



State of Ohio Environmental Protection Agency

Northeast District Office

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

September 5, 2007

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

Mr. Jerry McHugh
Zee-Tech Warehousing, Inc.
101 S. 15th Street
Sebring, OH 44672

CERTIFIED MAIL

SUBJECT: USED/WASTE OIL, OIL CONTAMINATED SOIL, DEBRIS, PIT FLUIDS, SURFACE WATER CONTAMINATION, IDW AND UNKNOWN DRUMMED WASTE

Dear Mr. McHugh:

This letter cites continuing and additional violations of Violation #2 – OAC 3745-52-11, *Waste Evaluation*. Clay and sediment floor debris has been co-mingled with demolition debris. This waste could locally be considered a hazardous waste due to lead contamination. In addition, there are also drums of investigation derived waste (IDW) generated by Civil and Environmental Consultants (CEC) and other drummed waste that you have also failed to evaluate and properly manage. This IDW and other drummed waste have remained on site for more than one year. Portions of these wastes are considered a hazardous waste based on existing analytical data or the suspected source location. These drums have not been properly labeled, dated or characterized. You must notify me prior to any activity with regards to management of the above waste.

NOTICE OF VIOLATIONS

1. **OAC 3745-279-22(D) Response to Releases of Used Oil:** There are several areas of oil release to the outside ground surface and into concrete pits, floors, storm drains, sumps and surface waters of the state.

To abate this violation, you must immediately place absorbent booms in the drainage ways to capture the ongoing used/waste oil release, then properly remove, characterize and dispose of all waste/used oil and contamination from the three source areas as follows:

- 1) **Oil contaminated soil** located in the outside soil areas must be scraped or dug, removing visibly oil stained soil and oily residue. Should the **level of lead or other RCRA constituents exceed the regulatory level, in any material, it must be disposed as a hazardous waste** to a permitted facility.

Status:

Staining from the worst area was removed but several areas of soil staining remain. These areas have been physically pointed out to you on several occasions but have not been cleaned up. The portion of removed soil waste has failed the TCLP analysis for lead and is considered a hazardous waste. You indicated that the remaining stained soil will be removed and disposed as a hazardous waste as well. The accumulated portion of this waste stream has been labeled and is contained in several of the former used oil totes. The date of accumulation of this waste must also be placed on each container. This waste must be shipped offsite within 90 days of accumulation or you may incur additional violations.

- 2) **Oil contaminated debris and residue from floors, sumps and drains** must also be removed, properly characterized and disposed:
1. You must remove all indoor oil stained residue and debris. For proper disposal, the removed residue must be representatively sampled and analyzed for RCRA metals by the TCLP test Method 1311. The receiving facility of this waste may have additional analytical requirements. To remove the residue, scrape and sweep using an oil-dri type material to aid in removal.
 2. Drains, sumps and piping where encountered, must be similarly cleaned. If unable to permanently remove and eliminate a source due to building safety conditions, a pathway may be temporarily plugged pending additional post demolition effort.
 3. The integrity or condition of concrete floors, sumps and piping etc. must be documented. Where significantly compromised or contaminated, additional investigation or removal may be warranted.
 4. Demolition and removal of these infrastructures (drains, sumps and piping) requires proper disposal in regard to the contamination present.
- 3) **Oil contaminated fluid in pits** must be properly characterized, removed and disposed per the receiving facility requirements:
1. Remove the oil contaminated water using a licensed used oil transporter or dispose to an approved city sanitary sewer connection with permission.
 2. Post fluid removal, inspect and clean the pits of oily contamination/residue (use of dry removal methods is recommended, if practicable).
 3. Clean and seal, plug or bypass any pipe inflow and drain outflow pathways or permanently remove and eliminate, provided safety conditions allow.
 4. The integrity or condition of the remaining concrete floor, walls and sumps etc. must be documented. Where significantly compromised or contaminated, additional investigation or removal may be warranted.
 5. Use clean, approved fill to level the pits to prevent further human health, nuisance or environmental concerns.

In summary, to abate Violation #1 of OAC 3745-279-22(D), Zee-Tech must provide the following:

1. Immediate measures (such as absorbent booms) to minimize the discharge of oily wastewater to surface waters of the state. Replace and maintain these measures as needed during site work.
2. All sampling protocol, analytical data, transport and disposal documentation representing each area or sample grab/composites, as indicated.
3. Photographs and written documentation showing that all oil stained soils, debris and residue from all locations were removed.
4. Photos and disposal receipts that oil contaminated pit fluid has been removed and properly disposed.
5. Documentation of the condition of concrete floors, pits and sumps after removal.
6. Documentation inflow/outflow pathways were identified, cleaned, eliminated or removed where possible from pits, sumps and drains to sanitary or surface water outlets.
7. Documentation the pit has been cleaned and placed with clean fill to prevent recontamination and nuisance issues.

Status:

Ohio EPA observed that the sump and pit oils have been largely cleaned or the oils removed. On August 27, 2007, I pointed out to you several locations where oil sources may be re-contaminating a sump and the pit. These areas must be cleaned up and all contaminants properly disposed. You must provide the documentation requested above. The removed oily waste water is stored in containers labeled as "used oil" pending proper disposal. It is understood you are working to have the remaining pit water permitted for disposal to a sanitary sewer. It is recommended that you contact John Kwolek, Division of Surface Water at the Ohio EPA at (330) 963-1251 for assistance with disposal of this fluid and investigation derived waste fluid/water contained in drums.

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. **You failed to provide** documentation that you properly characterized at least the following five waste streams:

- 1) **Waste/used oil** sent offsite from thirty eight (38) two hundred and fifty (250) gallon size tote containers. Several thousand gallons of waste/used oils were removed from 38 totes at your facility. You were requested to insure that these abandoned fluids were properly characterized and disposed in accordance with OAC 3745-52-11 and provide this documentation.

To abate this violation, provide the following information:

- 1) The analytical data or generator knowledge information used to characterize this waste stream.
- 2) How many gallons of waste/used oils were removed,
- 3) The transport, disposal and receiving facility manifest or shipping papers.

Status:

Characterization/disposal documentation of used oil removed from totes has not been received.

- 2) **Red and yellow waste fluid** in two (2) approximate thirty-five (35) gallon size rusty drums **and fluid in a full 55-gallon black drum.**

To abate this violation, you must:

- 1) Over-pack or contain leaking waste immediately.
- 2) Label, date and properly store all drums pending results of sampling and analytical data (provide photographs of labeling, dating and storage).
- 3) Provide to Ohio EPA, prior to disposal, analytical data that thoroughly characterizes these waste streams.
- 4) Provide appropriate manifest information that shows these drums have been properly disposed.

Status:

The analytical results you provided from the colored pigment waste fluid appears to indicate that this is a non-hazardous waste. However, such fluid wastes may not be disposed as a solid waste. Identify in writing, by receipt or other documentation how this waste was properly disposed. The status of the fluid in the black drum is unclear. Provide documentation of the status of the black 55-gallon drum that remained after the totes were emptied.

- 3) **Waste/used oil contaminated debris and residues from floor, drain, pit and sump areas** that you failed to cleanup, evaluate and dispose. There are at least one thousand square feet of oil stained floor area, drain and sump residue and debris that must be removed for proper disposal.

To abate this violation,

- 1) You must scrape and sweep up contaminated debris and residue and characterize this waste stream in accordance with the receiving facility requirements. Analysis must include RCRA metals by TCLP test method 1311.
- 2) Prior to disposal of this waste, provide Ohio EPA with your sampling protocol and analytical data.
- 3) Provide photographs showing these areas have been cleaned up.

In regard to the waste/used oils released at this site in Area IA-9, you and your consultant both contended that no oil had been discharged to waters of the state. Oily fluid was observed by Ohio EPA in drainage ways at two locations. One oily contaminated sump is an apparent pathway of storm water discharge. Please be advised that this discharge is a violation of ORC 3734-6111-03. Continued delay to cleanup of used oils under OAC 3745-279-22(D), may result in referral to our central office enforcement section.

Status:

Much of this area has been cleaned. The disposition of the removed oily debris and oily sludge residue is not known. On August 27, 2007, I pointed to a sump known to discharge to storm water. This sump may have been re-contaminated from stained soils located immediately outside the building. This area must be cleaned up and the soil properly disposed. Provide documentation of the disposal of the oily debris and residues that have been removed from the floor, drains, sumps and ground area of this former tote storage area.

- 4) **Floor and pottery clay debris** could be contaminated with lead from former operations. You failed to provide sample data and/or other characterization of this waste prior to commingling it with building demolition debris.

To abate this violation,

Floor debris and sediments throughout must be representatively sampled and analyzed (for **lead only**) by the TCLP test Method 1311 to ensure proper disposal. Characterization through facility historic process information may assist in this waste evaluation. Be aware that the receiving facility may require additional information and data.

Status:

It has been observed that the building demolition debris and floor sediments have been commingled in piles for disposal. To abate this violation, you must either dispose of this waste as a hazardous waste, or provide adequate documentation that ensures all areas of debris and sediment would not be a hazardous waste when disposed.

- 5) **Investigation Derived Waste (IDW)** was generated as long ago as April of 2006 and has remained onsite beyond any allowable regulatory time period as a hazardous waste. In addition, there are five drums at RAP IA-7 that must be characterized and properly managed and disposed (See Concerns # 4 and #7 below).

To abate this violation,

You must immediately label and date all IDW and other drums as hazardous waste pending waste characterization. Subsequent to proper evaluation, these wastes must be sent off site for proper disposal without further delay. **AS ABOVE, YOU MUST NOTIFY OHIO EPA PRIOR TO ALL ACTIVITY IN REGARD TO THIS MATTER** and provide pertinent documentation of proper disposal.

CONCERNS and RECOMMENDATIONS

- 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 for respective regulation.
- 3) **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.
- 4) **At RAP IA-7** there are five (5) old rusty 55-gallon drums that are open and in poor condition, stored at the south central area of the sediment ponds. The drum contents may be pottery sediments. It is recommended these wastes be immediately evaluated per **OAC 3745-52-11 – Waste Evaluation** and in accordance with the criteria set forth in OAC Chapter 3745-51, then secured onsite with similar waste to be sent off site for proper disposal.
- 5) See violation #2. 4) - **Floor and pottery clay debris** may be contaminated with lead from former operations. Floor debris should be representatively sampled and remain segregated from demolition debris during disposal. Dispose accordingly, if above the regulatory TCLP limits for any of the RCRA metals.
- 6) **Floor drains, tiles and pathways of oil contaminated areas** may not be adequately or effectively eliminated due to safety conditions. During or post demolition, additional effort may be required under further DERR remedial action to address oily sources and contaminated pathways.
- 7) **Investigation Derived Waste (IDW)** drums were generated as long ago as April of 2006 by Civil and Environmental Consultants (CEC). CEC due diligence should have dictated that these drums be labeled, dated and properly and timely disposed. Any hazardous waste should have been disposed within at least 180 days of accumulation, if not sooner pending the applicable regulatory requirements. CEC should be requested to use their field documentation and analytical results to properly label and date these drums prior to any re-staging. Subsequently, the drums may be moved to an identified storage location and further evaluation made as needed for disposal.

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The Ohio EPA considers these violations and concerns serious in nature. Your failure to respond to this and past Notices of Violations may result in referral of Zee-Tech to our Central Office Enforcement Section for consideration of escalated enforcement.

Please submit the requested documentation to my attention within 30 days of receipt of this letter. If you have any questions, you may contact me at (330) 963-1146.

Sincerely,



Ronald J. Shadrach
Environmental Specialist II
Division of Hazardous Waste Management

RJS:ddw

ec: Frank Popotnik, DHWM, NEDO
Vanessa Steigerwald Dick, DERR, NEDO
John Schmidt, DSIWM, NEDO
John Kwolek, DSW, NEDO
Harry Sarvis, DHWM, CO enforcement section
Dan Tjoelker, DERR, CO
Marty Knuth, CEC
cc: Misty Koletich, Mahoning County Health Department
Doug Burchard, City Manager, Village of Sebring

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.