



State of Ohio Environmental Protection Agency

Southeast District Office

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November 10, 2009

**TUSCARAWAS COUNTY
DOVER CHEMICAL CORPORATION
RCRA/LQG
OHD 004 210 563**

Mr. Gary Phillips
Dover Chemical Corporation
3676 Davis Road N.W.
Dover, Ohio 44622

Dear Mr. Phillips:

I received responses from you on November 2, 2009 and November 5, 2009 in response to the June 26, 2009 Notice of Violation (NOV) letter. The documentation submitted included photographs of the used oil stained area where gravel had been excavated, properly labeled containers, personnel training information, inspection logs, and the tank assessment for Tank 282T. The information received on November 5, 2009, included a statement from Vickery that waste HCL received from Dover Chemical is used as a product at its receiving facility and would not be considered a hazardous waste.

My review of this documentation reveals that Dover Chemical Corporation has adequately demonstrated abatement of the following violations discovered during the June 9, 2009 inspection:

1. **Used oil storage requirements for generators, OAC rule 3745-279-22(D).**
2. **Hazardous waste determination, OAC rule 3745-52-11.**
3. **Accumulation time of hazardous waste OAC rule 3745-52-34(C)(1)** –Although it could not be determined from the photograph, Ohio EPA assumes that the container or shed is locked to prevent the addition of wastes other than waste generated from the laboratory as discussed in the June 26, 2009 NOV.
4. **Management of containers, OAC rule 3745-66-73(A).**
5. **Accumulation time of hazardous waste OAC rule 3745-52-34(A)(3).**
6. **Used oil storage requirements for generators, OAC rule 375-279-22(C).**
7. **Inspections, OAC rule 3745-66-74.**
8. **General operating requirements, OAC rule 3745-66-94(B).**
9. **Design and installation of new tank systems or components, OAC rule 3745-66-92(A).**

12. **Accumulation time limit Standards for Small Quantity Handlers of Universal Waste, OAC rule 3745-273-15(A).**
13. **Accumulation time of hazardous waste, OAC rule 3745-52-34(A)(2) and (3).**
14. **Inspections, OAC rule 3745-66-95(A) and (C).**

However, Dover Chemical Corporation, Inc. remains in violation of the following hazardous waste rules. In order to correct these violations you must do the following and send me the required information ***within 15 days*** (unless otherwise noted) of your receipt of this letter:

- (10) **Personnel training, OAC rule 3745-65-16(A)(2)(3) and (C)**: Facility personnel must successfully complete a program of classroom 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 3745-248 to 3745-256 of the Administrative Code. This program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation), relevant to the positions in which they are employed. (3) At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable; (a) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment; (b) Key parameters for automatic waste feed cut-off systems; (c) Communications or alarm systems; (d) Response to fires or explosions; (e) Response to ground water contamination incidents; and (f) Shutdown of operations..

(C) Facility personnel must take part in an annual review of the initial training required in paragraph (A) of this rule.

Personnel training information was submitted as part of the NOV response that was received on November 2, 2009. This information, however did not fully address the cited violation. As required by the above rule, at a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures (including contingency plan implementation), emergency equipment, and emergency systems. Dover Chemical must schedule training for its personnel as soon as possible. Please provide the date this training is scheduled. Once training is completed, Dover Chemical must submit a copy of the employee signature sign-in sheet to demonstrate compliance with this rule.

- (11) **Purpose and implementation of contingency plan, OAC rule 3745-65-51(A):**
Each owner or operator shall have a contingency plan for the facility. The contingency plan shall be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

During the inspection, Dover Chemical could not present a site specific plan for review. A site specific contingency plan which complies with 3745-65-50 through 3745-65-56 must be developed and submitted to this office for review. Ohio EPA understands that this plan will not be submitted until **December 31, 2009**. Please note that additional violations may be cited as a result of Ohio EPA's review.

Based on the review of the NOV response, the following additional violations have been identified:

- (1) **Containment and detection of releases, OAC rule 3745-66-93(E)(1)(e) and (f):** In addition to the requirements of paragraphs (B), (C), and (D) of this rule, secondary containment systems must satisfy the following requirements: External liner systems must be constructed with chemical-resistant water stops in place at all joints, if any (for concrete liners only) and provided with an impermeable interior coating or lining that is compatible with the stored waste and that will prevent migration of waste into the concrete (for concrete liners only).

According to the #282 Tank assessment chemical –resistant water stops are not installed and the concrete surrounding the tank and the sump are not coated or lined as required by this rule. Dover Chemical must install chemical–resistant water stops at all joints and must provide an impermeable interior coating or lining that is compatible with the stored waste. **Within 15 days** of receipt of this letter, Dover Chemical must provide a date as to when this work is scheduled. Once these components are installed, Dover Chemical must provide documentation to Ohio EPA for review demonstrating compliance with this rule.

- (2) **Containment and detection of releases, OAC rule 3745-66-93(E)(1)(a):** In addition to the requirements of paragraphs (B), (C), and (D) of this rule, secondary containment systems must satisfy the following requirements external liner systems must be designed or operated to contain one hundred per cent of the capacity of the largest tank within its boundary.

According to the tank assessment, Tank 282T does not have adequate secondary containment meeting the requirements of this rule. Ohio EPA understands that Dover Chemical will be modifying the secondary containment to meet the above requirements. According to the NOV response, this work should be completed by

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the end of the first quarter, 2010 (**March 31, 2010**). Upon completion of the secondary containment modification activities, Dover Chemical must submit documentation to Ohio EPA for review demonstrating compliance with this rule.

Additional Information Required to determine Compliance

- (a) OAC rule 3745-66-93(F) requires secondary containment for flanges, joints, valves and connections. The tank assessment for this tank system did not include this information. Dover Chemical must provide the ancillary secondary containment design for Tank 282T **within 15 days** of receipt of this letter. Please note that additional violations may be cited as a result of Ohio EPA's review.

If you have any questions regarding this letter, please call me at (740) 380-5256.

Sincerely,



Melody Stewart
District Representative
Division of Hazardous 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.