

OHIO E.P.A.  
BEFORE THE <sup>24</sup> 2014  
OHIO ENVIRONMENTAL PROTECTION AGENCY  
DIRECTOR'S JOURNAL

In the Matter of:

Anderson & Vreeland, Inc.  
15348 State Route 127 EW  
Bryan, Ohio 43506

Director's Final  
Findings and Orders

Respondent

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

By: Imy Cassler Date: 6-24-14

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Anderson & Vreeland, 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, 3734.02(G) 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 there under.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Pursuant to ORC § 3734.02(G) and rule 3745-50-31 of the Ohio Administrative Code (OAC), the Director may, by order, exempt any person generating, storing, treating, or disposing of hazardous waste in such quantities or under such circumstances that, in the determination of the Director, it is unlikely that the public health or safety or the environment will be adversely affected thereby, from any requirement to obtain a permit or comply with other requirements of ORC Chapter 3734. Any such exemption shall be consistent with and equivalent to rules promulgated under the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. § 6921 et seq., as amended.
2. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).
3. Respondent operates as a supplier and manufacturer of processing equipment and materials for the flexographic printing industry located at 15348 State Route 127 EW, Bryan, Williams County, Ohio 43506 (Facility).
4. At the Facility, Respondent generates "hazardous waste" as that term is defined by ORC § 3734.01(J) and OAC rules 3745-50-10(A) and 3745-51-03. Respondent has been assigned EPA ID number OHD017556853. Respondent generates multiple low volume hazardous waste streams in conjunction with their manufacturing and maintenance operations at the Facility. Typical hazardous waste generated by Respondent from their operations includes, but is not limited to, ADA adhesive coating (D001 and D035), spent lacquer thinner (D005, F003 and F005), spent AV Solve (D001 and D018) and water based black ink (D008), as described by OAC rules 3745-51-21, 3745-51-24 and 3745-51-31.
5. At some point in calendar year 2007, Respondent accumulated greater than 1,000 kilograms of hazardous waste on-site. Therefore, in accordance with OAC rule 3745-51-05, Respondent, at a minimum, became subject to the requirements of OAC rule 3745-52-34(D), including the prohibition on accumulating hazardous waste on-site for greater than 180 days without a hazardous waste installation and operation permit.
6. On July 26, 2011 and August 1, 2011, Ohio EPA conducted a compliance evaluation inspection (inspection) at the Facility. As a result of this inspection, Ohio EPA determined the Respondent, *inter alia* :
  - a. Unlawfully established and operated a hazardous waste facility without a hazardous waste installation and operation permit, in violation of ORC § 3734.02(E) and (F), through the storage of hazardous waste at the Facility. Specifically, Respondent stored hazardous waste as described in Finding Nos. 4. And 5. of these Orders for greater than 180 days at an outside container storage area constructed with concrete at the Facility;

- b. Caused hazardous waste to be transported to an unauthorized facility, in violation of ORC § 3734.02(F). Respondent ultimately caused hazardous waste, which Respondent failed to evaluate in accordance with OAC rule 3745-52-11, to be disposed at a solid waste landfill in Michigan;
  - c. Failed to properly determine if a waste is a hazardous waste, in violation of OAC rule 3745-52-11. During the inspection, Ohio EPA identified at least twenty (20) different wastes which had not been evaluated in accordance with OAC rule 3745-52-11;
  - d. Failed to conduct proper evaluation of wastes and provide proper notification to the receiving facility for purposes of land disposal restrictions, in violation of OAC rule 3745-270-07(A);
  - e. Failed to comply with the hazardous waste management requirements for generators of less than 1000 kilograms per calendar month, in violation of OAC rule 3745-52-34(D);
  - f. Failed to demonstrate all emergency equipment was tested and maintained to assure its proper operation, in violation of OAC rule 3745-65-33;
  - g. Failed to prepare the hazardous waste manifest properly, in violation of OAC rule 3745-52-20(A)(1); and
  - h. Failed to conduct inspections of the hazardous waste container accumulation area(s), in violation of OAC rule 3745-66-74.
7. By letter dated September 8, 2011, Respondent was notified of the violations referenced in Finding No. 6. of these Orders. Additionally, Ohio EPA requested more information regarding waste management activities conducted by Respondent.
  8. In correspondence from Respondent dated October 10 and October 12, 2011, as well as a conference call on November 29, 2011, Ohio EPA received documentation and additional information related to the violations referenced in Finding No. 6. of these Orders.
  9. By letter dated December 15, 2011, Ohio EPA acknowledged receipt of the information Respondent submitted as referenced in Finding No. 8. of these Orders, and notified Respondent that Respondent corrected the violation referenced in Finding No. 6.g. of these Orders and had partially corrected violations referenced in Finding Nos. 6.c. and 6.e. of these Orders.
  10. By various means of communication between December 2011 and March 2012, including a follow up inspection on January 5, 2012, Ohio EPA received

information and documentation related to the unresolved violations referenced in Finding No. 6. of these Orders. In addition, during the inspection on January 5, 2012, Ohio EPA determined, *inter alia*, Respondent unlawfully established and operated a hazardous waste facility without a hazardous waste installation and operation permit, in violation of ORC § 3734.02(E) and (F), through the storage of hazardous waste at the Facility. Specifically, Respondent stored a fifty-five gallon container of crushed spent lamps (characteristically hazardous for mercury, D009 as described in OAC rule 3745-51-24) , and one fifty-five gallon container of spent ADA adhesive waste, (characteristically hazardous for ignitability and methyl ethyl ketone, D001 and D035 as described in OAC rules 3745-51-21 and 3745-51-24) for greater than 180 days in the Building #3 and newly constructed hazardous waste accumulation building.

11. By letter dated March 16, 2012, Ohio EPA acknowledged receipt of the information and documentation Respondent submitted as referenced in Finding No. 10. of these Orders. Additionally, Ohio EPA notified Respondent that Respondent corrected violations referenced in Finding Nos. 6.d., f., and h. of these Orders and had partially corrected violations referenced in Finding No. 6.c. of these Orders. Furthermore, Ohio EPA notified Respondent of the violation of ORC § 3734.02(E) and (F) described in Finding No. 10. of these Orders.
12. By various means of communication between March 2012 and June 2012, including a meeting on March 29, 2012, at the Facility, Ohio EPA received information and documentation related to the unresolved violations referenced in Finding Nos. 6. and 10. of these Orders.
13. By letter dated July 23, 2012, Ohio EPA acknowledged receipt of the information and documentation Respondent submitted as referenced in Finding No. 12. of these Orders with regard to the violations referenced in Finding Nos. 6. and 10. of these Orders. Additionally, Ohio EPA notified Respondent that Respondent corrected violations referenced in Finding No. 6.e. of these Orders and had partially corrected violations referenced in Finding No. 6.c. of these Orders.
14. In communications received by Ohio EPA on August 7, 2012, September 25, 2012, and November 1, 2012, Respondent provided information regarding waste evaluation for the violation referenced in Finding No. 6.c. of these Orders.
15. Based upon the information submitted by Respondent referenced in Finding No. 14. of these Orders, Ohio EPA determined, *inter alia*, Respondent caused hazardous waste to be transported to an unauthorized facility, in violation of ORC § 3734.02(F). Respondent caused hazardous waste which, Respondent had historically failed to properly evaluate in accordance with OAC rule 3745-52-11, to be transported to a solid waste landfill in Ohio for purposes of disposal. Historically, Respondent placed unusable solid black ink, which was determined to be characteristically hazardous for lead, D008, as described in OAC rule 3745-51-24, with Respondent's solid waste for disposal at a solid waste landfill in Ohio.

16. By letter dated January 29, 2013, Ohio EPA acknowledged receipt of the information and documentation Respondent submitted as referenced in Finding No. 14. of these Orders with regard to waste evaluation. Furthermore, Ohio EPA notified Respondent of the violation of ORC § 3734.02(F) described in Finding No. 15. of these Orders.
17. In communications received by Ohio EPA between February 1, 2013, and April 22, 2013, Respondent provided information regarding waste evaluation for the violation referenced in Finding No. 6.c. of these Orders.
18. Based upon the information provided by the Respondent, the Director has determined Respondent has corrected the violation referenced in Finding No. 6.c. of these Orders. Furthermore, the Director has determined by the totality of information provided to correct all the violations, no further action is required at this time for the violations of ORC § 3734.02(F) referenced in Finding Nos. 6.b. and 15. of these Orders.
19. Due to the establishment and operation of a hazardous waste storage facility as described in Finding Nos. 6.a. and 10. of these Orders, Respondent is required to have a hazardous waste facility installation and operation permit and is subject to all general facility standards found in OAC Chapters 3745-54 and 55, including but not limited to, closure in accordance with OAC rules 3745-55-11 through 3745-55-20, the financial assurance for closure requirements contained in OAC rules 3745-55-42 through 3745-55-51, and corrective action for waste management units in accordance with OAC rule 3745-54-101. To obtain a hazardous waste facility installation and operation permit, Respondent is required to submit "Parts A and B" of the application in accordance with OAC Chapter 3745-50.
20. The submittal of a Closure Plan which complies with the administrative requirements of OAC Chapters 3745-65 and 66 and the substantive requirements of OAC Chapters 3745-54 and 55 including but not limited to the groundwater protection program in accordance with OAC rules 3745-54-90 through 3745-54-100 in lieu of the submittal of an application for a hazardous waste facility installation and operation permit is unlikely to adversely affect the public health or safety or the environment. Therefore, the Director finds that the issuance to Respondent of an exemption from the requirement to submit an application for a hazardous waste facility installation and operation permit for the Facility is unlikely to adversely affect the public health or safety or the environment within the meaning of ORC § 3734.02(G).

## V. ORDERS

Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated there under according to the following compliance schedule:

1. The Respondent is hereby exempted from the requirement to submit an application for a hazardous waste facility installation and operation permit for the Facility, *provided that* Respondent complies with the following:
  - a. Within 60 days after the effective date of these Orders, Respondent shall submit to Ohio EPA a Closure Plan for the identified hazardous waste storage areas described in Finding No. 6.a. and 10. of these Orders. A copy of the closure plan shall be submitted in accordance with Section X. of these Orders and an additional copy to Ohio EPA, Division of Environmental Response and Revitalization, Ed Lim, Manager, Engineering Section, P.O. Box 1049, Columbus, Ohio 43216-1049;
  - b. This Closure Plan shall comply with the administrative requirements of OAC Chapters 3745-65 and 3745-66 and the substantive requirements of OAC Chapters 3745-54 and 3745-55, including but not limited to, the groundwater protection program in accordance with OAC rules 3745-54-90 through 54-100;
  - c. The Closure Plan is subject to approval by Ohio EPA. If Ohio EPA does not approve the Closure Plan referenced in Order No. 1.a., and provides Respondent with a written statement of deficiencies, Respondent shall submit a revised Closure Plan for approval addressing the deficiencies within 30 days of receiving such written statement. If Ohio EPA modifies the Closure Plan, the modified Closure Plan becomes the approved plan;
  - d. Upon Ohio EPA approval of the Closure Plan, Respondent shall implement the approved Closure Plan in the manner and pursuant to the time frames set forth in the approved Closure Plan and OAC rules 3745-55-13/3745-66-13;
  - e. Within 30 days after Ohio EPA's approval of the Closure Plan pursuant to Order No. 1.a., above, Respondent shall submit a closure cost estimate and documentation demonstrating that Respondent has established financial assurance and liability coverage for the areas of the Facility subject to closure, in accordance with OAC rules 3745-55-42 through 3745-55-47; and
  - f. Within 60 days after completion of closure, Respondent shall submit certification of closure to Ohio EPA in accordance with OAC rule 3745-55-

15. Closure certification of the area described in Order No. 1.a. will abate the violation referenced in Finding No. 6.a. of these Orders.
2. Respondent shall pay Ohio EPA the amount of \$10,500.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734., in accordance with the following provisions:
  - a. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$8,500.00 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 hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$8,500.00. 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 each check shall be submitted in accordance with Section X. of these Orders, and an additional copy of this check shall be sent to Processing/Records Management Supervisor, Ohio EPA, Division of Materials and Waste Management, P.O. Box 1049, Columbus, Ohio 43216-1049.
  - b. In lieu of paying the remaining \$2,000.00 of civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of \$2,000.00 to the Ohio EPA Clean Diesel School Bus Program (Fund 5CD). Respondent shall make the payment within 30 days after the effective date of these Orders by tendering an official check made payable to "Treasurer, State of Ohio" for \$2,000.00. 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 Respondent and the Facility. A copy of this check shall be sent to Ohio EPA Division of Materials and Waste Management, Supervisor, Processing Records Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 and to Ohio EPA, Division of Air Pollution Control, Manager, Compliance and Enforcement Section, P.O. Box 1049, Columbus, Ohio 43216-1049.
  - c. Should Respondent fail to fund the SEP within the required time frame established in Order No. 2.b., Respondent shall pay to Ohio EPA, within 7 days after failing to comply with Order No. 2.b., the amount of \$2,000.00 in accordance with the procedures in Order No. 2.a.

## 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 Ohio EPA's Division of Materials and Waste Management 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, exclusive of penalty checks, required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Northwest District Office  
Division of Materials and Waste Management  
347 North Dunbridge Road

Bowling Green, Ohio 43402  
Attn: DMVM Manager  
and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Enforcement Supervisor  
Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Materials and Waste Management  
P.O. Box 1049  
Columbus, Ohio 43216-1049

For deliveries to the building:

Enforcement Supervisor  
Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Materials and Waste Management  
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 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 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, 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

  
\_\_\_\_\_  
Craig W. Butler  
Director

JUN 24 2014  
Date

**IT IS SO AGREED:**

Anderson & Vreeland, Inc.

  
\_\_\_\_\_  
Signature

MAY 29 2014  
Date

HOWARD B VREELAND JR  
Printed or Typed Name

CHAIRMAN  
Title