



State of Ohio Environmental Protection Agency

**Northwest District Office**

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

Re: Referral #2506  
Delta Fuels, Inc.  
OHD 000724278  
Lucas County  
Hazardous Waste  
**Notice of Violation 5**

November 30, 2007

CERTIFIED MAIL

Mr. Carroll Knight, President  
Knight Enterprises, Inc.  
40600 Grand River  
Novi, Michigan 48375

Dear Mr. Knight:

I received your response, through Environmental Consulting & Technology, Inc., to my May 3, 2007, Fourth Notice of Violation (NOV) letter on September 13, 2007. The documentation that you submitted included: dike drainage logs, water treatment logs, waste characterization and analytical data and manifests. I also returned to the site for another inspection, accompanied by Mr. Dirk Mammen, on October 4, 2007. I was also accompanied by Mr. Samuel L. Warren, Jr. on this date.

During my October 4, 2007, inspection I became aware of a new violation. During my previous inspections of the site, I found the following violations of Ohio's hazardous waste laws. The status of each violation is noted below.

**NEW VIOLATION from OCTOBER 4, 2007**

**1. Unpermitted Hazardous Waste Treatment, Storage or Disposal  
ORC Section 3734.02(E)&(F)**

No person shall store, **treat**, or **dispose** of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following: (1) A hazardous waste facility operating under a permit issued in accordance with this chapter; (2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976" 90 Stat. 2806, 42 U.S.C.A. 6921, as amended.

Delta has become an unpermitted treatment and disposal facility by: **pouring a container of hazardous waste paint (D001) onto the floor of the warehouse, instead of shipping it to a hazardous waste treatment, storage or disposal facility.** The stated purpose of pouring it on the floor was to evaporate it. The waste remaining in the bottom of the container was placed into the trash.

Since Delta has violated ORC § 3734.02(E) & (F) by becoming an unpermitted treatment, storage and disposal facility (TSD), it is subject to OAC Rules 3745-55-10 through 3745-55-48 and 3745-55-97, as well as Chapters 3734-54 and 3754-55 of the OAC. Therefore, **Delta is required to submit a closure plan for the unpermitted hazardous waste disposal unit.** A closure plan describes the steps necessary to investigate the extent of contamination and to clean up all contamination found.

Delta also is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 55 until such time as Delta has demonstrated that it has ceased operations as a treatment, storage and disposal facility.

Additionally, at any time, Ohio EPA may assert its right to have Delta begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

#### **NEW VIOLATIONS in the FOURTH NOV**

1. **Unpermitted Hazardous Waste Treatment, Storage or Disposal  
ORC Section 3734.02(E)&(F)**

No person shall store, treat, or **dispose** of hazardous waste identified or listed under this chapter and rules adopted under it.

On November 25, 2005, a release of approximately 103,000 gallons of gasoline from an aboveground storage tank occurred at the Delta facility. The release resulted in the contamination of soils on Delta's property, as well as soils off-site. A soil sample collected by Delta on December 14, 2005, from inside of Delta's secondary containment dike, documents elevated concentrations (in parts per million (ppm)) of total benzene (33 ppm), ethylbenzene (310 ppm), toluene (330 ppm), xylenes (2,040 ppm), and TCLP benzene (1.0 ppm) by TCLP Method 1311. Another sample collected by Delta inside the dike on January 10, 2006, documents a TCLP benzene concentration of 0.60 ppm. These concentrations of leachable benzene in the soil are above the regulatory limit and would classify these particular volumes of wastes as hazardous wastes.

Based upon Delta's failure to effectively recover the released product on its property and possibly other off-site locations, and the fact that immediate response activities have been completed, Ohio EPA has determined that the remaining gasoline has been abandoned and the release now constitutes disposal of a waste.

Further, the elevated concentrations of total benzene, ethylbenzene, toluene and xylenes and TCLP benzene found in the soil samples collected from within the secondary containment dike indicate that the waste was a hazardous waste upon disposal in the soil on Delta's property and possibly other off-site locations.

OAC Rule 3745-54-01(G)(8)(c) states "Any person who is covered by paragraph (G)(8)(a) of this rule and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of Chapters 3745-50, 3745-54 to 3745-57, and 3745-205 of the Administrative Code for those activities." Therefore, and pursuant to OAC rule 3745-54-01(G)(8), Delta has disposed of hazardous waste without a permit, in violation of ORC § 3734.02(E) and (F).

Since Delta has violated ORC § 3734.02(E) & (F) by becoming an unpermitted treatment, storage and disposal facility (TSD), it is subject to OAC Rules 3745-55-10 through 3745-55-48 and 3745-55-97, as well as Chapters 3734-54 and 3754-55 of the OAC. Therefore, Delta is required to submit a closure plan for the unpermitted hazardous waste disposal unit. A closure plan describes the steps necessary to investigate the extent of contamination and to clean up all contamination found.

Delta also is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 55 until such time as Delta has demonstrated that it has ceased operations as a treatment, storage and disposal facility.

Additionally, at any time, Ohio EPA may assert its right to have Delta begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

**In the September 11, 2007, letter from Mr. Dirk Mammen of ECT, he explains that Delta has installed a HDPE liner system in the dikes that surround the tanks. He states that Delta and ECT will schedule a meeting with Ohio EPA to discuss hazardous waste closure of the unit. Please make sure that this meeting is scheduled soon.**

## **2. Waste Evaluation - Pile of Industrial Waste OAC Rule 3745-52-11**

A generator must determine whether its waste is hazardous by first determining if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35; by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

April 24, 2007, I toured the site, with the permission of Dan Horton. I observed and photographed a pile of industrial waste, partially covered, on the west side of the facility - behind the warehouse. Delta has not properly evaluated this waste to determine if it is hazardous or non-hazardous waste. Delta must state when this pile was created.

In order to abate this violation, Delta must sample and analyze the waste pile. The waste pile must be analyzed for TCLP metals. Delta must follow the requirements for performing the sampling and analyses, reporting the results and data validation and managing the wastes, after evaluation of the lab results, listed in the January 19, 2006, NOV. Delta must give Ohio EPA, at least a five business day advance notice of sampling activities, in order for an inspector to make arrangements to view the sampling activities.

In the September 11, 2007, letter from Mr. Dirk Mammen of ECT, he explains that Delta did not place the waste pile on the site. According to Mr. Mammen, "The waste pile was located in the roadway controlled and used by ODOT and its contractors. Delta is unable to control ODOT's access." Furthermore, according to Mr. Mammen, Mr. Greg Noble, an ODOT project manager, indicated that the waste was placed there by Fru-Con, an ODOT contractor, in early April 2007. Once ECT notified ODOT of this waste, it was removed by ODOT.

#### **FIRST SET OF VIOLATIONS From the June 9, 2006, NOV**

1. **Unpermitted Hazardous Waste Transportation  
ORC Section 3734.02(F)**

No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or **transport or cause to be transported** any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following: (1) A hazardous waste facility operating under a permit issued in accordance with this chapter; (2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976" 90 Stat. 2806, 42 U.S.C.A. 6921, as amended.

Delta has caused the transportation of hazardous waste to a facility that does not possess a permit for the treatment, storage or disposal of hazardous waste.

Delta reported that approximately 22, 263 tons of soil contaminated with benzene, ethyl benzene, toluene and xylene was excavated from the Ramp X area and sent to the Evergreen RDF.

Based on the figures in the disposal table provided by Delta, approximately 7,658 tons of this contaminated soil made up the north pile. Approximately 2054 tons went straight into the landfill and 20, 209 tons now makes up two large piles at the ERDF bioremediation area. Based on the statements and data from the emergency response contractor, EQ Industrial Services, Inc. (EQ), most of the north pile and also much of the Ramp X mass excavation was the hazardous waste D018 (TCLP benzene) when it was first generated.

Delta was required to submit to me a legible copy of the manifest(s), signed by a representative of the permitted treatment, storage or disposal facility, that documents the proper off-site shipment of any of its hazardous waste.

Delta was also required to provide documentation that described the procedures that would be taken, to ensure that transportation to an unpermitted facility did not happen again. In addition, Delta was required to explain in detail what waste was placed straight into the ERDF and who made the decision to do this.

In the September 11, 2007, letter from Mr. Dirk Mammen of ECT, he states that "EQ represented to Delta that the soil was properly characterized and transported to the appropriate locations for disposal." He furthermore states that Delta made various assumptions about the work of certain parties involved with the site. On October 4, 2007, Mr. Dirk Mammen stated, on behalf of Delta, that Delta does not know what waste was placed straight into the ERDF landfill or who made the decision to do this. Mr. Mammen stated that all the shipping papers were signed by an EQ representative. Please be advised that Delta remains liable for the actions of contractors acting under Delta's control and authority.

**2. Unpermitted Hazardous Waste Treatment, Storage or Disposal  
ORC Section 3734.02(E)&(F)**

No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it.

There were at least two roll-offs on the west side of the Delta property containing gasoline soaked booms. According to Tom Rinebolt of EQ, on March 27, 2006, these booms were gasoline saturated and **are hazardous waste**. Ohio EPA believes that this waste is, at least, the hazardous waste **D018**, for benzene and **D001**, for ignitability. The roll-offs have not been labeled and dated (in violation of the OAC).

The booms have been in storage since approximately November 29, 2005, a period of at least 143 days, according to Mike Stack of C&W Tank Cleaning Co., the company that generated them. Mr. Stack said they were saturated within a day, at the beginning of the response. Therefore, the bulk of the booms were generated quickly. I observed condensed liquid on the inside of the plastic that the booms were packaged in. The booms were sampled by Mr. Stack on December 29 & 30, 2005. The results document high concentrations of BTEX compounds.

Delta was required to immediately cease unpermitted treatment, storage and disposal of its hazardous waste.

Delta was required to submit to me a legible copy of the manifest(s), signed by a representative of the permitted treatment, storage or disposal facility, that documents the proper off-site shipment of this hazardous waste. Delta was also required to provide documentation that describes the procedures that will be taken, immediately, to ensure that unpermitted storage does not happen again.

Since Delta has violated ORC 3734.02(E) & (F) by becoming an unpermitted treatment, storage and disposal facility (TSD), it is subject to OAC Rules 3745-55-10 through 3745-55-48 and 3745-55-97. Therefore, you are required to submit a closure plan. A closure plan describes the steps necessary to investigate the extent of contamination and to clean up all contamination found.

Delta also is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 55 until such time as Delta has demonstrated that it has ceased operations as a treatment, storage and disposal facility. Additionally, at any time, Ohio EPA may assert its right to have Delta begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

**Attached to the September 11, 2007, letter from Mr. Dirk Mammen of ECT, are copies of the PSC Waste Characterization Report, analytical data and hazardous waste shipping manifests. This documentation demonstrates that the hazardous waste (D001 & D018) in the three roll-offs was sent to Petro-Chem Processing of Detroit, Michigan, on August 17, 2006. According to Mr. Mammen, "In July and August of 2006, US EPA and Delta determined, with the help of ECT, that ... the fourth [roll-off] would remain the US EPA's responsibility." Ohio EPA notes that the carbon from the water treatment system and the soil cuttings from various soil sampling locations was placed into the roll-offs sent to Petro-Chem. In the September 11, 2007, letter from Mr. Dirk Mammen of ECT, he states that Delta and ECT will schedule a meeting with Ohio EPA to discuss hazardous waste closure of the facility. Please make sure that this meeting is scheduled soon.**

**3. Unpermitted Hazardous Waste Treatment, Storage or Disposal  
ORC Section 3734.02(E)&(F)**

No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it.

On March 23, 2006, Mr. Mike Stack of C&W Tank Cleaning Co. sampled nine drums of spent ethylene glycol beside the Vapor Recovery Unit (VRU) for Delta. The waste in the drums was generated by maintenance activities on February 8, 2006, as reported by Mr. John DiMartini, General Manager of Delta.

The analytical results, provided to Ohio EPA on April 20, 2006, indicate that the nine 55-gallon drums of spent ethylene glycol are the hazardous waste **D018**, for benzene, and **D001**, for flash point. Mr. Mike Kendall of Superior Environmental reported on May 10, 2006, that these drums were to be picked up on May 11, 2006, after 92 days in storage. However, they were not picked up, since the transporter was not permitted to haul hazardous waste. The nine drums were finally removed from the site by Heritage Crystal Clean LLC and taken to South Eastern Chemical & Solvent Co. of Sumter, South Carolina (SCD036275626) on May 19, 2006 after 100 days in storage.

Delta was required to immediately cease unpermitted treatment, storage and disposal of its hazardous waste.

Delta was required to submit to me a legible copy of the manifest(s), signed by a representative of the permitted treatment, storage or disposal facility, that documented the proper off-site shipment of this hazardous waste. Delta only submitted an initial copy of the manifest signed by the generator and transporter. Delta was also required to provide documentation that describes the procedures that will be taken, immediately, to ensure that unpermitted storage does not happen again.

Since Delta has violated ORC 3734.02(E) & (F) by becoming an unpermitted treatment, storage and disposal facility (TSD), it is subject to OAC Rules 3745-55-10 through 3745-55-48 and 3745-55-97. Therefore, you are required to submit a closure plan. A closure plan describes the steps necessary to investigate the extent of contamination and to clean up all contamination found.

Delta also is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 55 until such time as Delta has demonstrated that it has ceased operations as a treatment, storage and disposal facility. Additionally, at any time, Ohio EPA may assert its right to have Delta begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

**Attached to the September 11, 2007, letter from Mr. Dirk Mammen of ECT, is a copy of the hazardous waste manifest signed by Giant Resource Recovery-Sumter, Inc. of Sumter, South Carolina. In the September 11, 2007, letter from Mr. Dirk Mammen of ECT, he states that Delta and ECT will schedule a meeting with Ohio EPA to discuss hazardous waste closure of the facility. Please make sure that this meeting is scheduled soon.**

**4. Waste Evaluation - VRU Contaminated Soil  
OAC Rule 3745-52-11**

A generator must determine whether its waste is hazardous by first determining if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35; by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

On January 9, 2006, while I was present, there was a release to the ground from the VRU (Vapor Recovery Unit) at Delta. The affected soil was sampled, in situ, and found to contain the following concentrations of total benzene (ppb) in the 0-2 foot interval: 18,928; 11,772; 10,916; 5,149; 1,448; 1,323; and 49. Despite the analytical results, the soil was excavated and put on top of another pile on the south end of the Delta property, outside the diked area. The soil has not been covered.

Delta has not properly evaluated this soil. It neither analyzed it originally for TCLP benzene to determine if it was hazardous or non-hazardous waste, nor re-sampled it for the same purpose at the time of excavation. Ohio EPA believes that, at least a portion of this contaminated soil could have been the hazardous waste D018, when it was excavated.

Delta was required to submit the following information to Ohio EPA: The sampling date, the sampling Chain-of-Custody (COC), the lab report and the date the soil was excavated.

In order to abate this violation, Delta was required to sample and analyze the excavated soil immediately. The soil must be analyzed for all TCLP constituents, unless Delta can demonstrate that a compound was never used at the facility or should not be present in the soil. Delta was required to follow the requirements for performing the sampling and analyses, reporting the results and data validation and managing the wastes, after evaluation of the lab results, as listed in the January 19, 2006, NOV. Delta was required to give Ohio EPA, at least a five business day advance notice of sampling activities, in order for an inspector to make arrangements to view the sampling activities.

**It was reported to Ohio EPA that EQ was responsible for sampling the soil, "cleaning up" (excavating) the spill and placing the contaminated soil on another pile of contaminated soil in the back of the facility. Ohio EPA notes that Delta hired a company to do maintenance/repair work on the VRU as a result of the release. The hazardous waste in drums, (noted above in item 3) was generated from this maintenance/repair work arranged by Delta. Delta was aware of and involved with this situation from the beginning. As noted above, Delta remains liable for the actions of contractors acting under Delta's control and authority.**

**In the September 11, 2007, letter from Mr. Dirk Mammen of ECT, he states that ECT will prepare a sampling plan for the stockpiled contaminated soil, make arrangements with Ohio EPA for sampling the soil and facilitate its removal. This plan has been required for more than a year and must be submitted immediately.**

**On October 4, 2007, I was taken to the back of the facility and observed that several piles of soil, including the VRU contaminated soil and a pile of waste water treatment system carbon was pushed into one large pile so that a new dike could be constructed on the south side of the facility. Delta has still not sampled and analyzed the VRU contaminated soil and the waste water treatment system carbon. However, by moving these two piles of waste, Delta has created a new larger pile that must be thoroughly sampled as well as the ground under the original piles and between the original piles and the new larger pile. Delta is required to perform this additional sampling. The required sampling and analysis plan must include all these areas.**

**5. Waste Evaluation - Wastewater Treatment System Carbon  
OAC Rule 3745-52-11**

A generator must determine whether its waste is hazardous by first determining if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35; by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

On March 23, 2006, I observed and photographed two piles of wastewater treatment system carbon on the ground on the south side of the Delta property outside the diked area. On May 11, 2006, I observed and photographed another pile of wastewater treatment system carbon on the ground on the south side of the Delta property outside the diked area. Delta has not properly evaluated this spent material to determine if it was hazardous or non-hazardous waste.

Delta was required to submit the following information to Ohio EPA: The date the two piles were created, the sampling Chain-of-Custody (COC), the lab report and the current location of the spent carbon.

In order to abate this violation, Delta was required to sample and analyze the spent carbon. The spent carbon must be analyzed for TCLP VOCs and flash point. Delta was required to follow the requirements for performing the sampling and analyses, reporting the results and data validation and managing the wastes, after evaluation of the lab results, as listed in the January 19, 2006, NOV. Delta was required to give Ohio EPA, at least a five business day advance notice of sampling activities, in order for an inspector to make arrangements to view the sampling activities.

**In the September 11, 2007, letter from Mr. Dirk Mammen of ECT, he states that "ECT employee Dirk Mammen met with you (Mr. North) on site in July of 2006 and walked the property. He observed only one pile of carbon at that time. We were both uncertain at that time what may have happened to the two earlier observed carbon piles."**

**Attached to the September 11, 2007, letter from Mr. Dirk Mammen of ECT, are copies of the PSC Waste Characterization Report, analytical data and hazardous waste shipping manifests. This documentation demonstrates that the waste water treatment system carbon was sent to Petro-Chem Processing of Detroit, Michigan, on August 17, 2006. Ohio EPA will determine if any other piles of carbon remain at the Delta facility during a future inspection.**

**Photos in Ohio EPA's files reveal that another pile of waste water treatment system carbon was present in the back of the facility. On October 4, 2007, I was taken to the back of the facility and observed that several piles of soil, including the VRU contaminated soil and a pile of waste water treatment system carbon was pushed into one large pile so that a new dike could be constructed on the south side of the facility.**

**Delta has still not sampled and analyzed the VRU contaminated soil and the waste water treatment system carbon. However, by moving these two piles of waste, Delta has created a new larger pile that must be thoroughly sampled as well as the ground under the original piles and between the original piles and the new larger pile. Delta is required to perform this additional sampling. The required sampling and analysis plan must include all these areas.**

**6. Waste Evaluation - Investigation Derived Waste  
OAC Rule 3745-52-11**

A generator must determine whether its waste is hazardous by first determining if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35; by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

On March 23, 2006, I observed three to four 55-gallon drums of soil from the soil sampling activities beside the contractor trailer. Delta has not properly evaluated this contaminated soil to determine if it is hazardous or non-hazardous waste.

Delta was required to submit the following information to Ohio EPA: The date the contaminated soil was generated in the containers, how it was handled on-site and the current location of this waste.

In order to abate this violation, Delta was required to sample and analyze the contaminated soil in the drums. The contaminated soil must be analyzed for all TCLP constituents, unless Delta can demonstrate that a compound was never used at the facility or should not be present in the soil. Delta was required to follow the requirements for performing the sampling and analyses, reporting the results and data validation and managing the wastes, after evaluation of the lab results, as listed in the January 19, 2006, NOV. Delta was also required to give Ohio EPA, at least a five business day advance notice of sampling activities, in order for an inspector to make arrangements to view the sampling activities.

**In the September 11, 2007, letter from Mr. Dirk Mammen of ECT, he states that "This material was removed after this violation was announced, presumably by EQ, C&W or other US EPA contractors..." Delta was responsible for all waste generated from the release in 2005. Delta has indicated that it did not keep track of this waste, did not have it sampled and cannot explain where it was taken to. Soil cuttings/samples were later viewed lying beside the Delta warehouse. Delta must explain what these soil cuttings are from, how they were evaluated, where they were shipped and when.**

**7. Container Labeling  
OAC Rule 3745-52-34(A)(2)&(3)**

A generator may accumulate hazardous waste in containers provided that: (2) the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; and (3) while being accumulated each container is labeled or marked clearly with the words "Hazardous Waste".

Delta failed to label and date, at least, two roll-offs containing hazardous waste booms (D001 & D018), and 9 drums of hazardous waste ethylene glycol (D018) from the VRU.

In order to correct this violation, Delta was required to properly label and date any roll-off, drum or container and submit, to me, photographs demonstrating this.

**In the September 11, 2007, letter from Mr. Dirk Mammen of ECT, he states that "Delta has implemented training programs for its employees regarding appropriate waste material handling and disposal. Delta has implemented various standard operating procedure memos for subcontractors that may generate wastes. The roll-off boxes and 9 drums that were observed to be unlabeled were generated by environmental contractors, and Delta was not responsible for their labeling."**

**Delta must submit copies of its training outlines and records and the various standard operating procedure memos. Be aware that Delta is responsible for labeling and dating any container of hazardous waste from its facility, regardless of what it is or who "creates" it.**

**8. Container Inspections  
OAC Rule 3745-66-74**

The owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. The owner or operator must record inspections in an inspection log or summary.

Delta failed to, conduct and record such inspections for, at least, two roll-offs containing hazardous waste booms (D001 & D018), and 9 drums of hazardous waste ethylene glycol (D018) from the VRU.

In order to correct this violation, Delta was required to conduct and record an inspection of any container of hazardous waste and submit to me a copy of the inspection log or summary for at least a four week period.

**In the September 11, 2007, letter from Mr. Dirk Mammen of ECT, he states that "Delta has implemented a daily, weekly, and monthly site inspection process for the entire property. ECT will collect the inspection logs and forward them to you." These inspections and records were required more than a year ago. Delta must submit copies of these records immediately.**

**SECOND SET OF VIOLATIONS FROM THE 1-19-06 NOV**

1. **Waste Evaluation**  
**OAC Rule 3745-52-11**

1. Waste Mineral Spirits

Delta was required to explain how it will accumulate this waste and when it will accumulate enough to sample.

**On January 9, 2006, Mr. Horton explained that he uses a small amount of Sherwin-Williams Mineral Spirits in a coffee can to clean with. When it is too dirty to use, he pours it into the PPBT. Delta has not evaluated this waste. Mineral Spirits typically have a flash point well below 140°F. Therefore, this waste is probably an ignitable hazardous waste (D001) and could be contaminated with other hazardous constituents. Please explain if mineral spirits is still used to clean anything or if it is no longer used and why. If mineral spirits are still used, Delta must immediately evaluate the waste.**

**On October 4, 2007, Mr. Horton stated that he will no longer generate a waste mineral spirits. He may dispose of his brushes rather than clean them; or he may use the very small amount of mineral spirits to thin his paint.**

2. Waste Diesel

Delta must explain how it will accumulate this waste and when it will accumulate enough to sample.

**On January 9, 2006, Mr. Horton also explained that he uses a wash pail full of diesel fuel for cleaning. The wash pail was located in the warehouse. Please explain if diesel fuel is still used to clean anything or if it is no longer used and why. If diesel fuel is still used, Delta must immediately evaluate the waste.**

**On October 4, 2007, Mr. Horton explained that he put the diesel into the PPBT and that he no longer uses diesel fuel to clean with.**

3. Five Unknown Drums

These drums in the warehouse were sampled on March 23, 2006. **Delta must immediately submit the Chain-of-Custody for this sampling event.** The analytical results, provided to Ohio EPA on April 20, 2006, indicate the following:

**UNKD4 is a half full 55-gallon drum of liquid waste. It is a non-hazardous waste. On October 4, 2007, Mr. Dirk Mammen reported that this drum was shipped off-site on May 11, 2006.**

**Attached to the September 11, 2007, letter from Mr. Dirk Mammen of ECT is a copy of the non-hazardous waste manifest, completed by Bill Barr, Inc., documenting the off-site shipment of this waste on May 11, 2006.**

UNKD2 is a full 55-gallon drum of solid waste. It is a non-hazardous waste. On October 4, 2007, Mr. Dirk Mammen reported that this drum was shipped off-site on May 11, 2006. Attached to the September 11, 2007, letter from Mr. Dirk Mammen of ECT is a copy of the non-hazardous waste manifest, completed by Bill Barr, Inc., documenting the off-site shipment of this waste on May 11, 2006.

UNKD1, UNKD3 and UNKD5 The other three drums of unknown waste were determined to be gasoline and were to be burned for energy recovery. Delta must submit a shipping paper that documents the off-site shipment of this gasoline, immediately.

**On October 4, 2007, Mr. Horton reported that the gasoline in these drums was put into Tank 4. He explained that the gasoline came from draining lines at the facility and could be used for fuel.**

4. Waste Fire Fighting Foam

These forty 5-gallon pails in the warehouse were sampled on March 23, 2006. The analytical results, provided to Ohio EPA on April 20, 2006, indicate that the fire fighting foam is a non-hazardous waste.

**Attached to the September 11, 2007, letter from Mr. Dirk Mammen of ECT is a copy of the non-hazardous waste manifest, completed by Bill Barr, Inc., documenting the off-site shipment of this waste on May 11, 2006.**

5. Miscellaneous Waste

It was not necessary to sample any miscellaneous wastes found in the same room as the fire fighting foam.

6. Fluorescent Bulbs

Delta is now managing the bulbs as a Universal Waste. According to OAC Rule 3745-273-15, a small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated. Therefore, Delta must submit a shipping paper that documents the off-site shipment of the spent lamps, immediately.

Be aware that there were at least three probable PCB containing ballasts attached to the lighting fixtures. Delta must contact US EPA immediately regarding the disposal requirements for PCB wastes and explain what it plans to do with them, as a result.

**These lamps and fixtures had already been removed and were propped against the wall in the same room of the warehouse as the fire fighting foam. On October 4, 2007, I observed that these fixtures and lamps still remain in the warehouse. Delta must immediately explain in detail what will be done with the probable PCB containing ballasts. Furthermore, Delta must immediately close the box of lamps, label the box with the words "Universal Waste Lamps", date the box, and, since the bulbs have been accumulated far longer than one year, have the lamps shipped to a lamp recycler. Delta must submit a photograph that demonstrates that these requirements have been met and must also submit a copy of the shipping paper that documents that the lamps have been sent off-site to a recycler.**

**Ohio EPA General Concern #3: Concerning the 55-gallon drum on the west side of the Delta property, near the clean soil pile:**

#### **Exterior Paint**

On March 23, 2006, Mr. Mike Stack of C&W Tank Cleaning Co. sampled a 5-gallon pail of exterior paint (Labeled EXTLPT). The analytical results, provided to Ohio EPA on April 20, 2006, indicate that this paint is the hazardous waste D001, for flash point.

Delta was required to submit to me, immediately, a legible copy of the manifest(s), signed by a representative of the permitted treatment, storage or disposal facility, that documents the proper off-site shipment of this hazardous waste.

**In the September 11, 2007, letter from Mr. Dirk Mammen of ECT, he states that "Delta personnel have placed the exterior paints in a cabinet and considers these paints to be useable product and not a waste." However, on October 4, 2007, Mr. Dan Horton stated that he decanted this hazardous waste (D001) onto the floor of the warehouse and placed the rest of this waste into the trash. This is unpermitted treatment and disposal of a hazardous waste, as cited at the beginning of this Notice of Violation letter.**

#### **1 Gallon Paint**

On March 23, 2006, Mr. Mike Stack of C&W Tank Cleaning Co. sampled a 1-gallon can of paint (Labeled 1GALPT). The analytical results, provided to Ohio EPA on April 20, 2006, indicate that this paint is the hazardous waste D001, for flash point.

Delta was required to submit to me, immediately, a legible copy of the manifest(s), signed by a representative of the permitted treatment, storage or disposal facility, that documents the proper off-site shipment of this hazardous waste.

**In the September 11, 2007, letter from Mr. Dirk Mammen of ECT, he states that "Delta personnel have placed the exterior paints in a cabinet and considers these paints to be useable product and not a waste." On October 4, 2007, Mr. Dan Horton explained that he has used this paint up by painting portions of the facility.**

#### **Latex Paint**

On March 23, 2006, Mr. Mike Stack of C&W Tank Cleaning Co. sampled three 5-gallon pails of paint (Labeled LPT). The analytical results, provided to Ohio EPA on April 20, 2006, indicate that this paint is a non-hazardous waste.

Delta was required to submit a shipping paper that documents the off-site shipment of this waste paint, immediately.

**In the September 11, 2007, letter from Mr. Dirk Mammen of ECT, he states that "The latex paints were allowed to dry and were placed in the general refuse dumpster." This is acceptable. No further action is necessary.**

#### **Copper Bright**

On March 23, 2006, Mr. Mike Stack of C&W Tank Cleaning Co. sampled a small container of copper bright tarnish remover (Labeled Copper Bright). The analytical results, provided to Ohio EPA on April 20, 2006, indicate that this liquid is the hazardous waste D002, for corrosivity.

Delta was required to submit to me, immediately, a legible copy of the manifest(s), signed by a representative of the permitted treatment, storage or disposal facility, that documents the proper off-site shipment of this hazardous waste.

**In the September 11, 2007, letter from Mr. Dirk Mammen of ECT, he states that "The Copper Bright material is considered a useable product and has been placed in the cleaning supply cabinet." On October 4, 2007, Mr. Horton stated that he has used this material on metal items at the facility and that it is useful to him. He said he has shined door handles, for example. This is acceptable. No further action is necessary.**

Any hazardous waste generated at Delta, or any waste in storage at Delta that is found to be hazardous, including excavated soils or waste in containers, must be evaluated for compliance with all Land Disposal Restriction rules. These rules include determining any and all Underlying Hazardous Constituents in the hazardous waste (see OAC Rule 3745-270-09(A). OAC Rule 3745-270-02(A)(9) defines underlying hazardous constituents as any constituent listed in the "Universal Treatment Standard" table in OAC Rule 3745-270-48. These constituents are not those that cause the waste to exhibit a characteristic, but they can pose environmental hazards nonetheless. The underlying hazardous constituents must be treated to meet the constituent-specific levels listed in the universal treatment standards (UTS). Removal of hazardous waste characteristics may not be sufficient for land disposal.

Mr. Carroll Knight, President  
November 30, 2007  
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Please note that Ohio EPA considers these violations to be serious in nature. As such, Delta has been referred to our Central Office Enforcement Section for consideration of escalated enforcement.

**New General Concern in this Fourth NOV**

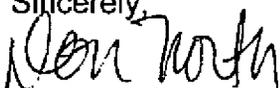
Delta shipped 3972 gallons of hazardous waste to Petro-Chem Processing in Detroit, Michigan via hazardous waste manifest #001725434. Delta must immediately describe the source of this waste, submit a copy of the waste analysis and the hazardous waste manifest, signed by a representative of the permitted treatment, storage or disposal facility, that documents the proper off-site shipment of this hazardous waste.

**In the September 11, 2007, letter from Mr. Dirk Mammen of ECT, he states that "This material came from the process of cleaning and removing the older oil/water separator unit from service." Attached to this letter are copies of two hazardous waste manifests that document the off-site shipment of this hazardous waste, D001 & D018, to Petro-Chem Processing of Detroit, Michigan on November 2, 2006. This response is sufficient. No further action is necessary.**

If you have any questions about this Notice of Violation letter, please feel free to call me at (419) 373-3074.

You can find copies of the rules and other information about hazardous waste, used oil and universal waste management on the division's web page at <http://www.epa.state.oh.us/dhwm>.

Sincerely,



Don North  
District Representative  
Division of Hazardous Waste Management

/llr

pc: Colleen Weaver, DHWM, NWDO  
Cindy Lohrbach, DHWM, NWDO  
Randy Ohlemacher, DHWM, CO  
Harry Sarvis, DHWM, CO  
Dan Martin, AGO  
NWDO, DHWM, Delta Fuels File, Lucas County  
ec: Don North, DHWM, NWDO  
John Pasquarette, DHWM, NWDO

**IMPORTANT INFORMATION**

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.

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
*MR. CARROLL KNEWT, PRESIDENT*  
*KNEWT ENTERPRISES, INC.*  
*40600 GRAND RIVER*  
*NOVI, MICHIGAN 48375*

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
*x Pat Thomson*  
 B. Received by (Printed Name) *PAT THOMSON* C. Date of Delivery *12-4-07*  
 D. Is delivery address different from Item 1?  Yes  No  
 If YES, enter delivery address below:

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*CARROLL KNEWT, PRESIDENT - KNEWT ENTERPRISES*  
 Street, Apt. No. or PO Box No. *40600 GRAND RIVER*  
 City, State, ZIP+4  
*NOVI, MI 48375*