



State of Ohio Environmental Protection Agency

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CERTIFIED MAIL

May 18, 2007

**Re: Director's Final Findings & Orders
Exemption Pursuant to ORC 3734.02(G)
GFS Chemicals, Inc.**

Mr. Robert Pierron
GFS Chemicals, Inc.
P.O. Box 245
Powell, Ohio 43065

Dear Mr. Pierron:

Here are the Director's Final Findings and Orders (Orders) exempting GFS Chemicals, Inc. from the requirements of Ohio Administrative Code rule 3745-66-76.

This rule requires GFS Chemicals, Inc. to store ignitable or reactive hazardous waste at least fifty feet from the facility property line. These Orders exempt your facility from this requirement provided such waste is stored in accordance with these Orders. These Orders are effective today.

If you have any questions, do not hesitate to call Steve Rath at (614) 728-3778.

Sincerely,

Pamela S. Allen, Manager
Regulatory and Information Services
Division of Hazardous Waste Management

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Attachments

cc: Harry Sarvis, Manager, CAS, DHWM
Ed Lim, Manager, ERAS, DHWM
Elissa Miller, Legal
Steve Rath, Mgr., CDO
Mike Carter, GFS Chemicals, Inc.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director



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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.



OHIO E.P.A.

MAY 18 2007

By: *M. Paul Shapiro*

Date: 5/18/07

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

GFS Chemicals, Inc.
851 McKinley Avenue
Columbus, Ohio 43222

:
:

Director's Final Findings
and Orders

PREAMBLE

It is hereby agreed by and among the parties hereto as follows:

I. JURISDICTION

These Director's Final Finding and Orders (Orders) are issued to GFS Chemicals, 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 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon the Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent, or the River Property or McKinley Property, 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 in ORC Chapter 3734. and the rules promulgated thereunder.

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, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting hazardous waste in such quantities or under such circumstances that, in the determination of the Director, are unlikely to

adversely affect the public health or safety or the environment from any requirement to obtain a permit or other requirements of ORC Chapter 3734. Any such exemption shall be consistent with and equivalent to regulations promulgated under the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C.A § 6921 et seq., as amended.

2. Respondent is the owner and operator of a chemical manufacturing plant located at 851 McKinley Avenue, Columbus, Ohio 43222 (McKinley Property) and an organic chemical manufacturing plant located at 777 River Street, Columbus, Ohio 43222 (River Property). The Properties are considered contiguous but are separated by Souder Avenue. Respondent currently must transport its organic hazardous waste from the River Property to the less than ninety-day storage area at the McKinley Property by crossing Souder Avenue. Respondent has proposed placing a less than ninety-day hazardous waste accumulation area at the River Property so it is no longer necessary to cross Souder Avenue. Due to space constraints, the accumulation area is proposed at the fence line of the River Property.
3. Respondent has notified as a large quantity generator of hazardous waste. Hazardous wastes generated are primarily byproducts from the manufacturing of organic chemicals. Many of these wastes exhibit the characteristic of ignitability and reactivity.
4. OAC rule 3745-66-76 requires that containers holding ignitable or reactive hazardous waste shall be located at least fifteen meters i.e., fifty feet, from the River Property's property line.
5. Respondent proposes to accumulate ignitable and reactive hazardous wastes less than fifty feet from the property boundary line of the River Property in a less than ninety-day hazardous waste accumulation area. The proposed less than ninety-day hazardous waste accumulation area would consist of a three-sided pole building with a roof and would have eight stalls each able to hold four 55-gallon drums on spill pallets. The structure would be approximately thirty-five feet in length by six feet deep by seven feet in height. The structure would be inspected daily and the maximum amount of waste to be stored in the proposed structure is 1,760 gallons, equal to thirty-two 55-gallon drums. The property line on which the structure will be placed is fenced and bordered by inactive railroad tracks, which are about 100 feet from the property line. Respondent has contacted the owner of the railroad tracks and confirmed that the tracks are inactive.

6. On April 25, 2005, Respondent requested an exemption from the requirement of OAC rule 3745-66-76 to locate containers holding ignitable and reactive wastes at least fifty feet from the River Property's property line. The request included information justifying the request and documentation that accumulation of ignitable and reactive hazardous wastes less than fifty feet from the property boundary is unlikely to adversely affect the public health or safety or the environment. After Ohio EPA requested additional information, Respondent supplemented the April 25, 2005 exemption request with a letter dated February 2, 2007. This letter included a correspondence from the City of Columbus Fire Department in which the assistant fire chief stated that use of the less than ninety-day hazardous waste accumulation area in the proposed location is approved by the Columbus Fire Prevention Bureau.
7. Pursuant to ORC § 3734.02 (G) and OAC rule 3745-50-31, the Director has determined that the Respondent's accumulation of ignitable and reactive hazardous wastes less than fifty feet from the property boundary is unlikely to adversely affect the public health or safety or the environment.

V. ORDERS

1. Respondent is hereby exempted from the requirement to store ignitable and reactive wastes at least fifty feet away from the River Property boundary, as required by OAC rule 3745-66-76 as long as the ignitable and reactive wastes are managed in the less than ninety-day hazardous waste accumulation area referenced in Finding No. 5. of these Orders and in accordance with all other applicable hazardous waste rules.
2. The Director may revoke the exemption granted in Order No. 1 of these Orders for any reason, including but not limited to, a determination that Respondent's activities at the River Property adversely affect public health or safety or the environment, and/or the activities are not being conducted in accordance with these Orders.
3. The exemption from the State of Ohio's hazardous waste requirements provided by these Orders shall terminate when any of the following events occurs:
 - a. Respondent ceases to accumulate ignitable or reactive hazardous wastes at the River Property; or
 - b. The Director revokes the exemption granted to the Respondent under these Orders; or

- c. The railroad tracks just south of the River Property become active. The current owner of the railroad tracks is New York Central Lines LLC.
4. The issuance of these Orders by the Director does not release the Respondent of any liability it may have incurred for any violations which may have occurred at the River Property prior to the effective date of these Orders. The issuance of these Orders does not release the Respondent of any obligation it has to comply with the State of Ohio's environmental laws, except as otherwise specifically provided herein.
5. These orders do not exempt the Respondent from any other local, state, or federal laws or regulations which are otherwise applicable.

VI. 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 River Property.

VII. 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.

VIII. RESERVATION OF RIGHTS

Ohio EPA and Respondent reserve all rights, privileges and causes of action, except as specifically waived in Section IX of these Orders.

IX. WAIVER

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 Ohio Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such

appeal. In such event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated, or modified.

IX. EFFECTIVE DATE

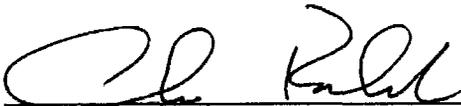
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XI. 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



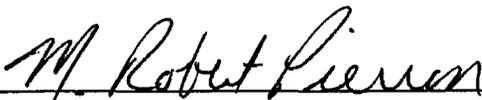
Chris Korleski
Director

May 18, 2007

Date

IT IS SO AGREED:

GFS Chemicals, Inc.



Signature

4/12/07

Date

M. Robert Pierron

Printed or Typed Name

V.P. Plant Operations

Title