



State of Ohio Environmental Protection Agency

Northwest District Office

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

**RE: Triple Diamond Plastics
Henry County
DHWM, NWDO
Complaint 2837
Notice of Violation/ Return to
Compliance**

September 22, 2009

Mr. Bill Richardson
Triple Diamond Plastics
405 North Pleasantview Drive
Liberty Center, Ohio 43532

Dear Mr. Richardson:

Thank you for sending the documentation in response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notice of Violation (NOV) dated April 2, 2009. The documentation was received by Ohio EPA on May 13, 2009, May 26, 2009, and July 7, 2009. The documentation submitted includes analytical results from sampling the roll off boxes of used oil contaminated soil and waste lint, documentation from the disposal of material at Defiance County Landfill, non-hazardous waste manifests from the shipment of used oil, and photographs of the waste lint area and on site container management (container labeling). Ohio EPA also received analytical results on September 3, 2009, from Alpha Omega Environmental Laboratory Inc. for Ohio EPA's sampling of Triple Diamond Plastics' (TDP's) mop water on July 22, 2009.

After review of the submitted material, TDP will remain a non-generator of hazardous waste and a generator of used oil and universal waste lamps.

My review of the submitted information reveals that TDP has abated all violations discovered during the March 12, 2009, complaint investigation and compliance evaluation inspection and Ohio EPA's site visit on April 9, 2009, as listed below.

Violations:

- 1. Ohio Administrative Code (OAC) Rule 3745-279-22 (C)(1), Used Oil Storage Requirements for Generators:** "Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words 'Used Oil.'"

TDP failed to mark four used oil totes and one used oil tank located south of the building with the words "Used Oil."

On July 7, 2009, Ohio EPA received documentation that included photographs of some container management practices at TDP. These photographs included pictures of labels on several containers at the facility. The containers were labeled either "mop water", "good oil", or "used oil".

Ohio EPA conducted a site visit on July 22, 2009. During the site visit, Ohio EPA observed that all used oil containers were properly labeled "used oil". TDP also stated that COT Puritech (COT) will no longer be used to filter the used oil and all COT containers have been removed from the property.

Therefore, this violation is considered abated on July 7, 2009.

2. OAC Rule 3745-279-24, Off-site Shipments of Used Oil by Generators:

"...generators must ensure that their used oil is transported only by transporters who have obtained U.S. EPA identification numbers." Used oil generators have three options for handling their used oil: 1) Generators must have their used oil transported by an entity that has a U.S. EPA identification number and ensure their used oil is recycled; 2) Generators may transport less than 55-gallons of their own used oil to a registered used oil collection center; or 3) Generators may burn its own used oil in an on-site space heater as long as all applicable requirements are met.

TDP gave used oil to an employee to burn for heating purposes. TDP failed to ensure that the used oil was transported by a transporter who had obtained a U.S. EPA identification number.

On July 7, 2009, Ohio EPA received documentation that DISC Environmental removed the used oil from TDP. Once the used oil leaves TDP, the water portion is separated from the used oil and the used oil is recycled through energy recovery.

Therefore, this violation is considered abated on July 7, 2009.

- 3. OAC Rule 3745-279-22 (D), Used Oil Requirements for Generators:** "Response to releases. Upon detection of a release of used oil to the environment that is not subject to the requirements of Chapter 1301:7-9 of the Administrative Code and which has occurred after October 20, 1998, a generator must perform the following cleanup steps: (1) Stop the release; (2) Contain the released used oil; (3) Clean up and manage properly the released used oil and other materials; and (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service."

TDP failed to clean up and properly manage used oil in the following locations: around the smoking area located west of the building; south of the building where used oil totes were being stored at the time of the inspection; around the southwest corner of the facility; west of the facility where tubs were being stored at the time of the inspection; and around the drain by the truck loading dock.

On May 26, 2009, Ohio EPA received documentation from TDP that included analytical results from the sampling of the used oil contaminated soil that had been excavated. These results showed the waste was non-hazardous. Additionally, Ohio EPA received results on June 3, 2009, from Ohio EPA's sampling of wastes at TDP. These results also showed that the used oil contaminated soil was non-hazardous.

On July 7, 2009, Ohio EPA received documentation that the used oil contaminated soil was taken to Defiance County Landfill for disposal.

Therefore, this violation is considered abated on July 7, 2009.

4. **OAC Rule 3745-52-11, Hazardous Waste Determination:** "Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste..."

TDP stores certain products outside for portions of time during the year. Prior to use, these products are brought inside the building near the loading dock to melt any snow accumulation. This snowmelt is then squeegeed out the loading dock door and into the drain/pit below. After observation of the drain/pit area located by the loading dock, it appears that used oil/water from processes other than snowmelt may also be disposed of in this fashion.

TDP failed to evaluate the waste water being squeegeed out the loading dock door and into the drain below prior to disposal in this fashion.

Ohio EPA sampled the mop water at TDP on July 22, 2009. During that site visit, Ohio EPA asked TDP if they had figured out where the drain/pit by the loading dock emptied. TDP stated that they could not locate any blueprints for the building and were unsure if the drain emptied to the local waste water treatment plant.

On September 3, 2009, Ohio EPA received analytical results that show the mop water at TDP is non-hazardous. Even though this mop water is non-hazardous, it still cannot be disposed of through the drain/pit system by the loading dock since it contains large amounts of used oil and TDP does not know where the drain/pit empties. Therefore, TDP should continue to have the used mop water picked up by DISC Environmental for disposal.

Therefore, this violation is considered abated on September 3, 2009.

Additional Violation:

The following violation is being cited in response to a site visit conducted by Ohio EPA's DHWM on April 9, 2009. However, this violation has already been abated, as is outlined below.

5. **OAC Rule 3745-52-11, Hazardous Waste Determination:** "Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste..."

TDP cleans out the air filters from the vacuum system by dumping the accumulated lint on the ground on the north side of the building.

TDP failed to evaluate the lint prior to disposing of it on the ground.

On May 26, 2009, Ohio EPA received documentation from TDP that included analytical results from the sampling of the lint. These results showed that the lint was non-hazardous waste. On July 7, 2009, Ohio EPA received documentation that the lint was taken to Defiance County Landfill for disposal.

Therefore, this violation is considered abated on July 7, 2009.

General Concerns:

- A. **Used Oil Tanks and Totes:** TDP should be aware that depending on how much used oil is stored on site at one time, TDP may be required to have a Spill Prevention, Control and Countermeasure Plan (SPCC). For more information the fact sheet titled Understanding the Spill Prevention, Control and Countermeasure (SPCC) Requirements, dated March 2007, was given to TDP.

This general concern serves as a reminder to TDP and is considered addressed per the April 2, 2009, NOV.

- B. **Spent Lamps:** During the inspection, TDP was unsure how the spent lamps were being managed. It was unclear when the last spent lamp was generated. However, both TDP representatives that Ohio EPA has spoken to have told Ohio EPA that they are aware the spent lamps must be recycled and cannot be thrown into the trash. For more information on the proper management of spent lamps, the following fact sheets were given to TDP: Universal Waste Rules for Handlers of Lamps, dated June 2005; Fluorescent Lamps: What You Should Know, dated January 2007; Computer, Fluorescent Lamp and Ballast Recyclers, dated November 2008; and Universal Waste, dated December 2004.

Ohio EPA received documentation on July 7, 2009, that a spent lamp recycling box has been purchased. Ohio EPA would like to remind TDP that universal waste lamps can only be stored on site for 365 days. The container storing the universal waste lamps should also be closed at all times, unless a lamp is being added to the container, and it should be labeled "Universal Waste-Lamp(s)", "Waste Lamp(s)", or "Used Lamp(s)".

This general concern is considered addressed on July 7, 2009.

- C. **COT-PURITECH:** During the inspection, TDP told Ohio EPA that a company comes to the facility and filters the used oil through a truck system while on site. Clean oil is then released after filtration to be used again by TDP. TDP was unsure of the name of the company. However, Ohio EPA found the name COT-PURITECH and phone number located on the label of one of the blue totes. Ohio EPA called COT-PURITECH (COT) on March 25, 2009, and COT confirmed that used oil filtration has been conducted by COT at TDP. COT explained that all impurities from the used oil are filtered out of the used oil through the truck system while COT is on site. The cleaned oil is then deposited into a tote to be used again while the impurities from the used oil are deposited into a separate drum. These impurities are not taken off-site by COT but are left for TDP to dispose of properly through a different facility.

During a site visit by Ohio EPA on July 22, 2009, TDP stated that COT will not be contacted again to filter any used oil that is generated on site. All COT containers have been taken off site by COT. Used oil will now be recycled through DISC Environmental.

This general concern is considered addressed on July 22, 2009.

- D. **Paint:** During the inspection, Ohio EPA noted 19 drums of PPG Olympic Canyon Latex Coating located in the northwest corner of the fenced lot. At the time of the inspection, TDP did not know what the paint was being used for. However, Ohio EPA later found out the paint was purchased in order to paint the building. However, the paint has not been used to paint the building and has been sitting outside for several years.

Since this paint has been exposed to the elements for several years, it may be unfit for painting the buildings at TDP and considered a waste. TDP must contact the manufacturer to research potential uses for this paint. It is possible that this paint can be shipped back to the manufacturer to be reworked and used to paint the TDP buildings or used as a raw product in other paint materials without further processing. Otherwise TDP may need to dispose of this paint as a hazardous waste if a use cannot be used without further processing the paint.

Ohio EPA received documentation on July 7, 2009, that TDP has inspected the paint and determined the paint to be usable. TDP stated that the paint will be used to paint the building.

Ohio EPA would like to remind TDP that if the paint becomes unusable by TDP and it becomes a waste, then TDP is obligated to evaluate it under OAC 3745-52-11 prior to disposal.

This general concern is considered addressed on July 7, 2009.

- E. Tubs located west of building:** During the inspection, Ohio EPA found six (6) plastic tubs located west of the building. TDP did not know what was in the tubs. However, the contents appeared to have an oily sheen. Within 30 days of receipt of this letter, TDP must submit information that describes what is being stored in these tubs. If these tubs contain the used oil impurities from the filtration of used oil, then TDP must properly dispose of these impurities at a proper used oil recycling facility or dispose of these impurities as waste. If TDP disposes of this material as a waste, then a proper waste evaluation must be completed prior to disposal. This may include obtaining a chemical analysis of a representative sample of the waste being stored in the tubs. Within 30 days of receipt of this letter, TDP must submit bills of lading or manifests that show this material has been sent off site. TDP must describe how this waste will be recycled as used oil or disposed of as waste.

On July 7, 2009, Ohio EPA received documentation that the tubs contained used oil and were recycled by DISC Environmental. Ohio EPA would like to remind TDP that used oil must be stored in sound containers that are properly labeled "Used Oil".

This general concern is considered addressed on July 7, 2009.

- F. Loading Dock Drain/Pit:** During the inspection, TDP did not know if the drain/pit by the loading dock is tied into the Village sewer system or into the storm sewers. TDP should contact the Village of Liberty Center to determine if the drain/pit by the loading dock and any other drains in the facility are connected to the Village sewerage system. Ohio EPA is concerned that TDP has a potential pathway for contamination to reach the storm sewers and waters of the state.

If wastewater is discharging from TDP's drain into the storm sewers, then TDP is considered a Direct Discharger and will need to apply for a National Pollutant Discharge Elimination System (NPDES) permit. To meet the requirements of this permit, TDP would need to install a treatment system which will require the submittal of detailed plans and a Permit to Install (PTI) application.

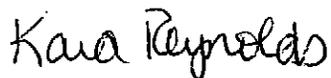
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Ohio EPA's DHWM does not have jurisdiction over discharges to the storm or sewer systems. However, DHWM does regulate the disposal of used oil and hazardous waste. TDP must immediately cease disposing of any waste or used oil through the drains/pits located at the facility. DHWM has notified DSW concerning the potential pathway for contamination through the drains at TDP. DSW may contact TDP in the future to discuss the drain system in more detail.

This general concern serves as a reminder to TDP and is considered addressed per the April 2, 2009, NOV.

TDP should continue to work with Ohio EPA's Division of Surface Water and Division of Air Pollution Control to address any outstanding concerns and/or violations. Should you have any questions, please feel free to call me at (419) 373-3065.

Sincerely,



Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/llr

pc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
(DHWM, NWDO, Henry County File: Triple Diamond Plastics)

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.