



**Environmental
Protection Agency**

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

May 2, 2012

**TUSCARAWAS COUNTY
TREM CAR U.S.A. INC.
DMWM/SEDO
OHD 085 231 579**

Mr. Shane Walters
Tremcar U.S.A. Inc.
436 12th Street NE
Strasburg, OH 44680

Dear Mr. Walters:

On February 15, 2012, I investigated a complaint at Tremcar U.S.A. Inc.'s (Tremcar) facility in Strasburg, Ohio. On February 21, 2012 after receiving two additional more detailed complaints about Tremcar, Melody Stewart and I investigated and inspected the facility to determine Tremcar'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). I sent you a Notice of Violation letter on March 7, 2012 specifying the violation observed during the inspection and requesting additional information needed to complete our evaluation of your facility. Tremcar e-mailed soil sampling results on March 13, 2012 and faxed manifest information on March 14, 2012. Unfortunately the faxed information had poor resolution and was not fully readable. I issued a second Notice of Violation to Tremcar on April 13, 2012 which cited two additional violations and returned you to compliance for the OAC Rule 3745-52-11, Hazardous Waste Determination violation. To date, Tremcar has failed to respond to the requests for additional information in the March 7, 2012 and April 13, 2012 letters and the violations in the April 13, 2012 letter and remains in violation of the following:

- (1) ***Ohio Revised Code (ORC) § 3734.02(E) and (F), Establishing and Operating a Hazardous Waste Facility:*** (E) No person shall establish or operate a hazardous waste facility without a hazardous waste facility installation and operation permit. (F) No person shall dispose of hazardous waste or transport or cause hazardous waste to be transported to any other premises except to or at a hazardous waste permitted facility.

Tremcar uses Economy Thinner and Fast Dry Paint Thinner to clean their paint guns. When used, both these thinners are an F003/F005 hazardous waste due to the xylene and toluene content. Tremcar purchasing records show that 906 gallons of thinner have been purchased since April 2010. During my visits to your facility I observed 19 gallons of product thinner in storage and a 55-gallon drum of waste thinner. You stated that you have never manifested any paint waste or thinner off-

site for disposal. This leaves 832 gallons of thinner not accounted for. Three different complainants contacted Ohio EPA and reported that waste paint and waste thinner were being disposed of on the ground and/or in a hole in the building wall. On February 15, 2012 I observed that Tremcar had waste material on the ground outside the paint room door. On February 16, 2012, you e-mailed me pictures showing this waste material being shoveled into a hopper. On March 13, 2012, I received an e-mail from Jerry Willhite conveying the sampling results from waste material in the hopper. Among the compounds identified by the sampling were Xylenes at 240 ug/Kg and Toluene at 120 ug/Kg. These two compounds indicate that the waste material contained waste Economy Thinner and Fast Dry Paint Thinner which are an F003/F005 hazardous waste.

On February 21, 2012 in the interior block wall of the paint room I observed a round hole approximately 4 inches in diameter where the floor meets the wall. The hole was coated with dried paint inside and outside. Complainants with knowledge of facility operations say this hole was used to dispose used paint thinner.

Therefore, Ohio EPA concludes that, Tremcar established and operated a hazardous waste disposal facility without a hazardous waste installation and operation permit, in violation of ORC § 3734.02(E) and (F), by disposing of hazardous waste paint thinner on the ground in the area outside the paint room and in the hole in the interior block wall of the paint room.

Tremcar must immediately cease all illegal disposal of hazardous waste on the ground and in the hole in the wall. Tremcar must immediately begin to containerize all spent paint thinner and paint waste and manage these wastes as a hazardous waste. All waste material in the hopper must be disposed as a hazardous waste in accordance with Ohio laws. Tremcar must provide to this office a hazardous waste manifest(s) to document proper waste disposal.

Since Tremcar violated ORC §3734.02(E) and (F), Tremcar is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have Tremcar begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

- (2) **OAC 3745-55-12, Closure Plan- Amendment of Plan:** The owner or operator of hazardous waste facility must have a written closure plan. Because Tremcar has created a hazardous waste disposal facility, Tremcar must close all areas on the ground and in the block wall of the paint room where illegal disposal of paint thinner and paint waste has occurred pursuant to OAC rules 3745-55-11 through 3745-55-20 and OAC rules 3745-55-42 through 3745-55-47.

In order to abate this violation, please submit an approvable closure plan by July 12, 2012 to the attention of Mr. John Rochotte, Ohio EPA, Division of Environmental Response and Revitalization, 2195 Front Street, Logan, OH 43138. Once approved, the closure plan must be implemented.

Additional Information Needed

To date, Tremcar has failed to fully respond to requests for information made in the March 7, 2012 and April 13, 2012 Notice of Violation letters, as detailed in items A through H below.

- (A) During my February 21, 2012 inspection I requested your paint and thinner purchasing records. Ashli Nelson e-mailed these records on February 27, and 29, 2012. Your purchasing records show that 906 gallons of thinner have been purchased since April 2010. Thinner purchasing amounts have increased over the past year, with the last four months (October, November, December, and January) of purchasing averaging 90 gallons per month. During my visits to your facility I observed 19 gallons of product thinner in storage, a 55-gallon drum of waste thinner, and a 55-gallon drum with a Mobil product label on it which Jim Beal said contained waste thinner. You stated that you have never manifested any paint waste or thinner off-site for disposal. Please explain the discrepancy between the 906 gallons of thinner Tremcar has purchased since April 2010 and the 129 gallons of possible waste and product I observed at the facility, and explain the fact that waste paint or thinner has never been sent off-site for disposal.
- (B) Based on the purchasing records Tremcar supplied, it appears likely that Tremcar is a small quantity generator of hazardous waste. Please be aware that if this is the case, Tremcar is subject to all the small quantity generator requirements in the ORC and OAC. After all the requested information is received by Ohio EPA, we will evaluate Tremcar's compliance status with respect to the small quantity generator rules.
- (C) During the February 21, 2012 inspection we observed a red 55-gallon drum behind the warehouse building with a Mobil product label on it. The drum appeared to be in good, like new condition and the drum top was wrapped with plastic. When we observed the drum it was agreed that the drum was full and appeared to contain an oil product. Later during our visit Jim Beal stated that he had found that the drum contained thinner. I request that you open the drum and determine with certainty what the drum contains. Please respond in writing with your findings.

- (D) Tremcar has a trench drain in the paint room that is connected to an underground tank which I observed on February 21, 2012. You said that this tank is sampled and pumped out by Safety-Kleen or Speedy Septic on a regular basis. On February 21, 2012, I requested that you show me the sampling records and the disposal records for this waste. On February 22, 2012 Ashli Nelson e-mailed me a generator waste report from Safety-Kleen. This report did not show any records related to this tank. Please immediately locate your sampling and disposal records for this tank and send a copy to me for review.
- (E) It appeared that the trench drain in the paint room had received some paint waste as alleged by the complainant. Please state how material that collected in the trench was managed in the past and provide any supporting documentation such as waste analysis or disposal records.
- (F) As I described earlier in this letter, Tremcar had a 55-gallon drum coated with paint such that it appeared paint had been poured into the drum top through the bung holes. The drum had a gash in its side and was empty. Please explain this drum. Where is the paint waste that appears to have been poured into it? What has Tremcar normally done with waste paint?
- (G) According to your Safety-Kleen records Tremcar generated 139 gallons of used oil on December 29, 2011. Please provide a response stating what process at Tremcar generates used oil, whether the used oil is stored in a tank or container, the size of the tank or container and the location where used oil is stored at the facility.
- (H) During my visits to your facility you stated that your intention was to have Safety-Kleen dispose of your drum(s) of waste thinner, a pallet of 5 gallon buckets containing unusable paint brought to the Tremcar facility by an employee, and unusable containers of paint that had been left outside while the paint booth was being installed. On March 14, 2012, Mr. Willhite faxed me manifest documentation. As I stated in my phone conversation of March 14, 2012 with Mr. Willhite, the resolution of the faxed manifest was poor and not clearly readable, therefore, I am requesting that you provide a photo copy or an electronic copy of the original, signed (on line 20) manifest.

Tremcar needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. **Within 7 days of receipt of this letter**, Tremcar is requested to provide documentation to this office including the steps taken to abate the violations cited above, and respond to all requests for additional information. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and

Mr. Shane Walters
Tremcar U.S.A. Inc.
May 2, 2012
Page 5

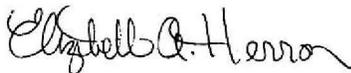
photographs, as appropriate, and may be submitted via the postal service or electronically to Elizabeth.Herron@epa.ohio.gov.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. of the Ohio Revised Code and rules promulgated thereunder, may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, Tremcar is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Please note that Ohio EPA considers these violations serious in nature and the company's failure to respond to this and past Notices of Violations may result in referral of Tremcar's violations to our Central Office Enforcement Section for consideration of escalated enforcement.

You can find Ohio's hazardous waste rules and other information on the division's web page at: <http://www.epa.ohio.gov/dhwm/>. If you have any questions, please contact me by telephone at (740) 380-5248, or by e-mail at Elizabeth.Herron@epa.ohio.gov.

Sincerely,



Elizabeth A. Herron
Environmental Specialist
Division of Materials and Waste Management

EH/sb

cc: Jerry Willhite, Tremcar U.S.A. 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.