

**U.S. EPA REGION 5
HEARING CLERK**

Dear

showed a shipment of chromium, nitric acid was rejected by the disposal facility and returned to McGean on 02/28/2023. This waste was sent to a different disposal facility on 06/01/2023, a period of 93 days. Respondent had not obtained a permit, interim status nor an extension of the 90-day period. At the time of inspection, a review of weekly inspections showed the following waste was onsite for over 90 days without the Respondent obtaining a permit, interim status, nor an extension of the 90-day period:

Weekly inspection date	Waste	Accumulation start date	Disposal date provided by McGean during EPA Inspection	Time of accumulation (days)
2021/07/23	1 drum 17403 filters	2021/04/05		109
2021/12/30	1 tote of GAN rags	2021/09/03		118
2022/07/13	2 totes GAN rags	2022/03/21		114
2022/07/13	6 drums chrome contaminated debris	2022/04/11		93
2022/07/13	1 drum sodium hydroxide	2022/03/31		104
2023/01/13	1 drum HCl and floor dry	2022/09/02		133
			2023/01/30	150
2023/07/05	DCEE strippings	2023/04/01		95
2023/07/05	1-octene	2023/04/01		95
2023/07/05	IPA strippings	2023/04/01		95
			2023/07/12	102
2023/09/20	3 totes chrome dept cleanup	2023/05/26		117
2024/02/09	1 drum 17403 used filters	2023/10/16		116
2024/02/09	1 drum chrome acetate bag waste	2023/10/19		113
2024/05/17	1 tote of whip/wax polymer cleaner	2024/02/16		91
			2024/05/23	96
2024/06/20	2 drums chrome acetate dust bag waste	2024/02/16		125
			2024/06/21	126
2024/07/09	1 drum 17403 used filters	2024/02/06		154

Respondent stored hazardous waste without a permit or interim status in violation of Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio

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Admin. Code §§ 3745-50-45(A); 3745-50-41(A) and (D) because it failed to comply with the 90-day accumulation period requirement.

- b. Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code §§ 3745-50-45(A); 3745-50-41(A) and (D) prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. However, a generator may 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) and (C) including, but not limited to, labeling, or clearly marking each container holding hazardous waste with the words "Hazardous Waste"; labeling or clearly marking each container with the date upon which each period of accumulation begins; and labeling each full satellite accumulation area container with the words "Hazardous Waste" and an accumulation start date. See Ohio Admin. Code § 3745-52-34(A)(2), (A)(3), and (C)(2). On August 13, 2024, 20 containers were not clearly marked with the words "Hazardous Waste" nor accumulation start dates and Respondent had not obtained a permit or interim status. On August 13, 2024, one full satellite accumulation container was not labeled with the word "Hazardous Waste" nor an accumulation start date. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code §§ 3745-50-45(A); 3745-50-41(A) and (D) because it failed to comply with the conditions for an exemption as described above.
- c. Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code §§ 3745-50-45(A); 3745-50-41(A) and (D) prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. However, a generator may 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 including, but not limited to, accumulating as much as 55-gallons of hazardous waste in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste." See Ohio Admin. Code § 3745-52-34(C)(1). On August 13, 2024, a satellite accumulation area (SAA) in the lab exceeded 55-gallons of corrosive 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(a) of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code §§ 3745-50-45(A); 3745-50-41(A) and (D) because it failed to comply with the conditions for an exemption as described above.

- d. Under Ohio Admin. Code § 3745-52-34(C)(1)(a), a large quantity generator who stores as much as 55-gallons of hazardous waste at or near the point of generation is subject to the requirements of Ohio Admin. Code § 3745-66-73 (A). Under Ohio Admin. Code § 3745-66-73(A), a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste. On August 13, 2024, Respondent had not closed one container holding hazardous waste during storage when it was not necessary to add or remove waste. Respondent's failure to close one container holding hazardous waste during storage when it was not necessary to add or remove waste violated Ohio Admin. Code § 3745-66-73.
 - e. Under Ohio Admin. Code § 3745-52-34(A)(1)(a), a large quantity generator who stores waste in containers is subject to the requirements of Ohio Admin. Code § 3745-66-77. Under Ohio Admin. Code § 3745-66-77(C), a container holding hazardous waste that is incompatible with any other waste or materials stored in nearby containers shall be separated or protected by means of a dike, berm, wall, or other device. On August 13, 2024, Respondent had stored a container of toxic waste next to a container of corrosive waste in an SAA in the lab. Respondent's failure separate or protect containers holding incompatible hazardous wastes during storage violated Ohio Admin. Code § 3745-66-77(C).
 - f. Under Ohio Admin. Code § 3745-279-22(C)(1), containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." On August 13, 2024, one container of used oil was not labeled or marked with the words "Used Oil." Respondent's failure to label or mark used oil container with the words "Used Oil" violated Ohio Admin. Code § 3745-279-22(C)(1).
 - g. Under Ohio Admin. Code § 3745-52-34(A)(4), a large quantity generator must comply with the requirements of Ohio Admin. Code § 3745-65-53(B). Under Ohio Admin. Code § 3745-65-53(B) the owner operator must submit a copy of the contingency plan and all revisions to all local police departments, fire departments, hospitals, Ohio EPA, and local emergency response team that may be requested to provide emergency services. On August 13, 2024, Respondent could not provide documentation demonstrating distribution of the plan to the local hospital or spill contractors with whom Respondent had emergency response agreements. Respondent's failure to distribute the contingency plan, as described above, violated Ohio Admin. Code § 3745-65-53(B).
3. The EPA and Respondent agree that settlement of this matter for a civil penalty of eight thousand eight hundred seventy-five dollars (\$8,875) is in the public interest.

4. The 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. The 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 the 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 as provided at 40 C.F.R. § 22.15(c); (6) waives any right to contest the allegations in this Expedited Settlement Agreement and Final Order and its right to appeal this Expedited Settlement Agreement and Final Order; and (7) waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the ESA.
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 eight thousand eight hundred seventy-five dollars (\$8,875) within 30 days of its receipt of the letter setting forth the opportunity for expedited settlement. 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 the EPA at the following addresses, when it paid the penalty:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

Shawn Cole
Land Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
Cole.Shawn@epa.gov and
R5LEcab@epa.gov

Cathleen Martwick
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
martwick.cathleen@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@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. The 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.

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: martwick.cathleen@epa.gov (for Complainant), and John.Glassmeyer@McGean.com (for Respondent).

15. Respondent understands that the ESA will become publicly available upon filing.

IT IS SO AGREED,

DAVID M. WEHNER

Name (print)

CFO AND TREASURER

Title (print)



Signature

OCTOBER 7, 2025

Date

APPROVED BY THE EPA:

Carolyn Persoon
Acting Division Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5

In the Matter of:
McGean-Rohco, Inc.
Docket No.: RCRA-05-2026-0004

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