

**Environmental
Protection Agency**

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

February 10, 2011

**RE: FORMER ROYAL CHINA FACILITY
AKA ROYAL SEBRING PROPERTIES
MAHONING COUNTY
COMPLAINT NO. 6835
SIXTH NOTICE OF VIOLATION**

Mr. Jerry McHugh
30407 State Route 62
Damascus, OH 44619

And,

Mr. Jay Barnett
249 East Georgia Ave.
Sebring, OH 44672

**SUBJECT: USED OIL RELEASE, OIL CONTAMINATED SOIL DEBRIS, DRUMMED
WASTE AND PIT FLUIDS**

Dear Mr. McHugh and Mr. Barnett:

Division of Hazardous Waste Management (DHWM) re-inspected the Royal Sebring Properties site on November 9, 2010, and January 27, 2011, to determine compliance with Ohio's hazardous waste laws and regulations as found in the Ohio Revised Code and the Ohio Administrative Code ("ORC" and "OAC" respectively). The inspection included a walkthrough of portions of the building including Sebring Plastics LLC and limited outside areas. Mr. Barnett represented the facility on January 27, 2011, and Kris Coder and I represented the Ohio EPA. Since that site visit, this facility experienced a fire that has leveled the central portion of this facility. That incident does not appear to have affected the status of the violations or concerns identified in this letter.

During a site visit on July 26, 2010, Mr. Fred Kungl of the former Sebring Plastics LLC at this location informed us that he had transferred used oil that had accumulated on site in totes, 55-gallon drums and other smaller drums for recycle.

Based on the current inspection it appears that grinding and recycling operations of various plastics have begun at the site. The operations indicate that the facility is currently a conditionally exempt small quantity generator (CESQG). The following summarizes the status of violations of Ohio's hazardous waste rules and regulations at the site:

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NOTICE OF VIOLATIONS

- 1) OAC 3745-279-22(D) Response to Releases of Used Oil:** A release of used oil has been identified inside an overhead door area that adjoins the former Sebring Plastics near the large silos. At this location oil saturates spilled plastic pellets and the ground outside of this door. There are thirteen (13) 55-gallon drums inside this garage area. One of these drums is full of possible hydraulic oil. Several other drums contain small amounts of oil. The former tenant, Mr. Fred Kungl of Sebring Plastics said that these were not his drums and that the area was not part of his lease agreement. Existing labels indicated original contents to be "Energol-BP" HLPD68 hydraulic oil. There are about 60 to 65 gallons total content in these drums.

To abate this violation, this garage area must be cleaned up and all oily debris and ground removed and properly disposed. Please provide documentation that demonstrates removal, source elimination and disposal. Used oil debris is considered a solid waste that can be disposed with your regular trash. However, soils near this area have been determined to be contaminated with significant concentrations of lead from former operations. When scraping up residue on the ground outside the door, remove only the most surficial debris and stained gravel sources. Used oil must be removed and properly disposed through a licensed hauler. Attached are licensed used oil transporters and a list of facilities that can receive hazardous waste. A "Used Oil Checklist" is also attached.

- 2) OAC 3745-52-11 – Waste Evaluation:** You must determine whether any generated waste is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51. The contents of a black 55-gallon drum were unknown. This drum was staged with the numerous totes of used oil but was not removed with that used oil.

This portion of this violation was abated July 26, 2010, when Mr. Kungl reported that used oils in the vicinity of his area (totes and drums) were removed and recycled.

The following soil waste had been characterized as a D008 hazardous waste but was missing since at least November 9, 2010:

- 1. MISSING - Oily stained soils accumulated in five totes** characterized as a D008 hazardous waste through analytical data. This waste must be disposed at a licensed TSD or managed on site within the source footprint of contamination. The latter requires being consolidated and managed onsite in its Identified Area (IA) preventing release.

To abate this violation, please identify the disposition or location of these totes of soil.

CONCERNS AND RECOMMENDATIONS

The following items remain a concern until addressed either in a final VAP remedy or under the respective jurisdictional authority.

- 1) **At RAP IA-7** there are five (5) open rusty 55-gallon drums of pottery-like sludge considered to be a hazardous waste. These wastes should either be sent off site for proper disposal or secured on site within the unit IA footprint in a manner consistent with the policy for consolidation of hazardous waste.
- 2) **The former pump house at RAP IA-3** consists of a large pile of corrugated transite material (a potential asbestos containing material) disposed at that this location. This material needs to be removed and properly disposed according to the applicable rules. This matter has been referred to the Mahoning-Trumbull Air Pollution Control Agency (MTAPCA).
- 3) **Pit and Sump Hazard** - Mr. Calhoun had outlined a plan for *temporary* elimination of pit and sump hazards at the site. It is recommended that **concurrence with the MTAPCA be obtained** prior to executing such an effort. Your contact there is Tara Cioffi at (330) 743-3333. It is understood that the local sewer authority and the Division of Surface Water (DSW) had agreed the pit water could be discharged to either a sanitary connection or properly to the ground surface. Tentatively, this plan incorporated the following elements:
 1. Dewater the pits without disturbing bottom sediments.
 2. Contain some water in a clean tote for later use. Excess water would be filtered through the *head liner fabric* common at the site, to capture incidental particles. Fabric would be disposed as a solid waste.
 3. Remove machinery from pits minimizing disturbance to surrounding debris.
 4. Use contained water to wet surrounding brick debris and temporarily fill pits to eliminate the immediate physical hazard and nuisance condition.
- 4) **Used oily residue and oily debris (non soil) and waste pigments.** Containers and drums of these wastes were characterized as a solid waste but remain on site and need to be properly disposed.
- 5) **Concrete Silos** – Mr. Barnett inquired into the demolition and removal of these structures. Your contact for this matter is Ms. Cioffi.

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The Ohio EPA considers these violations and concerns serious in nature. Please submit the requested documentation to my attention within 45 days of receipt of this letter. Prior to beginning dewatering of the pits and sumps, please give me at least five days notice of this effort with verification of MTAPCA consent. If you have any questions or need additional time, you may contact me at (330) 963-1146.

Sincerely,



Ronald J. Shadrach
District Representative
Division of Hazardous Waste Management

RJS:cl
Attachments

ec: Frank Popotnik, Ohio EPA, DHWM, NEDO
Vanessa Steigerwald Dick, Ohio EPA, DERR, NEDO
John Kwolek, Ohio EPA, DSW, NEDO

cc: Tara Cioffi, Mahoning-Trumbull Air Pollution Control Agency
Doug Burchard, City Manager, Village of Sebring
Donna Bauer, c/o The Note Buyer, Inc.
Ray Schmidt, c/o The Note Buyer, Inc.

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.

**USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

NOTE: 1. A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.

2. Inspectors can check BUSTR's web-site at https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/PublicInquiry.asp to determine if a UST containing used oil is registered with BUSTR. Inspectors may call BUSTR at 614-752-7938 or a BUSTR site coordinator to report an unregistered UST or a UST that appears to not be in compliance with BUSTR regulations. A list of BUSTR coordinators by county are at: https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/SearchByCounty.asp.

PROHIBITIONS

1.	Does the generator manage used oil in a surface impoundment or waste pile? If yes:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: For example, used oil contaminated scrap metal stored in a pile.

2.	Is used oil used as a dust suppressant? [3745-279-12(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
3.	Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., if generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).

GENERATOR STANDARDS

4.	Does the generator mix hazardous waste with used oil? If so,	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.

5.	Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.

6.	Does the generator store used oil in tanks, or containers, or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
7.	Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
8.	Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Stopped the release?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
b.	Contained the release?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
c.	Cleaned up and properly managed the used oil and other materials?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

ON-SITE BURNING IN SPACE HEATER		
10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:	
a.	Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
c.	Are the combustion gases from heater vented to the ambient air?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).</i>		
GENERATOR TRANSPORTATION		
11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? [3745-279-24]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
12.	If the generator self-transported used oil to an approved collection site or to an aggregation point owned by the generator. [3745-279-24]	
a.	Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator? [3745-279-24]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Does the generator transport more than 55 gallons of used oil at any time? [3745-279-24]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
<i>NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).</i>		
COLLECTION CENTERS AND AGGREGATION POINTS		
13.	Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
14.	Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
15.	Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.</i>		

9. A leak of used oil is apparent at an overhead garage door near several silos at the site that has saturated plastic grindings inside and stained the ground outside. The release needs abated and the oily debris removed and properly disposed.