



State of Ohio Environmental Protection Agency

Southeast District Office

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

May 12, 2008

**LAWRENCE COUNTY
SUPERIOR MARINE
DHWM/SEDO
OH0000361840**

Mr. Bill Hunt
Director E H & S
Superior Marine Inc.
P.O. Box 519
South Point, OH 45680

Dear Mr. Hunt:

I received your response to my February 5, 2008 Notice of Violation (NOV) letter on March 6, 2008. Additional documentation was provided to us during our on-site visit and meeting at the Proctorville facility on April 2, 2008. You also e-mailed me information on April 3 and April 21, 2008. The documentation you submitted included manifests and receipts for waste shipments, photographs of used oil drums, sampling and analysis results of the burn pile area and hopper barge debris, and a draft Best Management Practices (BMP).

My review of this documentation reveals that Superior Marine has adequately demonstrated abatement of the following violations discovered during the January 23, 2008 inspection:

- (1) **OAC Rule 3745-52-11, Hazardous Waste Determination**
- (2) **OAC Rule 3745-279-22(C)(1), Used Oil Storage Requirements for Generators**

However, Superior Marine remains in violation of the following hazardous waste law:

- (3) **ORC Section 3734.02(E) and (F), Prohibitions:** (E) No person shall establish or operate a hazardous waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with Section 3734.05 of the Ohio Revised Code.

(F) No person shall treat, store, or dispose of hazardous waste identified or listed under this chapter and the rules adopted under it, regardless of whether generated on or off premises where the waste is treated, stored, or disposed of.

During the January 23, 2008 inspection, Ohio EPA observed a 55-gallon drum in the storage shed that had been used as a burn barrel, with paint waste in the bottom of the drum. Based on this information, Superior Marine treated a D001/F003/F005 hazardous waste, in violation of this law. Superior Marine does not have a permit to treat hazardous waste on-site; therefore, Superior Marine has established an unpermitted hazardous waste facility.

Ohio EPA considers this violation to be very serious in nature. Abatement of this violation will require your facility to take measures to demonstrate a return to compliance. Superior Marine must immediately arrange to have the burn drum (and all hazardous waste drums) manifested off-site, and submit copies to this office of all manifests and land disposal restriction forms associated with the off-site shipment of these wastes. In addition, Superior Marine must submit written documentation (e.g., waste management plan) to this office describing how the facility will manage hazardous wastes in the future.

Superior Marine submitted manifests to Ohio EPA showing that the burn drum and other hazardous waste drums were sent off-site to Safety Kleen. On April 21, 2008, you also submitted a draft BMP plan to me. I reviewed the plan and e-mailed comments to you on May 1, 2008. Superior Marine must address Ohio EPA's comments on the BMP, and submit a revised plan to this office.

Please submit documentation demonstrating abatement of the above outstanding violation **within 30 days** of your receipt of this letter.

GENERAL COMMENT

- (a) You indicated that the Superior Marine Proctorville facility is a Conditionally Exempt Small Quantity Generator (CESQG). As we explained during the inspection, CESQG's are allowed to accumulate up to five 55-gallon drums at any time. However, during the inspection, Ohio EPA observed at least twelve (12) 55-gallon drums of hazardous waste stored on-site. As we discussed during the April 2, 2008 site visit, please provide information concerning monthly paint waste generation amounts.

If you should have any questions, please feel free to contact me at (740) 380-5288.

Sincerely,



Scott N. Bergreen
Environmental Specialist
Division of Hazardous Waste Management

SNB/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 applicable regulations.