



**Environmental
Protection Agency**

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

Re: Hardin County
Compliance Evaluation Inspection
Durez Corporation
OHD 990 747 859
3rd NOV/PRTC

April 2, 2012

Mr. Marvin Dale Miller, Safety Manager
Durez Corporation
13717 U.S. Route 68 South
Kenton, Ohio 43326

Dear Mr. Miller:

On December 12, 2011, Ohio EPA received your response to my November 9, 2011, Notice of Violation/Partial Return to Compliance letter. Your response included: Engineering assessments of Tank T-2051 performed by Saluki Environmental, LLC. The lack of tank assessment violation was observed during my May 24, 2011, inspection.

Annette De Havilland, DMWM, Central Office, reviewed the submittal and provided comments. All of the violations cited in the Ohio EPA November 9, 2011, letter have been addressed and are abated. However, Durez has two additional violations as noted below.

The following violations cited in my November 9, 2011, NOV/PRTC are abated:

1. ***OAC Rule 3745-66-91(B)(2), Assessment of Existing Tank Systems' Integrity – Hazardous Characteristics of the Waste.***

This violation was **abated**, December 12, 2011.

2. ***OAC Rule 3745-66-91(B)(3), Assessment of Existing Tank Systems' Integrity – Corrosion protection.***

This violation was **abated**, December 12, 2011.

3. ***OAC Rule 3745-66-91(B)(4), Assessment of Existing Tank Systems' Integrity – Documented age of the tank system.***

This violation was **abated**, December 12, 2011.

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The additional information requested was submitted and found satisfactory in comparing the secondary containment requirement of OAC 3745-66-93.

Furthermore, the following violations were found as a result of your response received December 12, 2011:

1. ***OAC Rule 3745-66-98(A)(2), Special Requirements for ignitable or reactive waste -- Protect waste from conditions that may cause the waste to ignite.***

The owner or operator of a facility where ignitable or reactive waste is stored or treated in tanks must insure the waste is stored or treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react.

In the December 12, 2011, response, Durez provided a chemical analysis that was not supporting documentation to comply with the requirement previously stated.

To abate this violation, Durez must submit documentation to Ohio EPA, NWDO, which provides information that insures the waste is stored in such a way that it is protected from any material or conditions which may cause the waste to ignite or react.

2. ***OAC Rule 3745-66-98(B) Special Requirements for ignitable or reactive waste – Distance requirements.***

The owner or operator of a facility where ignitable or reactive waste is stored or treated in tanks must comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon as required in tables 2.3.2.1.1(a) and 2.3.2.1.1(b) and tables 2.3.2.1.2 to 2.3.2.1.5 of the national fire protection association's (NFPA) "Flammable and Combustible Liquids Code".

Durez did not provide any documentation regarding compliance with the NFPA code for the tank.

Since Durez has ignitable hazardous waste stored in the tanks, ***to abate this violation***, Durez must submit documentation to Ohio EPA, NWDO, that shows that Durez has maintained protective distances according to the NFPA code for the tank.

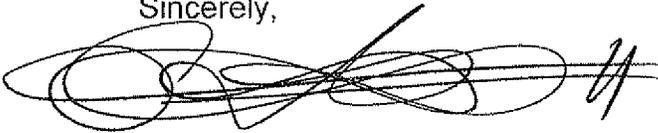
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Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may also be submitted via electronically to ed.pulido@epa.state.oh.us. Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3745. 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, Akzo Nobel is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Durez needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within **14 days** of receipt of this letter, Durez is requested to provide documentation to this office including the steps taken to abate this violation.

Should you have any questions, please feel free to contact me at (419) 373-3015.

Sincerely,



Edgar V. Pulido
Division of Materials and Waste Management

/llr

pc: Cindy Lohrbach, DMWM, NWDO
Colleen Weaver, Supervisor, DMWM, NWDO

ec: Ed Pulido, DMWM, NWDO
Colleen Weaver, Supervisor, DMWM, NWDO

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.
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