



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

Re: Heinz North America  
OHD005034301  
Sandusky County  
Complaint #2982  
Hazardous Waste  
**Partial Return to Compliance**

August 11, 2011

Ms. Cathy Shell  
Manager of Loss Prevention  
Heinz North America  
1200 North Fifth Street  
Fremont, Ohio 43420

Dear Ms. Shell:

On July 21, 2010, you accompanied me during Ohio EPA's complaint investigation (CI) of Heinz North America (HNA) located at 1200 North Fifth Street in Fremont, Ohio. I identified six violations of Ohio's hazardous waste rules and notified you of these violations in a Notice of Violation (NOV) letter dated August 23, 2010. On September 27, 2010, you responded to Ohio EPA's NOV. On November 22, 2010, I informed you that Ohio EPA determined that all the waste had been abandoned and could not be reused. I also informed you that HNA did not perform the proper test method to determine the pH of the waste and therefore, six other drums were determined to be hazardous waste. As a result of my phone message, on November 22, 2010, HNA labeled drums BT-40, BT-84, BT-85 and BT-96 with the words "Hazardous Waste" and placed them into a locked storage area set up at the Bloom Road property. On November 29, 2010, I informed you that nine other drums were not sampled and should be immediately. I listed the specific drums by HNA's drum numbers. On January 7, 2011, HNA had Clean Harbors transport ten drums of hazardous waste down a public right-of-way to its facility's hazardous waste accumulation area, at the main plant. On January 17 and January 20, 2011, HNA had Clean Harbors transport ninety-six drums of waste off-site for disposal.

On February 8, 2011, in a Partial Return to Compliance (PRTC) letter, Ohio EPA notified you that the violations first cited in the August 23, 2010, NOV had not been corrected and provided comments and requirements. You responded in a letter dated March 15, 2011. On May 11, 2011, in a new NOV and PRTC, Ohio EPA notified you that based on information received from HNA on March 16, 2011, Ohio EPA had identified three additional violations of Ohio's hazardous waste laws. HNA submitted a written response on June 15, 2011. On July 27, 2011, I returned to the facility and you showed me the route that the waste was hauled over.

Below is a summary of the violations cited in Ohio EPA's August 23, 2010, and May 11, 2011, NOVs and your compliance status with respect to each.

1. **Unpermitted Hazardous Waste Treatment, Storage & Disposal  
ORC Section 3734.02(E)&(F)**

HNA became an unpermitted hazardous waste storage facility by: unlawfully storing and abandoning corrosive hazardous waste (D002) in at least four 55-gallon drums for at least ten years, in an open lot across from the manufacturing facility in Fremont, Ohio.

**No further information is requested to address this violation.**

2. **Waste Evaluation  
OAC Rule 3745-52-11**

However, in order to abate this violation, you must immediately do the following:

1. Submit an MSDS for the glue.

This violation was abated on September 27, 2010.

2. Identify the waste compounds in the drums, tote and tank.

Ohio EPA has determined that HNA has failed to sample and analyze the waste in, at least, the following nine drums: BT-49, BT-51, BT-68, BT-73, BT-75, BT-81, BT-82, BT-83, and BT-94. **This was not done before the waste was shipped off-site for disposal. Because the waste has been shipped off-site, no further action is required in regard to this violation.**

3. Explain the difference between container BT-89A (pH 9) and BT-89B (pH 13.8).

This violation was abated on September 27, 2010.

4. Describe, in detail, the analytical methods for both pH and flash point. Include at least a description of the analytical device and its calibration. Describe the buffer solutions used for calibrating the pH meter and any other quality assurance quality control measures used.

**Ohio EPA received the analytical results in an email dated May 17, 2011. Because the waste has been shipped off-site, no further action is required in regard to this violation.**

5. Provide the analytical results for the waste in the steel 55-gallon drum.

This violation was abated on September 27, 2010.

6. Provide a statement that there is no other waste in the truck lot area.

This violation was abated on March 16, 2011.

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3. **Container Labeling**  
**OAC Rule 3745-52-34(A)(3)**

This violation was corrected on March 16, 2011.

4. **Container Labeling**  
**OAC Rule 3745-52-34(A)(2)**

Attached to your June 15, 2011, response letter is a copy of hazardous waste manifest 004491547FLE documenting the off-site shipment of sulfuric acid to Clean Harbors Environmental Services Inc. in Cleveland, Ohio, and a copy of hazardous waste manifest 004491550FLE documenting the off-site shipment of sodium hydroxide to the same facility. Since the waste has already been disposed of, no further action is required in regard to this violation.

5. **Container Inspections**  
**OAC Rule 3745-66-74**

This violation was abated on March 16, 2011.

6. **Maintenance and Operation of Facility**  
**OAC Rule 3745-65-31**

This violation was abated on March 16, 2011.

Based on information received from HNA on March 16, 2011, Ohio EPA has identified three additional violations of Ohio's hazardous waste laws.

7. **Unpermitted Hazardous Waste Treatment, Storage or Disposal**  
**ORC Section 3734.02(E)&(F)**

On July 27, 2011, I returned to the facility and you showed me the route that the waste was hauled over. According to you, the route is 0.2 miles long and started at the gate to the Bloom Road property where the truck turned right onto N. Ohio Ave, proceeded southwest on this road (0.2 miles) to the gate at the southwest corner of the Main Plant. HNA does not own the property on both sides of the road.

Therefore, HNA has established another unpermitted hazardous waste storage facility by: having hazardous waste transported from its Bloom Road property, down a public right-of-way to an off-site facility at its Hazardous Waste Accumulation Area in the main plant section.

No further information is requested to address this violation.

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8. **OAC Rule 3745-52-20(A)  
Preparation of Manifest**

Attached to your June 15, 2011, response letter is a copy of hazardous waste manifest 004491547FLE documenting the off-site shipment of sulfuric acid to Clean Harbors Environmental Services Inc. in Cleveland, Ohio, and a copy of hazardous waste manifest 004491550FLE documenting the off-site shipment of sodium hydroxide to the same facility. Therefore, this violation was abated on June 15, 2011.

9. **OAC Rule 3745-270-07(A)(2)  
Land Disposal Restriction Notice**

Attached to your June 15, 2011, response letter is a copy of hazardous waste manifest 004491547FLE documenting the off-site shipment of sulfuric acid to Clean Harbors Environmental Services Inc. in Cleveland, Ohio, and a copy of hazardous waste manifest 004491550FLE documenting the off-site shipment of sodium hydroxide to the same facility. Since the waste has already been disposed of, no further action is required in regard to this violation.

Based on information received from HNA on March 16, 2011, Ohio EPA has identified one additional violation of Ohio's hazardous waste laws.

10. **Transporting Hazardous Waste  
OAC Section 3734.02(F)**

No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport **or cause to be transported** any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following: (1) A hazardous waste facility operating under a permit issued in accordance with this chapter; (2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976" 90 Stat. 2806, 42 U.S.C.A. 6921, as amended.

HNA caused hazardous waste to be transported to an unpermitted hazardous waste storage facility by: having hazardous waste transported from its Bloom Road property, down a public right-of-way to an off-site facility at its Hazardous Waste Accumulation Area in the main plant section.

No further information is requested to address this violation.

Ohio EPA considers these violations to be serious violations, ones for which further enforcement action may be taken.

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If you have any questions about this letter or your requirements, please contact me immediately at (419) 373-3074. You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov>.

Sincerely,



Don North  
District Representative  
Division of Materials and Waste Management

/lr

pc: Colleen Weaver, DMWM, NWDO  
Cindy Lohrbach, DMWM, NWDO  
DMWM:HW, NWDO File, Sandusky County, Heinz File

ec: Don North, DMWM, NWDO  
Elissa Miller, Legal  
Tammy Heffelfinger, DMWM, CO

**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.