



State of Ohio Environmental Protection Agency

Southeast District Office

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Ted Strickland, Governor
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December 14, 2007

**ROSS COUNTY
ROCAL INC.
DHWM/SEDO
OHD990780777
OHD981153601**

Mr. Tom Baldwin
Rocal, Inc.
3186 County Road 550
Frankfort, Ohio 45628

Dear Mr. Baldwin:

I received your responses to my July 30, 2007 Notice of Violation (NOV) letter on August 23, September 20, September 29, and December 7, 2007. The documentation you submitted included photographs of the evaporation tank system, manifests and LDR forms for your waste streams, and a tank assessment for the tanks in the evaporator unit.

My review of this documentation reveals that Rocal has adequately demonstrated abatement of the following violations discovered during the June 26, 2007 inspection. These violations are separate from those violations previously cited in Ohio EPA's June 14, 2007 Notice of Violation letter which was sent to Mr. Bill Shaklee. Note that to date, Ohio EPA has never received a response to its June 14, 2007 NOV letter and is still awaiting a response.

Rocal new/second facility (OHD990780777):

- (1) ORC 3734.02(E)(F), Prohibitions;**
- (2) OAC Rule 3745-52-34 (A)(3), Accumulation Time of Hazardous Waste;**
- (3) OAC Rule 3745-52-34(A)(3), Accumulation Time of Hazardous Waste;**
- (4) OAC Rule 3745-66-73, Management of Containers;**

However, based on information submitted in your response, Rocal either remains in violation or is now in violation of the following hazardous waste laws:

- (1) OAC Rule 3745-66-92(G) and (B), Design and Installation of New Tank Systems or Components:** (G)The owner/operator must obtain and keep on file written statements by those persons required to certify that the tank system was properly designed and installed, and that repairs, pursuant to paragraph B of this rule, were made. (B) Prior to placing a tank system into use, an independent, qualified inspector or engineer must

Mr. Tom Baldwin
Rocal Old and New Facilities
December 14, 2007
Page 2

inspect the tank system or components for weld breaks, punctures, scrapes of protective coatings, cracks, corrosion or other structural damage or inadequate installation.

Rocal submitted a tank integrity assessment which certifies that the evaporator tank system was adequately designed and acceptable for accumulation of hazardous waste, however, the assessment fails to address whether the tank system was properly installed, pursuant to this rule.

In order to abate this violation, Rocal must (G) submit an amendment to the tank assessment that includes a determination that the tank system and ancillary equipment were properly reinstalled after the secondary containment system was sealed. (B) The amendment should include a statement that deficiencies were corrected (i.e., the floor of the secondary containment system was sealed and the sealant properly applied) before the tank system was put back into use. The amendment must include a certification statement as required in paragraph (D) of rule 3745-50-42 of the OAC.

General Comments

On page 2 of the tank assessment, the vertical storage tank and mixing tank are described as being constructed of LDPE. On page 3 of the assessment, they are described as being constructed of HDLPE. Please clarify which material the tanks are constructed of, and submit amended pages of the tank assessment to correct this.

Enclosed for your records is a tank checklist that was completed as a result of information that you submitted in response to Ohio EPA's July 30, 2007 NOV letter. Please submit all requested information **within 30 days** of the date of this letter demonstrating that all violations have been abated. Should you have any questions, please feel free to call me at 740-380-5293.

Sincerely,



Donna Goodman
District Representative
Division of Hazardous Waste Management

DG/mlm

cc: William B. Shaklee, Squire, Sanders and Dempsey
Francis Kovac, CO/Legal
Ike Wilder, CO/DHWM

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.

TANK SYSTEM REQUIREMENTS (OAC rule 3745-52-34(A) and OAC rules 3745-66-100)

(Please refer to the rules before or while completing this checklist.)

1. Is each tank clearly labeled/marked with the words "Hazardous Waste" [3745-52-34(A)(3)]? Yes No N/A

TANK SYSTEM – GENERAL OPERATING REQUIREMENTS

2. Does the o/o follow the general operating requirements below:
- a. Does the o/o prevent placement of hazardous waste or treatment reagents in tank or secondary containment if such placement can cause the system to leak, rupture, corrode, or otherwise fail?[3745-66-94(A)], Yes No N/A
- b. Does the o/o use appropriate controls to prevent spills or overflows from the system (e.g., check valves, dry disconnect couplings, high level alarms, etc.)?[3745-66-94(B)] Yes No N/A
- c. If a leak or spill has occurred in the tank system, has the o/o complied with 3745-66-96?[3745-66-94(C)] Yes No N/A

TANK SYSTEM – INSPECTION REQUIREMENTS

3. Has the o/o documented the inspections required in 3745-66-95, in the operating record, including inspection of the following:
- a. Spill control equipment each operating day? [3745-66-95(A)(1)] Yes No N/A
- b. Above ground portion of tank each operating day?[3745-66-95(A)(2)] Yes No N/A
- c. Data from leak detection equipment each operating day?[3745-66-95(A)(3)] Yes No N/A
- d. Construction materials and area immediately surrounding the tanks for signs of erosion or release of hazardous waste each operating day?[3745-66-95(A)(4)] Yes No N/A

NOTE: "Each operating day" is each day that the tank system is being used to manage (store or treat) hazardous waste.

4. Where applicable, the cathodic protection system to confirm proper operation within six months of initial installation and annually thereafter?[3745-66-95(B)(1)] Yes No N/A
5. Where applicable, all sources of impressed current at least bi-monthly?[3745-66-95(B)(2)] Yes No N/A

TANK SYSTEM CLOSURE REQUIREMENTS

6. If the generator has closed a <90 day tank, closure must also be completed in accordance with OAC 3745-66-97 (except for paragraph C of this rule). Yes No N/A

TANK SYSTEMS STORING IGNITABLE OR REACTIVE WASTES

7. For tanks used or treat or store ignitable or reactive wastes, has the o/o complied with **one of the following**: [3745-66-98(A)] Yes No N/A
- a. Is the waste treated immediately after placement in the tank so that the resultant mixture is no longer ignitable or reactive and the o/o has conducted such activities in compliance with 3745-66-17(B)?[3745-66-98(A)]; **OR** Yes No N/A
- b. Is the waste stored or treated to protect it from materials or conditions which may cause ignition or reaction?[3745-66-98(A)]; **OR** Yes No N/A
- c. The tank is used solely for emergencies?[3745-66-98(A)] Yes No N/A
8. If ignitable or reactive waste is stored or treated, are protective distances maintained between waste management areas and any public streets, alleys or adjoining property lines as required by the NFPA Flammable and Combustible Liquids Code (1996)? [3745-66-98(B)] Yes No N/A
9. Has the o/o placed incompatible wastes or materials into the same tank system, or into a tank system that has not been decontaminated and which previously held an incompatible waste or material?[3745-66-99(A) and/or (B)] Yes No N/A
- a. **If so**, have the requirements of 3745-65-17(B) been met?[3745-66-99(A) and/or (B)] Yes No N/A

TANK SYSTEM – WASTE ANALYSIS REQUIREMENTS

10. In addition to conducting the waste analysis required by 3745-65-13, when the tank system is used to store or treat a waste which is substantially different or uses a substantially different process than previously used, has the o/o done one of the following:[3745-66-100]
- a. Conducted waste analysis and trial treatment or storage tests?[3745-66-100(A)]; **OR** Yes No N/A
- b. Obtained written documentation on similar waste under similar operating conditions to show that the proposed storage/treatment will meet the requirements of OAC 3745-66-94? [3745-66-100(B)] **Unknown** Yes No N/A

TANK SYSTEMS REQUIREMENTS

11. Is there a written assessment attesting that the design, installation and structural integrity of the system is adequate for the management of hazardous waste(s)?[3745-66-92(A)] Yes No N/A

NOTE: You should review the file to see if the written assessment has been previously reviewed and what the results were.

12. Does the written assessment include the following:[3745-66-92(A)]
- | | | | | | | |
|--|-----|-------------------------------------|----|--------------------------|-----|-------------------------------------|
| a. Certification by an independent registered, professional engineer?[3745-66-92(A)] | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| b. Consideration of the design standards of the system?[3745-66-92(A)] | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| c. Consideration of the hazardous characteristics of the waste(s)?[3745-66-92(A)] | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| d. An evaluation by a corrosion expert (if the external system/components are metal)?[3745-66-92(A)] | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| e. A determination of design and operational measures that will be needed to protect the tank system from potential damage (for underground tank components)?[3745-66-92(A)] | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| f. Design considerations to ensure that the tank foundations will maintain the load of a full tank?[3745-66-92(A)] | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| g. Design considerations for anchoring the unit to prevent floatation (for tanks situated in a seismic fault zone or saturated zone)?[3745-66-92(A)] | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| h. Design considerations to ensure that the tank system will withstand the effects of frost heave(for underground tank systems)?[3745-66-92(A)] | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |

NOTE: CO-DHWM Engineering staff are available to assist you with evaluation of the written assessment.

13. Are there written statements by those persons who supervised installation or certified design of the new tank system, that the tank system was properly installed and designed and that required repairs were performed?[3745-66-92(G)] **The tank assessment does not address proper installation.**
- | | | | | | | |
|--|-----|--------------------------|----|-------------------------------------|-----|--------------------------|
| | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
|--|-----|--------------------------|----|-------------------------------------|-----|--------------------------|

Do the written statements address all of the following:

- | | | | | | | |
|---|-----|--------------------------|----|-------------------------------------|-----|-------------------------------------|
| a. Inspection for damage and/or inadequate construction and installation was conducted?[3745-66-92(B)] | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
| b. Statement that deficiencies were corrected before the tank system was covered or put into use?[3745-66-92(B)] | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
| c. Proper backfilling?[3745-66-92(C)] | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| d. Tightness test; if the tank was found not to be tight, does the statement indicate that proper repairs were made?[3745-66-92(D)] | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| e. Proper support and protection of ancillary equipment?[3745-66-92(E)] | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| f. Supervision of the installation of field fabricated corrosion protection?[3745-66-92(F)] | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |

SECONDARY CONTAINMENT

14. Has secondary containment been provided? Yes No N/A

NOTE: All tank systems must have secondary containment at this point, except for tank systems that store/treat materials that become hazardous waste after January 12, 1987, must have secondary containment required within the time intervals in [3745-66-92(A)(1)] to (A)(4). The date the material became a hazardous waste must be used in place of January 12, 1987.[3745-66-92(A)(5)]

15. Is secondary containment one of the following:
- | | | | | | | |
|---|-----|-------------------------------------|----|--------------------------|-----|-------------------------------------|
| a. An External Liner? [3745-66-93(E)(1)] If so, | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| i. Is liner designed or operated to contain 100% of the capacity of the largest tank? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| ii. Is liner designed and operated to prevent run-on and infiltration or the collection system has <u>excess</u> capacity to contain run-on and infiltration from a 25-year, 24-hour storm? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| iii. Is liner free of cracks and gaps? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| iv. Does liner completely surround the tank and cover all earth likely to be contacted by waste during a release? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| v. Are chemically resistant water stops in place at all points? (concrete liners only) | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| vi. Is there a compatible interior coating or lining to prevent migration of waste into the concrete? (concrete liners only) | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| b. Vault System? [3745-66-93(E)(2)] If so, | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| i. Is vault system designed to contain 100% of the capacity in the largest tank? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| ii. Is liner designed and operated to prevent run-on and infiltration or the collection system has <u>excess</u> capacity to contain run-on and infiltration from a 25-year, 24-hour storm? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| iii. Are chemically resistant water stops in place at all points? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |

- iv. Is there a compatible interior coating to prevent migration into the concrete? Yes No N/A
- v. For **ignitable or reactive waste**: Is the vault system provided with means to prevent against the formation or ignition of vapors? Yes No N/A
- vi. Is vault system provided with an exterior moisture barrier? Yes No N/A
- c. **Double-Walled Tank?** [3745-66-93(E)(3)] If so,
 - i. Is double-walled tank designed as an integral structure to contain any release from the inner tank? Yes No N/A
 - ii. If **metal**, are the primary tank interior and outer shell exterior surfaces protected from corrosion? Yes No N/A
 - iii. Is double-walled tank provided with a continuous leak detection system able to detect a release within 24 hours or at the earliest practicable time? Yes No N/A
- d. **An Equivalent Device?** As described in 3745-66-93(D)(4) which has been approved by the director? [3745-66-93(D&E)] Yes No N/A

SECONDARY CONTAINMENT DESIGN/OPERATION/INSTALLATION

- 16. Has each secondary containment system been designed, installed and operated to prevent any migration of wastes or liquid to the soil, groundwater, or surface water and is it capable of detecting and collecting releases and accumulated liquids?[3745-66-93(B)(1) and (2)] Yes No N/A
- 17. Does the secondary containment system meet the following minimum requirements of [3745-66-93(C)]:
 - a. Constructed or lined with compatible materials of sufficient strength to prevent failure?[3745-66-93(C)(2)] Yes No N/A
 - b. Placed on a foundation or base capable of providing support?[3745-66-93(C)(2)] Yes No N/A
 - c. Provided with a leak detection system designed/operated to detect failure to primary or secondary containment or any release of hazardous waste within 24 hours or at earliest practicable time?[3745-66-93(C)(3)] **Leak detection is achieved via daily tank inspections by facility personnel.** Yes No N/A
 - d. Sloped or designed to drain and remove liquid resulting from leaks, spills or precipitation?[3745-66-93(C)(4)] Yes No N/A
 - e. Any liquid which accumulates in the containment unit resulting from spills, leaks or precipitation removed within 24 hours or in a timely manner?[3745-66-93(C)(4)] Yes No N/A

ANCILLARY EQUIPMENT REQUIREMENTS

- 18. Is ancillary equipment provided with secondary containment (such as double-walled piping, jacketing or a trench)? Yes No N/A
- If not, is the ancillary equipment one of the following:* [3745-66-93(F)]
 - a. Above ground piping (exclusive of flanges, joints, valves and connections) that is inspected daily? Yes No N/A
 - b. Welded flanges, welded joints and/or welded connections that is inspected daily? Yes No N/A
 - c. Sealless or magnetic coupling pumps and/or sealless valves? Yes No N/A
 - d. Pressurized above ground piping systems with automatic shut-off devices (e.g., excess flow check valves, flow metering shutdown and/or loss of pressure-actuated shut-off devices) that is inspected daily? Yes No N/A

TANK SYSTEMS FOUND TO BE LEAKING OR UNFIT FOR USE

- 19. Has there been a leak or spill from any tank system or has any tank system been found unfit for use? *If so, did the o/o:* Yes No N/A
- NOTE: If the tank is found to be unfit for use, inspector should explain why.*
 - a. Immediately cease flow of material into tank and investigate the cause of the release?[3745-66-96(A)] Yes No N/A
 - b. Remove waste from tank system to prevent further release within 24 hours of detection or earliest practicable time?[3745-66-96(B)(1)] Yes No N/A
 - c. Remove all material released into secondary containment system within 24 hours or as timely as possible to prevent harm to human health and the environment?[3745-66-96(B)(2)] Yes No N/A
 - d. Immediately conduct a visual inspection of the release?[3745-66-96(C)] Yes No N/A
 - e. Prevent further migration of the leak or spill to soils or surface waters?[3745-66-96(C)] Yes No N/A
 - f. Properly dispose of any visibly contaminated soil or surface water? [3745-66-96(C)] Yes No N/A
 - g. Report the release to the director within 24 hours unless it was less than one pound and was cleaned up immediately? [3745-66-96(D)(1)] Yes No N/A

- h. Submit a written report of the incident to the director within 30 days of the release? [3745-66-96(D)(3)] Yes No N/A
- i. Remediate the spill and repair the unit prior to returning it to service? [3745-66-96(E)(2)] Yes No N/A
- j. For a release from a tank system without secondary containment, did the o/o provide secondary containment meeting the requirements of 3745-66-93 for the unit prior to putting it back into service? [3745-66-96(E)(4)] Yes No N/A

NOTE: The requirements noted in 20.j. do not apply if the release was from an above ground component of the tank which can be inspected visually after being put back into service.

20. In the event that the repairs to the tank system were major (replacement of liner, repair of ruptured primary or secondary containment structure), did the o/o obtain a certification from an independent, registered P.E. attesting that the repaired unit is capable of handling hazardous waste? [3745-66-96(F)] Yes No N/A
21. Was a copy of the certification submitted to the director within seven days after returning the system to use? [3745-66-96(F)] Yes No N/A
22. If the o/o was unable to repair and return the unit to service as described in 20.a through 20.e, was the tank system closed in accordance with 3745-66-97? [3745-66-96(E)(1)] Yes No N/A
23. Does the o/o have a tank system with a variance from secondary containment from which a release has occurred but has not migrated beyond the zone of engineering control? If so, Yes No N/A
- a. Has the o/o complied with 3745-66-96(A) through (F) and decontaminated soils? [3745-66-93(G)(3)] Yes No N/A
- b. If soils cannot be decontaminated/removed, has the o/o complied with 3745-66-97(B)? [3745-66-93(G)(3)] Yes No N/A
24. Does the o/o have a tank system with a variance from secondary containment from which a release occurred and has migrated from the zone of engineering control? If so, Yes No N/A
- a. Has the o/o complied with 3745-66-96(A) through (D), prevented migration, and decontaminated soil? [3745-66-93(G)(4)] Yes No N/A
- b. If soils cannot be decontaminated/removed, or if the groundwater has been contaminated, has the o/o complied with 3745-66-97(B)? [3745-66-93(G)(4)] Yes No N/A