

**Environmental
Protection Agency**

Ohio Department of Public Safety
Governor
Lt. Governor
Director

December 16, 2011

RE: ROSS INCINERATION SERVICES, INC.
OHD 048 415 665
OHIO ID# 02-47-0295
TSDF/LQG – CEI
NOTICE OF VIOLATION

Ms. Patricia Lawson
Vice President, Administration
Ross Incineration Services, Inc.
36790 Giles Road
Grafton, OH 44044

Dear Ms. Lawson:

On November 14 and 15, 2011, Ohio EPA conducted a Compliance Evaluation Inspection (CEI) of Ross Incineration Services Inc. (RIS). RIS is located in Eaton Township at 36790 Giles Road in Grafton, Ohio. The purpose of the inspection was to determine RIS's compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC), Chapter 3745 of the Ohio Administrative Code (OAC), and with RIS's Ohio Hazardous Waste Facility Installation and Operation Permit effective September 30, 2003. I, John Paquelet and Kris Coder represented Ohio EPA. RIS was represented by Debbie Bishop, Jeff Lenchak and Anthony Fought.

Ohio EPA's inspection report includes findings from the walk-through of the facility on November 14, 2011, the review of facility records and interviews with facility personnel. Written documentation reviewed for compliance with Ohio's hazardous waste laws and regulations included: inspection records, operating record system, training records, manifests, LDR files and inventory records.

The following violations of Ohio's hazardous waste rules and RIS's permit conditions were identified.

1. OAC Rule 3745-52-34 (C) (1) (b) Labeling of Satellite Accumulation Containers.

Under this rule, "A generator may accumulate as much as fifty-five gallons of hazardous waste...in containers at or near any point of generation where wastes initially accumulate...provided he:...Marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers." These are commonly called "satellite accumulation containers".

During the inspection one 55 gallon drum, commonly called the DVS wand drum, being used as a satellite accumulation container in the Process Dock was observed to not be marked or labeled with the words "Hazardous Waste" or with other words that identified the contents of the container.

The container was marked as required by the rule during the inspection. That action abated this violation.

**2. OAC Rule 3745-55-73 Management of Containers
Permit Condition C.5 (a)**

Two 55-gallon drums holding hazardous waste (CIN 990395 and CIN 990419) were observed in van trailer Number 196 which was located in the parking area south of the container storage facility (CSF). Apparently these containers were part of a load of containers that had been transferred the previous weekend from the CSF to the Process Dock for pump-out. Apparently the contents of these two drums were not pumpable and the containers were left on the van trailer when it was moved from the Process dock.

These containers were not located in a permitted container storage unit. Placing containers of hazardous waste in this area is not in compliance with Permit Condition C.5 (a) which requires that "All container storage shall be conducted within the container storage units as described in Condition C.1. of this permit and Section D of the Part B permit application."

The containers were moved to the CSF during the inspection.

To return to compliance, RIS must also:

- Review its procedures for returning non-empty containers from the Process Dock to determine if any revisions are required;
- Make any needed revisions to its procedures;
- Train staff on new procedures, or if no revisions were made, retrain staff on existing procedures; and
- Submit documentation of response actions taken to this office within 30 days of receipt of this letter.

**3. OAC Rule 3745-54-15(A) Inspections
Permit Condition C.8 Inspection Schedules and Procedures**

Permit Condition C.8 states in part, "Each container in storage for six months or more shall be inspected and stored in accordance with Section F-2b(1) of the Part B permit application and the inspection results shall be recorded in the facility operating record." Table 2-1 (on page F-5) in Section F-2b(1) of the Part B permit application states that for containers in storage for six months or more the frequency of inspection is every 30 days.

The facility was not able to provide documentation that an inspection of containers in storage for six months or more had been completed between the dates of September 22, 2011 and November 11, 2011. This time period exceeds the required minimum 30 day time period.

To return to compliance, RIS must also:

- Review its procedures for inspection of containers in storage for six months or more to determine if any revisions are required;
- Make any needed revisions to its procedures;
- Train staff on new procedures, or if no revisions were made, retrain staff on existing procedures; and
- Submit documentation of response actions taken to this office within 30 days of receipt of this letter.

4. OAC 3745-273-13(D)(1) Small quantity handler must contain universal waste lamps in proper containers or packaging and containers or packaging must be closed.

In the used lamp accumulation area in the compressor building one container holding used eight foot fluorescent lamps was not closed. The container was closed during the inspection. That action abated this violation.

TRANSFER FACILITY

Due to an oversight we did not review the manifests associated with loads present in the transfer facility at the time of the walk-through to confirm that RIS was the designated facility for some or all of these shipments. (Historically RIS has been the designated facility for most loads in the transfer facility.) Consequently this letter does address the operation of the transfer facility.

Enclosed you will find a copy of the checklists that we completed during the inspection.

Submit the above requested response documentation to this office within 30 days of receipt of this letter.

CONCERNS

Section D-1b(1) of RIS' permit application includes the statement, "RIS will test for the presence of free liquids in the hazardous waste stored in the BSAs [Bulk Storage Areas] by the Paint Filter Liquids Test..." During the CEI RIS was not able to document that the Paint Filter Liquids Test had been conducted for the waste received in one rolloff. This waste had been repacked into 75 drums that were present in Bulk Storage Area 2 (BSA 2) at the time of the CEI. During the CEI RIS sampled ten percent of these drums and evaluated the contents using the Paint Filter Liquids Test. The test indicated that no free liquids were present.

RIS had received the same waste (i.e., waste shipped from the same generator on the same waste profile) on numerous other occasions and provided documentation that the rollofs for these waste shipments had been evaluated using the Paint Filter Liquids Test and that no free liquids were present in those shipments. Apparently the failure to conduct the Paint Filter Liquids Test for the rolloff from which the containers present on BSA 2 was an oversight. RIS is encouraged to review its procedures for placing wastes in the Bulk Storage Areas to determine if revisions are appropriate to reduce the potential for placing wastes in these areas that have not been evaluated using the Paint Filter Liquids Test.

Should you have any questions regarding this letter, please contact me at (330) 963-1165.

Sincerely,



Neil Wasilk
Environmental Specialist II
Division of Materials and Waste Management

NW:ddw

Enclosure

cc: Sheila Burrus, U.S. EPA, Region V (with enclosure)
William Damico, U.S. EPA, Region V
John Paquelet, Ohio EPA, DMWM, NEDO
ec: Nyall McKenna, Ohio EPA, Supervisor, DMWM, NEDO
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NOTICE: Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from its obligation to comply with all applicable regulations.