



State of Ohio Environmental Protection Agency

Southeast District Office

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

July 17, 2007

**WASHINGTON COUNTY
INTERNATIONAL CONVERTER
DHWM/SEDO
OHD005000336**

Mr. Joseph Lowrey
Director of Engineering
International Converter
600 Thilmany Road
Kaukauna, WI 54130

Dear Mr. Lowrey:

I received your response to my April 24, 2007 Notice of Violation (NOV) letter on June 6, 2007. The documentation you submitted included waste determination information for numerous 55-gallon drums located at the facility, and fire & safety inspection checklists. Ohio EPA also received an e-mail from Mr. John Rice on June 27, 2007, which contained a completed weekly inspection checklist and ink water analytical results. Ohio EPA conducted a follow-up inspection at the International Converter - Belpre facility on June 26, 2007, and during this inspection, International Converter provided me with a copy of ink water and waste drums analytical testing results.

My review of this documentation, in addition to the observations made during the June 26, 2007 follow-up inspection reveals that International Converter - Belpre has adequately demonstrated abatement of the following violations discovered during the April 11 and April 17, 2007 inspections:

- (1) OAC Rule 3745-52-11, Hazardous Waste Determination
- (2) OAC Rule 3745-65-33, Testing and Maintenance of Equipment
- (3) OAC Rule 3745-66-74, Inspections

Based on the information in your June 5, 2007 letter, and information gained during the inspections, Ohio EPA has determined that International Converter is in violation of the following additional hazardous waste laws:

(4) ORC Section 3734.02(E) and (F), Prohibitions:

- (E) No person shall establish or operate a hazardous waste facility, or use a solid 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 the premises where the waste is treated, stored, or disposed of.

During the inspection, 43 drums were identified behind the plant building. Also, International Converter – Belpre identified 30 additional drums at the plant on the side of the building, for a total of 73 drums. Many of the 73 drums were empty, however, there were also several partially full drums at the two locations. The drum contents were characterized using generator knowledge and analytical testing which revealed the waste to be hazardous for ignitability (D001) and corrosivity (D002). International Converter consolidated the partially full drums which resulted in 15 full fifty-five gallon drums of D001/D002 hazardous waste. After consolidation, the drums were moved inside the ink room for storage. International Converter – Belpre is planning to have the hazardous wastes disposed of by Safety Kleen after they complete waste profiles for the drums.

Based on information gathered during the April 11 and April 17, 2007 inspections and information in your June 5, 2007 letter, International Converter – Belpre stored hazardous waste on-site for greater than 180 days, in violation of this law. International Converter does not have a permit to store hazardous waste on-site for greater than 180 days; therefore International Converter has established an unpermitted hazardous waste facility. The two areas where the drums were stored are considered illegal storage units, subject to all the treatment, storage, and disposal (TSD) requirements.

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. International Converter must immediately arrange to have the 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, International Converter must submit written documentation (e.g. waste management plan) to this office describing how the facility will manage hazardous wastes in the future to prevent accumulation/storage in excess of the 180 day limit. Finally, these two drum storage areas must be closed in accordance with all applicable regulations (OAC 3745-55-10 through 3745-55-15), as described below.

- (5) OAC Rule 3745-55-12, Closure Plan:** This rule requires treatment, storage, and disposal (TSD) facilities to develop a written closure plan which contains various specific elements. This rule also requires the closure plan to be submitted to the director for approval at least 180 days prior to implementation; the date of implementation must be within 30 days of final receipt of hazardous waste, or the director's approval.

International Converter – Belpre must submit to the director, for approval, a closure plan for the two unpermitted drum storage areas **within 45 days** of receipt of this letter. The Ohio EPA has prepared a guidance document titled *Closure Plan Review Guidance* that may assist you in the preparation of a closure plan, which is available at <http://www.epa.state.oh.us/dhwm/cprg.html>.

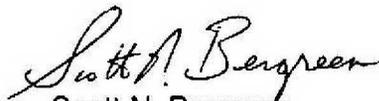
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GENERAL COMMENTS

- (a) Since International Converter – Belpre violated ORC Section 3734.02(E) and (F), your facility is subject to all the applicable general facility standards found in OAC chapters 3745-54 and 55. At any time, Ohio EPA may assert its right to have your facility begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.
- (b) In your response letter, you indicated that International Converter – Belpre is not subject to **OAC Rule 3745-65-33, Testing and Maintenance of Equipment, and OAC Rule 3745-66-74, Inspections**. Based on the records review conducted during the inspections, International Converter is classified as a Small Quantity Generator (SQG); therefore, these rules do apply to the facility. See OAC 3745-52-34 for more information.

If you 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

cc: John Rice, International Converter – Belpre

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.