



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6480
www.epa.state.oh.us

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

July 24, 2008

**GALLIA COUNTY
OHIO VALLEY ELECTRIC COMPANY
KYGER CREEK STATION
DHWM/SEDO
OHD049651854**

Mr. Gary Edwards
Ohio Valley Electric Company
PO Box 372
Cheshire, Ohio 45620

Dear Mr. Edwards:

On April 24, 2008, Vicky German and I performed a compliance inspection to determine your facility's compliance with Ohio's hazardous waste laws and regulations as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

Based on our observations and review of facility documentation during this inspection, a Notice of Violation letter was sent to you on June 3, 2008. I received your response on May 6, 2008. Please provide the requested information within thirty days of the date of this letter:

- (1) **OAC rule 3745-52-41(B), Annual report:** Any generator who treats, stores or disposes of hazardous waste on-site must submit an annual report covering those wastes in accordance with the applicable provisions of rules 3745-50-40 to 3745-50-66 and chapters 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256 and 3745-266 of the Administrative Code.

Until Ohio EPA receives the information requested in (c) below, Ohio EPA cannot return you to compliance on this violation.

- (2) **OAC rule 3745-273-14 (E), Labeling/marketing standards for small quantity handlers of universal waste:** Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal waste -Lamps" or "Waste Lamps" or "Used Lamps."

The May 6, 2008 response states that the photographs included indicate that the containers have been properly labeled. That could not be determined from these photographs. Please provide additional photographs indicating that the containers have been properly labeled.

Other compliance issues:

- (a) Please provide documentation indicating whether OVEC had trained personnel who handle universal wastes (e.g., batteries, fluorescent bulbs) on proper management procedures per OAC rule 3745-273-16. The training documentation which was provided did not appear to include universal waste.
- (b) The May 6, 2008 response stated that a Universal Waste manifest for the spent lamps was included in the response but it was not. Please provide a copy of the two most recent manifests.
- (c) You have stated that the #5 boiler cleanout and rinse solution that originally exceeded the TCLP limit for chromium was treated in a Totally Enclosed Treatment Facility (TETF) by dilution (not boiler rinse). You have stated that this boiler clean out waste was collected and treated in a series of frac tanks. However, the definition of TETF states that it "...is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment". OVEC should provide all documentation regarding the construction and operation of the frac tank system, including a description of all equipment used (e.g., piping, pumps tanks), where it was constructed (could releases be contained in some manner) and the results of any inspections performed on the system to identify leaks or damage that could result in leaks. Without this documentation, Ohio EPA cannot verify that OVEC's system meets this exemption.

If you have any questions regarding waste management or pollution prevention activities, please call me at (740) 380-5278. If you have any pollution prevention questions or would be interested in a pollution prevention assessment, please call Donna Goodman at (740) 380-5293.

Sincerely,



Richard Stewart
District Representative
Division of Hazardous Waste Management

RS/mlm/dh

cc: Gabriel Coriell, OVEC

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.