



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8504 FAX: (740) 385-6490
www.epa.state.oh.us

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

December 15, 2010

**MONROE COUNTY
SLAY TRANSPORTATION CO.
DHWM/SEDO
OHD000040808**

Mr. Patrick Knowlton
Slay Transportation Co. Inc.
34684 State Route 7
PO Box 234
Sardis, Ohio 43946

Dear Mr. Knowlton:

On October 19, 2010, I performed a compliance evaluation inspection of Slay Transportation's (Slay) facility and operations to determine its 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).

Based on this inspection, a Notice of Violation letter was issued to you on November 2, 2010. I received your response on December 2, 2010. Based on the documentation provided in the response, Slay has returned to compliance with the following regulations:

- i) OAC rule 3745-52-34(A)(2) Accumulation time of hazardous waste;
- ii) OAC rule 3745-66-74 Inspections;
- iii) OAC rule 3745-65-33 Testing and maintenance of equipment.

Please provide the additional documentation requested below within forty-five days of the date of this letter. Slay remains in violation of the following hazardous waste laws:

(1) 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 using the following method...determine if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35, and then determine whether the waste is identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code by either: (1) Testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or according to an equivalent method approved by the Region V Administrator of U.S. EPA pursuant to 40 CFR 260.21; or (2) Applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

Based on documentation provided in the December response, hazardous waste determination has been performed for the following wastes: tanker wash water and wash water sludge. Compliance with this rule will be demonstrated once the waste evaluation has been received for the spent carbon in the "knock-out" drum (formerly used to collect vapors).

- (2) **OAC rule 3745-65-16 Personnel training:** Facility personnel must successfully complete a program of instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code. The owner or operator must ensure that this program includes all the elements described in the document required under paragraph (D)(3) of this rule.

Slay's response states that once personnel training materials and the Emergency Action Plan is completed, Slay will train the employees and submit the required documentation. Slay expects training to be completed by the end of January. Slay will demonstrate compliance once the documentation required by paragraph (D) of this rule has been received.

- (3) **OAC rule 3745-65-54(D) Amendment of contingency plan:** The contingency plan must be reviewed, and immediately amended if necessary, whenever: the list of emergency coordinators changes.

The contingency plan was not found during the inspection, I understand a copy of the original plan was later found (dated 2001). Slay's response states that the Emergency Action Plan will be completed by mid-January. To demonstrate compliance, please provide a copy of the updated plan (or change pages) to this office and show that the local emergency agencies/responders have also been notified of these changes.

Additional Compliance Concern:

You stated that the methyl-ethanolamine (MEA) solution used to clean the tankers goes to Bayer. My question actually is not how your facility manages it, but how does Bayer manage it - as a waste or as a usable or recyclable material? Please provide documentation supporting your response or provide a contact at Bayer.

You can find more information about pollution prevention, including fact sheets, at the following web address: <http://www.epa.state.oh.us/ocapp>. If you would like to be considered for an in-depth on-site pollution prevention assessment, or if you would like more information about pollution prevention assessments, please contact me at (740) 380-5278. You can also find copies of the rules and other information on Ohio EPA's web page at <http://www.epa.state.oh.us>.

Mr. Patrick Knowlton
Slay Transportation Co.
December 15, 2010
Page 3

If you have any questions regarding these issues, waste management, or recycling; please call me at (740) 380-5278.

Sincerely,



Richard Stewart
District Representative
Division of Hazardous Waste Management

RS/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.