify the July 8, 2022 Orders (March 2023 Application). In this March 2023 Application, Respondent requested to store approximately 200,000 gallons of containerized solid phase hazardous waste (that is visually inspected as solids, passes the paint filter test, or is "V Waste" as described in Respondent's permit application) located in and adjacent to the following current exempted storage areas at the Facility:
  - Concrete driveways east and north of the Container Storage Facility and surrounding concrete areas;
  - Concrete area south/southeast/southwest of the Container Storage Facility (where vans await unloading);
  - Concrete Area south of the Process Dock; and
  - Container Storage Area and surrounding concrete area; including the concrete area surrounding the Trommel Unit and Waste Management Building.

Respondent stated the solid phase hazardous waste will arrive in lined roll-off boxes that will be repackaged into smaller containers, such as drums and totes, to be fed for incineration. The requested storage capacity increase is for the repackaged drums and totes.

In this request, Respondent also requested to store hazardous waste in the South, West, East, and North sections of the Container Storage Facility, similar to



activities authorized by Respondent's Permit when preparing to conduct a Comprehensive Performance Test. Such hazardous wastes stored in the Container Storage Facility may contain free liquids. No single container of free liquids will exceed the capacity of the applicable containment sump in the Container Storage Facility. Because the Container Storage Facility was originally designed for significantly more storage than permitted, sufficient containment capacity is available to meet all the technical requirements for container storage in the permitted area. Containers will be stored on pallets, stacked to a maximum two pallets high (approximately 3,000 drum equivalents). On March 10, 2023, Ohio EPA agreed to the request and issued Modified Director's Final Findings and Orders to Respondent (March 2023 Modified Orders).

7. On May 24, 2023, Respondent submitted a request to modify the July 8, 2022 Orders (May 2023 Application). In this May 2023 Application, Respondent requested to store 663,465 gallons of solid phased hazardous episodic waste as described in the May 2023 Application (formerly known as solid phase hazardous waste earlier in this Order and in the March 2023 application). Respondent explained there has been a substantial amount of solid phased hazardous episodic waste generated by a specific event and in order to receive and process this hazardous waste Respondent requires additional storage capacity to accommodate the sudden, unique, and episodic increases in waste volume and for the repackaging of hazardous waste for feeding into the incinerator. Additionally, Respondent requested to extend the July 8, 2022 Orders until December 31, 2023. The Director has reviewed this information and agrees that a modification is appropriate for 400,000 gallons additional storage capacity for solid phased hazardous episodic waste. This 400,000 gallons of additional storage capacity for solid phased hazardous episodic waste shall not count toward Respondent's storage capacity.

#### **IV. GENERAL CONDITIONS**

Anywhere the March 2023 Modified Orders state "October 19, 2023" shall be read to mean "December 31, 2023." Finding No. 12. of the July 8, 2022 Orders shall be read to include 400,000 gallons of solid phased hazardous episodic waste located in current temporary storage areas at the Facility. Capacity limits shall not exceed amounts described in the March 2023 Application and the additional 400,000 gallons granted by this Modified Order.

Respondent shall comply with all terms and conditions in the July 8, 2022 Orders, January 2023 Modified Orders and March 2023 Modified Orders.

#### **V. EFFECTIVE DATE**

The effective date of these Modified Orders is the date these Modified Orders are entered into the Ohio EPA Director's journal.

**VI. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Modified Orders certifies that he or she is fully authorized to enter into these Modified Orders and to legally bind such party to these Modified Orders.

**IT IS SO MODIFIED AND AGREED:**

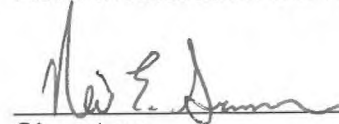
**Ohio Environmental Protection Agency**



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Anne M. Vogel  
Director

**IT IS SO AGREED:**

Ross Incineration Services, Inc.



\_\_\_\_\_  
Signature

Neil Gorman

\_\_\_\_\_  
Printed or Typed Name

6/7/2023

\_\_\_\_\_  
Date

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VP, Ross Incineration Services, Inc.

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Title