



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-6501 FAX: (740) 385-6490
www.epa.state.oh.us

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

February 14, ~~2007~~²⁰⁰⁸

**ROSS COUNTY
ROCAL INC.
DHWM/SEDO
OHD990780777 - New Facility
OHD981153601 - Old Facility**

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

Dear Mr. Baldwin:

On June 13, 2006 and June 26, 2007, Ohio EPA inspected Rocal's new and old facilities in Frankfort, Ohio to determine compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). Following the 2006 inspection, Notice of Violation letters (NOVs) were sent to Rocal (or to Attorney Bill Shaklee, at Rocal's request) on June 28, July 5, and August 30, 2006, and June 14 and 30, 2007. A response was received from Rocal (or from Mr. Shaklee on behalf of Rocal) on March 9, 2007.

Based recent information about site operations gathered during the Ohio EPA's 2007 inspection, Rocal has now abated the following violations for the new Rocal facility. These violations were a result of the 2006 inspection and last cited in the June 14, 2007 NOV:

- New facility* i. **OAC Rule 3745-270-07 (A), Testing, Tracking and Recordkeeping Requirements For Generators, Treaters and Disposal Facilities;**
- New facility* ii. **OAC Rule 3745-270-09(A), Special Rules Regarding Wastes That Exhibit a Characteristic.**

However, Rocal remains in violation of the following rules of the OAC as a result of the June 13, 2006 inspection:

- New facility* (1) **OAC Rule 3745-65-52 (C), Content of Contingency Plan:** The contingency plan must describe actions facility personnel must take in response to fires, explosions or releases of hazardous waste, including arrangements agreed to by local emergency authorities;

Rocal has submitted a contingency plan that applies to their new/second facility. However, the new plan fails to include arrangements/ agreements made with local emergency authorities, if any, pursuant to OAC Rule 3745-65-37. While the March 9, 2007 letter from Mr. Shaklee described such arrangements, the contingency plan fails to include them.

Rocal must revise the plan to include the above information. In addition, the plan must include both facilities since both are episodic large quantity generators of hazardous waste. Rocal must submit a copy of the revised plan to me at this office for review. Rocal must also submit the plan to local authorities as required by OAC Rule 3745-65-53 and document to this office that this has been done.

- Old facility*
- (2) **OAC Rule 3745-52-11, Waste Evaluation:** Any person who generates a waste must evaluate the waste to determine if the waste is a hazardous waste by first determining if it is an excluded waste, a listed waste or a characteristic waste.

Rocal failed to adequately evaluate waste from the chromate conversion process at the old/first facility. The F019 waste code, which Rocal had assigned to this waste stream, is not the appropriate waste code. F019 is defined in OAC Rule 3745-51-31 as "wastewater treatment sludges from the chemical conversion coating of aluminum..." Waste generated from the old plant's chromate conversion process does not fit this description, since the process itself is not a wastewater treatment system. Therefore, this waste code does not apply to the waste stream.

Therefore, this violation will remain outstanding until Rocal conducts an adequate waste evaluation on waste generated from the chromate conversion process at the old/first plant.

Following the June 26, 2007 inspection, NOVs were sent to Rocal on June 30 and December 14, 2007. Responses were received from Rocal on August 23, September 20, September 29, and December 7, 2007.

Based on Rocal's responses, Rocal remains in violation of the following rules of the OAC:

- New facility*
- (3) **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 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 at the new/second facility 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

- (a) On page 2 of Rocal's tank assessment for the new facility, 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.
- (b) Since Rocal violated ORC 3734.02(E) and (F), Rocal's plants are subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time, Ohio EPA may assert its right to have Rocal begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.
- (c) Because Rocal will be subject to closure of the hazardous waste tank at its old plant, Rocal is subject to the applicable financial assurance and liability requirements of OAC Rule 3745-66-42 through -47. Documentation of compliance with these requirements can be submitted to the Compliance Assurance Section of the Division of Hazardous Waste at Ohio EPA, with a copy sent to Donna Goodman at the Southeast District Office of Ohio EPA.
- (d) If/when Rocal ceases to operate its old/first plant, that facility will be subject to Cessation of Regulated Operations (CRO) regulations as found in OAC Chapter 3745-352 due to existence of the chromate conversion process. Rocal was provided with a copy of the CRO manual and appropriate forms, all of which was discussed with Rocal during the inspection on June 13, 2006. Until that point, the facility must be in compliance with all applicable generator requirements of Ohio's Hazardous Waste rules. Currently the facility is being operated as an episodic large quantity generator of hazardous waste.

Mr. Tom Baldwin
Rocal Old and New Facilities
February 14, 2008
Page 4

Please submit all requested information **within 15 days** of the date of this letter demonstrating that all violations have been abated. Should you have any questions, please feel free to call Fran Kovac at (614) 644-3037.

Sincerely,

Donna Goodman

Donna Goodman
District Representative
Division of Hazardous Waste Management

DG/mlm

cc: 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.