



State of Ohio Environmental Protection Agency

Southeast District Office

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

November 13, 2008

**SCIOTO COUNTY
(SOUTHERN OHIO PORT AUTHORITY)
DHWM/SEDO
NON NOTIFIER**

Mr. Bob Walton, Vice Chairman
Southern Ohio Port Authority
PO Box 1525
433 Third Avenue
Portsmouth, Ohio 45662

Dear Mr. Walton:

On November 7, 2008, I re-inspected the Southern Ohio Port Authority's ("SOPA") Diesel Shop located at 500 Industry Road in New Boston to determine SOPA's compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). Previous NOV letters were sent to SOPA on October 24 and December 4, 2007. Consolidation and disposal of some wastes occurred during the summer of 2008. Remaining violations were discussed with you in a meeting in Judge Harchi's office on September 16, 2008. At that time, you stated that you were to hear later that week about possible funding for the removal of the drums. To date, SOPA remains in violation of the following:

- (1) **Ohio Revised Code (ORC 3734.02(E)(F)), Prohibitions.** No person shall store, treat, or dispose of hazardous waste, or transport or cause to be transported any hazardous waste except to or at a permitted hazardous waste facility.

Numerous containers of unknown contents were abandoned in the Diesel Shop by past owners and operators of the site. When SOPA purchased the site, it assumed ownership of the waste, and therefore, responsibility for compliance with this rule. Thus SOPA has stored hazardous wastes for greater than ninety days in the Diesel Shop without a permit.

The following wastes are stored in three plastic five-gallon buckets:

- a. One-gallon container which is 1/3 full of "Mobil Chemical Company 7-T-35 Thinner" (D001 hazardous waste);
- b. One-gallon container which is 1/3 full of "DuPont 80965 Carolina Thinner" which is labeled with duct tape as "Carolina Thinner" (D001 hazardous waste);
- c. One-quart container of "Rema Tip Top Special Vulcanizing Cement" (D040/D028 hazardous waste);
- d. One-quart container, 1/2 full of "PPG Ditzler Flo-Dry Enamel Reducer" (D001/D018/D040 hazardous waste);

- e. One-quart container of "Rema Tip Top Liquid Pre-Buff Cleaner" (D019/D039/D040 hazardous waste); and
- f. One-quart plastic bottle labeled "acid" (D002).

The following hazardous wastes are stored in drums:

- a. A full 55-gallon drum in a storeroom on the second story that contains a viscous beige liquid (D001/D039 hazardous waste);
- b. Eight 55-gallon drums of labeled "North Pit D008";
- c. 24 55-gallon drums labeled "Northeast Pit D008";
- d. Four 55-gallon drums labeled "D008 Lead and Oil UST Top Layer". Note that according to sampling conducted by Ohio EPA, this waste also is hazardous for chromium (D007); and
- e. One 55-gallon drum labeled "UST Tank Bottom Sludge".

In order to abate this violation, SOPA must immediately either recycle or manifest offsite as a hazardous waste the contents of the above containers, and provide recycling receipts or manifests for disposal to this office.

- (2) **OAC Rule 3745-52-11, Waste Evaluation:** Any person who generates a waste in Ohio must evaluate the waste to determine if it is hazardous. If so, it must be managed as such.

During the summer of 2008, some consolidation and removal of wastes such as used oils, grease, antifreeze and other wastes that were contained in the buildings may have occurred. Documentation of the waste evaluation and disposal was never provided to Ohio EPA.

In order to abate this violation, SOPA must submit documentation that all wastes which were removed by SOPA or its contractor were evaluated pursuant to OAC 3745-52-11 prior to removal. In addition, SOPA must submit documentation, in form of manifests or receipts that wastes were properly recycled or disposed of.

In addition, the following wastes have not yet been evaluated. In order to abate this violation, you must evaluate the following and submit the evaluation to this office:

- a. One 55-gallon drum labeled "AST Tank Bottom Sludge";
- b. Three 55-gallon drums of scrapings from three pits in the diesel shop;
- c. One 55-gallon drum labeled "#15"; and
- d. One 55-gallon drum labeled "#17".

If hazardous, the above wastes must be recycled or manifested offsite, and recycling receipts or manifests must be submitted to this office. If non-hazardous, the wastes must be disposed of at a licensed solid waste landfill, and receipts submitted to this office.

- (3) **OAC Rule 3745-66-73 (B), Management of Containers:** A container holding hazardous waste shall not be opened, handled or stored in a manner which may rupture the container or cause it to leak.

All containers of hazardous waste described in citation #1 above are stored in an unsecured building and subject to vandalism and theft. There are signs of repeated entry and vandalism in the building. This was discussed with SOPA in a September 16, 2008 meeting. To date, no action has been taken to secure the containers or dispose of these wastes.

In order to abate this violation, SOPA must immediately either recycle or dispose of the contents of the drums as described in citation #2 above. In addition, any drums evaluated as a hazardous waste in citation #2 above must also be either recycled or disposed of.

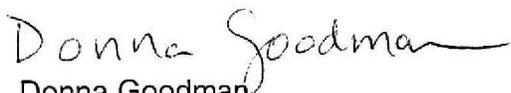
- (4) **Inspections, OAC rule 3745-66-74:** The owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and deterioration. Inspections must be recorded in an inspection log or summary.

SOPA has failed to conduct weekly inspections of containers stored in the Diesel Shop. In order to abate this violation, SOPA must immediately begin to conduct and record weekly inspections of all containers pursuant to this rule until such time that containers have been removed from the site for recycling or disposal. In order to document compliance with this rule, please submit to this office two weeks worth of inspection records.

Please submit the above requested information to this office **within 15 days** of the date of this letter demonstrating that all violations have been abated. **Failure to abate the above violations may result in escalated enforcement action which could result in fines and penalties.**

Should you have any questions, please feel free to contact me at 740-380-5293.

Sincerely,



Donna Goodman
District Representative
Division of Hazardous Waste Management

DG/mlm

cc: Chris Osborne, DERR

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.