



November 6, 2023

Safety-Kleen Systems Inc.
c/o William Connors
Sr. Vice-President, Compliance
P.O. Box 9149, 42 Longwater Drive
Norwell, MA 02061-9149

**Re: Safety-Kleen Systems Inc.
Director's Final Findings and Orders (DFFO)
RCRA C - Hazardous Waste
Franklin County
OHD981000664**

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 Safety-Kleen Systems Inc.

Enclosed is the invoice for the total penalty amount of \$6,160.00 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,

Mitchell Mathews

Mitchell Mathews, Environmental Manager
Division of Environmental Response and Revitalization

Enclosure

ec: Madison Graham, DERR, CO
Tammy Heffelfinger, DERR, CO
Martin Smith, DERR, CDO
David Hohmann, DERR, CDO
Sarah Miles, Legal

ec: Terri Cowans, Safety-Kleen Systems Inc.
William Connors, Safety-Kleen Systems Inc.

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Safety-Kleen Systems Inc.
4465 Marketing Place
Groveport, OH 43125

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 Safety-Kleen Systems 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 is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(P).

2. Respondent notified as a hazardous waste transporter and as a hazardous waste transfer facility located at 4465 Marketing Place, Groveport, Ohio (Facility). A hazardous waste transfer facility is exempt from having a hazardous waste permit provided, *inter alia*, containers of hazardous waste are stored for less than 10 days at the facility, as described in OAC rule 3745-53-12. The Facility has been assigned U.S. EPA identification number OHD981000664.
3. Respondent generates "hazardous waste" as that term is defined by ORC §3734.01 and OAC rules 3745-50-10(H)(2) and 3745-51-03. Respondent generates non-acute hazardous waste in amounts greater than 1,000 kilograms per calendar month and therefore is operating as a "Large Quantity Generator" (LQG) of hazardous waste, as defined in OAC rule 3745-50-10(L)(5), subject to the requirements in OAC Chapter 3745-52.
4. At the Facility, Respondent generates characteristic hazardous waste including spent solvent from the Continued Used Program (D001 – ignitability, D018 – benzene, D039 – tetrachloroethylene, and D040 – trichloroethylene as defined in OAC rules 3745-51-21 and 3745-51-24).
5. On June 7, 2023, Ohio EPA conducted a compliance evaluation inspection at the Facility. During the inspection, Ohio EPA observed three 30-gallon containers of hazardous waste aqueous parts washer (D039 - tetrachloroethylene) received from off-site that had been stored in the less than 10-day transfer area for 38 days at the time of the inspection. Respondent does not have a hazardous waste installation and operation permit for the storage of hazardous waste.
6. As a result of the inspection referenced in Finding No. 5. of these Orders, Ohio EPA determined Respondent, *inter alia*: stored hazardous waste aqueous parts washer in the less than 10-day transfer area for greater than 10 days without a hazardous waste installation and operation permit, in violation of ORC § 3734.02(E) and (F) and OAC rules 3745-50-41(A) and 3745-50-45(A). The area where the hazardous waste aqueous parts washer was unlawfully stored is considered a hazardous waste management unit.
7. By letter dated June 29, 2023, Ohio EPA notified Respondent of the violations referenced in Finding No. 6. of these Orders.
8. By letter dated July 12, 2023, Respondent provided a response to the violations referenced in Finding No. 6. of these Orders including a copy of the hazardous waste manifest demonstrating that the hazardous waste aqueous parts washer referenced in Finding No. 5. of these Orders was shipped off-site on June 15, 2023. The hazardous waste aqueous parts washer was stored at the Facility for

a total of 46 days. Additionally, Respondent provided documentation of additional training provided to Facility employees, including the training course material and employee sign-in sheet.

9. Because the containers were in good condition, with no visible signs of release, and the 10-day transfer area where the hazardous waste aqueous parts washer was unlawfully stored also serves as the central accumulation area for Respondent's hazardous waste generated at the Facility, pursuant to OAC rule 3745-52-17(A)(8), as an LQG, Respondent will be required to meet the closure (clean-up) standards where hazardous waste has been accumulated to satisfy generator closure obligations, such as when use of the accumulation area ceases. Therefore, the Director has determined that there is no further action required of Respondent at this time regarding the violations referenced in Finding No. 6. 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 \$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, PO Box 77005, Cleveland, Ohio 44194-7005, together with a letter identifying the Respondent. Notification of penalty payment shall be sent to the Hazardous Waste Program Compliance Assurance 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 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 (except penalty payment checks) required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Central District Office
Division of Environmental Response and Revitalization
50 W. Town St., Suite 700
Columbus, Ohio 43215
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.

For electronic mail delivery, submit documents to the following email addresses:
Mitchell.Mathews@epa.ohio.gov
Martin.Smith@epa.ohio.gov

XI. RESERVATION OF RIGHTS

Ohio EPA reserves its rights to exercise its lawful authority to require Respondent to perform 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 performing such 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, 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 corrective action at the Facility by Respondent, which right 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

Anne M Vogel

Anne M. Vogel
Director

IT IS SO AGREED:

Safety-Kleen Systems Inc.

William F Connors

Signature

11/2/2023

Date

William F. Connors

Printed or Typed Name

Sr. Vice President, Compliance

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Safety-Kleen Systems Inc.
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Title



Ohio EPA Invoice

Date Printed: November 3, 2023

Safety-Kleen Systems Inc
4465 Marketing Pl
Groveport, OH 43125

Receivable ID: 1592625
Please include this Receivable ID with all correspondence

Due Date:	December 3, 2023
Amount Due:	\$6,160.00
Effective Date:	November 3, 2023

Revenue Description: DERR - Findings and Orders - Hazardous Waste Cleanup (FFOHW)
Program Name: RCRA C - Hazardous Waste
Reason: Settlement of OEPA's claim for civil penalties

How to Pay Fee Online:

1. Go to Ohio EPA's homepage: <https://epa.ohio.gov/>
2. In the "Featured Content" section locate the tile for the eBusiness Center and click.
3. On the right side of the screen click the blue "Launch" tile to enter the eBusiness Center.
4. To use the eBusiness center you will need an account. If you have an account, click the OH|ID icon in the light blue section on the left of the screen to log in.
5. If you do not have an account, the light blue section on the right of the screen has eBiz Help Wizard to assist with creating an account.
6. If you are paying your receivable with a credit card no PIN is required. If you plan to pay using a bank account and routing information you will need to request a PIN.

CUT OFF THIS STUB AND MAIL IT WITH YOUR CHECK. DO NOT MAIL TOP PORTION.

Pay to: Treasurer, State of Ohio. Please write the Revenue ID on your check. Please send this stub with your check. DO NOT SEND LETTERS OR OTHER FORMS.

Ohio EPA
PO Box 77005
Cleveland, OH 44194-7005

Due Date:	12/3/2023
Revenue ID:	1592625
Amount Due	\$6,160.00
Type Code:	FFOHW
Transaction ID:	