ICI Paints

Ohio | Environmental Protection Agency

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

Re: Erie County
Compliance Evaluation Inspection
Akzo Nobel Paints, LLC
OHD 002 946 291
2nd Notice of Violation/Partial Return to Compliance

March 7, 2012

Mr. Gregory L. Seavers, Health, Safety, & Environmental Manager
Akzo Nobel Paints, LLC
300 Sprowl Road
Huron, Ohio 44839

Dear Mr. Seavers:

On August 4, 2011, Ohio EPA received your response to my December 13, 2010, Notice of Violation/Partial Return to Compliance Letter. Your response included: Engineering assessments of Tank TK202 and TK201 performed by Chemstress Consultant Company. The lack of tank assessments violation was observed during my November 23 and 24, 2010, inspection.

Annette De Havilland, DMWM, Central Office, reviewed the tank certification and provided comments. As stated by the Ohio EPA reviewer, the tanks were confirmed to have been used to contain waste prior to July 14, 1986. Therefore, the tanks meet the definition of an "existing tank", not a new tank, so OAC Rule 3745-66-91 was used as the basis of the review of the assessment report.

OAC Rule 3745-66-91 requires five items to be considered. DMWM (fka DHWM) adopted a Tank System Requirement Advisory, revised June 2010, which was also used in this review. After my review of Ms. De Havilland's comments which I received on February 15, 2012, the following additional violations have been identified

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.

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

   The assessment shall include documented age of the tank system. If documented age is unavailable an age estimate will be satisfactory.

   Akzo Nobel did not provide supporting documentation of the age of the secondary containment for tanks TK201 and TK202.

   To abate this violation, Akzo Nobel must submit documentation to Ohio EPA, NWDO, which provides information on the age of the secondary containment for tanks TK201 and TK202.

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

   Akzo Nobel did not provide any documentation regarding compliance with the NFPA code for tanks TK201 and TK202.

   Since Akzo Nobel has ignitable hazardous waste stored in tanks TK201 and TK202, ***to abate this violation***, Akzo Nobel must submit documentation to Ohio EPA, NWDO, that shows that Akzo Nobel has maintained protective distances according to the NFPA code for tanks TK201 and TK202.

3. ***OAC Rule 3745-66-93(C)(1) Containment and detection of releases – Secondary containment construction requirements including waste compatibility.***
   The secondary containment shall be constructed of or lined with materials that are compatible with the waste(s) to be placed in the tank system and must have sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation (including stresses from nearby vehicular traffic).

Akzo Nobel did not provide any documentation regarding materials used to construct the secondary containment for tanks TK201 and TK202 and its compatibility with waste solvents.

To abate this violation, Akzo Nobel must submit documentation to Ohio EPA, NWDO, describing what materials were used to construct the secondary containment for tanks TK201 and TK202 and its compatibility with waste solvents.

4. ***OAC Rule 3745-66-93(C)(3) Containment and detection of releases – leak detection.***
In order to prevent migration of waste the secondary containment must be provided with a leak detection system that is designed and operated so that it will detect the failure of either the primary and secondary containment structure or any release of hazardous waste or accumulated liquid in the secondary containment system within twenty-four hours, or at the earliest practicable time if the existing detection technology or site conditions will not allow detection of a release within twenty-four hours.

Akzo Nobel did not provide any documentation regarding operations to detect failure of the primary or secondary containment structures or a release in the secondary containment structure for tanks TK201 and TK202.

To abate this violation, Akzo Nobel must submit documentation to Ohio EPA, WNDO, describing the leak detection systems for tanks TK201 and Tk202.

5. ***OAC Rule 3745-66-93(C)(4) Containment and detection of releases – Liquid Drainage.***
The containment must be sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked waste and accumulated precipitation must be removed from the secondary containment system within twenty-four hours, or in as timely a manner as is possible to prevent harm to human health or the environment, if removal of the released waste or accumulated precipitation cannot be accomplished within twenty-four hours.

Akzo Nobel did not provide any documentation regarding the secondary containment's ability to remove liquids for tanks TK201 and TK202.

To abate this violation, Akzo Nobel must submit documentation to Ohio EPA, NWDO, that describes how the containment system for tanks TK201 and TK202 is sloped, designed or operated to drain and remove liquid, and how quickly liquids can be removed.

6. ***OAC Rule 3745-66-93(E)(1) Containment and detection of releases – External Liner.***

(1) External liner systems must be:

(a) Designed or operated to contain one hundred per cent of the capacity of the largest tank within its boundary; (b) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a twenty-five-year, twenty-four-hour rainfall event; (c) Free of cracks or gaps; (d) Designed and installed to completely surround the tank and to cover all surrounding earth likely to come into contact with the waste if released from the tank(s) (i.e., capable of preventing lateral as well as vertical migration of the waste); and (e) Constructed with chemical-resistant water stops in place at all joints, if any (for concrete liners only); and (f) Provided with an impermeable interior coating or lining that is compatible with the stored waste and that will prevent migration of waste into the concrete (for concrete liners only).

Akzo Nobel did not provide any documentation regarding capacity or prevention of run-on or infiltration of precipitation of the containment external liner for tanks TK201 and TK202.

To abate this violation, Akzo Nobel must submit documentation to Ohio EPA, NWDO, that describes the capacity of the containment external liner for tanks TK201 and TK202, and how run-on or infiltration of precipitation is prevented.

7. ***OAC Rule 3745-66-93(F) Containment and detection of releases – Ancillary Equipment.***

Ancillary equipment must be provided with full secondary containment (e.g., trench, jacketing double-walled piping) that meets the requirements of paragraphs (B) and (C) of this rule, except for: (1) Aboveground piping (exclusive of flanges, joints, valves, and connections) that are visually inspected for leaks on a daily basis; (2) Welded flanges, welded joints, and welded connections that are visually inspected for leaks on a daily basis;

(3) Sealless or magnetic coupling pumps and sealless valves that are visually inspected for leaks on a daily basis; and (4) Pressurized aboveground piping systems with automatic shut-off devices (e.g., excess flow check valves, flow metering shutdown devices, loss of pressure-actuated shut-off devices) that are visually inspected for leaks on a daily basis.

Akzo Nobel did not provide any documentation regarding secondary containment or daily inspections of ancillary equipment for tanks TK201 and TK202.

On February 29, 2012, Mr. Greg Seavers contacted me and stated that currently all ancillary equipment associated with the hazardous waste tank system is being inspected on a daily basis. Inspections are being recorded in a log book.

To abate this violation, Akzo Nobel must submit copies of the log books containing the most recent 4 weeks of inspections. Akzo Nobel must also describe exactly what components of the ancillary equipment are inspected daily.

In addition, the following violation cited in my December 13, 2010, NOV was abated:

1. ***OAC Rule 3745-273-14(E), Universal Waste Lamp Container Labeling.*** The small quantity handler of universal waste must label each lamp or container where lamps are contained with one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamps."

   Akzo Nobel failed to properly label the storage containers of spent fluorescent lamps.

   Prior to the completion of the inspection, Akzo Nobel properly labeled the containers. ***Therefore, this violation was abated on November 24 2010.***

Additional recommendations:

- The tanks cannot be rated for more than 1.0 psig pressure and -0.5 psig vacuum. Therefore, it is recommended that the records regarding tanks TK201 and TK202 should state the limited pressure rating due to the manways. In the plan sheets submitted as part of the assessment, It was noted a maximum allowable working pressure of 3 psig. To avoid any future operational mishaps, this should be amended to a maximum less than the design pressures of 1.0 psig pressure and -0.5 psig vacuums.

- In the assessment, MSD sheets (N-Butanol, Ethylbenze, Ethylene Glycol, and Heavy Aromatic Solvent Naptha) identified the vapors as being heavier than air, and may travel long distances to a source of ignition and flash back. It is recommended that Akzo Nobel evaluate this safety hazard.

- In the assessment, Akzo Nobel stated that it plans to seal a breach in the containment coating at the foundation base in the Tank TK201 dike area. It is recommended that Akzo Nobel implement the plan with a coating compatible with the waste.

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

Enclosures

pc: Cindy Lohrbach, DMWM, NWDO
DMWM-HW, NWDO File: Akzo Nobel Corporation, Erie County
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.