



Environmental
Protection Agency

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

Eval 014

Enf. 010

2 violations RTCD

November 21, 2011

Greg Bowlin
Production Manager
Gayston Corporation
200 S. Pioneer Boulevard
Springboro, Ohio 45066

**RE: Complaint Investigation – OHD982068579
Notice of Violation/Return to Compliance**

Dear Mr. Bowlin:

On October 25, 2011, Dave Combs, Office of Special Investigations and I investigated a complaint at Gayston Corporation's (Gayston) facility located at 200 S. Pioneer Boulevard, Springboro, Ohio. The complaint alleged Gayston was altering dates on hazardous waste labels to circumvent the hazardous waste regulations. Steve Gilpin and you represented Gayston. Dave Combs and I returned on November 7, 2011, to meet with you, Mr. Gilpin, and Jenny Leverett, Crown Solutions. Ohio EPA did not find any evidence to support the allegations in the complaint. However, during the October 25, 2011, investigation three (3) hazardous waste totes were stored beyond the 90-day storage limit. After the meeting on November 7, 2011, we inspected the hazardous waste storage area to ensure the three (3) hazardous waste totes were properly disposed. During this inspection, we observed six (6) hazardous waste totes without labels. Based on this information, Gayston has violated the following hazardous waste regulations:

1. Treatment, storage, and disposal facility Ohio Revised Code (ORC) 3734.02(E)(2) and (F) state in part:

(E)(2) No person shall establish or operate a hazardous 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 Revised Code.

(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. . .except at or to any permitted hazardous waste facility.

Gayston failed to comply with 3734.02(E)(2) and (F) by storing three (3) totes of hazardous waste beyond the 90-day storage limit. **Therefore, Gayston is in violation of ORC 3734.02(E)(2) and (F).**

Ohio EPA determined during the November 7, 2011, inspection of the hazardous waste storage area that the three (3) totes of hazardous waste had been properly treated on-site. **Therefore, Gayston is no longer in violation of ORC 3734.02(E)(2) and (F).**

2. Accumulation time of hazardous waste, Ohio Administrative Code (OAC) 3745-52-34(A)(2) and (A)(3):

(A)(2) The date upon which each period of accumulation and/or treatment begins is clearly marked and visible for inspection on each container;

(A)(3) While being accumulated and/or treated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste."

Gayston failed to comply with OAC 3745-52-34(A)(2) and (A)(3) by not properly labeling and dating six (6) hazardous waste totes. **Therefore, Gayston is in violation of OAC 3745-52-34(A)(2) and (A)(3).**

Gayston properly labeled and dated the six (6) hazardous waste totes during the inspection. **Therefore, Gayston is no longer in violation of OAC 3745-52-34(A)(2) and (A)(3).**

As discussed during the November 7, 2011, meeting Gayston may manage the sodium hydroxide "waste" as a product for the waste water treatment system. The material is only hazardous because of low pH; therefore Gayston is able to use it as a straight product substitute. Managing it as a product substitute relieves Gayston from the hazardous waste requirements. However, the sulfuric acid waste cannot be used as a product substitute because the waste is also hazardous for chrome. Therefore, when it is used in the waste water treatment unit it is also being treated for chrome.

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Please contact me at (937) 285-6093 if you have any questions.

Sincerely,



Cathy L. Altman
Division of Materials and Waste Management

ec: DMWM Data Entry/Facility File
Dave Combs, OSI

CA/ca

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.