



May 15, 2024

ERTS
Maggie Tenant
11231 Phillips Industrial Blvd. E.
Bldg. 1, Suite 300
Jacksonville, FL 32256

Landstar Ranger, Inc.
13410 Sutton Park Drive S.
Jacksonville, FL 32224

**Re: Landstar Ranger, Inc.
Director's Final Findings and Orders
(DFFO)
DFFO
RCRA C - Hazardous Waste
Trumbull County
OHR000222265**

Subject: Final Findings and Orders of the Director, Landstar Ranger, Inc. and ERTS

Dear Sir or Madam:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for Landstar Ranger, Inc. and ERTS.

Enclosed is the invoice for the total penalty amount of \$ 8,000.00 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,

Mitchell Mathews

Mitchell Mathews, Environmental Manager
Division of Environmental Response & Revitalization

Attachment

ec: Kristie Shipley, DERR, CO
Mitch Mathews, DERR, CO
Tammy Heffelfinger, DERR, CO
Natalie Oryshkewych, DERR, NEDO
Sarah Miles, Legal
Maggie Tenant, ERTS, Maggie.Tenant@safety-kleen.com
David Gushleff, ERTS, dgushleff@ertsonline.com
Cindy Delvin, ERTS, cdevlin@ertsonline.com
Brandy Long, Landstar Ranger, blong@landstar.com
Shelly Seaton, Landstar Ranger, sseaton@landstar.com
Melanie Daniel, Landstar Ranger, mdaniel@landstar.com
Val J. Garner, HEPACO, vgarner@hepaco.com

1. Respondents are each a “person” as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(P).
2. Respondent Landstar responded to a release of product within one of their transportation vehicles and generated hazardous waste at a truck stop located at 6965 Truck World Boulevard, Hubbard, Ohio (Facility). The Facility has been assigned U.S. EPA identification number OHR000222265.
3. Respondent ERTS operates a spill response management company that responded to Respondent Landstar’s spill at the Facility on May 12, 2023.
4. On May 12, 2023, Respondent Landstar submitted a RCRA Subtitle C Form to notify as a “Small Quantity Generator” of hazardous waste, as defined in OAC rule 3745-50-10(S)(4), subject to the requirements in OAC Chapter 3745-52, and obtain a temporary U.S. EPA identification number for a one-time event.
5. At the Facility, Respondents generated “hazardous waste” as that term is defined by ORC §3734.01 and OAC rules 3745-50-10(H) and 3745-51-03 from cleanup of a resin spill within a truck trailer bed. Specifically, Respondents generated hazardous waste solvent rags, which were characteristically hazardous (D001 – ignitability) and listed hazardous waste (F003) as defined in OAC rule 3745-51-21 and OAC rule 3745-51-31.
6. On January 22, 2024, Respondent Landstar submitted a RCRA Subtitle C Form to Ohio EPA to notify that regulated activity was no longer occurring at the Facility. On their notification form, Respondent Landstar also indicated that drums of hazardous waste could not be located.
7. In follow-up correspondence on January 22, 2024, Respondent Landstar explained to Ohio EPA that Respondent ERTS performed spill response cleanup activities at the Facility on May 12, 2023, which generated two 55-gallon containers of hazardous waste solvent rags. Respondent ERTS left the Facility with the containers unattended and unsecured. Upon return to the Facility, the containers of hazardous waste were missing. Respondents Landstar explained the efforts taken by Respondents to locate the missing drums which included searching the Facility parking lot and surrounding areas, verifying the containers were not taken by the solid waste vendor for the truck stop, and continually searching the Facility for the drums.
8. On February 20, 2024, Ohio EPA conducted a records review of the information surrounding the event referenced in Findings Nos. 6. and 7. of these Orders and determined Respondents, *inter alia*:

- a. Failed to cause hazardous waste to be sent somewhere to an authorized hazardous waste facility, in violation of ORC § 3734.02 (F) and OAC Rule 3745-52-10(A)(3).
 - b. Failed to prepare a hazardous waste manifest for the shipment of two 55-gallon drums of hazardous waste solvent rags, in violation of OAC Rule 3745-52-20(A).
9. By letter dated February 20, 2024, Ohio EPA notified Respondents of the violations referenced in Finding No. 8. of these Orders and that based upon information referenced in Finding No. 7. of these Orders, the violation referenced in Finding No. 8.b. of these Orders has been resolved.
10. Based upon the efforts taken by Respondents as referenced in Finding No. 7. of these Orders and because Respondents are no longer generating hazardous waste, the Director has determined that no further action is required of Respondents to resolve the violations of ORC § 3734.02(F) and OAC Rule 3745-52-10(A)(3) referenced in Finding No 8.a. of these Orders.

V. ORDERS

Respondents 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, Respondents shall pay Ohio EPA the amount of \$8,000.00 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. The official payment shall be submitted to Ohio EPA according to the instructions on the invoice. 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 or via electronic mail at Mitchell.mathews@epa.ohio.gov.

VI. TERMINATION

Respondents' obligations under these Orders shall terminate upon Ohio EPA's receipt of the official payment 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 the 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 Respondents.

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 Respondents pursuant to these Orders shall be addressed to Mitchell.Mathews@epa.ohio.gov.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondents 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, Respondents consent to the issuance of these Orders and agree to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondents' liability for the violations specifically cited herein.

Respondents hereby waive the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondents hereby waive any and all rights Respondents may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondents agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondents retain the right to intervene and participate in such appeal. In such an event, Respondents 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:

Landstar Ranger, Inc.

Shelly Seaton

Signature

5-14-24

Date

Shelly Seaton

Printed or Typed Name

VP, Safety & Compliance

Title
Landstar Ranger

ERTS

Maggie Tenant

Digitally signed by Maggie
Tenant
Date: 2024.05.14 16:31:34 -04'00'

05/14/2024

Signature

Date

Maggie Tenant

Printed or Typed Name

VP of Environmental Compliance

Title

Ohio EPA Invoice

Date Printed: May 15, 2024

Re: Landstar

Receivable ID: 1636925

Please include this Receivable ID with all correspondence

ERTS

Maggie Tenant

11231 Phillips Industrial Blvd. E.

Bldg. 1, Suite 300

Jacksonville, FL 32256

Due Date:

June 14, 2024

Amount Due:

\$8,000.00

Effective Date: May 15, 2024

Revenue Description: DERR - Findings and Orders - Hazardous Waste Cleanup (FFOHW)

Program Name: RCRA C - Hazardous Waste

Reason: Final Findings and Orders; Landstar Ranger, Inc. and ERTS for violations of Ohio's hazardous waste program; Civil Penalty of \$8,000.00

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:	6/14/2024
Revenue ID:	1636925
Amount Due	\$8,000.00
Type Code:	FFOHW
Transaction ID:	

1636925 0000800000 FFOHW 000000000 5