



State of Ohio Environmental Protection Agency

Northeast District Office

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

December 24, 2008

RE: RÜTGERS ORGANICS CORP. (ROC)  
COLUMBIANA COUNTY  
OHD 980 610 018  
RTC

Mr. Rainer Domalski  
201 Struble Road  
State College, PA 16801

**CERTIFIED MAIL**

Dear Mr. Domalski:

On December 18, 2008, Ohio EPA received a letter dated December 19, 2008 from Golder Associates which included the Above Ground Storage Tank Closure Certification Report for the Railroad Tank Car and the Green Storage Tank.

Based on a review of this document, I called Charles Lawrence of Golder to clarify several issues. Based on our discussions, Mr. Lawrence sent me an e-mail on December 18, 2008 clarifying most of the issues. An additional e-mail was received on December 23, 2008 with the final clarification.

Based on a review of this information, it appears that ROC has adequately addressed the following violation from the June 28, 2004 notice of violation (NOV) letter.

**11. Tank System Requirements, OAC rules 3745-66-91 through 66-911.**

Ohio EPA also cited the following violation in the June 24, 2004 NOV for the discharge of the contents of the carbon tanks during cleanout:

**15. Unpermitted storage and disposal of hazardous waste, OAC rule 3745-52-43; ORC § 3734.02 (E) and (F)**

Ohio EPA issued an NOV on July 27, 2004 to ROC regarding the release of 20000 gallons of hazardous waste from the waste water treatment system.

**1. Unpermitted disposal of hazardous waste, Ohio Revised Code (ORC) §3734.02 (E) and (F)**

Ohio EPA recognizes that the ROC facility is part of the Nease Site, which is listed on the National Priorities List, pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, (CERCLA). The Nease Site is being remediated under U.S. EPA and Ohio EPA oversight. Based on our discussions with the Ohio EPA site coordinator, Sheila Abraham, the areas where the hazardous waste was released are included in operable unit (OU) 2 of the Nease Site and will be addressed under U.S. EPA's Record of Decision dated September 29, 2005. Since the areas will be remediated, no additional actions are necessary to abate these violations.

RÜTGERS ORGANICS CORP (ROC)  
DECEMBER 24, 2008  
PAGE – 2 –

Failure to list specific deficiencies and or violations in this communication does not relieve ROC from the responsibility of complying with all applicable laws, rules and regulations.

Further be advised that any instances of non-compliance can continue as subjects of pending or future enforcement actions.

Should you have any questions or require additional information, please contact Frank Popotnik, my supervisor, or me at (330) 963-1200.

Sincerely,



Karen L. Nesbit  
Division of Hazardous Waste Management

KLN:ddw

ec: Harry Sarvis, DHWM, CO  
Frank Popotnik, DHWM, NEDO  
cc: Natalie Oryshkewych, DHWM, NEDO  
Sheila Abraham, DERR, NEDO  
Charles Lawrence, Golder Associates Inc.  
Dennis Lane, Howells and Baird, Inc.  
Mary Logan, Remedial Project Manager, U.S. EPA Region V, SR-6J