



State of Ohio Environmental Protection Agency

generator
009 TK
File

Southwest District

401 East Fifth Street
Dayton, Ohio 45402-2911

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

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

July 2, 2007

TSS Aviation, Inc.
Ms. Jean Bagle
Director of EH & S
1201 Hillsmith Drive
Cincinnati, Ohio 45215

**Re: Compliance Inspection – Final Return to Compliance
TSS Aviation, Inc.
Large Quantity Generator - US EPA ID# OHD004236170**

Dear Ms. Bagle:

On February 27, 2007, Paul Pardi and I inspected the TSS Aviation facility located at 11550 Mosteller Road in Cincinnati, Ohio to determine TSS Aviation's compliance with Ohio's Hazardous Waste Laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). Numerous violations were cited as a result of the inspection, and several additional concerns were raised. Violations 9 through 17 were previously Returned to Compliance. This letter details the Return to Compliance for the remaining violations and additional information for your consideration.

Tank Violations 1 through 8

TSS Aviation was in violation of the following hazardous waste tank rules for the tank used to store the hazardous waste clean out water. During the inspection, TSS Aviation was not able to produce any evidence of the following. For a complete explanation of the violations, please refer to the original Notice of Violation.

- 1) OAC 3745-66-92(A) Design Assessment of Tank Systems and Components
- 2) OAC 3745-66-92(B) Installation Assessment of Tank Systems
- 3) OAC 3745-66-92(D) Testing Prior to Use
- 4) OAC 3745-66-92(G) Written Statements
- 5) OAC 3745-66-93(C)(3) Leak Detection

- 6) **OAC 3745-66-93(E)(1) Secondary Containment**
- 7) **OAC 3745-66-93(F) Ancillary Equipment**
- 8) **OAC 3745-66-94(B) Spill Prevention**

Subsequent to the inspection, TSS has conducted generator closure on the tank and ancillary equipment as per Generator Closure Rules (OAC 3745-52-34(A)(1)(e)) and the Referenced Closure Standards, including Section 1.9 of Closure Plan Review Guidance. Copies of Closure Documentation will be kept on file here at Ohio EPA. TSS has also revised its hazardous waste management SOPs. TSS is also now handling waste cleaning solutions generated from the clean line room cleaning tanks separately and will not be diverted to the tank prior to disposal.

As a result, TSS is no longer in violation of the above Tank Standards and has Returned to Compliance on Violations numbered 1 through 8.

Additional

- 1) As a reminder, the generator is ultimately responsible for and liable for properly characterizing all waste, properly shipping the waste, and proper disposal. If a load of waste cleaning solutions were to be sent to a disposal facility as non-hazardous and it ended up being hazardous, TSS would be responsible. The generator needs to be sure before calling every load non-hazardous and to have enough information to make that determination. As a reminder also, any sludge from future cleanouts would have to be evaluated to determine compliance.
- 2) As discussed, a viable option may be to explore potentially discharging wastewater directly to Cincinnati's Metropolitan Sewer District. Their Permits & Compliance staff can be contacted at (513) 557-7000. See also www.msdc.org.
- 3) We discussed distillation of used solvents with the former Director of EH & S Tim Wilkerson which TSS may consider to reduce costs. See the following information regarding on-site distillation and Generator Treatment.

Reducing Solvent Purchase and Disposal Costs
www.epa.state.oh.us/dhwm/pdf/NotifierWinter03.pdf

Generator Treatment
www.epa.state.oh.us/dhwm/pdf/Generator_Treatment_Guidance.pdf

- 4) Subsequent to the inspection, Tim Wilkerson has left the company, and TSS has hired Dave Showalter as an environmental coordinator. Please contact me if you need any guidance or assistance in the future regarding waste management.

Ms. Jean Bagle

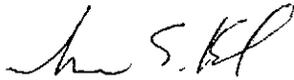
July 2, 2007

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You can also find copies of the rules and other information on our division's web page at <http://www.epa.state.oh.us>.

I appreciate the efforts of TSS, including yourself, Tim Wilkerson, Dave Showalter, your engineer Mr. Bowles, and legal council Mr. Babb. If you have any questions, please call me at (937) 285-6594.

Sincerely,



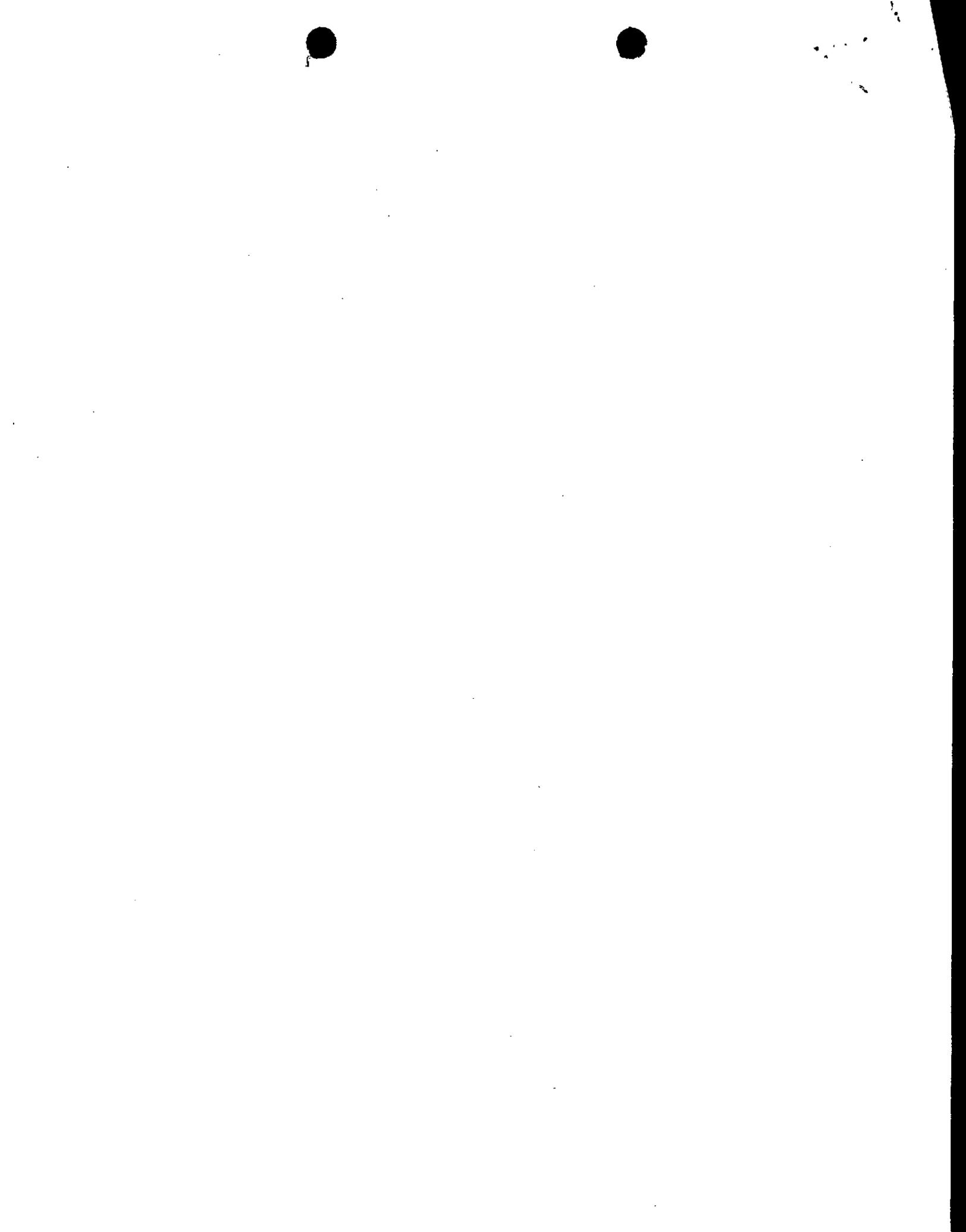
Thomas E. Koch
Division of Hazardous Waste Management

cc: Dinah Crawford, SWDO-DHWM/SWDO, File

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

May 1, 2007

TSS Aviation, Inc.
Mr. Tim Wilkerson
Director of EHS
1201 Hillsmith Drive
Cincinnati, Ohio 45215

**Re: Compliance Inspection – Partial Return to Compliance
TSS Aviation, Inc.
Large Quantity Generator - US EPA ID# OHD004236170**

Dear Mr. Wilkerson:

On February 27, 2007, Paul Pardi and I inspected the TSS Aviation facility located at 11550 Mosteller Road in Cincinnati, Ohio to determine TSS Aviation's compliance with Ohio's Hazardous Waste Rules. Subsequent to the inspection, I've spoken to and exchanged several emails with you and TSS's consultant and TSS's lawyer. On April 26, 2007, Larry Dickerson and I returned to the facility and met with you and Dave Showalter to conduct a partial Return to Compliance inspection and to discuss the tank issues; in particular the changes in the processes and re-characterization of the tank waste and generator closure requirements.

Tank Violations 1 through 8

TSS is currently reviewing the waste that was stored in the approximately 2500 gallon tank. TSS is also now handling waste cleaning solutions generated from the clean line room cleaning tanks separately and will not be diverted to the tank prior to disposal. This cleaning line wastewater will be removed directly from the process tanks into a tanker.

Currently, TSS is in the process of determining if the wastewater in the tank will be hazardous. Results to date are below limits for RCRA metals and within limits for pH. TSS is in the process of conducting generator closure on the tank with the intent of using it only for non-hazardous wastewater. An email from me, dated April 20, 2007, discusses the characterization and closure issues.

As discussed, a viable option may be to explore potentially discharging wastewater directly to Cincinnati's Metropolitan Sewer District. Their Permits & Compliance staff can be contacted at (513) 557-7000. See also www.msdc.org.

Mr. Tim Wilkerson
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Violation 9: OAC 3745-66-95(A), (B), and (C) Inspections and Documentation

The owner or operator shall conduct daily inspections of the tank system and ancillary equipment and document these inspections. TSS is currently conducting daily tank inspections and documenting the inspections in a log and has therefore Returned to Compliance on this violation. As a reminder, TSS must continue to conduct these daily inspections until the tank is no longer used to store hazardous waste.

Violation 10: OAC 3745-52-34(A)(3) Labeling of Tank

A generator who accumulates a hazardous waste, must label or clearly mark, each tank with the words "Hazardous Waste." The tank is properly labeled and therefore TSS has Returned to Compliance on this issue.

Violation 11: OAC Rule 3745-52-34(C) Satellite Accumulation – Labeling Requirement

This violation was corrected at the time of the inspection and was previously Returned to Compliance.

Violation 12: OAC Rule 3745-52-34(A)(3) - Labeling of Drums in the 90 Day Storage Area

A generator who, for ninety days or less, accumulates a hazardous waste must label or clearly mark each container with the words "Hazardous Waste." The drums in the 90 day storage area have all been properly labeled, therefore TSS has Returned to Compliance on this issue.

Violation 13: OAC Rule 3745-52-34(A)(2) – Dating of Drums in the 90 Day Storage Area

A generator who, for ninety days or less, accumulates a hazardous waste, must place the date upon the container when each period of accumulation begins and is clearly marked and visible. The drums in the 90 day storage area have all been properly dated, therefore TSS has Returned to Compliance on this issue.

Violation 14: OAC Rule 3745-66-73 - Open Containers

This violation was corrected at the time of the inspection and was previously Returned to Compliance.

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Violation 15: OAC Rule 3745-66-74 - Inspections and Inspection Log

The owner or operator must inspect areas where hazardous waste containers are stored, at least weekly, looking for leaks and deterioration caused by corrosion or other factors. The owner or operator must record inspections in an inspection log or summary. TSS is currently conducting weekly container inspections and documenting the inspections in a log and has therefore Returned to Compliance on this violation. As a reminder, the term weekly as it applies to these inspections means every 7 calendar days.

Contingency Plan (OAC Rules 3745-65-50 through 56)

Large Quantity Generators must have and maintain a Contingency Plan, as required by OAC 3745-65-50 through 56. This plan must contain at least the elements set forth in the OAC. Subsequent to the inspection you provided several reiterations for review and a final of this plan. Upon review, TSS has Returned to Compliance on this issue

Additional

Area of Concern - Small Containers in the 90 Day Storage Area

During the inspection, the shelving in the 90 Day Storage Area contained assorted smaller size containers of various contents. These containers were being staged for disposal. TSS has implemented a waste characterization and management process to address these containers. These containers are immediately characterized and lab packed in the 90 day storage area, thereby alleviating this concern.

Distillation of Solvents

We discussed distillation of used solvents that TSS may consider to reduce costs. See the following information regarding on-site distillation and Generator Treatment.

Reducing Solvent Purchase and Disposal Costs
www.epa.state.oh.us/dhwm/pdf/NotifierWinter03.pdf

Generator Treatment
www.epa.state.oh.us/dhwm/pdf/Generator_Treatment_Guidance.pdf

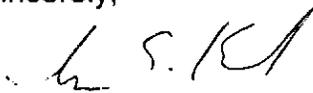
Please keep me informed of the progress of the waste characterization of the tank wastewater. Please be reminded that the generator is ultimately responsible and liable for any hazardous waste that is shipped or disposed of improperly. TSS needs to be sure that every shipment that is sent as non-hazardous is non-hazardous. So be aware when characterizing this waste, especially if the constituents could vary with each shipment. Keep me informed of this progress and once the tank is no longer used for hazardous

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May 1, 2007
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waste I can return the facility to compliance on Violations 1 through 8. If TSS decides to use the tank for hazardous waste storage, the tank will have to meet those standards outline in the original inspection letter.

I appreciate all of the efforts of TSS, including yourself, Dave Showalter, your engineer Mr. Bowles, and legal council Mr. Babb. If you have any questions, please call me at (937) 285-6594.

Sincerely,



Thomas E. Koch
Division of Hazardous Waste Management

cc: ~~Dinah Crawford, SWDO-DHWM/SWDO~~, File
Dave Showalter

TEK/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