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State of Ohio Environmental Protection Agency

Southwest District Office

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

April 3, 2009

Mr. Aaron Smith
1515 Nicholas Road
Dayton, OH 45418

RE: DuPont Electronic Polymers OHD 004 855 292

Dear Mr. Smith:

On March 24, 2009 I conducted an inspection of the DuPont Electronic Polymers (here after DPEP) in order to determine its 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). Consistent with long-standing practice, the inspection was unannounced. You represented DEP. The inspection consisted of an introductory meeting during which we discussed our inspection process, DEP's production processes and waste streams and we also discussed pollution prevention opportunities. We then inspected the plant including Building 25 and the satellite accumulation areas, the tank farm including tank T-66 used for the < 90 day storage of hazardous waste, the Frac tank area, the permitted greater than 90 day storage area, and the storage area for universal waste lamps located upstairs in the main office building. We concluded with a final meeting to review manifests, training records and other paperwork. We concluded with a brief summary of the inspection.

I will begin by discussing the status of the two fractionating tanks. One has been disconnected, emptied, cleaned and removed from your facility. The second tank has been emptied and cleaned and is scheduled to be returned to the vendor by the date of this letter. Waste water will now be managed in a new tank (not T-66). The new tank was not inspected as it did not contain waste at the time of my inspection. I found the following violations of the hazardous waste rules:

1 Management of secondary containment areas of tanks storing hazardous waste: OAC 3745-66-93(C)(4) requires that accumulated precipitation be removed from secondary containment areas within 24 hours. The secondary containment area of Tank-66 contained several inches of accumulated water. You attributed the water to snow/ice which had only recently melted. I noted that all the other containment areas were bone dry but you maintained that the containment area was a couple feet below

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grade which insulated the ice. According to you, the ice had only recently melted. When we returned to T-66 after conducting the records inspection, a technician was pumping the containment water using the dedicated diaphragm pump. We both remarked how the wheezing sounds of the pump became more regular when the technician shifted his weight to stand on the pump housing. I conclude that the performance of the diaphragm pump is balky at best and that is the reason why the

T-66 accumulation area was the only one that was not pumped dry. After reviewing local weather records I do not find your statement, that the pumping was in fact timely because the ice had only recently thawed, to be persuasive.

☞ To return to compliance, please initiate an inspection of the pump by an appropriate maintenance worker. Provide me a photocopy of the work order or other paperwork you need to initiate the inspection and provide documentation of any repairs or maintenance. If your standard procedures do not generate any such paper work, an e-mail from you with a narrative description of the inspection/test and repairs will suffice. Please initiate the work order immediately and provide the requested documentation within 30 days of receipt of this letter. Of course, DPEP must comply with the requirement to remove precipitation regardless of the operational status of the dedicated pump. If necessary a portable pump or other method should be used to empty the containment area. I also reserve the right to inspect the tank and the containment area after any significant rains.

2 Management of Universal Waste Lamps: OAC 3745-273-13(D)(1) requires (among other things) that handlers of universal waste lamps manage them in containers or packages that are closed in order to take advantage of the reduced requirements applicable to universal wastes. The fluorescent tubes were stored in a card board box lying on its side. Several tubes were protruding out the end of the box. You pointed out that the tubes were all claimed by the manufacturer to be 'green'.

☞ The most straight-forward way to return to compliance is to properly manage the waste lamps as universal waste. To accomplish this, immediately package the lamp in a closed container. Provide photographic documentation of this within 30 days of your receipt of this letter. Be sure the box is labeled properly. Alternately, you could perform the waste characterization as required by OAC 3745-52-11. If you choose to characterize the lamps, please respond to this letter within 30 days and we will determine a reasonable schedule for you to complete the characterization. As a point of clarification, be aware that there are no legally enforceable performance standards applicable to manufacturers who choose to label their lamps as 'green'. Manufacturers typically describe their green-tipped lamps as 'mercury-free' and several have shared TCLP data for the metal mercury with Ohio EPA. We have been unsuccessful in obtaining manufacturer's data on lead, chromium or other regulated metals.

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The following links contain responses to similar questions:

http://waste.custhelp.com/cgi-bin/waste.cfg/php/enduser/std_adp.php?p_faqid=1772&p_created=1102435892
<http://www.epa.state.oh.us/dhwm/searchdocs/jeff.10.6.06.pdf>
<http://www.epa.state.oh.us/dhwm/searchdocs/kwenk.5.30.06.pdf>

Enclosed you will find a copy of the checklists completed to document the inspection and a process description summary form. Please feel free to call me at (937) 285-6090 if I can assist you in any way.

Sincerely,



Tom Ontko
Hazardous Waste Inspector
Southwest District Office

Enclosures: Process description summary
DPEP TSD checklist
LQG checklist
Tank checklist
SQG universal waste checklist

cc: Dinah/file

TO/mab

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.

**OHIO PART B PERMITTED FACILITY
RCRA INSPECTION CHECKLIST**

Facility: DuPont Electronic Polymers L.P. Ohio Permit: 05-57-0433
 Address: 1515 Nicholas Road U.S. EPA ID: OHD 004 855
Dayton, Ohio 45418 292
 Phone: 937-268-3411
 County: Montgomery
 Inspection Date: 3 / 24 / 2009 Time: 9:35 am

Was advance notice of the inspection given? No
 If so, how far in advance? _____

	<u>Name</u>	<u>Agency/Title</u>	<u>Phone</u>
Inspectors:	<u>Tom Ontko</u>	<u>Ohio EPA/inspector</u>	<u>937-285-6090</u>
	<u>Jeff Smith</u>	<u>Ohio EPA/ inspector</u>	<u>937-285-6070</u>

Facility Reps: Aaron Smith DPEP/ SHEA Manager 937-262-6242

Is facility operating as a generator? Yes No

If so, complete the applicable sections of the Generator Requirements checklist for wastes being managed under generator status.

PERMIT STATUS

Original Permit Issued: May 8, 1992
 Permit Issued: April 21, 2004 LDR Checklist Attached: Yes No
 Permit Effective Date: April 21, 2004 Used Oil Checklist Attached: Yes No
 Permit Expiration Date: April 21, 2014 Generator Checklist Attached: Yes No
 Permit Renewal Dates: February 27, 1998 & April 21, 2004
 Permit Modification Dates: 8/20/04, 9/23/04, 8/23/06, 9/14/06

AUTHORIZED ACTIVITIES

STORAGE		TREATMENT		DISPOSAL	
<input checked="" type="checkbox"/>	Containers	<input type="checkbox"/>	Tanks	<input type="checkbox"/>	Injection Well
<input checked="" type="checkbox"/>	Tanks	<input type="checkbox"/>	Incinerator	<input type="checkbox"/>	Landfill
<input type="checkbox"/>	Waste Pile	<input type="checkbox"/>	Thermal Treatment	<input type="checkbox"/>	Land Application
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	

	Surface Impoundment		Post-Closure		Surface Impoundment
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_ Post-Closure Care Corrective Action

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GENERAL PERMIT COMPLIANCE AND ACTIVITIES

- | | | |
|----|--|-----|
| 1. | Has the expiration date of the permit passed? If so: | No |
| | Is the permittee continuing any activity regulated by the permit after the expiration date of the permit? | N/A |
| | Has the facility submitted an application for a permit renewal to the director no later than 180 days prior to the expiration date of the permit? [Condition A.6] | N/A |
| 2. | Has the permittee submitted the annual permit fee, (payable to Treasurer, State of Ohio,) to Ohio EPA on or before the anniversary of the date of issuance during the term of the permit? [Condition A.26] | Yes |
| 3. | Is the permittee conducting any hazardous waste management activities (not otherwise exempt by law) which are not authorized by the permit? [Conditions A.1(b) and A.5] | No |
| 4. | Have any provisions of the permit been identified as invalid? [Condition A.4] | No |
| 5. | Has the facility identified any instances of noncompliance with the permit, ORC Chapter 3734. or the rules adopted thereunder, which may endanger human health or the environment? If so: | No |
| | Did the facility immediately report the following to Ohio EPA's Emergency Response Unit? [Condition A.20] | N/A |
| | Information concerning a release of any hazardous waste that may cause an endangerment to public drinking water supplies; and | N/A |
| | Information concerning a release of hazardous waste, fire or explosion at the facility which could threaten human health or the environment outside the facility including a description of: | N/A |
| | Name, address and telephone number of the | N/A |

owner/operator?

Name, address and telephone number of the facility? N/A

Name and quantity of material(s) involved? N/A

The extent of injuries, if any? N/A

An assessment of the actual or potential hazard to the environment and human health outside the facility? N/A

Estimated quantity and disposition of recovered material that resulted from the incident? N/A

6. Did the permittee provide a written report to Ohio EPA's Emergency Response Unit and DHWM within five days of becoming aware of the circumstances reported in Questions No. 5? If so, did the report contain: [Condition A.21] N/A

A description of the noncompliance and its cause (including exact dates and times)? N/A

Whether the noncompliance has been corrected and if not, the anticipated time noncompliance is expected to continue? and N/A

Steps taken or planned to minimize the impact on the environment and to reduce, eliminate and prevent recurrence of the noncompliance? N/A

NOTE: *The permittee need not comply with the five day written report requirement if the director, upon good cause shown by the permittee, waives that requirement and the permittee submits a written report within 15 days of the time the permittee became aware of the circumstances. [Condition A.21].*

7. Has the permittee identified other instances of noncompliance not provided for in Condition A.22, if so: N/A

Did the permittee report these instances to Ohio EPA, DHWM? [Condition A.22]? N/A

Do the reports provided contain the information set forth in Condition A.20? [Condition A.20] N/A

Has the permittee taken all steps necessary to minimize releases to the environment or prevent any adverse impact on human health or the environment? [Condition A.8] N/A

8. Has the permittee planned any changes in the permitted facility or activity which may result in noncompliance with the conditions of the permit?: No

If so, has the facility provided Ohio EPA with advance notice of such changes? [Condition A.17] N/A

NOTE: Such notification does not waive the permittee's duty to comply with the permit. [Condition A.17]

9. Has the permittee become aware that it failed to submit any relevant facts in the permit or issuance proceedings or that it submitted incorrect or incomplete information in permit issuance proceedings or other submissions to Ohio EPA or the Hazardous Waste Facility Board (HWFB)? If so: No

Has the permittee properly submitted such facts or corrected information to the appropriate entity? [Condition A.24] N/A

PERMIT MODIFICATION, REVISION, REVOCATION

10. Has the permittee filed a request for a permit modification, revision or revocation since permit issuance? [Condition A.2] Yes

11. Has the permit, been transferred to a new owner/operator? If so: No

Has the transfer been conducted in accordance with ORC Chapter 3734, and the rules adopted thereunder which includes the permittee notifying the new owner in writing of the requirements of ORC Chapter 3734, and the rules adopted thereunder and the applicable Ohio hazardous waste rules before transferring ownership? [Condition A.18] N/A

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| 12 | Has the permittee submitted reports in any compliance schedule of the permit to Ohio EPA no later than 14 days following each scheduled date, unless otherwise specified? [Condition A.19] | Yes |
| 13 | Has the permittee furnished relevant information which Ohio EPA has requested to determine whether cause exists for modifying, revising, revoking or suspending the permit, to determine compliance with the permit? [Condition A.10] | Yes |
| 14 | Has the facility furnished Ohio EPA, upon request, with copies of records required to be kept by the permit? [Condition A.10] | Yes |
| 15 | Is the permittee maintaining records of all data used to complete the application and any amendments, revisions or modifications to the application? [Condition A.14(c)] | Yes |
| 16 | Is the permittee retaining a complete copy of the approved application on-site? [Condition A.14(c)] | Yes |
| 17 | Is the permittee planning any physical alterations or additions to any permitted portions of the facility? If so: | No |
| | a. Has the permittee given notice to the director of such alterations/additions? [Condition A.15] | N/A |

SITE ENTRY - AVAILABILITY OF RECORDS

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| 18. | As specified in Condition A.11, has the permittee allowed the director or an authorized representative, upon proper identification to: | |
| | Enter at reasonable times upon the premises where a regulated activity is located or where records are kept under the conditions of the permit? | Yes |
| | Have access to and copy, at reasonable times, any records required to be kept under the conditions of the permit? | Yes |

Inspect, at any time, facilities, equipment (including control and monitoring equipment), practices or other operations regulated under the conditions of the permit? Yes

Sample, document, photograph or monitor, at reasonable times, any substances or parameter at the location of the facility to assure compliance with the permit or as otherwise authorized by ORC Chapter 3734. and the rules adopted thereunder? Yes

RECORDKEEPING/OPERATING REQUIREMENTS

OPERATING RECORD REMARKS

DOCUMENTS TO BE MAINTAINED AT FACILITY

1. In accordance with OAC rules 3745-54-73 and 3745-54-74 and Condition B.22 of the permit, does the permittee maintain an Operating Record which contains the following information:
 - a. A description of the quantity of each hazardous waste and the method(s) and date(s) of its treatment or storage? Yes
 - b. The location of each hazardous waste and quantity at each location including cross-reference to specific manifest numbers? Yes
 - c. Records and results of required waste analysis? Yes
 - d. Summary reports and details of all incidents that required implementation of the contingency plan? Yes
 - e. Records and results of required inspections? Yes
 - f. Documents required to be maintained by LDR requirements of OAC Chapter 3745-270? Yes
 - g. Monitoring, testing, or analytical data, and corrective action where required, from groundwater monitoring and required monitoring of surface impoundments, Yes

landfills, waste piles and land treatment units?
[3745-54-73(B)(6)]

2. In accordance with Condition A.28 of the permit, is the permittee maintaining the following documents at the facility:
- a. Waste analysis plan in accordance with OAC rule 3745-54-13? Yes
 - b. Contingency plan in accordance with OAC rule 3745-54-53? Yes
 - c. Closure plan in accordance with OAC rule 3745-55-12? Yes
 - d. Cost estimate for facility closure in accordance with OAC rule 3745-55-42? (Estimate only – adequacy will be evaluated by CO financial assurance personnel) [Condition B.36] Yes
 - e. Personnel training plan and records required by OAC rule 3745-54-16? [Condition B.6] Yes
 - f. Inspection schedules developed in accordance with OAC rules 3745-54-15, 3745-55-74 and 3745-55-95? [Condition B.5] Yes
 - g. Operating record in accordance with OAC rule 3745-54-73? [Condition B.22] Yes
 - h. Post-closure plan, as required by OAC rule 3745-55-18(A)? [Condition A.28(a)(viii)] Yes
 - i. Annually-adjusted cost estimate for facility closure and post-closure, as required by OAC rules 3745-55-42 and 3745-55-44? [Condition A.28(a)(ix)] Yes

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| 3. | Is the permittee maintaining copies of all inspection logs at the facility for at least three years from the date of inspection? [Condition A.15] | Yes |
| 4. | Have any of the documents in Question No. 2 been revised? [Condition A.15] If so: | No |
| | Has the permittee submitted the revisions to Ohio EPA in accordance with OAC rule 3745-50-51? | N/A |
| | Have all requirements of OAC rule 3745-50-51 been met, including, where required, Ohio EPA approval? | N/A |

ANNUAL REPORT REQUIREMENT

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| 5. | Is the permittee complying with annual report requirements set forth in OAC rule 3745-54-75 and the additional report requirements set forth in OAC rule 3745-54-77? [Condition B.25] | Yes |
| 6. | In compliance with Condition A.12 of the permit, do the permittee's records of monitoring information specify the: | |
| | Date(s), exact place(s), time(s) and method(s) of sampling or measurement? | Yes |
| | Individual(s) who performed the sampling or measurement? | Yes |
| | Date(s) analyses were performed? | Yes |
| | Individual(s) who performed the analyses? | Yes |
| | Analytical technique(s) or method(s) used? | Yes |
| | Results of such analyses? | Yes |
| 7. | Have the methods used to obtain a representative sample of the waste to be analyzed included the appropriate SW-846 method or an equivalent method specified in the approved waste analysis plan? [Condition A.12] | Yes |
| 8. | In accordance with Condition A.14 of the permit, is the permittee retaining records of monitoring information as required by the permit for at least three years from the date of sampling, including: | |
| | All calibration and maintenance records. | Yes |

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| 9. | Has Ohio EPA requested submittal of any reports or other information from the permittee? If so: | No |
| | Have the submittals been signed and certified according to OAC rule 3745-50-42? [Condition A.13] | N/A |

WASTE MINIMIZATION REQUIREMENTS

- | | | |
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| 1. | Does the permittee certify at least once every year that a program is in place to reduce the volume and toxicity of hazardous waste generated in accordance with Condition A.29(a) and OAC rule 3745-54-73? | Yes |
| 2. | Did the permittee submit the waste minimization report to Ohio EPA, Office of Pollution Prevention and Southwest District Office within 180 days of journalization of this permit? and updates biennially thereafter? [Condition A.29(b)] | Yes |
| 3. | Has the permittee reduced the amount of waste (hazardous waste, solid waste, air emission, waste water discharges, etc.) this year generated at their facility by implementing pollution prevention/waste minimization? If so, what amount of waste has the permittee reduced this year? | Yes |
| 4. | Has the permittee's company saved much money this year by implementing pollution prevention (reducing raw material usage, disposal fees, energy savings, etc.)? | Yes |

If so, how much money has the permittee's company saved this year?

WASTE ACCEPTANCE AND GENERATION

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| 1. | Is the permittee storing any containers of hazardous waste received from any off-site source that permittee is not permitted to store? [Condition A.1.] | No |
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2. Has the permittee arranged to receive hazardous waste from a foreign or off-site source that the permittee is not permitted to store? [Condition A.1.] No

OFF-SITE SHIPMENTS/MANIFEST REQUIREMENTS