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State of Ohio Environmental Protection Agency

Southwest District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korieski, Director

May 21, 2007

Ms. Tanya Carey
Environmental Compliance Supervisor
ABX Air, Inc.
Airborne Air Park
145 Hunter Drive
Wilmington, Ohio 45177-9390

Re: Return to Compliance (RTC) inspection, ABX Air, Inc.

Dear Ms. Carey:

Thank you for your response letter dated May 4, 2007, in response to Ohio EPA's April 17, 2007, third Notice of Violation (NOV) letter. Your response included photographic documentation of a new utility cart used to store excess waste bags, photographic documentation demonstrating a properly labeled satellite accumulation drum for paint related waste (D007, F005) and photographic and written documentation that excess waste from satellite accumulation drums will be properly labeled. I also conducted a RTC inspection on May 11, 2007.

My review of this documentation and the RTC inspection reveals that ABX Air has abated the following violations discovered during the December 12, 2006; February 23, 2007; and April 6, 2007 inspections as listed below:

**Management of Containers, OAC 3745-66-73(B)
Accumulation time of hazardous waste, OAC 3745-52-34(C)(1)(b)**

During my RTC inspection on May 11, 2007 ABX Air was in violation with the following hazardous waste law:

Accumulation Time of Hazardous Waste, OAC 3745-52-34(C)(2): A generator who accumulates hazardous waste in excess of the amounts listed in paragraph (C)(1) of this rule at or near any point of generation must with respect to that amount of excess waste comply within three days with paragraph (A) of this rule. During the three day period, the generator must continue to comply with paragraphs (C)(1)(a) and (C)(1)(b) of this rule. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

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ABX failed to comply with this rule in that a bag of excess paint waste stored in the new utility cart in base shops waiting to be taken to the hazardous waste storage area did not have the date the excess waste began accumulating as required by this rule.

ABX Air marked the bag with the proper date **returning ABX Air to compliance with this rule.**

General Comment

Please note that Ohio EPA considers the violations cited in this and previous NOVs serious in nature and are concerned with the length of time it took ABX Air to come into compliance. Failure to be in compliance during a future inspection could result in referral of ABX Air's violations to our Central Office Enforcement Section for consideration of escalated enforcement.

Should you have any questions, please feel free to call me at (937) 285-6070.

Sincerely,



Jeffrey R. Smith
Division of Hazardous Waste Management

cc: Dinah Crawford, SWDO-DHWM/SWDO File

JRS/br

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.