



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

CERTIFIED

April 10, 2014

Chemtron Corporation
35850 Schneider Court
Avon, OH 44011

RE: Chemtron Corporation
Director's Final Findings and Orders
DFF&O
RCRA-Hazardous Waste
Lorain County
OHD066060609

Dear Sir or Madam:

Transmitted herewith are Final Findings & Orders of the Director concerning the matter indicated.

Sincerely,

A handwritten signature in cursive script that reads "Georgia Frakes".

Georgia Frakes
Management Analyst
Division of Materials and Waste Management

Enclosure

Jeremy Carroll, DMWM, CO
Adrienne Lafavre, DMWM, NEDO
Andrea Smoktonowicz, Legal
John Nyers, DMWM, CO
Frank Popotnik, DMWM, NEDO

OHIO E.P.A.

APR 10 2014

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Chemtron Corporation
35850 Schneider Court
Avon, OH 44011

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 Findings and Orders (Orders) are issued to Chemtron Corporation (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 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 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, 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 comply with other requirements of ORC Chapter 3734. Such an 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.

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.

By: *Donna Cassler* Date: 4-10-14

2. Respondent is the owner and operator of the facility located at 35850 Schneider Court, Avon, Ohio (Facility). At the Facility known as the Chemtron Corporation, the Respondent treats and stores hazardous waste. Chemtron Corporation has an Ohio Hazardous Waste Facility Installation and Operation Permit issued on December 31, 2003. This permit is in the process of being renewed. The permit allows the storage and treatment of off-site hazardous wastes including but not limited to ignitable wastes. Wastes are stored/treated in containers or tanks.
3. OAC Rule 3745-55-76 requires that containers holding ignitable hazardous waste or reactive hazardous waste shall be located at least 15 meters, i.e., 50 feet, from a facility's property line.
4. Respondent asks to be allowed to store hazardous waste, including ignitable hazardous waste, less than 50 feet from the property line.

The storage areas in question are portions of permitted storage/treatment Areas 2, 4 and 5. The first area is located in the northwest corner of the property and involves the truck dock outside of Area 2. The second requested area is on the north side of Areas 4 and 5 within the confines of the existing buildings. Both of these areas are less than 50 feet from the property line. All these areas were shown on the drawing which accompanied the exemption request.

5. On October 23, 2013 and supplemented on February 20, 2014, Respondent requested an exemption from the requirement of OAC rule 3745-55-76 to locate containers holding ignitable hazardous waste at least 50 feet from the Facility's property line. The exemption request included information justifying the exemption, including a letter from City of Avon Fire Chief, Frank Root III. Chief Root conducted a review of Chemtron Corporation's request for a variance from the fire code's similar requirement to store ignitable or reactive wastes at least 50 feet from the property line. Specifically Chief Root's letter stated the following:
 - a. "The proposed truck dock appears to have proper containment to prevent property contamination in the event of a spill or leak."
 - b. "The second requested area is located on the north side of Areas 4 and 5.... The proposed storage area is found to be fully sprinkled and appears to have proper containment to prevent property contamination in the event of a spill or leak."
 - c. "The affected property line lies directly north of and abuts the Chemtron property. The current condition of the property directly affected is found to be clear vacant land." (hereinafter referred to as the adjacent property)

Chief Root concluded the request for variance granted with conditions.

6. Pursuant to ORC § 3734.02(G) and OAC rule 3745-50-31, the Director has determined that Respondent's accumulation of Ignitable hazardous waste less than 50 feet from the Facility property line 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 hazardous waste at least 50 feet from the Facility property line, as required by OAC rule 3745-55-76, provided that the ignitable hazardous waste is managed in accordance with all other applicable hazardous waste laws and Ohio Fire Code and National fire Protection Association requirement and standards.
2. Respondent shall supply updated pages for the approved permit application reflecting this exemption. The updated pages must be submitted as a Class 1 permit modification, pursuant to OAC rule 3745-50-51. In addition, the Respondent shall submit updated pages for the permit renewal application presently under review.
3. 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 Facility adversely affect public health or safety or the environment, and/or activities are not being conducted in accordance with these Orders.
4. The exemption from the State of Ohio's hazardous waste requirements provided by these Orders shall terminate when one of the following events occurs:
 - a. Respondent ceases to accumulate ignitable hazardous waste at the Facility;
 - b. Any change of ownership of the Facility or the adjacent property;
 - c. The City of Avon's Fire Chief revokes the variance;
 - d. Any change in use of the adjacent property, such as a building is erected on the adjacent property; or
 - e. The Director revokes the exemption granted to Respondent under these Orders.
5. The issuance of these Orders by the Director does not release Respondent of any liability it may have incurred for any violations which may have occurred at the Facility prior to the effective date of these Orders. The issuance of these Orders does not release Respondent from any obligation it has to comply with the State of Ohio's environmental laws, except as otherwise specifically provided herein.
6. These Orders do not exempt 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 Facility.

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 each 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 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.

X. EFFECTIVE DATE

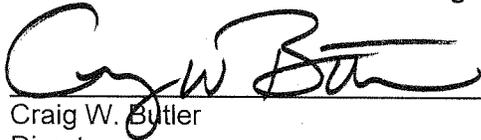
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's Journal.

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 ORDERED AND AGREED:

Ohio Environmental Protection Agency



Craig W. Butler
Director

April 9, 2014
Date

CHEMTRON CORPORATION
DIRECTOR'S FINAL FINDINGS AND ORDERS
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IT IS SO AGREED:

Chemtron Corporation

Ronald J. Guenther
Signature

3-24-14
Date

RONALD J. GUENTHER
Printed or Typed Name

President
Title