OhioEPA

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

May 31, 2007

RE: FORMER ROYAL CHINA FACILITY
AKA ROYAL SEBRING PROPERTIES
MAHONING COUNTY
COMPLAINT No. 6835
THIRD 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 AND UNKNOWN DRUMMED WASTE

Dear Mr. McHugh:

The Ohio EPA's Division of Hazardous Waste Management (DHWM) has not received any correspondence in regard to this matter since December 20, 2006. Ohio EPA has not received confirmation that the waste/used oil fluid from 38 totes was properly EVALUATED, disposed or recycled per a Notice of Violation letter dated March 20, 2007. In addition, you have not returned phone calls made by this office.

On April 19 and 23, 2007, site visits were made to the IA-9 area of your facility. On May 17, 2007, a walkover of the site was made. At that time, an oily accumulation was seen in surface water drainage ways at two locations east (downgradient) of the tote source area. The oil was similar in appearance to the brown coloration observed in the pit and on the ground in the tote source area. You must stop this release immediately at its source and place absorbent booms to minimize this discharge per my letter of November 2, 2006. All discharges sources must be identified, cleaned and the pathways permanently eliminated.

In April 2007 it was observed that the totes had been largely emptied but many were left open and collecting precipitation. The waste oil staining the ground outside of the building was being tracked through and spread by equipment. Inside the building, remained a residue of heavily oil stained debris covering at least 1,000 square feet. The oil contaminated pit water also remains. Other sumps and drains in the area where many of totes had accumulated remain contaminated with oily waste debris and residue. Most building areas where waste oil contamination occurs are largely unprotected. At least one oily sump appears to receive storm water and discharges to a drainage way. There were also two approximate 35 gallon drums of waste, leaking red and yellow fluid material onto the ground and a 55 gallon drum of unidentified waste fluid that remains in the tote area after removal of the used/waste oil and totes.

This letter cites additional violations and conditions needed for 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). Please notify Ohio EPA of your schedule in advance of removal and sampling regarding the identified violations of this letter.

NOTICE OF VIOLATIONS

1. **OAC 3745-279-22(D) Response to Releases of Used Oil:** There are observed 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. Representatively sample this waste stream and analyze for RCRA metals by the Toxicity Characteristic Leaching Procedure (TCLP) test Method 1311. The receiving facility of this waste may have additional analytical requirements. You may be able to provide existing sample data to address this matter. Provide Ohio EPA with all sampling and analytical documentation used to characterize this waste stream and all disposal tickets or manifests. 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.

   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.

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 three 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.
4) Documentation that the totes have been sent for proper disposal, reuse or recycling.

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.** You failed to properly manage and evaluate these wastes. The red and yellow fluid wastes were leaking onto the ground.

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.

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. During the recent site visit oily fluid was observed in drainage ways at two locations. Further, with the totes finally removed, it became apparent that at least 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. If you continue to delay response to this matter through cleanup under OAC 3745-279-22(D), you may be referred to our central office enforcement section.

CONCERNS

1) **A former 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 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 or sent off site for proper disposal.

5) **Floor and pottery clay debris** may be contaminated by 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 under the current DHWM action due limited building access 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.

The Ohio EPA considers these violations and concerns serious in nature and 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,

Ron Shadrach

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
Dan Tjoelker, DERR, CO
Jeff Hullinger, CEC

cc: Misty Koletich, Mahoning County Health Department
Doug Burchard, City Manager, Village of Sebring
State Fire Marshall Office
USEPA-Region V, PCB Section

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.