



State of Ohio Environmental Protection Agency

Northeast District Office

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

February 7, 2008

RE: NOTICE OF VIOLATION
VON ROLL AMERICA, INC.
OHD 980 613 541 / 02 - 15 - 0589
COLUMBIANA COUNTY

Mr. John Peterka
Von Roll America, Inc.
1250 Saint George Street
East Liverpool, OH 43920

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dear Mr. Peterka:

On June 19, 2007, an incident occurred in Tank T-10 of the Organic Waste Tank Farm. Von Roll America (Permittee) was cited for a violation of Ohio Administrative Code (OAC) Rules 3745-55-94, General Operating Requirements and 3745-54-17, General Requirements for Ignitable, Reactive, or Incompatible Wastes. During the investigation of the June 19, 2007 incident, Ohio EPA discovered the Permittee had violated the following permit condition included in Ohio Hazardous Waste Facility Installation and Operation permit.

1. ORC 3734.11(b):

"No person who holds a permit or license issued under this chapter shall violate any of the terms and conditions of the permit or license."

2. Permit Condition: I(A).3(i) Feed Rates for Waste and Metals

The feed rates (for twelve metals) shall not be exceeded and shall be monitored and recorded on a continuous basis and in accordance with...this permit.

According to Permit Condition C-1b(2), Waste Approval System, found in Section C, Waste Characteristics and Waste Analysis Plan (WAP), prior to the receipt of each waste stream by the Permittee, a waste profile sheet (WPS) is generated. The WPS provides information such as the characteristics of the waste stream and the waste generating processes, and it identifies applicable hazardous waste codes associated with the waste stream. This information is provided by the generator of the waste in order for the Permittee to determine if they are permitted to receive, store, and/or treat the waste and the safest procedures to accomplish the activities designated.

In accordance with the WAP and upon receipt of a waste shipment at the facility, a sample is collected; this is referred to as a fingerprint sample. The Permittee analyzes the fingerprint sample for a specific list of parameters which allows the Permittee to confirm the waste received. If during the fingerprint analysis the Permittee observes discrepancies between the values on the WPS and the analytical results, a revision of the WPS may be required. This is important in regard to specific metals that may be in the waste. The analyses are also used in the development of the daily burn plan for the Incineration System to ensure compliance with the permit metal feed limits.

During the course of the investigation into the June 19, 2007 incident, Ohio EPA requested all documents for the waste ethylenediamine (EDA) involved in the incident. Review of the documents showed the Permittee began receiving the waste EDA stream in 2001. The initial WPS carried the hazardous waste codes, D001 for ignitability/flammability and D007 for chromium. In February 2002, the generator/customer requested the Permittee delete the D007 code from the WPS. The Permittee did not provide analytical for the time period between February 2002 and October 24, 2006. **Please provide documentation (a letter or e-mail from an authorized company representative) that the generator/customer did NOT send the waste EDA stream to the facility for incineration during this time period.**

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The October 24, 2006 WPS for the waste EDA did not carry the D007 code; however, the analytical attached to the WPS reported chromium in the waste at levels that required the code. The Permittee has not provided a revision to the WPS. In addition, certificate of analyses for fingerprints of the waste received during 2007 reported chromium present in values that required the D007 code on March 16 and March 23, 2007. On June 5, 2007, the analytical reported a value of arsenic that required the WPS carry the hazardous waste code, D004. The Permittee has not provided a revision to the WPS. **Ohio EPA is requesting the Permittee provide the revision documentation for the analytical events described in this paragraph. If the documentation is not available, please provide an explanation.**

Ohio EPA also observed the Certificate of Analyses for the waste EDA received on January 13, February 2, February 9, and April 3, 2007, did not include metals in the fingerprint analysis. **Please explain why the metal analyses were not conducted on these samples.**

To address these violations, please respond as requested above within thirty days of the date of this letter and describe what corrective action is to be implemented to prevent a reoccurrence of this or similar events.

If you have any questions, please contact me or Michelle Tarka at the Ohio EPA field office in East Liverpool at (330)385-8447. Or you may contact Frank Popotnik, Northeast District Office at (330) 963-1198.

You can find the rules and other information on the division's web page at: <http://www.epa.state.oh.us/dhwm>.

Sincerely,



Patricia Natali
Environmental Specialist
Division of Hazardous Waste Management

cc: Frank Popotnik, DHWM, NEDO
Natalie Oryshkewych, DHWM, NEDO
Michelle Tarka, DHWM, NEDO
Harry Sarvis, DHWM, CO
Tammy McConnell, DHWM, CO
Carrie Beringer, VRA

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve VRA from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve VRA from liability for any past or present violations of the state's hazardous waste laws.