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State of Ohio Environmental Protection Agency

**Southwest District Office**

401 E. Fifth St.  
Dayton, Ohio 45402

TELE: (937) 285-6357 FAX: (937) 285-6249  
www.epa.state.oh.us

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

August 26, 2008

**CERTIFIED MAIL**  
**- Not Signature Confirmation**

Paul Soubry, President and CEO  
TSS Aviation/Standard Aero  
33 Allen Dyne Road  
Winnipeg, MB  
Canada R3H 1A1

**Re: Second Notice of Violations and Partial Return to Compliance**  
**TSS Aviation, Inc.**  
**Large Quantity Generator - US EPA ID# OHD004236170**

Dear Mr. Soubry:

On June 24, 2008 Larry Dickerson and I met with David Showalter, Safety and Environmental Manager, to inspect the TSS Aviation/Standard Aero (TSS) facility located at 11550 Mosteller Road in Cincinnati, Ohio to determine TSS Aviation's compliance with Ohio's Hazardous Waste rules. On August 19, 2008, Larry Dickerson and I returned to the facility and met with Dave Showalter to conduct a Return to Compliance inspection. This letter will explain the additional violation we found and the continued violations, and what you need to do to correct them.

**New Violation from August 19, 2008**

**OAC 3745-52-20(A) Manifest General Requirements.**

A generator who ships hazardous waste off-site must prepare a uniform hazardous waste manifest. The manifest must be filled out properly. Review of Manifest tracking number 001267568, dated 7/11/08 shows the generator ID number Box #1 as "CESQG." The USEPA ID Number is required in this box for a Large Quantity Generator. TSS Aviation is in violation of this rule. In order to abate this violation, describe in writing, how TSS will ensure that manifests will be properly filled out.

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### **Areas of Concern**

#### **OAC Rule 3745-52-34(C)(1) - Satellite Accumulation**

As noted in the previous inspection letter dated July 15, 2008, a generator may accumulate as much as fifty-five gallons of hazardous waste or one quart of acutely hazardous waste under the satellite accumulation rule. During the walkthrough on August 19, 2008, we observed 3 acetone hazardous waste satellite accumulation drums next to each other in the Chemical Storage Room. Two of the drums were nearly full and the third was approximately half full. Each drum was labeled for a specific point of generation.

We discussed the locations of the drums in proximity to the point of generation since there are 3 drums now labeled with 3 separate processes. Ohio EPA is concerned that there are 3 satellite accumulation drums in one location for the collection of one waste; and that the current location does not meet satellite accumulation requirements.

In order to assess the compliance of this management practice, provide a description of this satellite accumulation process. Describe the process generating each waste stream and how each waste is managed from the time it is generated until it enters the satellite accumulation container. Discuss the smaller containers being used to transport the waste to these satellite drums and discuss how these containers are used. Provide justification for locating these 3 containers at their current location rather than utilizing one satellite accumulation drum in the Chemical Storage Area; and rather than placing a satellite accumulation drum at each point of generation. Include a map showing the location of each point of generation and the location of the satellite accumulation drums in the Chemical Storage Room. Show each point of generation on the map, and not simply the 3 general areas, since there are many points of generation within each area. In other words, don't just label 3 areas as Main FPI, Central FPI, and General Manufacturing.

#### **Disposal Records Needed - OAC Rules 3745-52-34(A)(2) and (3) – Labeling and Dating of Drums**

As noted in the previous Notice of Violation (NOV) letter, 3 drums were Returned to Compliance for not being properly labeled. At that time there were other hazardous waste drums at TSS that were not dated properly and others that TSS wasn't sure if they were product or hazardous waste or when they began accumulating.

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During the walkthrough on August 19, 2008, no accumulated hazardous waste drums or used oil were observed in the Chemical Storage area or the outside 90 day storage area. According to TSS personnel, all of the previously accumulated hazardous wastes had been disposed on 7/11/08 and the used oil on 7/28/08. Note that the only Manifest we received to show that the previously accumulated hazardous waste was disposed, showed 14 drums of Acetone shipped 7/11/08. Other hazardous wastes on site at the time of the inspection included acid waste and MEK waste. This is not an all-inclusive list, since TSS didn't know what was being accumulated at the time.

Provide to this office all manifests showing that all of the other hazardous wastes at the time of the June 24, 2008 inspection have been properly shipped off-site. Provide also the shipping records such as a bill of lading for the used oil drum.

#### **Land Disposal Restriction or One-Time Notification Forms - OAC 3745-270**

We understand that TSS is in the process working with a new disposal company to profile and dispose of hazardous waste. As a reminder, per Ohio EPA guidance, a generator sending hazardous waste off-site for treatment must send a one-time notification with the initial shipment to the TSD facility. TSS is required to complete and maintain records of these forms. Provide a copy of each of these forms once completed to this office for our review.

#### **Ongoing Violations from June 24, 2008 – Not Returned to Compliance**

##### **OAC 3745-52-11 - Hazardous Waste Determination**

Violations 1 and 3) In order to demonstrate abatement of these violations, TSS must evaluate all wastes being generated at this facility to determine if such wastes are characteristic or listed hazardous wastes in accordance with this rule and submit documentation of this evaluation, including an identification of all EPA waste codes applicable to the wastes to this office for review.

At the time our meeting on August 19, 2008, TSS provided a profile for Alodine waste and some test results. I requested more information, and Safety Kleen later faxed to the facility some more profiles and MSDS'. Upon review, the information provided is not an adequate waste evaluation of the waste and raises more questions.

Only limited information on some of the waste was provided. Some examples of issues are as follows. This is not an all-inclusive list. These are simply examples of issues that

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the generator needs to know to make a hazardous waste determination or to document that the waste has been properly characterized.

- Many of the profiles are not signed and completed. Some profiles appear to be for the same wastes, but have differing information.
- Limited profiles are provided. Many are not readable.
- Some of the analytical results show exceedances of regulatory limits. The information provided does not detail which analysis is associated with which waste or profile.
- A signed sodium hydroxide and water profile shows a pH of greater than or equal to 12.5, but lists no hazardous waste codes and a box is checked "no" next to "EPA Hazardous Waste; List Codes."
- A signed nitric acid and water profile shows a pH of less than or equal to 2, but lists no hazardous waste codes and a box is checked "no" next to "EPA Hazardous Waste; List Codes."
- A profile for Alodine waste shows chromic acid at 2% and a pH of less than or equal to 2, but lists no hazardous waste codes and a box is checked "no" next to "EPA Hazardous Waste; List Codes."
- A signed acetone profile shows 100% acetone that appears to show a flashpoint of  $-4^{\circ}\text{F}$ , but lists no hazardous waste codes and a box is checked "no" next to "EPA Hazardous Waste; List Codes."

TSS is still in violation of the waste characterization rule. Be reminded that OAC 3745-52-40(C) requires the generator to keep records of any test results, waste analyses, or other determinations made in accordance with rule 3745-52-11 of the Administrative Code for at least three years from the date that the waste was last sent off-site for disposal.

In order to abate these violations, TSS is required to show documentation of the characterization of all hazardous waste generated at the facility. TSS must understand and provide a description of each waste generated and then provide a description of how each waste has been evaluated. The description must be supported by documentation, which may include MSDS', analytical results, and other knowledge. Note that by simply providing a profile does not constitute a waste evaluation. Continuing to provide little or no information or sporadic information will not relieve TSS from these requirements.

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**ORC 3742.02 (E) and (F) - Storage of Hazardous Waste – Storage For Greater Than 90 Days**

Violation 4) Per Ohio EPA enforcement guidance, this violation will not be abated through a Return to Compliance letter. The resolution of this violation will be addressed through the enforcement process.

**OAC 3745-52-20(A) – Unmanifested Waste**

Violations 5-6) In order to abate these violations, respond to the OAC 3745-52-11 violations cited previously.

**OAC Rule 3745-52-34(A)(2) - Dating of Drums in the Chemical Storage Room**

Violations 10-16) During the walkthrough on August 19, 2008, no accumulated drums were observed in the Chemical Storage area or the outside 90 day storage area. Disposal records required.

**Generator Standards – Used Oil (OAC 3745-279-22)(C)(1)**

Violation 24) During the walkthrough on August 19, 2008, no used oil drums were observed. Disposal records required.

**Violations from June 24, 2008 – Returned to Compliance on August 19, 2008**

Violation 2) Fluorescent bulbs are now being managed as a universal waste at TSS. The fluorescent bulb Universal Waste practices were reviewed and the collection box was inspected August 19, 2008. Violation #2 is therefore **Returned to Compliance** at this time.

**OAC Rule 3745-52-34(C)(1)(b) – Labeling Requirement - Satellite Accumulation Drum - Repeat Violation**

Violation 21) We observed the 55 gallon satellite accumulation drum at the waste paint area during our walkthrough on August 19, 2008. This drum was properly labeled and TSS is therefore **Returned to Compliance** for Violation #21.

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### **OAC Rule 3745-66-74 - Inspections and Inspection Log - Repeat Violation**

Violation 25 and 26) During our meeting on August 19, 2008 we reviewed inspection logs. Inspections are again being conducted for the outbuilding 90 day storage and conducted for the Chemical Storage Area. TSS is therefore **Returned to Compliance** on these two violations.

### **OAC 3745-65-54(D) – Amendment of Contingency Plan**

Violation 27) This section of the Contingency Plan has been updated and a corrected page showing current Emergency Coordinator has been submitted to this office. TSS is therefore **Returned to Compliance** on this violation.

### **Additional Information**

#### **Enforcement**

As discussed, this facility is being referred to the Division of Hazardous Waste Management's Central Office for consideration of escalated enforcement. Note that penalties may be assessed based on the number and severity of violations per day of non-compliance.

Information regarding the enforcement process can be found through our website at:  
<http://www.epa.state.oh.us/dhwm/pdf/Enforcement%20Settlement%20Fact%20Sheet%20revised.pdf>.

#### **Inspections and Inspection Log**

Based on our conversations with TSS personnel, the Chemical Storage Room is no longer being used to accumulate waste as a less than 90 day storage area and is currently used for satellite accumulation. Be aware that weekly inspections are required for containers accumulated in 90 day storage areas, but are not required for satellite accumulation drums. However, Ohio EPA encourages TSS to continue inspections of the Chemical Storage Room.

#### **Corrective Action Information Request**

The TSS response letter dated July 28, 2008 requested information concerning the previous site owner's permit activities and location of the prior owner's permitted waste

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operations. Ohio EPA will be sending the site owner a letter in the future discussing Corrective Action requirements and we will copy TSS.

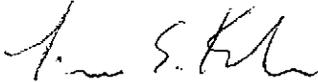
**Summary**

Additional information is required in order to abate the violations and address areas of concern. TSS needs to be forthcoming with the information and supply the documentation required. Providing limited information will not relieve the company of compliance requirements. Note also that the response letter from TSS dated July 28, 2008, stated that more information would be provided including analytical results. Some analytical results were anticipated 7/31/08 and were not sent to Ohio EPA.

Please be reminded that the generator is ultimately responsible for these violations even if work is performed by another party. It is up to TSS to ensure that manifests are completed properly, and that all waste is characterized and managed properly.

If you have any questions, please call me directly at (937) 285-6594.

Sincerely,



Thomas E. Koch  
Division of Hazardous Waste Management

cc: Dinah Crawford, SWDO-DHWM/SWDO, File  
David Showalter, Safety and Environmental Manager  
Ohio EPA, CO, DHWM/Enforcement  
Duke Realty

KEK/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.

