BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Green State Recycling, LLC dba
Northern Hills Oil Company
5513 Vine Street
Cincinnati, Ohio 45217

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 Green State Recycling, LLC dba Northern Hills Oil Company (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 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:

Signature: [Signature]
Date: 2/15/2020
1. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).

2. Respondent operated a "used oil" "processing" facility as those terms are defined in OAC rule 3745-279-01(A) located at 5513 Vine Street, Cincinnati, Hamilton County, Ohio 45217 (Facility).

3. At the Facility, Respondent received used oil from off site and processed it by physical separation. Processed used oil was sent off site. The removed water was discharged to the sewer, and the resulting sludge portion was solidified with paper pulp and disposed at a sanitary landfill.

4. On March 28, 2016, Ohio EPA received a complaint regarding the operations at the Facility.

5. On April 12, 2016, Ohio EPA's hazardous waste program conducted a complaint investigation at the Facility. During the investigation, Ohio EPA learned that Respondent emptied trucks of used oil into an open pit (designated by Respondent as Pit 1) prior to transfer into one of four 16,000-gallon tanks where physical separation of the used oil and water occurred. Pit 1 is a "surface impoundment" as defined in OAC rule 3745-50-10(A). The used oil was then pumped to a 12,000-gallon tank for additional separation. Afterward, it was then transferred by truck to one of the two horizontal 10,000-gallon used oil tanks. The water portion from the 16,000-gallon and 12,000-gallon tanks was processed through Respondent's ultra-high filtration system, and the sludge was solidified in a second open pit (designated by Respondent as Pit 2). Pit 2 was also a "surface impoundment" as defined in OAC rule 3745-50-10(A), however, the management of used oil in Pit 2 was not fully understood until Ohio EPA's later visit. Finally, during this investigation, Ohio EPA documented an ongoing release of used oil from the valve on the 12,000-gallon tank to the ground.

6. Due to the observations in Finding No. 5. of these Orders, Ohio EPA determined Respondent is not complying with the substantive requirements for a surface impoundment, including the requirements found in OAC Chapters 3745-54 to 3745-57 and 3745-205 or OAC Chapters 3745-65 to 3745-69 and 3745-256 for Pit 1 and Pit 2 as referenced in Finding No. 5. of these Orders.

7. As a result of the complaint investigation referenced in Finding No. 5. of these Orders, Ohio EPA determined that Respondent, inter alia:
a. Stored used oil in an unregulated surface impoundment identified as Pit 1, in violation of OAC rules 3745-279-12(A) and 3745-279-54(A);

b. Failed to notify Ohio EPA of Respondent’s used oil processing activities, in violation of OAC rule 3745-279-51(A);

c. Failed to have secondary containment for the used oil tanks, in violation of OAC rules 3745-279-54(E)(1) and (2);

d. Failed to label tanks of used oil with the words “used oil” in violation of OAC rule 3745-279-54(F)(1);

e. Failed to respond to releases of used oil, in violation of OAC rule 3745-279-54(G)(1), (2) and (3).

8. By letter dated May 12, 2016, Respondent was notified of the violations referenced in Finding No. 7. of these Orders. This letter also notified Respondent that its response activities to the release of used oil resolved the violation referenced in Finding No. 7.e. of these Orders.

9. On May 13, 2016, Ohio EPA visited the Facility and verified the used oil tank had been labeled and the used oil spill observed during the inspection referenced in Finding No. 5. of these Orders had been properly cleaned up.

10. By letter dated May 26, 2016, Respondent provided information to Ohio EPA to address the violations referenced in Finding No. 7. of these Orders. This information included a statement that the Facility would no longer use Pit 1 for storage of used oil, a plan to empty and clean Pit 1, a completed used oil processor notification form, a plan to design and install secondary containment for the used oil tanks, notification of labeled tanks of used oil, notification of the cleaned area under the 12,000-gallon tank where the used oil release had occurred, and the policies and procedures for what is accepted from customers and how it is managed to ensure used oil is not mixed with hazardous waste.

11. By letter dated June 20, 2016, Ohio EPA notified Respondent that the violations referenced in Findings Nos. 7.b. and 7.d. of these Orders were resolved.

12. On June 23, 2016, Ohio EPA conducted a focused compliance inspection while U.S. EPA conducted a Spill Prevention, Control, and Countermeasures inspection at the Facility. During the inspection, Ohio EPA observed used oil in Pit 2, and oil staining on soil under an empty, buckled, vertical steel tank.
13. On July 1, 2016, Ohio EPA returned to the Facility and observed Respondent actively discharging separated liquid from the two horizontal 10,000-gallon tanks into Pit 2. Respondent explained it is also discharging used oil from processing oil and water through the ultra-high filtration system into Pit 2.

14. Based upon the inspection referenced in Finding No. 12. of these Orders and the visit referenced in Finding No. 13. of these Orders, Ohio EPA determined that Respondent, *inter alia*:

   a. Stored used oil in an unregulated surface impoundment identified as Pit 2, in violation of OAC rules 3745-279-12(A) and 3745-279-54(A); and

   b. Failed to respond to releases of used oil, in violation of OAC rule 3745-279-54(G)(1), (2) and (3).

15. By letter dated July 8, 2016, Respondent was notified of the violations referenced in Finding No. 14. of these Orders.

16. By letter dated August 5, 2016, Respondent notified Ohio EPA that it will no longer put used oil into Pit 2. Respondent also indicated it was investigating ways to remove and dispose of the buckled tank referenced in Finding No. 12 of these Orders. Once the tank was removed, Respondent would address the stained soil beneath it.

17. By letter dated October 31, 2016, Respondent submitted plans to construct secondary containment around the two horizontal 10,000-gallon tanks that hold used oil.

18. By electronic mail dated November 21, 2016, Ohio EPA provided Respondent with comments on the secondary containment plans.

19. As a result of Respondent’s storage of used oil in surface impoundments (Pit 1 and Pit 2), in violation of OAC rule 3745-279-12(A) and 3745-279-54(A), as described in Findings Nos. 7.a. and 14.a. of these Orders, the Director has determined that Respondent is subject to regulation under OAC Chapters 3745-54- to 3745-57, including but not limited to, closure in accordance with OAC rules 3745-55-11 through 3745-55-20, the requirements for surface impoundment closure under OAC rule 3745-56-28, 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.
20. Some time during 2017 Respondent ceased operations and left the Facility.

21. Due to the ceasing of Respondent’s used oil activities at the Facility as referenced in Finding No. 20 of these Orders, the Director has determined that the violations referenced in Findings Nos. 7.c. and 14.b. of these Orders are resolved.

22. On December 18, 2018, the owner of the Facility conducted sampling below the surface impoundments (Pit 1 and Pit 2) to determine if any releases from Respondent’s used oil activities had occurred. Evaluation of the sampling results by Ohio EPA concluded that there was no subsurface soil or groundwater contamination beneath the concrete pits attributable to Respondent’s used oil activities.

23. Based upon Ohio EPA’s determination referenced in Finding No. 22 of these Orders the closure performance standard in OAC rules 3745-55-11 through 3745-55-20, and the requirements for surface impoundment closure under OAC rule 3745-56-28 have been met and there is no additional action required of Respondent with regard to the violations referenced in Findings Nos. 7.a. and 14.a. of these Orders.

V. ORDERS

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

1. Respondent shall pay Ohio EPA the amount of $1,000.00 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 pursuant to the following schedule:

   a. Within 30 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $250.00;

   b. Within 60 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $250.00;

   c. Within 90 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $250.00; and
d. Within 120 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of $250.00.

Respondent shall make each payment by tendering an official check made payable to "Treasurer, State of Ohio." The official checks 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 the check shall be sent to the Financial Program 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 required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Southwest District Office  
Division of Environmental Response and Revitalization  
401 East Fifth Street  
Dayton, Ohio 45402  
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.
XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent 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, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent and its members' 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

[Signature]
Laurie A. Stevenson
Director

IT IS SO AGREED:

Green State Recycling, LLC dba Northern Hills Oil Company

[Signature]
Robert B. Lewis
Date 1.27.20
Printed or Typed Name

Title Managing Partner