

**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

July 25, 2011

**JEFFERSON COUNTY
AMERICAN ELECTRIC POWER -CARDINAL
DMWM/SEDO
OHD 051 139 202**

Mr. Steven Orenchuk
American Electric Power
1 Riverside Plaza - 22
Columbus, Ohio 43215

Dear Mr. Orenchuk:

I received your response to my June 16, 2011 Notice of Violation (NOV) letter on July 18, 2011. In this response, American Electric Power (AEP) stated that AEP's regulatory interpretation of the CMCW tank meets the definition of a totally enclosed treatment facility as defined in OAC 3745-50-10(A)(126) and is exempt from RCRA's requirements for a tank system. AEP further states that AEP intends to address all six of the issues raised in Ohio EPA's June 16, 2011 letter. To demonstrate compliance with the cited violations in the June 16, 2011 NOV, appropriate controls will be installed and a tank assessment will be performed on the chemical metal cleaning waste tank and a final report will be submitted by AEP by November 1, 2011 or earlier.

Ohio EPA disagrees with AEP's regulatory interpretation. The definition of a "Totally enclosed treatment facility" means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. The term "industrial production process" was meant to include only those processes which produce a product, an intermediate, a byproduct, or a material which is used back in the production process. In addition, the CMCW tank is not directly connected to the boiler where it is being evaporated.

As discussed previously, Ohio EPA would like to let AEP know that we are having discussions with USEPA about your practice of feeding boiler cleanout wastewaters into your boilers. The following violations will remain outstanding until Ohio EPA receives the report from AEP and the appropriate controls are installed on the CMCW tank:

- (1) **General operating requirements, OAC rule 3745-66-94(B)**: The owner or operator shall use appropriate controls and practices to prevent spills and overflows from tank or secondary containment systems. These include at a minimum: (1) Spill prevention controls (e.g., check valves, dry disconnect couplings); (2) Overfill prevention controls (e.g., level sensing devices, high level alarms, automatic feed cutoff, or bypass to a standby tank); and (3) Maintenance of sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.

The hazardous waste tank is not equipped with proper overflow preventive equipment. AEP must install an overflow prevention control device as required by this rule.

- (2) **Design and installation of new tank systems or components, OAC rule 3745-66-92(A)**: Owners or operators of new tank systems or components must ensure that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the waste(s) to be stored or treated, and corrosion protection so that it will not collapse, rupture, or fail. The owner or operator must obtain a written assessment reviewed and certified by a qualified, professional engineer in accordance with paragraph (D) of rule 3745-50-42 of the Administrative Code attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.

During the site visit, AEP could not document that a written assessment was conducted on the tank system as required by this rule. During the June 9, 2011 meeting, AEP submitted a copy of an API 653 Internal/External Out of Service Inspection report and a Permit to Install Plan. I have reviewed these documents; however, the information contained in these documents does not meet the requirements of this rule.

- (3) **Design and installation of new tank systems or components, OAC rule 3745-66-92(G)**: The owner or operator must obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements of paragraphs (B) to (F) of this rule to attest that the tank system was properly designed and installed and that repairs, pursuant to paragraphs (B) and (D) of this rule were performed. These written statements must also include the certification statement as required in paragraph (D) of rule 3745-50-42 of the Administrative Code.

During the site visit, AEP could not provide the required written statements. To demonstrate compliance with this rule, a tank system assessment must be performed and any required equipment is installed.

- (4) **Containment and detection of releases. OAC rule 3745-66-93(E)**: Secondary containment systems must satisfy the following requirements.: (1) External liner systems must be: (a) Designed or operated to contain one hundred per cent of the capacity of the largest tank within its boundary; (b) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a twenty-five-year, twenty-four-hour rainfall event;(c) Free of

cracks or gaps; (d) Designed and installed to completely surround the tank and to cover all surrounding earth likely to come into contact with the waste if released from the tank(s) (i.e., capable of preventing lateral as well as vertical migration of the waste).

During the site visit, AEP could not provide the information required by this rule. During the June 9, 2011 meeting, AEP submitted a copy of an API 653 Internal/External Out of Service Inspection report and a Permit to Install Plan. I have reviewed these documents; however, the information contained in these documents does not meet the requirements of this rule. AEP must submit documentation that the external liner meets the above requirements.

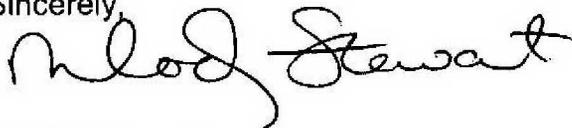
- (5) **Containment and detection of releases. OAC rule 3745-66-93(C):** To meet the requirements of paragraph (B) of this rule, secondary containment systems must be, at a minimum: (1) Constructed of or lined with materials that are compatible with the waste(s) to be placed in the tank system and must have sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation (including stresses from nearby vehicular traffic); (2) Placed on a foundation or base capable of providing support to the secondary containment system and resistance to pressure gradients above and below the system and capable of preventing failure due to settlement, compression, or uplift; (3) Provided with a leak detection system that is designed and operated so that it will detect the failure of either the primary and secondary containment structure or any release of hazardous waste or accumulated liquid in the secondary containment system within twenty-four hours, or at the earliest practicable time if the existing detection technology or site conditions will not allow detection of a release within twenty-four hours; (4) Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked waste and accumulated precipitation must be removed from the secondary containment system within twenty-four hours, or in as timely a manner as is possible to prevent harm to human health or the environment, if removal of the released waste or accumulated precipitation cannot be accomplished within twenty-four hours.

During the site visit, AEP could not provide the information required by this rule. During the June 9, 2011 meeting, AEP submitted a copy of an API 653 Internal/External Out of Service Inspection report and a Permit to Install Plan. I have reviewed these documents; however, the information contained in these documents does not meet the requirements of this rule. AEP must submit documentation that the secondary containment meets the above requirements.

Mr. Steven Orenchuk
American Electric Power
July 25, 2011
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If you have any questions regarding this letter, please call me at (740) 380-5256.

Sincerely,

A handwritten signature in cursive script that reads "Melody Stewart". The signature is written in black ink and is positioned below the word "Sincerely,".

Melody Stewart
District Representative
Division of Materials and Waste Management

MS/mlm

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 appropriate regulations.