



State of Ohio Environmental Protection Agency

Northeast District Office

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

June 13, 2007

RE: TORO ENERGY OF OHIO
STARK COUNTY
OHR ~~MD~~ 000 012 484
LQG - NOV

(WMBE
of Ohio)

Darin Wiechman
Toro Energy of Ohio
6363 Main St.
Williamsville, New York 14221

Dear Mr. Wiechman:

Ohio EPA conducted a hazardous waste inspection at Toro Energy of Ohio (Toro) on May 29, 2007. The facility is located at 7916 Chapel St. Waynesburg, Ohio, inside American Waste Landfill. The purpose of the inspection was to evaluate Toro'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). Kris Coder and I represented Ohio EPA during the inspection. Don Siburt represented Dominion. Dominion is contracted by Toro to operate the methane gas plant at American Waste Landfill.

During the inspection, Ohio EPA learned that Toro operates a methane gas plant that processes methane piped from the landfill. Toro generates a large quantity of liquid condensate from the landfill gas dehydration process (D001, D004, D005, D018, and D035). This liquid is stored in a 6,000 gallon storage tank at the facility.

Ohio EPA discovered the following violations of Ohio's hazardous waste laws:

1. **OAC Rules 3745-65-51(A) and (B); 3745-65-52 (A), (B), (C), (D), (E) and (F); 3745-65-53(A) and (B); and 3745-65-55, Contingency Plan.** A facility shall have a contingency plan which will be implemented during an emergency. The contingency plan must describe the actions personnel will take during an emergency, describe arrangements with responders, list the emergency contact and related information, list emergency equipment, and include an evacuation plan. A copy of the contingency plan must be maintained at the facility and submitted to entities that may be required to provide emergency services. A facility must have a designated emergency coordinator, who is familiar with all aspects of the contingency plan, available to respond to an emergency and has the authority to commit the resources needed to implement a contingency plan.

Toro has violated all the applicable rule associated with the contingency plan requirements as follows:

- (a) 3745-65-51(A) - The facility does not have a contingency plan.

- (b) 3745-65-51(B) - By not having a contingency plan, the facility is unable to implement such a plan during a fire, explosion, or release of hazardous waste.
- (c) 3745-65-52(A) - The facility does not have a plan that describe actions the personnel must take.
- (d) 3745-65-52(B) - The facility has a SPCC plan that has not been amended to incorporate hazardous waste management provisions.
- (e) 3745-65-52(C) - The facility does not have a contingency plan that describes arrangement agreed to by local police departments, fire departments, hospitals, contractors, Ohio EPA, and local emergency responders.
- (f) 3745-65-52(D) - The facility does not have a contingency plan that list the names, addresses, and phone numbers of persons qualified to act as emergency coordinator.
- (g) 3745-65-52(E) - The facility does not have a contingency plan that list emergency equipment.
- (h) 3745-65-52(F) - The facility does not have a contingency plan that includes an evacuation plan.
- (I) 3745-65-53(A) - The facility does not maintain a contingency plan.
- (j) 3745-65-53(B) - The facility has not submitted a contingency plan to all local police departments, fire departments, hospitals, and Ohio EPA and local emergency response teams, that may be requested to provide emergency services.
- (k) 3745-65-55 - The facility did not designate an emergency coordinator.

Toro must prepare a contingency plan and submit a copy to this office for review. This plan must include all the contents to demonstrate compliance with this rule. Toro must maintain a contingency plan at its facility and submit such plan to agencies or organizations that may be required to provide emergency services. Toro must designate an emergency coordinator and identify this person in its contingency plan

2. **OAC Rule 3745-66-95(A)(1-4), and (C), Tank Inspections.** A facility must inspect tanks at least once each operating day. Inspections must be documented in the facility operating record.

Toro has violated the appropriate rules as follows:

- (A) 3745-66-95(A)(1) through (4) - The facility did not inspect daily the tank overfill/spill control equipment, aboveground portions of the tank systems, data gathered from monitoring equipment and leak-detection equipment, and construction materials including secondary containment structures.
- (C) 3745-66-95(C) - The facility did not document inspections in an operating record.

Toro must conduct inspections as required by the rules and submit an operating record that demonstrates compliance.

Within 30 days of the date of this letter, please submit the above requested documentation that demonstrates compliance with the rules cited. Should you have any questions, please feel free to call me at (330) 963-1272.

You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/opp>. DHWM has created an electronic news service to provide you with timely news and updates related to hazardous waste activities in Ohio. You can sign up for this free service at <http://www.epa.state.oh.us/dhwm/listserv.html>.

Sincerely,



Nyail McKenna
Environmental Specialist
Division of Hazardous Waste Management

NM:ddw

Enclosure

cc: Natalie Oryshkewych, DHWM, NEDO

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.