



**Environmental
Protection Agency**

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

October 31, 2011

**COSHOCTON COUNTY
CLOW WATER SYSTEMS
DMWM-SEDO
OHD004294849**

Ms. Heather Rainwater
Environmental Manager
Clow Water Systems
2266 South Sixth Street
PO Box 6001
Coshocton, OH 43812-6001

Dear Ms. Rainwater:

On October 18, 2011, Ohio EPA received Clow Water System Company's (Clow) extension request for a container of hazardous waste that had been stored for over 90 days. Clow began accumulating the hazardous waste on July 6, 2011, and caused the hazardous waste to be transported off-site to an authorized facility on October 7, 2011. Clow stored the hazardous waste for at least two (2) full calendar days beyond the ninety-day accumulation period as allowed in OAC rule 3745-52-34(A). As OAC rule 3745-52-34(B) generally states, a generator who, for more than ninety days, accumulates hazardous waste that is generated on-site is an operator of a hazardous waste storage facility, subject to all the hazardous waste general facility standards, unless he has been granted an extension to the ninety-day period. Since Clow requested an extension to the ninety-day period after the allowed ninety-day period ended, Clow, in accordance with OAC rule 3745-52-34(B), had already become a hazardous waste storage facility, making the extension request moot.

Therefore, with this information, Ohio EPA has determined Clow has violated the following:

(1) Ohio Revised Code (ORC) Section 3734.02(E) and (F) (in part)

No person shall store 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 except at 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.

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Clow unlawfully stored hazardous waste for at least two calendar days past the allowed ninety-day accumulation period. Clow began accumulating a container of hazardous waste on July 6, 2011, and caused the transportation of the container of hazardous waste off-site to an authorized facility on October 7, 2011. Clow provided this information to Ohio EPA in correspondence dated October 18, 2011, which also included extension request to the ninety-day accumulation period.

If no releases have occurred and Clow will continue to use this area for accumulating hazardous waste in accordance with Ohio hazardous waste laws, no further action is required at this time and Clow is no longer in violation with this regulation.

Since Clow violated ORC 3734.02 (E) and (F), Clow is subject to all applicable general facility standards found in OAC chapters 3745-54 and 3745-55. Additionally, this storage area is subject to closure in accordance with OAC chapters 3745-54 and 3745-55. Ohio EPA may assert its right to have Clow begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

Please disregard Ohio EPA's 10/28/11 letter regarding this matter. Should you have any questions, please feel free to contact me at (740) 380-5278.

Sincerely,



Rich Stewart
Environmental Specialist
Division of Materials and Waste Management

RS/mlm

cc: Todd Anderson, Legal-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.