Crop Production Services
Urbana & Hillsboro Sites

OhioEPA
State of Ohio Environmental Protection Agency

Southwest District Office

401 E. Fifth St.
Dayton, Ohio 45402

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

August 28, 2007

Certified Mail

Ms. Beverly Tevebaugh
EHS Analyst
Crop Production Services
6 Executive Drive
Collinsville, IL 62234

RE: Cessation of Regulated Operations – Royster-Clark, Inc
121 James Street, Urbana, Ohio
111 Moore Road, Hillsboro, Ohio

Dear Ms. Tevebaugh:

On August 16, 2007, Ohio EPA conducted inspections of Royster-Clark's Urbana and Hillsboro, Ohio facilities to determine Royster-Clark's compliance with Ohio's Cessation of Regulated Operations (CRO) laws and rules as found under Chapter 3752 of the Ohio Revised Code (ORC) and Chapter 3745-352 of the Ohio Administrative Code (OAC). Steve Cundiff represented Royster-Clark. I represented Ohio EPA. Ohio EPA's inspection included a complete walk through of the both facilities and the inspection of remaining stationary items. Based on these inspections, Ohio EPA has determined Royster-Clark has violated the following State CRO regulations:

1. ORC 3752.04 Notice of cessation of regulated operations, ORC 3752.05 Designating contact person for facility, and OAC 3745-352-20(A)(1)(a) and (c). Not later than thirty days after cessation of regulated operations, you must:

   (a) Submit a notice of cessation of regulated operations to the director, the local emergency planning committee, and the fire department using form EPA 0327.

   (c) Designate a contact person for the facility in accordance with rule 3745-352-35 of the Administrative Code.

   Royster-Clark did not submit the required notification and did not designate a contact person within thirty days of ceasing operations for either facility. Therefore, Royster-Clark is in violation of ORC 3752.04, 3752.05, 3752.07, and OAC 3745-352-20(A)(1)(a-c).

To return to compliance, please submit an EPA form 0327 for each facility to this office within 14 days of receipt of this letter.

2. ORC 3752.07 Securing building, structure or outdoor location against unauthorized entry, OAC 3745-352-20(A)(1)(b), and OAC 3745-352-30(B) and (C), Providing adequate security:

   OAC 3745-352-20(A)(1)(b) states that the owner or operator must secure the facility in accordance with rule 3745-352-30, and must maintain this security until you have performed the measures required under paragraphs (A)(2)(d) to (A)(2)(f) of this rule and the director has verified your compliance and has concurred with your certification made under paragraph (A)(2)(g) of this rule.

   OAC 3745-352-30(B) states that you must post warning signs in publicly visible locations about each building or structure and each outdoor location of operation. Minimally, you must post warning signs at all facility access locations. You must have enough warning signs to alert persons that the building, structure or outdoor location contains or is contaminated with regulated substances. These warning signs must prohibit trespassing and state: "The building, structure, or outdoor location of operation contains or is contaminated with regulated substances that may endanger public health or safety if released into the environment."

   OAC 3745-352-30(C) states that you must maintain entry barriers and warning signs required in paragraphs (A) and (B) of this rule by doing the following:

   (1) You must inspect entry barriers and warning signs at least every seven days, or as agreed upon in writing by the director, the county sheriff's department, or the local police department.
   (2) You must record the condition of each entry barrier, security measure, and warning sign in an inspection log. You must show the log to the director if he requests it; and
   (3) You must repair or replace any damaged, lost, or removed entry barrier, warning sign, or other security measure promptly after you discover it is damaged or missing.

Royster-Clark did not post warning signs or conduct weekly inspections at either facility. Therefore, Royster-Clark violated OAC 3745-352-30(B) and (C). During my inspections on August 16, 2007, I determined that Royster-Clark has performed the measures required under paragraphs (A)(2)(d) and (A)(2)(f), verified your compliance with paragraphs (A)(2)(d) and (A)(2)(f), and concurred with your certifications made under paragraph (A)(2)(g) of this rule. Therefore, Royster-Clark is no longer required to provide the security described above, and is considered to have returned to compliance with these rules.

At both facilities Royster-Clark failed to comply with several laws and regulations. Please be advised, in the future, Royster-Clark's non-compliance with the CRO regulations may result in this office referring Royster-Clark to our Central Office for enforcement consideration.

Enclosed please find copies of checklists completed during the inspections. If you have any questions, please call me at (937) 285-6093.

Sincerely,

Cathy L Altman

Cathy L. Altman
Division of Hazardous Waste Management

cc: Dinah Crawford, DHWM-SWDO/SWDO File
Steve Cundiff, Crop Production Services
Jerry Damewood, Dingledine Trucking Co., 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.

CESSATION OF REGULATED OPERATIONS CHECKLIST

X Permanent Cessation	___ Temporary Discontinuation	___ Requesting Waiver for Temporary Discontinuation

Company: Royster-Clark, Inc dba Crop Production Services EPA ID#: _____

Street: 121 James Street City: Urbana

County: Champaign State: Ohio Zip: 43078

Mailing Address: 6 Executive Drive Collinsville, IL 62234
(If different from above)

Telephone Number: 800-767-2855 ext 349 Fax Number: _____

Owner/ Operator: Crop Production Services

Street: 6 Executive Drive City: Collinsville

County: _____ State: IL Zip: 62234

Telephone Number: 800-767-2855 ext 349 Fax Number: _____

Contact Person: Beverly Tevebaugh

Street: _____ City: _____

County: _____ State: _____ Zip: _____

Telephone Number: _____ Fax Number: _____

If the following applies, check the appropriate box and provide information:

____ Holder of First Mortgage	____ Fiduciary	____ Receiver	____ Indenture Trustee

Name : _____

Street: _____ City: _____

County: _____ State: _____ Zip: _____

Telephone Number: _____ Fax Number: _____

Inspection Date(s): August 16, 2007 Time(s): 9:30 AM

Inspection Announced: X____ YES _____ NO If so, how much advance notice given?: 3 weeks

	Name	Affiliation	Telephone Number
Inspectors:	Cathy Altman	Ohio EPA	937-285-6093
Facility Rep(s)	Steve Cundiff	Crop Production Services	740-335-6133

30-DAY REQUIREMENTS

1. Did the owner/operator of the reporting facility submit a notice of the cessation of all regulated operations (CRO) on a form prescribed by the Director to the following within 30 days of CRO? [ORC 3752.04 and OAC rule 3745-352-20(A)(1)(a)]

   a. Director of Ohio EPA — Yes__ No _X_ N/A__ RMK#_____

   b. Local Emergency Planning Committee — Yes__ No _X_ N/A__ RMK#_____

   c. Local Fire Department — Yes__ No _X_ N/A__ RMK#_____

2. Did the owner/operator designate a contact person? [ORC ' 3752.05 and OAC rule 3745-352-20(A)(1)(c)] — Yes__ No _X_ N/A__ RMK#_____

3. Did the owner/operator include the following information about the contact person? [ORC ' 3752.05(B) and OAC rule 3745-352-35(B)] — Yes__ No _X_ N/A__ RMK#_____

   a. Address of principal office of the owner/operator. — Yes__ No _X_ N/A__ RMK#_____

   b. Business or residence address. — Yes__ No _X_ N/A__ RMK#_____

   c. Telephone number of contact person. — Yes__ No _X_ N/A__ RMK#_____

4. Has the contact person changed? [ORC ' 3752.05(C) and OAC rule 3745-352-35(D)] — Yes__ No__ N/A_X_ RMK#_____

5. If the contact person changed his/her address or telephone numbers, did the owner/operator or contact person provide the Director with the new address or telephone number? [ORC ' 3752.05(D) and OAC rule 3745-352-35(D)] — Yes__ No__ N/A_X_ RMK#_____

NOTE: The owner/operator is also required to secure the facility and post warning signs within 30 days of CRO. See pp 5-6 of this checklist.

90-DAY REQUIREMENTS [ORC ' 3752.06]

1. Did the owner/operator make a written certification to Ohio EPA=s Director concerning the completion of the removal action within 90 days after CRO? [ORC ' 3752.06(A)(6) and OAC rule 3745-352-20(A)(2)(h)] — Yes X No ___ N/A___ RMK#_____

   NOTE: The owner/operator may receive approval from the Director to extend the 90-day period. [ORC ' 3752.06(B) and OAC rule 3745-352-20(A)(3]

2. Does the owner/operator hold a ***valid*** hazardous waste facility installation and operation permit or renewal permit or has obtained a generator identification number issued under the state=s hazardous waste program? [ORC ' 3752.06(C) and OAC rule 3745-352-20(A)(2)(g)] — Yes___ No X N/A___ RMK#_____

   NOTE: If so, the owner/operator is not subject to CRO for its hazardous waste and must instead comply with the hazardous waste requirements. — Yes___ No ___ N/A X RMK#_____

3. Did the owner/operator submit to the Director a copy of the most recent emergency and hazardous chemical inventory form that was submitted to the State Emergency Response Commission (SERC), including a statement indicating whether any asbestos-containing materials are present at the facility? [ORC ' 3752.06(A)(1) and OAC rule 3745-352-20(A)(2)(a)] — Yes X No ___ N/A___ RMK#_____

4. Did the owner/operator submit to the Director a copy of the current hazardous chemical list or each material safety data sheet that the owner/operator is required to have on file with the SERC? [ORC ' 3752.06(A)(2) and OAC rule 3745-352-20(A)(2)(b)] — Yes X No ___ N/A___ RMK#_____

5. Did the owner/operator drain or remove all regulated substances from each stationary tank, vat, electrical transformer, and vessel and from all piping, that is to remain at the facility? [ORC ' 3752.06(A)(4) and OAC rule 3745-352-20(A)(2)(c)] — Yes X No ___ N/A___ RMK#_____

6. Did the owner/operator submit a list of every stationary tank, vat, electrical transformer, and vessel of any type that contains or is contaminated with regulated substances and that is to remain at the facility? [ORC ' 3752.06(A)(3) and OAC rule 3745-352-20(A)(2)(d)] — Yes X No ___ N/A___ RMK#_____

7. Did the owner/operator do the following?

a. Transfer the regulated substances to another facility owned or operated by the owner/operator? [ORC ' 3752.06(A)(4)(a) and OAC rule 3745-352-20(A)(2)(c)(i)] Yes X No ___ N/A___ RMK#_____

OR

b. Transfer ownership of the regulated substances to another person through sale or otherwise? [ORC ' 3752.06(A)(4)(b) and OAC rule 3745-352-20(A)(2)(c)(ii)] Yes X No ___ N/A___ RMK#_____

OR

c. Transfer the regulated substances off-site in compliance with applicable and appropriate waste management laws? [ORC ' 3752.06(A)(4)(c) and OAC rule 3745-352-20(A)(2)(c)(iii)] Yes X No ___ N/A___ RMK#_____

8. Did the owner/operator remove from the facility all debris, non-stationary equipment and furnishings, non-stationary containers, and motor vehicles and rolling stock that contain or are contaminated with a regulated substance? [ORC ' 3752.06(A)(5) and OAC rule 3745-352-20(A)(2)(c)] Yes X No ___ N/A___ RMK#_____

9. Did the owner/operator do the following:

a. Transfer the debris, equipment, furnishings, containers, and motor vehicles and rolling stock to another facility owned and operated by the owner/operator? [ORC ' 3752.06(A)(5)(a) and OAC rule 3745-352-20(A)(2)(c)(i)] Yes X No ___ N/A___ RMK#_____

OR

b. Transfer ownership of the debris, equipment, furnishings, containers, and motor vehicles, and rolling stock to another person through sale or otherwise? [ORC ' 3752.06(A)(5)(b) and OAC rule 3745-352-20(A)(2)(c)(ii)] Yes X No ___ N/A___ RMK#_____

OR

c. Cause the debris, equipment, furnishings, and containers to be transported off-site in compliance with applicable and appropriate waste management laws and regulations? [ORC ' 3752.06(A)(5)(c) and OAC rule 3745-352-20(A)(2)(c)(iii)] Yes X No ___ N/A___ RMK#_____

SECURITY & WARNING SIGNS REQUIREMENTS OF OWNER/OPERATOR [ORC ' 3752.07 AND OAC RULE 3745-352-30]

1. Did the owner/operator secure the facility against unauthorized entry using one or more of the following as provided in OAC rule 3745-352-30(A)(1)-(5) within 30 days of CRO?

   a. Boarded, locked or used other means to secure all windows, doors and other potential means of entry? Yes X No ___ N/A___ RMK#_____

   b. Fencing? Yes___ No ___ N/A X RMK#_____

   c. Lighting and a surveillance system? Yes___ No ___ N/A X RMK#_____

   d. Guard or security service? Yes___ No ___ N/A X RMK#_____

   e. Notarized statement from the county sheriff=s department or the local police stating that the security measures secure against unauthorized entry? Yes___ No ___ N/A X RMK#_____

   f. Demonstrated to the satisfaction of the Director or his/her designee that the proposed security measures secure against unauthorized entry? Yes___ No ___ N/A X RMK#_____

2. Did the owner/operator post the appropriate warning signs in the following fashion within 30 days of CRO? [ORC ' 3752.07(A) and OAC rule 3745-352-20(A)(1)(b)]:

   a. Prohibit trespassing and state: AThe building, structure, or outdoor location of operations contains or is contaminated with regulated substances that may endanger public health or safety if released into the environment.@ [OAC rule 3745-352-30(B)] Yes___ No X N/A___ RMK#_____

   b. Are warning signs posted on, or reasonable proximate to, the building, structure or outdoor location in sufficient number to alert people? [OAC rule 3745-352-30(B)] Yes___ No X N/A___ RMK#_____

   c. Posted on, or reasonably proximate to, locations that contain ignitable regulated substances and include the language, ANo Smoking?@ [OAC rule 3745-352-30(B)(2)] Yes___ No X N/A___ RMK#_____

   d. Legible from a distance of at least 25 feet? [OAC rule 3745-352-30(B)(3)] Yes___ No X N/A___ RMK#_____

e. Constructed to withstand weather and affixed to secure against removal? [OAC rule 3745-352-30(B)(4)]

Are entry barrier and warning signs maintained to secure against unauthorized entry by the following measures listed below: [OAC rule 3745-352-30(C)]

a. Inspected weekly or as agreed by the Director or his/her designee, county sheriff=s department or local police department? [OAC rule 3745-352-30(C)(1)] Yes__ No _X_ N/A__ RMK#_____

b. The condition is recorded in an inspection log? [OAC rule 3745-352-30(C)(2)] Yes__ No _X_ N/A__ RMK#_____

c. Prompt repair or replacement after discovery of damage, lost or removed? [OAC rule 3745-352-30(C)(3)] Yes__ No _X_ N/A__ RMK#_____