

**Environmental
Protection Agency**

Commissioner, Governor
Secretary, Lt. Governor
Superintendent, Director

July 29, 2010

RE: MAHONING COUNTY
FISH CREEK BASIN
VILLAGE OF SEBRING
BUCKEYE POLYMERS RECYCLING, INC.

NOTICE OF VIOLATION

CERTIFIED MAIL

Jerry Robinson
Buckeye Polymers Recycling, Inc.
104 Lee Street
Lodi, Ohio 44254

Dear Mr. Robinson:

On July 7, 2010, Ohio EPA conducted an inspection at Buckeye Polymers Recycling, Inc. (BPI), located at 1100 North 21st Street, Village of Sebring, Mahoning County (site). I was accompanied by you during the inspection. Ohio EPA records indicate that the site is covered by General National Pollutant Discharge Elimination System Permit for Storm Water Associated with Industrial Activity (General Storm Water Permit), permit No. 3GR01184*DG. The inspection documented the following:

The site processes aftermarket and post-consumer plastics (materials). Wastewater generated during processing is pumped to a below grade storage pit (Figure 1), passes through a sieve to remove solids, and is stored in a storage tank prior to transfer to a 3,500 gallon tanker truck for disposal at the City of Warren's wastewater treatment plant (WWTP). Approximately 10,000 to 12,000 gallons of wastewater are transported to the City of Warren WWTP per day five days a week. Overfilling of the tanker truck occurred on June 28, 2010. The spilled wastewater was still present on the ground and is exposed to precipitation events (Figure 2).

Frac tanks were previously utilized to store wastewater until disposal at the City of Warren WWTP could occur. Currently, the frac tanks have been removed as the City of Warren WWT terminated the acceptance of the wastewater and the owner of the frac tanks refused service due to outstanding service fees. The wastewater and sludge was pumped to the truck dock for dewatering purposes (Figure 3). Decanted wastewater is then pumped back to the below grade storage pit every Saturday. The truck dock is expected to be cleaned by July 19, 2010. The dewatered sludge, plastic scrap, and waste pallets are to be disposed of at the Central Waste Inc (CID: 28809), located in Mahoning County.

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In mid-June 2010, BPI commenced leasing a 60,000 square foot off-site warehouse, located at 123 9th Street in the City of Barberton, so that the materials can be stored under roof while sorting activities are performed. Approximately seventy percent to seventy-five percent (70% to 75%) of the site's materials are shipped directly to the off-site warehouse. Currently, the site only directly receives post-consumer plastics (i.e. hangars, bumpers, and food grade pails) and post-industrial plastics (i.e. scrap purgings, scrap parts, and dashboard components). When required, materials stored at the off-site warehouse are transported to the site for immediate processing. Various materials and solid waste are stored uncovered at the site in areas that are exposed to precipitation events. Ground plastic is present in numerous locations of the site.

Ohio EPA records do not indicate that the treatment works has received authorization for installation. You stated that a permit-to-install (PTI) for the treatment works will be submitted to Ohio EPA after the details regarding the treatment works have been finalized at the end of July 2010. You clarified that modifications are necessary to the treatment works because the pumps located within the below grade storage pit keep clogging. In addition, BPI is evaluating different product mixes that will impact the treatment works design.

A large amount of wastewater was present on the floor of the processing building at the site. The site recently acquired a floor scrubber to remove any wastewater present on the floor of the processing building (Figure 4). The wastewater contained within the floor scrubber is then transferred to the below grade storage pit.

Onsite storage of materials currently occurs in uncovered areas (Figure 5), within thirty-two storage trailers, and twelve road trailers. By the end of July 2010, only ten trailers (i.e. three road and seven storage) are expected to be utilized at the site. One of the waste bailers was now operational.

Upon processing of the materials stored onsite, grading activities detailed within the site's storm water pollution prevention plan (SWP3) are expected to be implemented in July 2010 or August 2010 by Katich Construction, Inc. (KCI). A copy of KCI's bid estimate for the grading activities was provided.

The following violations are occurring at the site:

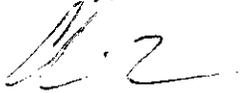
- An unpermitted wastewater treatment works is being utilized to treat wastewater generated onsite. A permit-to-install application was required to be submitted to and approved by Ohio EPA. **Failure to obtain approval for a treatment works constitute violations of Ohio Revised Code (ORC) Chapter 6111.45 and Ohio Administrative Code (OAC) Rule 3745-42.**

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- Numerous materials and solid waste are exposed to precipitation events and no best management practices implemented to prevent discharges of pollutants to "waters of the state" (Figures 5 to 6). **Failure to implement the site's SWP3 constitute violations of ORC Chapter 6111 and Part IV of the General Storm Water Permit.**
- The site has not implemented the SWP3. **Failure to take all reasonable steps to minimize or prevent any discharge in violation of the General Storm Water Permit that has a reasonable likelihood of adversely affecting human health or the environment constitute violations of ORC Chapter 6111 and Part VII.D of the General Storm Water Permit.**
- Industrial sludge and wastewater (Figure 3), leachate from uncovered dumpster (Figures 9 to 10) and outdoor storage areas (Figure 11), and spills resulting from the overfilling of tanker trucks (Figures 2 and 8) have been placed, pumped, or occurred in locations that have resulted in discharges to "waters of the state." **The placement of industrial sludge and wastewater in locations to cause pollutants to be discharge to "waters of the state" constitute violations of ORC Chapter 6111.04 and Part III.A of the General Storm Water Permit.**

Immediately upon receiving this Notice of Violation (NOV), all components of the SWP3 must be implemented to prevent discharges of pollutants to "waters of the state." Since aspects of the SWP3 for the site are not reflective of the current information and site operations, the SWP3 must be revised and submitted to Ohio EPA for review within thirty days of receiving this NOV. Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1118.

Sincerely,



Chris Moody
Environmental Specialist II
Division of Surface Water

cc: Jerry Robinson (different address)

ec: John Kwolek, DSW-NEDO

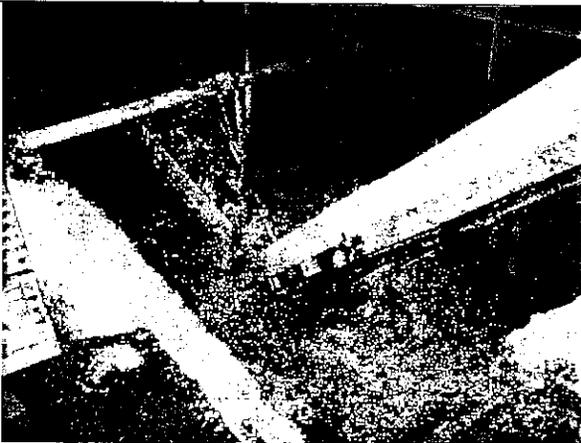


Figure 1 - Wastewater generated during processing is pumped to a below grade storage pit.



Figure 2 - Spilled wastewater resulting from overflowing of the tanker truck is exposed to precipitation events.



Figure 3 - The wastewater and sludge was pumped to the truck dock for dewatering purposes.

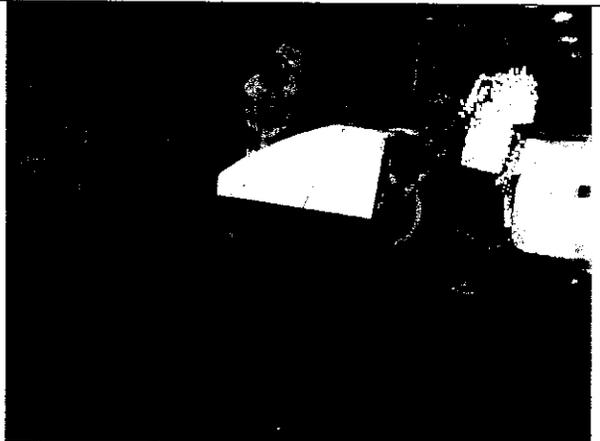


Figure 4 - The site recently acquired a floor scrubber to remove any wastewater present on the floor of the processing building.



Figure 5 - Onsite storage of materials currently occurs in uncovered areas, within thirty-two storage trailers, and twelve road trailers.

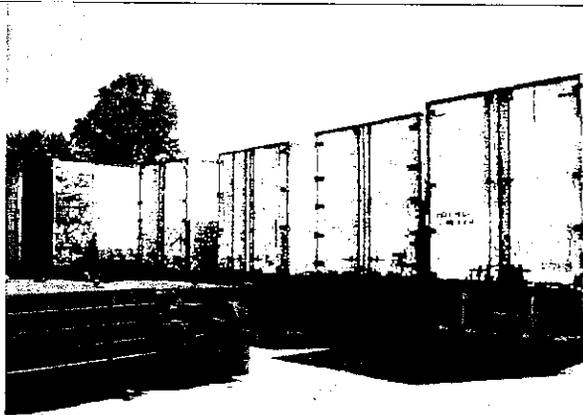


Figure 7 - Onsite storage of materials currently occurs in uncovered areas, within thirty-two storage trailers, and twelve road trailers.



Figure 9 - Leachate from uncovered dumpster areas have resulted in discharges to "waters of the state."

Figure 6 - Onsite storage of materials currently occurs in uncovered areas, within thirty-two storage trailers, and twelve road trailers.



Figure 8 - Spilled wastewater from the overfilling of tanker trucks have resulted in discharges to "waters of the state."



Figure 10 - Leachate from uncovered dumpster areas have resulted in discharges to "waters of the state."

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Figure 11 – Leachate from outdoor storage areas have resulted in discharges to “waters of the state.”

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. 	<p>A. Signature <i>Margie Sparker</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by <i>Margie Sparker</i> C. Date of Delivery <i>7-30-2010</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p>JERRY ROBINSON BUCKEYE POLYMERS RECYCLING, INC. 104 LEE ST. LODI, OH 44254</p>	<p>3. Service Type</p> <p><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.</p>
<p>2. Article Number 7009 1680 0000 6381 2456 C.MOODY 7/29/10 (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

PS Form 3811, February 2004

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PS Form 3800, August 2006 See Reverse for Instructions

9542 1989 0000 6381 2456