



State of Ohio Environmental Protection Agency

Northwest District Office

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Bowling Green, OH 43402-9398

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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
Fourth Notice of Violation

May 3, 2007

CERTIFIED MAIL

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

Dear Mr. Knight:

This is the fourth Notice of Violation (NOV) letter sent to you regarding Delta Fuels, Inc. (Delta) at 1820 Front Street in Toledo, Ohio. You did not respond to the third NOV. The third NOV letter was sent to Delta Fuels on June 9, 2006. This fourth NOV will cite new violations and the violations previously cited in the third NOV. The new violation is listed at the beginning of this NOV. In the case of the violations from the third NOV, the same numbering will be used for them in this NOV.

In a January 19, 2006, Notice of Violation letter (NOV), Ohio EPA cited 6 violations of Ohio Administrative Code (OAC) Rule 3745-52-11 for failure to evaluate certain wastes at the facility.

On February 23, 2006, Ohio EPA received your response to its January 19, 2006, Notice of Violation letter (NOV). My review of the information you submitted revealed that Delta had violated OAC Rule 3745-52-11 another time, and had not abated the violations cited or corrected the general concerns listed in the January 19, 2006, NOV.

A time line was reported in a second NOV to Delta on March 9, 2006. Based on this information, Delta was cited for another violation of OAC Rule 3745-52-11, since it failed to adequately evaluate the soils that were excavated from Ramp X area and sent to ERDF.

Ohio EPA also reported in its March 9, 2006, NOV that Delta had not abated the violations cited or corrected the general concerns listed in the January 19, 2006, NOV.

Ohio EPA evaluated the information provided by Delta and the observations it made of the site and of ERDF, since its March 9, 2006, NOV, and further determined that Delta was responsible for other violations of the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC) listed below.

NEW VIOLATIONS in this 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, 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.

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.

A review of U.S. EPA's Emergency Response Pollution Report, dated January 9, 2007, indicates the following:

- a. The off-site Dual Vapor Extraction System is scheduled to be turned off, dismantled and demobilized;
- b. The de-watering and jet-rodding activities in the off-site sewer system, which was impacted by the gasoline release, has been completed;
- c. The previously maintained absorbent booms and sewer plugs, which were placed to stop the migration of product/water/sheen to the Maumee River, have been removed;
- d. The previously maintained slick bar boom and absorbent boom in the Maumee River at the sewer outfall pipe have been removed;

- e. U.S. EPA on-site contractors have begun dismantling and demobilizing the on-site (in-situ) wastewater treatment plant;
- f. U.S. EPA Emergency Response and its contractors are conducting a general demobilization from the Delta property;
- g. To date, approximately 20,200 of the 103,000 gallons of released gasoline have been recovered.

In addition, Ohio EPA has been informed by Jon Gulch, U.S. EPA On-Scene Coordinator for the Delta gasoline release, that immediate response activities to treat and/or contain the gasoline release have been completed by U.S. EPA, at the Delta facility.

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.

**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.

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.

According to EQ representatives, soils were first excavated in the Ramp X area to create a trench for gasoline recovery. These soils were in contact with gasoline and were saturated with it. These soils were placed on the ground north of Tank 1 on Delta's property, outside the diked area. Ohio EPA has already informed you that this pile was not properly sampled and has further concluded that the soils in the north pile were the hazardous waste D018.

The results of analyses of the total benzene concentrations (ppb) in situ, in the Ramp X area, include the following, in the 7-12 foot interval: 200,000; 22,000; 26,000; 40,670; 12,168; 17,517; and 16,725. Based on these concentrations of benzene, Ohio EPA has determined that much of the soils in the Ramp X area, were the hazardous waste D018.

Delta was required to immediately cease transporting any hazardous waste to a facility without a hazardous waste permit and make arrangements to send any hazardous waste it generated, accompanied by a properly completed hazardous waste manifest, to a permitted hazardous waste treatment, storage and disposal facility.

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

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, 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.

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 believe 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 must 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 must also 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 may be 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.

**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, 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.

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 must 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 has only submitted an initial copy of the manifest signed by the generator and transporter. Delta must also 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 may be 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.

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 must 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 must 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 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.

**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 must 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 must sample and analyze the spent carbon. The spent carbon must be analyzed for TCLP VOCs and flash point. 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.

**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 must 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 must 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 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.

**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 must properly label and date any roll-off, drum or container and submit, to me, photographs demonstrating this.**

**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 must 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.**

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

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

1. Waste Mineral Spirits

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

2. Waste Diesel

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

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. **Delta must submit a shipping paper that documents its off-site shipment immediately.**

UNKD2 is a full 55-gallon drum of solid waste. It is a non-hazardous waste. **Delta must submit a shipping paper that documents its off-site shipment immediately.**

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.**

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.

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.

After further review of information submitted to Ohio EPA it was determined that General Concerns #1 & #2 must be restated as the violations of the ORC listed above.

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 must 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.

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 must 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.

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 must submit a shipping paper that documents the off-site shipment of this waste paint, immediately.

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 must 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.

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.

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

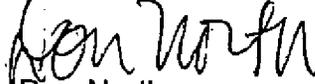
Delta shipped 3972 gallons of hazardous waste to Petro-Chem Processing in Detroit, Michigan via hazardous waste manifest #001725434. Delta must immediately describe the source of this waste, submit a copy of the waste analysis and the hazardous waste manifest, signed by a representative of the permitted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

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

Mr. Carroll Knight, President
May 3, 2007
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You can find copies of the rules and other information about hazardous 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
Jon Gulch, USEPA, Region V
Randy Ohlemacher, DHWM, CO
Harry Sarvis, DHWM, CO
NWDO, DHWM, Delta Fuels File, Lucas County
ec: Don North, DHWM, NWDO
John Pasquarette, DHWM, 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

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">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.	A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <i>Pat Thomason</i>	C. Date of Delivery <i>5-7-07</i>
1. Article Addressed to: <i>MR. CARROLL KNIGHT, PRESIDENT KNIGHT ENTERPRISES, INC. 40600 GRAND RIVER ROUSE, MI 48375</i>	B. Received by (Printed Name) <i>PAT THOMASON</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No
7005 1160 0002 4565 9515	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PS Form 3811, February 2004	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	