



**Environmental
Protection Agency**

John R. Kasich, **Governor**
Mary Taylor, **Lt. Governor**
Scott J. Nally, **Director**

**Re Fort Amanda Specialties LLC
OHD987054657
Allen County
DMWM, NWDO
Notice of Violation**

August 27, 2012

Mr. Brett Anderson
Fort Amanda Specialties LLC
1747 Fort Amanda Road
Lima, Ohio 45804

Dear Mr. Anderson:

Thank you sending in the response to my May 15, 2012, Request for Information. Your response was received by the Ohio Environmental Protection Agency (Ohio EPA) on June 1, 2012, and included a cover letter, waste evaluation documents, and tank certification documents.

All tank certification documentation for tank TA-05-008 was reviewed by Ohio EPA's Central Office. Fort Amanda Specialties LLC's (FAS's) compliance with Ohio's hazardous waste tank rules and regulations is described below.

We found the following violations of Ohio's hazardous waste laws. In order to correct these violations you must do the following and send me the required information **within 14 days of your receipt of this letter**.

Violations:

1. **Ohio Administrative Code (OAC) rule 3745-66-92(A), Design and installation of new tank system or components:** Owners or operators of a new tank "...must obtain a written assessment reviewed and certified by a qualified professional engineer in accordance with paragraph (D) of rule 3745-50-42 of the Administrative Code attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste..."

FAS failed to have a written assessment reviewed and certified by a qualified professional engineer in accordance with paragraph (D) of OAC rule 3745-50-42.

In order to abate this violation, FAS must have the tank assessment reviewed and certified by a qualified professional engineer in accordance with OAC rule 3745-66-92(A). This certification must be submitted to Ohio EPA **within 14 days of receipt of this letter.**

2. **OAC rule 3745-66-92(A), Design and installation of new tank system or components:** "For new tank systems or components in which the external shell of a metal tank or any external metal component of the tank system is or will be in contact with the soil or with water, a determination by a corrosion expert..." must be included in the written assessment.

FAS failed to have a certified written assessment of the ancillary equipment (piping from the point of generation to the tank and from the tank to the point of disposal).

In order to abate this violation, FAS must submit a certified written assessment for the ancillary equipment which documents how FAS is complying with this rule. This assessment must be submitted to Ohio EPA **within 14 days of receipt of this letter.**

3. **OAC rule 3745-66-92(A), Design and installation of new tank system or components:** "For underground tank system components that are likely to be affected by vehicular traffic, a determination of design or operational measures that will protect the tank system against potential damage..." must be included in the written assessment.

FAS failed to have a certified written assessment of the ancillary equipment (piping from the point of generation to the tank and from the tank to the point of disposal).

In order to abate this violation, FAS must submit a certified written assessment for the ancillary equipment which documents how FAS is complying with this rule. This assessment must be submitted to Ohio EPA **within 14 days of receipt of this letter.**

4. **OAC rule 3745-66-92(E), Design and installation of new tank system or components:** "Ancillary equipment must be supported and protected against physical damage and excessive stress due to settlement, vibration, expansion or contraction."

FAS failed to have a certified written assessment of the ancillary equipment (piping from the point of generation to the tank and from the tank to the point of disposal).

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In order to abate this violation, FAS must submit a certified written assessment for the ancillary equipment which documents how FAS is complying with this rule. This assessment must be submitted to Ohio EPA **within 14 days of receipt of this letter.**

5. **OAC rule 3745-66-93(E)(1), Containment and detection of releases:** "...external liner systems must be...provided with an impermeable interior coating or lining that is compatible with the stored waste and that will prevent migration of waste into the concrete..."

The concrete liner at FAS is coated with Atlas Rezklad 1255. However, FAS failed to submit supporting information regarding the compatibility of the coating with the stored waste and documentation that the coating will prevent migration of waste into the concrete.

In order to abate this violation, FAS must submit supporting information that addresses the compatibility of the coating to the stored waste and the migration of waste into the concrete. This information must be submitted **within 14 days of receipt of this letter.**

6. **OAC rule 3745-66-93(F), Containment and detection of releases:** "Ancillary equipment must be provided with full secondary containment..."

FAS failed to have a certified written assessment of the ancillary equipment (piping from the point of generation to the tank and from the tank to the point of disposal).

In order to abate this violation, FAS must submit a certified written assessment for the ancillary equipment which documents how FAS is complying with this rule. This assessment must be submitted to Ohio EPA **within 14 days of receipt of this letter.**

Recommendations:

1. **OAC rule 3745-66-92(A)(2), Design and installation of new tank system or components:** Due to the acidic (pH 0-2) nature of some of the materials stored in tank TA-05-008, Ohio EPA recommends that FAS schedule periodic inspections of the tank interior to assess corrosion damage.

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2. **OAC rule 3745-66-92(A)(5)(a), Design and installation of new tank system or components:** Submitted calculations in the assessment used a specific gravity of 1.0. However, the submitted waste characterizations indicate specific gravity is 1.1. This discrepancy appears to have the greatest impact on the anchor bolt chairs (i.e. 'h' for the anchor chairs is designed for 13 inches whereas the corrected calculation indicates 13.85 inches is needed). However, since the tank is not in a saturated zone or a seismic fault zone, the design is not deficient. Ohio EPA recommends that FAS check the tank design using a specific gravity of 1.1 to determine if any foundation or tank upgrades are warranted.

3. **OAC rule 3745-66-92(A)(5)(b), Design and installation of new tank system or components:** This rule applies only if the tank is located in a saturated zone or within a seismic fault zone. Although tank TA-05-008 is not located in a seismic fault zone, it is located in a seismic impact zone. Ohio EPA recommends that FAS check the tank design to account for the tank's location within a seismic impact zone and determine if any foundation or tank upgrades are warranted.

FAS needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, FAS is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to kara.reynolds@epa.state.oh.us.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, FAS is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Please send all correspondence **within 14 days of receipt of this letter**, to Ohio EPA, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

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Should you have any questions, please feel free to call me at (419) 373-3065.

Sincerely,

Kara Reynolds

Kara Reynolds
Environmental Specialist
Division of Materials and Waste Management

/llr

Enclosure

pc: Colleen Weaver, DMWM, NWDO
Kara Reynolds, DMWM, NWDO
Cindy Lohrbach, DMWM, NWDO

ec: Colleen Weaver, DMWM, NWDO (with checklist)

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.