



State of Ohio Environmental Protection Agency

Northeast District Office

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

**CERTIFIED MAIL**

March 18, 2008

Mr. Kenneth Gray  
Gray Container, LLC  
2800 E. 90<sup>TH</sup> St.  
Cleveland, OH 44104

**RE: GRAY CONTAINER LLC, CUYAHOGA COUNTY, OHD980903827, NOV**

Dear Mr. Gray:

On January 7, 2008, representatives of Ohio EPA, Division of Hazardous Waste Management (DHWM), conducted an unannounced hazardous waste compliance evaluation inspection (CEI) of the Gray Container, LLC facility located at 2800 East 90<sup>TH</sup> Street in Cleveland, Ohio. The purpose of the inspection was to determine your facility's compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and the rules promulgated thereunder in Chapter 3745 of the Ohio Administrative Code (OAC). Additionally, this inspection was to follow-up on the status of previously identified violations at your facility. The following summarizes Ohio EPA's recent involvement at your facility:

- On May 30, 2007, representatives of Ohio EPA conducted an unannounced hazardous waste CEI. Violations which were documented during the CEI were presented to you in Ohio EPA's June 19, 2007 Notice of Violation (NOV) letter.
- On August 28, 2007, Gray Container submitted its response to Ohio EPA's June 19, 2007 NOV letter.
- On October 7, 2007, representatives of Ohio EPA met with you and your consultants to discuss your August 28, 2007 submittal.
- On January 7, 2008, representatives of Ohio EPA conducted an unannounced hazardous waste CEI.
- On January 11, 2008, representatives of Ohio EPA observed sampling activities conducted by your consultant at location G33. Ohio EPA split samples with your consultant.
- On January 16, January 18 and January 22, 2008, your consultant provided Ohio EPA with a copy of the analytical results for the samples obtained on January 11, 2008.
- On February 20, 2008, representatives of Ohio EPA observed sampling activities conducted by your consultant at Trailer Five and Trailer Six. Ohio EPA split samples with your consultant.
- On March 12, 2008, you provided Ohio EPA with a copy of the analytical results for the samples obtained on February 20, 2008.

The following is the status of the previously cited violations:

**1. OAC rule 3745-52-11, Waste Evaluation:**

Gray Container must evaluate the contents of an estimated 440 drums and drum liners. The drums and liners are located in the Old Process Building, five trailers and scattered along the western half of the property. Individual drums, groups of drums and liners were labeled as G01 through G50. Drums documented in the trailers were identified as Trailer One, Trailer Five, Trailer Six, Trailer Seven and Trailer Eight. A copy of Ohio EPA's container inventory spreadsheet is enclosed for your reference. Should any other container or tank of waste be found at your facility, you must include these in your evaluation described below.

To abate this violation, Gray Container must evaluate the contents of the estimated 440 drums and liners, and submit the following information (for each drum or liner):

- Waste evaluation results;
- Identify how each waste stream will be managed;
- Identify the date when the waste was generated; and
- Identify where and how the waste was generated.

Further, you are requested to notify Ohio EPA at least five days prior to conducting any sampling activities at your facility.

**2. OAC rule 3745-52-11, Waste Evaluation:**

Gray Container must evaluate its spent fluorescent lamps prior to disposal. To abate this violation, Gray Container must submit either waste evaluation results for the spent lamps or a written universal waste lamp management procedure.

In addition to the above, Ohio EPA has determined that Gray Container has violated the following hazardous waste laws and rules:

**3. ORC § 3734.02(E)&(F), Unlawful Storage and Disposal of Hazardous Waste: ORC § 3734.02(E), Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid 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 ORC § 3734.05. ORC § 3734.02(F), No person shall store, treat or dispose of hazardous waste identified or listed under this chapter and rules adopted under it or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under ... except to a facility operating under a hazardous waste facility installation and operation permit.**

- A. During the May 30, 2007 CEI, Ohio EPA documented approximately 120 drums at location G33. Subsequently, on January 7, 2008, Ohio EPA documented these same drums at location G33. Several of these drums were open and in poor condition as evidenced by the release(s) of waste material, as well as the visible sheen observed on ponded precipitation amongst the containers. Ohio EPA advised you to close all containers and correct any leaking ones. Additionally, Ohio EPA advised you to clean up the released waste.

On January 11, 2008, your consultant obtained four samples from the drums referenced above. These samples represented the paint related wastes (i.e., waste paint and solvent) which comprise the contents of the drums found at location G33. The analytical results demonstrated that the contents of the following containers are hazardous waste: G33-01, G33-02, G33-03 and G33-04. Specifically, the contents of containers G33-01, G33-02, G33-03 and G33-04 exhibited a flashpoint less than 140 degrees Fahrenheit thus classifying them as ignitable hazardous waste as defined in OAC rule 3745-51-21. Therefore, Gray Container has conducted unlawful storage of hazardous waste since these wastes have been stored on-site for greater-than-ninety (>90) days. You must make immediate arrangements for the lawful, off-site disposal of the hazardous waste. Further, you must submit a copy of the manifest(s) documenting the lawful, off-site disposal of the hazardous waste.

Additionally, on January 11, 2008, your consultant obtained a sample of the released waste and ponded precipitation found amongst the drums at location G33. The analytical results revealed hazardous constituents consistent with the type of hazardous waste present inside containers at location G33. Therefore, Gray Container has conducted unlawful disposal of hazardous waste as evidenced by the release of hazardous waste constituents to the environment.

- B. During the May 30, 2007 CEI, Ohio EPA documented approximately 50 drums in Trailer Five and approximately 20 drums in Trailer Six. Subsequently, on January 7, 2008, Ohio EPA documented these same drums in Trailer Five and Trailer Six. On February 20, 2008, Ohio EPA documented 52 drums in Trailer Five and 22 drums in Trailer Six.

On February 20, 2008, your consultant obtained 19 samples from the drums in Trailer Five and Trailer Six. The analytical results demonstrated that the contents of the following containers are hazardous waste: T5-02, T5-04A, T5-06, T5-17, T5-21, T5-23, T5-26, T5-46, T6-02, T6-06, T6-10, T6-12, T6-18 and T6-21. Specifically, the contents of these 14 drums exhibited a flashpoint less than 140 degrees Fahrenheit thus classifying them as ignitable hazardous waste as defined in OAC rule 3745-51-21. Therefore, Gray Container has conducted unlawful storage of hazardous waste since these wastes have been stored on-site for greater-than-ninety (>90) days. You must make immediate arrangements for the lawful, off-site disposal of the hazardous waste. Further, you must submit a copy of the manifest(s) documenting the lawful, off-site disposal of the hazardous waste.

In accordance with OAC rule 3745-55-10 through 3745-55-20, Gray Container must conduct closure activities for all areas where hazardous waste has been unlawfully stored and/or disposed. Closure activities will entail the following: removing and disposing of all waste and residues, removing or decontaminating contaminated equipment and structures, remediating contaminated soils and groundwater if necessary, and managing all wastes generated from these activities in accordance with the hazardous waste laws and rules.

You must submit a closure plan which ensures that the closure performance standards set forth in OAC rule 3745-55-11 are met. The closure performance standards require you to remove and remediate contamination in these areas to prevent it from posing a risk to human health and the environment. The closure plan should be prepared in accordance with Ohio EPA's *Closure Plan Review Guidance for RCRA Facilities*. Additionally, Gray Container must comply with the closure cost estimate, financial assurance and liability requirements found in OAC rules 3745-55-40 to 3745-55-51.

Since you have violated ORC § 3734.02(E)&(F), your facility is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 3745-55. Additionally, at any time Ohio EPA may assert its right to have you begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law. At a minimum, you must submit documentation that demonstrates you have complied with the following:

4. **OAC rule 3745-54-14, Security;**
5. **OAC rule 3745-54-15, General Inspection Requirements;**
6. **OAC rule 3745-54-16, Personnel Training;**
7. **OAC rule 3745-54-17, Requirements for Wastes;**
8. **OAC rules 3745-54-30 to 3745-54-37, Emergency Preparedness & Prevention;**
9. **OAC rules 3745-54-50 to 3745-54-52, Contingency Plan;**
10. **OAC rules 3745-54-55 & 3745-54-56, Emergency Coordinator & Procedures; and**
11. **OAC rules 3745-55-70 to 3745-55-77, Use and Management of Hazardous Waste Containers.**
12. **OAC rule 3745-54-31, Maintenance & Operation: Facilities must be designed, constructed, maintained, and operated to minimize the possibility of a fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.**

During the January 7, 2008 CEI, Ohio EPA observed released waste on the floor beneath the wash line in the Process Building. Gray Container must clean up the released waste and lawfully dispose of it at an appropriate facility. Submit documentation that you cleaned up and lawfully disposed of the released waste in the Process Building.

Please be aware that your facility will remain in violation until the appropriate documentation is received by the undersigned. **Within 30 days of receipt of this letter, submit a written response to the undersigned addressing each violation appearing in this letter.** Pertinent documentation to address each violation must accompany your response.

GRAY CONTAINER LLC  
MARCH 18, 2008  
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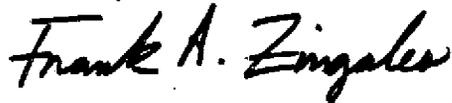
Please find enclosed a copy of the following:

- Video obtained by Ohio EPA during the January 7, 2008 CEI;
- Container inventory sheet from the January 7, 2008 CEI;
- Container inventory sheet for Trailer Five and Trailer Six;
- Electronic copy of Ohio EPA's analytical results (Report L08010353, dated February 1, 2008) from the January 11, 2008 samples that were split with your consultant; and
- Electronic copy of Ohio EPA's analytical results (Report L08020490, dated March 6, 2008) from the February 20, 2008 samples that were split with your consultant.

Please be aware that present or past instances of non-compliance may continue as subjects of pending or future enforcement actions. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from having to comply with all applicable regulations.

Should you have any questions, please contact me at (330) 963-1108.

Sincerely,



Frank A. Zingales  
Environmental Specialist  
Division of Hazardous Waste Management

FAZ:ddw

Enclosure

cc: Natalie Oryshkewych, DHWM, NEDO  
Harry Sarvis, DHWM, CO

Gray Container, LLC

"February 20, 2008

OEPA Container Inventory - Trailers 5 and 6

OEPA #	CONTAINER				CONTENTS				OTHER	
	Type	Size	Color	Open	Amount	Color	Type	PID (PPM)	Label	Description
<b>Trailer 5</b>										
T5-01	Steel	55-G	Black		1/4		Sludge	300		Grease
T5-02	Steel	55-G	Rust		3/4	Black	Liquid	2000		Oil
T5-04A	Steel	55-G	Black		1/2	Brown	Liquid	2000		Paint/solvent related
T5-04B	Steel	55-G	Black		1/2		Sludge	120		
T5-05	Steel	55-G	Blue		3/4					Frozen liquid
T5-06	Steel	55-G	Rust		Full	Black	Liquid	186		Oil
T5-07	Steel	55-G	Rust		Full	Blue	Liquid	2000	N-HW	Paint/solvent related
T5-08	Steel	55-G	Black		Full	Clear	Liquid	150		Clear polymer
T5-09	Steel	55-G	Black		Full	Clear	Liquid	250		Clear polymer
T5-10	Steel	55-G	Rust					450		Frozen liquid
T5-11	Steel	55-G	Rust					11		
T5-12	Steel	55-G	Rust					3		Crushed drum
T5-13	Steel	55-G	Rust					12		
T5-14	Steel	55-G	Brown					5		
T5-15	Steel	55-G	Black					12	HW	
T5-16	Steel	55-G	Brown					420		
T5-17	Steel	55-G	Brown		1/2	Cream	Liquid	25		
T5-18	Steel	55-G	Brown							
T5-19	Steel	55-G	Black		1/2		Solid			Filters
T5-20	Steel	55-G	Black					10		
T5-21	Steel	55-G	Blue		Full	Brown	Liquid	2000		Paint/solvent related
T5-22	Steel	55-G	Black					8		
T5-23	Steel	55-G	Black		1/2	Amber	Liquid	520		Kerosene
T5-24	Steel	55-G			Full	Black	Liquid	22		Oil
T5-25	Steel	55-G			Full	Black	Liquid	63		Oil
T5-26	Steel	55-G			Full	Black	Liquid	190		Oil
T5-27	Steel	55-G			1/2		Solid			Filters
T5-28	Steel	55-G			Full			2000		
T5-29	Steel	55-G						15		
T5-30	Steel	55-G						17		
T5-31	Steel	55-G						14		
T5-32	Steel	55-G			3/4	Black	Liquid	595		Oil
T5-33	Steel	55-G								
T5-34	Steel	55-G			1/2			20		
T5-35	Steel	55-G								
T5-36	Steel	55-G			Full	Black	Liquid	124		Oil
T5-37	Steel	55-G						15		
T5-38	Steel	55-G					Solid	25		Filters
T5-39	Steel	55-G						16		
T5-40	Steel	55-G			Full	Black	Liquid	213		Oil
T5-41	Steel	55-G						20		

OEPA #	CONTAINER				CONTENTS				OTHER	
	Type	Size	Color	Open	Amount	Color	Type	PID (PPM)	Label	Description
T5-42	Steel	55-G						16		
T5-43	Steel	55-G						16		
T5-44	Steel	55-G						14		
T5-45	Steel	55-G						13		
T5-46	Steel	55-G			Full	Amber	Liquid	2000		
T5-47	Steel	55-G						59		
T5-48	Steel	55-G						60		
T5-49	Steel	55-G						2000		
T5-50	Steel	55-G						150		
T5-51	Steel	55-G						83		
T5-52	Steel	55-G					Sludge	26		
<b>Trailer 6</b>										
1	Steel	55-G	Rust		3/4	Black	Liquid	13.7		Oil
T6-02	Steel	55-G	Red		Full	Black	Liquid	371		Paint/solvent related
T6-03	Steel	55-G	Black		Full		Solid	3.6		Filters
T6-04	Steel	30-G	Rust		Full	Black	Liquid	754		Oil
T6-05	Steel	55-G	Black		1/2	Clear	Liquid	5.2		Clear polymer
T6-06	Steel	30-G	Rust		Full		Liquid	730		Paint/solvent related
T6-07	Steel	55-G	Black		1/4			3.5		
T6-08	Steel	55-G	Black		1/2		Solid	50.5		Floor absorbent
T6-09	Steel	55-G	Blue		Full	Black	Liquid	28		Oil
T6-10	Steel	55-G	White		1/2	Black	Liquid	2000		Oil
T6-11	Steel	55-G	White		1/2		Solid	162		Floor absorbent
T6-12	Steel	55-G	Rust		1/2	Black	Liquid	2000		Oil
T6-13	Steel	55-G	Black		Full	Black	Liquid	85		Oil
T6-14	Steel	55-G	Rust		1/4	Black	Liquid	72		Oil
T6-15	Steel	55-G	Black		1/4	Black	Liquid	35		Oil
T6-16	Steel	55-G	Blue		3/4			199		Frozen paint
T6-17	Steel	55-G	Rust		1/4	Black	Liquid	35		Oil
8	Steel	55-G	Black		1/2	Light Brown	Liquid	2000		Paint/solvent related
T6-19	Steel	55-G	Black		Full		Solid			Filters
T6-20	Steel	55-G	Black		Full		Solid			Filters
T6-21	Steel	55-G	Black		Full	Dark Yellow	Liquid	2000		Paint/solvent related
T6-22	Steel	55-G	Red		1/4	Black	Liquid			Frozen oil.

## Ohio EPA Container Inventory - Gray Container LLC - January 8, 2008

OEPA #	CONTAINER				CONTENTS		OTHER
	Type	Size	Color	Open	Amount	Label	Description
	Steel	55-G	Black	N	Full	Y	Lomar PWA Liquid
	Plastic	55-G	White	N	3"	Y	HW label: Triangle Circuits of Pittsburgh, Manifest PAH085584, Hydrobromic Acid, D002/D008, Air Leveling Fluid (Flux)
G03	Plastic	55-G	Black	N	Full	N	
G04							See Trailer 1
G05	Steel	55-G	Rusted	Y		N	3, 55-G drums. Open/no lids. Drums 1/2 to 3/4 full.
G06	Steel	55-G	Rusted	Y	3/4	N	Drum deteriorated - paint odor.
G07	Steel	55-G	Blue	N	3/4	Y	Rhomamere 6844-0, Degussa, Flam Liq label.
G08	Steel	55-G	Blue	Y	Full	Y	Wacher Crossl Inker
G09	Steel	55-G	Blue	N	Full	Y	Avecia, Proxel, Sodium Hydroxide/1,2-Benzisothiazolin-3-One, Corr Liq label, pesticide container
G10	Plastic	55-G	White	N	6"	Y	Mid State Chemical & Supply, Eco Draw HV
G11	Plastic	55-G	Black	Y	3/4	N	Oil-like waste.
G12	Steel	30-G		Y	3/4	Y	9, 30-G drums containing oil-like waste.
G13							Approx. 10 plastic drum liners containing red waste residue.
G14	Steel	55-G	Red	N	1/2	N	
G15	Steel	55-G	Green	N	3/4	Y	Damaged/dented drum. Kaydol White Mineral Oil.
G16	Steel	55-G	Black	N	1/4	Y	Gabriel Performance Products GPM-800
G17	Steel	30-G	Black	Y	1/4	Y	HW label: Gregory Galvanizing, Canton, Ohio, D001/D018/D035/F003/F005. Flam Liq label.
G18	Steel	55-G	Grey	N	Full	Y	Garland Co. Pyramic 7467
G19	Steel	55-G	Black	N	Full	N	
G20	Steel	30-G	Red	N	Full	N	
G21	Steel	55-G	Black	N	Full	Y	Damaged/dented drum. Proxseal. Posion Flam Liq label.
	Steel	55-G	Black	N	Full	Y	Gld Mod Epoxy
G23	Steel	55-G	Rusted	N	Full	N	
G24	Steel	55-G	Rusted	N	Full	N	
G25	Steel	55-G	Rusted	N	Full	Y	Chemical Solvents Inc. Lekosol AL
G26	Steel	55-G	Black	N	Full	Y	Rhomamere 6844, Degussa, Flam Liq label.
G27	Steel	55-G	Black	Y	1/2	Y	Stahl XR-2500
G28	Steel	55-G	Black	N	Full	Y	505 Sub U Can
G29	Steel	55-G	Blue	N	Full	Y	Flam Liq label.
G30	Steel	55-G	Black	N	Full	N	
G31	Steel	55-G	Blue	N	1/2	Y	Marked "Hazardous Waste." Flam Liq label.
G32	Steel	55-G	Black	N	Full	N	
G33	Steel	30&55-G		Y			Approx. 130 drums. Sizes: 30-G and 55-G. Closed tops w/ bung and ring-tops. Many open, deteriorated, and leaking.
G34	Steel	55-G	Rusted	N	Full	N	Damaged/dented drum.
G35	Plastic	55-G	Blue	N	1/2	N	
G36	Plastic	55-G	Black	N	1/4	Y	HW label.
G37	Plastic	55-G	Black	N	3/4	N	
G38	Steel	55-G	Black	N	Full	N	
G39	Steel	55-G	Black	N	1/4	N	
G40	Steel	55-G	Rusted	Y	1/2	N	Oil-like waste.
G41	Steel	30-G	Grey	Y	1/3	N	Oil-like waste.
G42	Steel	55-G	Rusted	Y	3/4	N	White liquid.

