

**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korfleski, Director

December 2, 2010

RE: MAHONING COUNTY
BUCKEYE POLYMERS RECYCLING
NPDES PERMIT NO. OHR000004
OHIO EPA PERMIT NO. 3GR01184*DG
INDUSTRIAL STORM WATER INSPECTION

NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. Ronald Chislow
Buckeye Polymers, Inc.
104 Lee Street
Lodi, Ohio 44254

Dear Mr. Chislow:

On November 29, 2010, Ohio EPA conducted an inspection at Buckeye Polymers Recycling (BPI), located at 1100 North 21st Street, Village of Sebring, Mahoning County (facility). I was accompanied by Jerry Robinson, Plant Manager, 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.

Facility Information

The facility 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 into a 5,000 gallon tanker truck for disposal at the City of Warren's wastewater treatment plant (WWTP). Mr. Robinson stated that, due to weight, only approximately 3,500 to 4,000 gallons of wastewater is transferred into the tanker truck for disposal. A copy of the November 2010 hauling manifest was provided to Ohio EPA.

The facility has addressed the potential overfilling of the tanker truck, which previously occurred on June 28, 2010, by installing valves on the pipe network utilized to fill the tanker truck (Figure 2).

Material Storage

Although significant processing and disposal of materials has occurred, materials are still being stored in areas exposed to precipitation events (Figure 3). Mr. Robinson stated that by December 31, 2010 all remaining materials stored in areas exposed to precipitation events will be processed. In addition, the volume of materials being managed by the facility has been reduced as the facility is currently only accepting materials that can be processed

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onsite or at the Lodi facility. Materials formerly received and transported to third party customers are no longer being accepted at the facility.

Materials stored outdoors are being relocated to within fifty-three foot (53) tractor trailers or will be processed. Currently thirty-three (33) tractor trailers are located at the facility and contain materials to be processed or disposed at a landfill. The facility process approximately 60,000 to 80,000 pounds of materials per day. Mr. Robinson stated that by December 31, 2010 eighteen (18) of the tractor trailers will no longer be at the facility and all remaining tractor trailers will be removed by spring. Upon the removal of all the tractor trailers, the area formerly utilized for tractor trailer parking will be stabilized with gravel to prevent erosion and the discharge of sediment to "waters of the state."

Construction activities (i.e. grading operations) have commenced in the eastern portion of the facility where materials were stored prior to disposal or processing (Figures 3 to 4). Mr. Robinson explained that stabilization of the disturbed area is expected to occur in spring of 2011. Soil contaminated with plastic fines has been excavated and either disposed of at the Carbon Limestone Landfill LLC (28726) licensed municipal solid waste landfill facility (landfill) or has been stockpiled and is awaiting disposal at the landfill (Figure 5). Plastic fines are still present on the ground in numerous locations where a discharge to "waters of the state" will occur during precipitation events (Figures 6 to 7).

Industrial Wastewater and Solid Waste Disposal

The amount of wastewater being generated at the facility has been reduced to approximately 4,000 gallons per day due to recycling of water and product mix changes. Residuals from the treatment (i.e. solids separation) of the wastewater are collected and disposed of within the landfill.

Materials that have been accepted by the facility and stored outdoors that cannot be processed at the facility or at the Lodi facility are in the process of being loaded into fifty-three foot tractor trailers for disposal at the landfill.

Although much of the wastewater and industrial sludge that was previously documented in the loading dock has been cleaned, wastewater and industrial sludge is still present (Figure 8). Mr. Robinson explained that rainwater discharges into the loading dock as the drain serving the loading dock is currently clogged. Mr. Robinson stated that the loading dock wastewater and industrial sludge is collected and transported for disposal at the WWTP and landfill, respectively.

Due to cost, the solid waste compactors are no longer being operated at the facility. The facility currently utilizes fifty-three (53) foot tractor trailers to transport solid waste directly to the landfill.

Inspection Findings

The inspection documented the following violations:

- Part IV.C of the General Storm Water Permit requires “the permittee shall amend the SWP3 whenever there is a change in design, construction, operation, or maintenance, that has a significant effect on the potential for the discharge of pollutants to the surface waters of the state or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under paragraph D.2 of Part IV of this permit, or otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity.” **The facility’s storm water pollution prevention plan (SWP3) does not reflect current operations occurring on the site and must be revised;**
- Part IV of the General Storm Water Permit requires the facility to “implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.” **Numerous best management practices (BMP) detailed within the SWP3 have not been implemented, which is resulting in pollutant-laden storm water runoff being discharged to “waters of the state” (Figures 3 to 7);**
- Part IV.D.3.h of the General Storm Water Permit requires the SWP3 to “identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify measures to limit erosion.” **Sediment-laden runoff is being discharged to “waters of the state” due to the failure to implement appropriate BMPs. The following BMPs must be implemented to prevent discharges of sediment laden runoff to “waters of the state:”**
 - A. Silt fence must be extended along the edge of disturbance immediately adjacent to Sulfur Ditch (Figure 4). Please refer to the Ohio Department of Natural Resources’ (ODNR) “Rainwater and Land Development” (RLD) manual for the proper installation for silt fence. For your convenience, the RLD manual is available at the following Web site:

<http://www.dnr.state.oh.us/water/rainwater/default/tabid/9186/Default.aspx>
 - B. The disturbed area on the eastern portion of the facility must be stabilized via mulching until seeding can be performed in spring 2011 (Figure 3 to 4). Please refer to the ODNR’s RLD manual for the proper installation for silt fence. For your convenience, the RLD manual is available at the following Web site:

<http://www.dnr.state.oh.us/portals/12/water/rainwater/Rainwater2009-6-23/6-23-09RLDFiles/6-24-09RLDCh7.pdf>

- C. The area utilized for tractor trailer parking must be stabilized with gravel to prevent erosion and the discharge of sediment to "waters of the state" (Figure 9).

Items A and B must be implemented within fourteen (14) days of receiving this Notice of Violation (NOV). Item C must be initiated by December 31, 2010 and completed in the spring of 2011 when the remaining tractor trailers are expected to be removed from the site.

- Ohio Administrative Code Rule 3745-42-02(A)(1)(a) requires that "no person shall cause, permit or allow the installation of a new disposal system or cause, permit or allow the modification of a disposal system without first obtaining an individual permit to install, a general permit to install or plan approval in accordance with this chapter and all other applicable rules and laws." **As of the date of this NOV, a permit-to-install (PTI) application for the disposal system serving the facility has not been received. A PTI application must be submitted to Ohio EPA for review within thirty (30) days of receiving this NOV.**

A PTI application for the disposal system serving the facility shall consist of the following forms:

1. Form A
2. Corresponding B Form
3. Antidegradation Addendum Form

For your convenience, the PTI application forms are available from the following Web site:

<http://www.epa.ohio.gov/dsw/pti/PTIForms.aspx>;

- Ohio Revised Code (ORC) Chapter 6111.04(A)(1) requires that "no person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state." **The facility's industrial activities have resulted in pollutant-laden storm water runoff being discharged to "waters of the state." The facility must immediately cease the discharge of pollutants to "waters of the state;"**
- ORC Chapter 6111.042 requires that "no person shall violate any such rule, except in compliance with the terms and conditions of a permit issued under section

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6111.03 of the Revised Code.” **The facility has failed to comply with ORC Chapter 6111, OAC Rule 3745-42, and the terms and conditions of the General Storm Water Permit; and**

- **ORC Chapter 6111.44(A) requires that no person “shall provide or install sewerage or treatment works for sewage, sludge, or sludge materials disposal or treatment or make a change in any sewerage or treatment works until the plans therefore have been submitted to and approved by the director of environmental protection.” As of the date of this NOV, a PTI application for the disposal system serving the facility has not been received. A PTI application must be submitted to Ohio EPA for review within thirty (30) days of receiving this NOV.**

The facility must submit written correspondence detailing the corrective actions that will be implemented to address the violations, detailed above. The written correspondence must be submitted to Ohio EPA within fourteen (14) days of receiving this NOV. Within thirty (30) days of receiving this NOV, a revised SWP3 must be submitted to Ohio EPA for review. Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1118 or via e-mail at chris.moody@epa.state.oh.us.

Sincerely,



Chris Moody
Environmental Specialist II
Division of Surface Water

CM/mt

cc: Jerry Robinson, Plant Manager, Buckeye Polymers Recycling

ec: John Kwolek, Ohio EPA, DSW, NEDO



Figure 1 - The below grade storage pit containing waste materials.

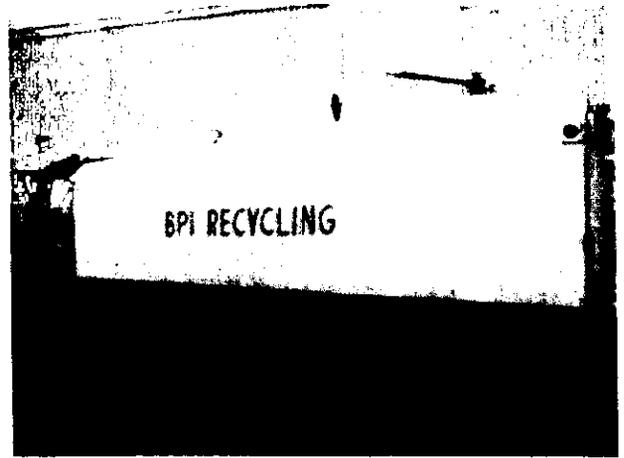


Figure 2 - Valves have been installed on the pipe network utilized to fill the tanker truck.



Figure 3 - Significant processing and disposal of materials has occurred at the facility.



Figure 4 - Construction activities (i.e. grading operations) have commenced in the eastern portion of the facility.



Figure 5 - Soil contaminated with plastic fines has been stockpiled and is awaiting disposal at the landfill.

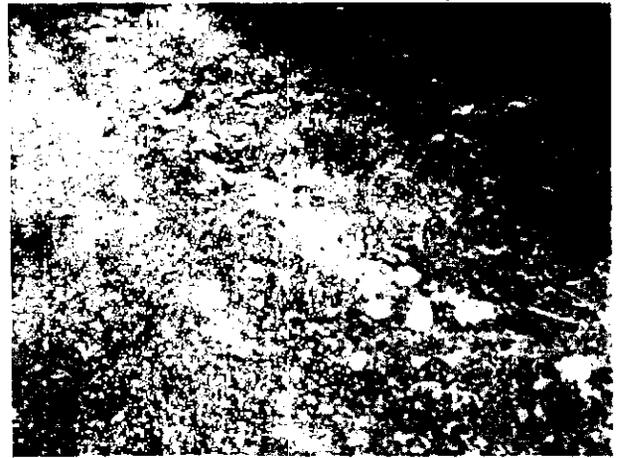


Figure 6 - Plastic fines are still present on the ground in numerous locations where a discharge to "waters of the state" will occur during precipitation events.



Figure 7 - Plastic fines are still present on the ground in numerous locations where a discharge to "waters of the state" will occur during precipitation events.



Figure 8 - Wastewater and industrial sludge is still present in the loading dock.



Figure 9 - The tractor trailer parking area must be stabilized with gravel.

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>Margaret Spitzer</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received By (Printed Name) <i>M Spitzer</i></p> <p>C. Date of Delivery <i>12-3-10</i></p>
<p>1. Article Addressed to:</p> <p><i>Ronald Chislow Buckeye Polymers, Inc. 104 Lee Street Lodi OH 44254</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 style="text-align: center;">DEC 03 2010</p> <p>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"/> COESA</p> <p>4. Restricted Delivery (Endorsement Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) <i>7010 1060 0000 0089 5090 (Moody 12/2/10)</i></p>	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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