



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

December 28, 2009

RE: FORMER ROYAL CHINA FACILITY
AKA ROYAL SEBRING PROPERTIES, INC.
MAHONING COUNTY
COMPLAINT No. 6835
FIFTH NOTICE OF VIOLATION

Mr. Jerry McHugh
30407 State Route 62
Damascus, OH 44619

CERTIFIED MAIL
RETURN RECEIPT

SUBJECT: USED OIL RELEASE, OIL CONTAMINATED SOIL, OILY DEBRIS AND UNKNOWN DRUMMED WASTE

Dear Mr. McHugh:

This letter summarizes violations remaining at this site from operations conducted at the 101 South 15th Street facility in Sebring. The Division of Hazardous Waste Management (DHWM) re-inspected the Royal Sebring Properties site on October 19, 2009 to determine compliance with Ohio's hazardous waste laws and regulations as found in the Ohio Revised Code and the Ohio Administrative Code ("ORC" and "OAC" respectively). The inspection included a walkthrough of major portions of the building including Sebring Plastics LLC and limited outside areas.

NOTICE OF VIOLATIONS

- 1. OAC 3745-279-22(D) Response to Releases of Used Oil:** The previous released oils were cleaned up, contained and labeled. However, there is an additional release location in an overhead door area that adjoins Sebring Plastics LLC near the large silos. At this location oil saturates spilled plastic pellets and the ground inside and outside of this door. The source may be from several drums located just inside the building. Mr. Fred Kungl of Sebring Plastics said that these were not his drums and that the area was not part of his lease agreement.

To abate this violation, this area must be cleaned up and all wastes properly disposed. All residual fluids, oily debris and contaminated ground require clean up and proper disposal. Provide documentation that demonstrates this release has been contained, the source removed, the area cleaned up and the wastes properly characterized and disposed. Used oils must be removed and properly disposed through a licensed hauler.

- 2. OAC 3745-52-11 – Waste Evaluation:** You must determine whether any generated waste is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51. The contents of one black 55-gallon drum remains unknown. Originally this drum was staged with the numerous totes of used hydraulic oil and was believed to be more used oil. The oil from totes was removed as "used oil" but this drum remained.

To abate this violation, the fluid in this drum must be evaluated and properly disposed. Provide documentation that the contents of the black 55-gallon drum have been characterized and the contents were properly disposed or recycled.

In addition, the following wastes remain in totes and drums and are understood to have been characterized as follows but remain to be disposed or properly recycled:

1. **Used oil, oily residue and oily debris** appear to have been characterized as a solid waste or “used oil”. These materials require proper disposal. If a licensed used oil transporter cannot receive this material it may need disposed as a solid or hazardous waste. Provide documentation of proper disposal.
2. **Red and yellow waste pigments** in two approximate thirty-five gallon, rusty drums were characterized by analytical data as a solid waste. These wastes must be properly disposed.
3. **Oily stained soils** have been characterized as a hazardous waste through analytical data. This waste must be disposed at a licensed TSD or managed onsite provided it remains within the source footprint of contamination. The latter requires being consolidated and managed onsite in its Identified Area (IA) preventing release. You must provide either a manifest that shows the waste was properly disposed or a management plan detailing how, when and where in the existing IA the waste will be consolidated and managed, until a complete VAP remedy is implemented through Ohio’s Voluntary Action Program (VAP).
4. **At RAP IA-7** there are five (5) open rusty 55-gallon drums of pottery-like sludge considered to be a hazardous waste. These wastes must be sent off site for proper disposal or secured onsite within the unit footprint in a manner consistent with the policy for consolidation of hazardous waste. Provide a manifest verifying disposal or an onsite consolidation and management plan.

CONCERNS and RECOMMENDATIONS

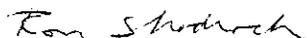
The following items remain a concern until addressed either in a complete VAP remedy or under the respective jurisdictional authority.

- 1) **A former above-ground Fuel Oil Storage Tank and Transformers at RAP IA-4** includes visibly oil contaminated soils and three downed pole-mounted transformer carcasses that are open and on the ground. One transformer is filled with water and has an oily sheen. These issues have been referred to USEPA and the State Fire Marshall.

- 2) **The former pump house at RAP IA-3** consists of a large pile of corrugated transite material (potential asbestos containing material) disposed at that this location. This material may need removed and properly disposed according to the applicable solid waste rules. This matter has been referred to the Mahoning County Health Department.
- 3) It is advised that the **pits and sumps** be drained to a sanitary connection with approval by the local POTW and then filled with an approved clean fill to eliminate physical hazards and nuisance conditions.

The Ohio EPA considers these violations and concerns serious in nature. Please submit the requested documentation to my attention within 45 days of receipt of this letter. If you have any questions or need additional time, you may contact me at (330) 963-1146.

Sincerely,



Ronald J. Shadrach
District Representative
Division of Hazardous Waste Management

RJS:ddw

ec: Frank Popotnik, DHWM, NEDO
Vanessa Steigerwald Dick, DERR, NEDO
John Schmidt, DSIWM, NEDO
cc: Misty Koletich, Mahoning County Health Department
Bill Slanina, Mahoning-Trumbull Air Pollution Control Agency
Doug Burchard, City Manager, Village of Sebring
John Calhoun, Site Manager
Donna Bauer & Ray Schmidt

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.