



State of Ohio Environmental Protection Agency

Southwest District Office

401 E. Fifth St.
Dayton, Ohio 45402

TELE: (937) 265-6357 FAX: (937) 265-6249
www.epa.state.oh.us

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

JS
File

April 17, 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 March 21, 2007 in response to Ohio EPA's March 5, 2007, second Notice of Violation letter. The documentation you submitted included photographic documentation demonstrating the properly labeled tank in hangar 1005, photographic documentation demonstrating proper storage of paint related waste (D007, F005) and copies of the daily inspection logs for Base Shops. I also conducted a Return to Compliance inspection on April 6, 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 and February 23, 2007 inspections as listed below:

**Accumulation time of hazardous waste, OAC 3745-52-34 (A)(3);
Tank Inspections, OAC 3745-66-95;**

Based on my RTC inspection on April 6, 2007 ABX Air is in violation with the following hazardous waste laws:

1. **Management of Containers, OAC 3745-66-73(B):** A container holding hazardous waste shall not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

Ohio EPA observed several bags of paint related waste stored under a table in Base Shops. It was determined at the time of the inspection that these bags had been there for a couple days. When bags of paint related waste are removed from the satellite accumulation drum for paint booth operations they must immediately be placed into a container which is properly managed (i.e. labeled, closed, etc.).

To return to compliance ABX Air must ensure that no bags of paint related waste are stored anywhere other than properly managed containers. This can be accomplished through additional training, guidance and/or updated procedures.

Ms. Tanya Carey
April 17, 2007
Page 2

2. **Accumulation time of hazardous waste, OAC 3745-52-34(C)(1)(b):** A generator may accumulate as much as fifty five gallons of hazardous waste in containers at or near any point of generation where waste initially accumulate, which is under the control of the operator of the process generating the waste provided he (b) Marks his containers either with the words "Hazardous Waste" or with words that identify the contents of the containers.

ABX Air failed to comply with this rule in that the fifty-five gallon drum used to collect paint related waste from the paint booth operations did not have any markings on the container.

To return to compliance ABX Air must immediately mark this drum with the words "Hazardous Waste" or with the words that identify the contents of the container.

3. **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.

ABX failed to comply with this rule in that the bags of paint waste stored under the table in base shops waiting to be taken to the hazardous waste storage area were not properly labeled as required by this rule.

To return to compliance ABX Air must label the bags of paint waste related materials once they are removed from the satellite container, prior to being stored in the larger storage container in the hazardous waste storage building.

Please submit documentation demonstrating compliance with the above outstanding violations to this office within 15 days of your receipt of this letter. 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/rif

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.

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401 East Fifth Street
Dayton, Ohio 45402-2911

TELE: (937)285-6357 FAX: (937)285-6249
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Ted Strickland, Governor
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March 5, 2007

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

RE: Return to compliance, ABX Air, Inc.

Dear Ms. Carey:

Thank you for your formal response letter dated February 8, 2007 and prior e-mails (12/20/06, 1/31/07 and 2/6/07) in response to Ohio EPA's January 10, 2007, Notice of Violation letter. The documentation you submitted included photographic documentation demonstrating the properly labeled containers and tank, photographic documentation demonstrating proper storage of paint filters and documentation stating daily inspections of tanks will be conducted each operating day. I also conducted a Return to Compliance (RTC) inspection on February 23, 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 inspection as listed below:

- 1 (a) & (b). Accumulation Time of Hazardous Waste, OAC Rule 3745-52-34 (A)(2)
- 2. (a) & (b). Accumulation Time of Hazardous Waste, OAC Rule 3745-52-34(A)(3)

Based on my RTC inspection on February 23, 2007 ABX Air **remains in violation** with the follow hazardous waste laws:

- 2. Accumulation time of hazardous waste, OAC 3745-52-34 (A)(3): While being accumulated on-site each container and tank is labeled or marked clearly with the words "Hazardous Waste"

Ms. Tanya Carey
ABX Air, Inc.
Airborne Air Park
March 5, 2007
Page 2

- c. Hangar 1005 rinse water tank was not labeled or marked with the words "Hazardous Waste".

During the RTC inspection the sign used to mark the tank was moved and facing backwards at the back of the room. ABX Air remains in violation of this rule and must immediately find an alternative way to label this tank which is more permanent and can't easily be moved out of sight.

3. **Management of Containers, OAC 3745-66-73(B):** A container holding hazardous waste shall not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

During the RTC inspection eight (8) bags of paint related waste were being stored on the ground around the storage container (box) in the hazardous waste storage area.

ABX Air remains in violation of this rule and must immediately begin storing plastic bags of paint related material in the storage container (box) or another type of container.

4. **Tank Inspections, OAC 3745-66-95:** The owner or operator must inspect, where present, at least once each operating day: (1) Overfill/spill control equipment; (2) The aboveground portions of the tank system; (3) Data gathered from monitoring equipment; (4) construction material and the area immediately surrounding the externally portion of the tank system including secondary containment structures to detect corrosion or signs of a release.

During the RTC Ohio EPA reviewed ABX Air's daily inspection logs for Base Shops and they were not conducting daily inspections of their tank systems. Ohio EPA interprets the requirement to inspect a tank once each operating day to be once each day the tank system is being used to manage (store) hazardous waste.

ABX Air remains in violation with this rule and must immediately begin conducting daily inspections on all hazardous waste tank systems at their facility.

Ms. Tanya Carey
ABX Air, Inc.
Airborne Air Park
March 5, 2007
Page 3

Please submit documentation demonstrating abatement of the above outstanding violations to this office **within 15 days** of your receipt of this letter. Should you have any questions, please feel free to contact me at (937) 285-6070.

Sincerely,



Jeffrey R. Smith
Division of Hazardous Waste Management

cc: ~~Dinah Crawford; SWDO-DHWM/SWDO~~ File

JRS/plh

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.

