

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

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

Respondent

**Director's Final
Findings and Orders**

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:  Date: 10/08/2025

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings 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) §§ 3734.13 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

All of the findings necessary for the issuance of these Orders pursuant to ORC §§ 3734.13 and 3745.01 have been made and are outlined below. Nothing in the findings shall be considered to be an admission by Respondent of any matter of law or fact. The Director of Ohio EPA has determined the following findings:

1. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(P)(6).
2. Respondent operates a chemical manufacturing and supply plant located at 851

McKinley Avenue, Columbus, Ohio (Facility). The Facility has been assigned U.S. EPA identification number OHD004284188.

3. Respondent generates "hazardous waste" as that term is defined by ORC § 3734.01(J) and OAC rules 3745-50-10(H)(2) and 3745-51-03. At the Facility, Respondent generates non-acute hazardous waste in amounts greater than 1,000 kilograms per calendar month and therefore is operating as a "Large Quantity Generator" (LQG) of hazardous waste, as defined in OAC rule 3745-50-10(L)(5), subject to the requirements in OAC Chapter 3745-52.
4. At the Facility, Respondent generates hazardous waste, including but not limited to, process wastewater which is characteristically hazardous for ignitability (D001) as defined in OAC rule 3745-51-21 and is a listed hazardous waste for ignitability and toxicity (F003 and F005) as defined in OAC rule 3745-51-31.
5. On April 11, 2025, Ohio EPA received an unmanifested waste report that stated Respondent caused hazardous waste generated at the Facility to be transported without a hazardous waste manifest to a facility that is not authorized to receive and store hazardous waste. The unmanifested waste report stated that three containers (approximately 825 gallons) labeled as Non-Hazardous Non-Regulated Material (process wastewater) were determined to contain ignitable (D001) and listed hazardous waste (F003 and F005). The hazardous waste was rejected and transported to an authorized facility on a hazardous waste manifest by request of the Respondent.
6. On May 6, 2025, Ohio EPA conducted a focused compliance inspection of the Facility. During the inspection, Ohio EPA discussed with Respondent the unmanifested waste report referenced in Finding No. 5. of these Orders, and Respondent indicated the hazardous waste was shipped under the wrong profile.
7. On May 13, 2025, Ohio EPA received an unmanifested waste report that stated Respondent caused hazardous waste generated at the Facility to be transported without a hazardous waste manifest to a facility that is not authorized to receive and store hazardous waste. The unmanifested waste report stated that two containers (approximately 550 gallons) labeled as Non-Hazardous Non-Regulated Material (process wastewater) were determined to contain ignitable (D001) hazardous waste. The hazardous waste was rejected and returned to Respondent on a hazardous waste manifest.
8. As a result of the inspection referenced in Finding No. 6. of these Orders and based upon the information referenced in Findings Nos. 5. and 7. of these Orders, Ohio EPA determined that Respondent, *inter alia*:

- a. Failed to evaluate wastes to determine if they are hazardous waste, in violation of OAC rule 3745-52-11. Specifically, five containers of hazardous waste process wastewater (D001, F003, F005) were labeled as Non-Hazardous Non-Regulated Material (process wastewater) were not evaluated to determine if they were hazardous waste.
 - b. Failed to use a hazardous waste manifest for two shipments of hazardous waste, in violation of OAC rule 3745-52-20(A)(1). Specifically, two shipments of hazardous waste were transported without the use of a hazardous manifest.
 - c. Failed to complete the waste minimization certification on a hazardous waste manifest for two shipments of hazardous waste in violation of OAC rule 3745-52-27(A).
 - d. Failed to designate a facility which was permitted to handle the waste described on a hazardous waste manifest for two shipments of hazardous waste in violation of OAC rule 3745-52-20(B).
 - e. Failed to complete the dates and signatures on a hazardous waste manifest for two shipments of hazardous waste in violation of OAC rule 3745-52-23(A)(1) and (2).
 - f. Caused hazardous waste process wastewater (D001, F003, F005) to be transported to a facility not authorized to accept hazardous waste, in violation of ORC § 3734.02(F) and OAC rule 3745-52-10(A)(3). Specifically, Respondent transported five containers of hazardous waste process wastewater (D001, F003, F005) to a facility that was not authorized to receive hazardous waste.
9. By letter dated June 4, 2025, Ohio EPA notified Respondent of the violations referenced in Finding No. 8. of these Orders.
 10. By electronic mail on July 18, 2025, Respondent provided a response to the violations referenced in Findings No. 8. of these Orders. Respondent provided Ohio EPA with a copy of the analytical results and a hazardous waste manifest for the shipment of the containers referenced in Finding No. 7. of these Orders to an authorized facility.
 11. By letter dated August 28, 2025, Ohio EPA notified Respondent that the violations referenced in Findings Nos. 8.a., 8.b., 8.c., 8.d., and 8.e. of these Orders were resolved.

12. On October 3, 2025, Respondent provided a letter (email) describing Respondent's version of events that took place regarding this matter and corrective measures taken in response, including replacing flash point equipment that previously malfunctioned.
13. Because Respondent replaced the equipment used to determine the ignitability characteristic and the hazardous wastes were ultimately properly disposed of as referenced in Findings Nos. 5. and 10. of these Orders, the Director has determined that there is no further action required by Respondent at this time regarding the violations referenced in Finding No. 6.f. of these Orders and those violations are resolved.

V. ORDERS

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

1. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$3,200.00 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. The official payment shall be submitted to Ohio EPA according to the instructions on the invoice. Notification of penalty payment shall be sent to the Hazardous Waste Program Compliance Assurance Manager, Ohio EPA, Division of Environmental Response and Revitalization, P.O. Box 1049, Columbus, Ohio 43216-1049 or via electronic mail at Mitchell.Mathews@epa.ohio.gov.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official payment 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 (except penalty payment checks) required to be submitted by Respondent pursuant to these Orders shall be addressed to:
Mitchell.Mathews@epa.ohio.gov

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's 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



John Logue
Director

IT IS SO AGREED:

GFS Chemicals, Inc.



Signature

10/3/25

Date

Scott Hutchinson

Printed or Typed Name

President & CEO

Title