

that hazardous waste solvent waste has been stored for more than 90-days during the following periods: 08/17/2021 to 12/15/2021, 12/15/2021 to 04/01/2021, and 04/29/2022 to 08/04/2022, and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code § 3745-52-34(A) because it failed to comply with the 90-day accumulation period requirement.

- b. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ohio Admin. Code § 3745-52-34(C), including, but not limited to, clearly marking each satellite container holding hazardous waste with the words "Hazardous Waste. See Ohio Admin. Code § 3745-52-34(C)(1)(b). On September 12, 2022, one satellite container was not properly labeled with the words "Hazardous Waste" and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code § 3745-52-34(C), because it failed to comply with the conditions for an exemption as described above.
- c. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code § 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ohio Admin. Code §§ 3745-52-34(A)(1)(a) and 3745-66-73(A), including, but not limited to, keeping hazardous waste containers closed during storage. On September 12, 2022, Respondent failed to keep one 55-gallon drum accumulating "Paint Solids and Skins" closed when waste was not being added or removed from the container, and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code §§ 3745-52-34(A)(1)(a) and 3745-66-73(A), because it failed to comply with the conditions for an exemption as described above.
- d. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code § 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all

applicable conditions set forth in Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-16(A) through (D), including, but not limited to, providing training to security guards conducting inspections of hazardous waste storage areas. On September 12, 2022, Respondent failed to provide documentation showing completion of training for employees during years 2020 and 2021, and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code § 3745-52-34(A) and 3745-65-16(A) through (D), because it failed to comply with the conditions for an exemption as described above.

- e. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code § 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth Ohio Admin. Code § 3745-52-34(A)(4) and 3745-65-53(B), including, but not limited to, providing updated copies of the Facility's Contingency Plan to local emergency authorities. On September 12, 2022, Respondent failed to provide updated copy of the Facility's Contingency Plan to local emergency authorities, and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code §§ 3745-52-34(A) and 3745-65-53(B), because it failed to comply with the conditions for an exemption as described above.
- f. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code § 3745-50 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ohio Admin. Code §§ 3745-52-34(A)(1)(a) and 3745-66-74, including, but not limited to, conducting weekly inspections of the 90-stroarge accumulation areas. On September 12, 2022, Respondent failed to conduct and maintain records of weekly inspection of the Facility's Bldg. 970 and Bldg. 1100 90-day storage areas during 07/19/22 to 08/02/22, and 04/06/21 to 05/11/21, and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code §§ 3745-52-34(A)(1)(a) and 3745-66-74 because it failed to comply with the conditions for an exemption as described above.
- g. Under 40 C.F.R. § 265.1050(a) –(b), organic emissions standards apply to equipment that contains or contacts hazardous waste with organic

concentration of at least 10 percent by weight that are managed in a unit that is exempt from permitting under the provisions of 40 CFR 262.17 (i.e., a "90-day" tank or container) and is not a recycling unit under provisions of 40CFR 261.6. On September 12, 2022, Respondent failed to determine applicability of Subpart BB requirements to equipment that is part of the Tank-115 system. Respondent's failure to determine applicability of Subpart BB for Tank-115 equipment (pump) violated applicable sections of 40 CFR Part 265 Subpart BB.

- h. Under 40 C.F.R. § 265.1080(a), organic emission standards apply to facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to either subpart I, J, K of Part 265. On September 12, 2022, Respondent failed to determine applicability of Subpart CC requirements to hazardous waste Tank-115 and hazardous waste storage containers. Respondent's failure to determine applicability of Subpart CC for Tank-115 and storage containers violated applicable sections of 40 CFR Part 265 Subpart CC.
- i. Under Ohio Admin. Code § 3745-273-13(D)(1), a small quantity handler of universal waste must keep containers and packages managing used lamps closed. On September 12, 2022, Respondent failed to keep two boxes managing universal waste bulbs in Building B06 Universal Waste Storage closed. Respondent's failure to keep container or packages managing used lamps closed violated Ohio Admin. Code § 3745-273-13(D)(1).
- j. Under Ohio Admin. Code § 3745-273-14(E), a small quantity handler of universal waste must label or clearly mark each lamp or a container or package in which such lamps are contained with any one of the following phrases: "Universal Waste-Lamps," "Waste Lamps" or "Used Lamps;". Respondent is small quantity handler of universal waste because it accumulates less than 5,000 kilograms of universal waste at any time. On September 12, 2022, a box of universal waste bulbs in the Building B06 Universal Waste Storage was not labeled with one of the required phrases. Respondent's failure to label or clearly mark universal waste lamps or containers or packages containing universal wastes, as described above, violated Ohio Admin. Code § 3745-273-14(E).
- k. Ohio Admin. Code § 3745-273-15(C), a small quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes waste. On September 12, 2022, Respondent failed to demonstrate the length of time a box of used bulbs in Building B06 Universal Waste Storage was stored. The used lamps box did not have an accumulation start date. Respondent's failure to demonstrate the length of time that the universal waste has been accumulated from the date it becomes waste, as described above, violated Ohio Admin. Code § Ohio Admin. Code § 3745-273-15(C).

3. The EPA and Respondent agree that settlement of this matter for a civil penalty of twenty thousand dollars (\$20,000) is in the public interest.
4. EPA is authorized to enter into this Agreement pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. §§ 22.13(b), and 22.18(b)(2)–(3).
5. EPA provided notice of commencement of this action to the state of Ohio pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
6. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives the opportunity for a hearing pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b); and (6) waives any right to contest the allegations contained herein or to appeal the Final Order.
7. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violations have been corrected, and (2) Respondent has paid the civil penalty in accordance with paragraph 8.
8. Respondent shall have paid a civil penalty of twenty thousand dollars (\$20,000) no later than December 13, 2024. Respondent shall pay the penalty using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
9. Respondent shall have sent a notice of payment that states Respondent's name, complete address, and the case docket number to EPA at the following addresses, when it paid the penalty:

Regional Hearing Clerk
U.S. EPA, Region 5
r5hearingclerk@epa.gov

Derrick Samaranski
Land Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
Samaranski.derrick@epa.gov and
r5lecab@epa.gov

Logan Glasenapp
Office of Regional Counsel
U.S. EPA, Region 5
Glasenapp.Logan.M@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctReceiveable@epa.gov

10. The civil penalty is not deductible for federal tax purposes.
11. This Agreement resolves only Respondent's liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in the Agreement.
12. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
13. Each party shall bear its own costs and fees, if any.
14. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
15. In accordance with 40 C.F.R. § 22.6, the parties consent to service of this Agreement by e-mail at the following valid e-mail addresses: Glasenapp.Logan.M@epa.gov (for Complainant), and dmedelstein@vorys.com (for Respondent).
16. Respondent understands that the ESA will become publicly available upon filing.

IT IS SO AGREED,

Andrew O. Smith
Name (print)

President
Title (print)

AO Smith
Signature

12/5/24
Date

APPROVED BY EPA:

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

**In the Matter of: Yenkin-Majestic Paint
Corp. Docket No.: RCRA-05-2025-0005**

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED:

**Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5**