



**Environmental
Protection Agency**

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

Re: The D.S. Brown Company
OHD987000734
Wood County
Hazardous Waste
Partial Return to Compliance

September 26, 2012

Ms. Jennifer McGuckin, EHS Manager
The D.S. Brown Company
300 East Cherry Street
North Baltimore, Ohio 45872

Dear Ms. McGuckin:

Thank you for your March 12, 2012, March 27, 2012, and August 10, 2012, responses to Ohio EPA's February 24, 2012, Notice of Violation/Partial Return to Compliance (NOV/PRTC) letter. The documents you submitted included a weekly hazardous waste inspection log, and additional information regarding the drum crushing containment room.

Ohio EPA conducted a hazardous waste compliance evaluation inspection on November 4, 2011. As a result of that inspection, Ohio EPA sent D.B. Brown an NOV/PRTC letter dated December 1, 2011. D.S. Brown responded to the December 1, 2011, NOV/PRTC on December 29, 2011.

The following is a summary of the violations cited in the February 24, 2012, NOV/PRTC that were based upon the drum crushing containment room information and the weekly inspection log for the hazardous waste less than 180-day storage area submitted by D.S. Brown on December 29, 2011, and your compliance with respect to each:

10. Ohio Revised Code Section 3734.02 (E & F): Permitted Facilities for the Treatment, Storage, and Disposal of Hazardous Waste:

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.

D.S. Brown stored hazardous waste in the drum crushing containment room for greater than 180 days. Manifests submitted by D.S. Brown on December 29, 2011, indicate that the contents of the drum crushing containment room were pumped out and shipped off-site for disposal on the following dates: June 24, 2010, September 15, 2010, and September 14, 2011.

Ms. Jennifer McGuckin
September 26, 2012
Page 2

Therefore, D.S. Brown stored hazardous waste for greater than 180-days without a permit between September 15, 2010 and September 14, 2011.

D.S. Brown indicated that the drum crushing containment room was not pumped out in 2009 due to lack of need. It is unclear as to when in 2009 waste began accumulating in the drum crushing containment room prior to its removal on June 24, 2010.

D.S. Brown must identify what type of unit (i.e. tank, surface impoundment, miscellaneous unit) they consider the drum crushing containment room to be and submit this information to Ohio EPA. In addition, please provide information regarding how employees were managing the drums when moving them in and out of the drum crushing containment room. Specify whether employees were standing in or exposed to the waste as it was accumulating in the room, what personal protective equipment they were provided with, and if any equipment was used to move the drums in or out of the containment room. If training was provided to the employees working in this area regarding the hazards associated with the contents of the drums they were crushing, please submit this information to Ohio EPA.

On March 12, 2012, D.S. Brown responded that they believed that the drum crushing containment room would be designated a "drip pad". In addition, D.S. Brown provided information regarding the employees who work in the drum crushing containment room. D.S. Brown stated that the maintenance employees who crush the empty drums/pails wear rubber boots and rubber gloves while handling them. The only equipment utilized in this area is the drum crusher. Cardboard is placed on the floor of the containment room for the employees to stand on it. The cardboard is disposed of with the waste generated in this area. The employees are trained in emergency response procedures and are familiar with the chemicals previously contained in the empty drums. As of September 14, 2012, employees must have prior approval to crush drums in this area.

On May 25, 2012, Ohio EPA notified D.S. Brown via a voicemail message that the drum crushing containment room did not meet the definition of a "drip pad" and that we considered this area to be a tank. D.S. Brown was directed to evaluate their future plans for this area and submit a response to Ohio EPA. If D.S. Brown continued to use the drum crushing containment area, they would need to bring this unit into compliance with the tank regulations.

On August 10, 2012, D.S. Brown submitted a written response as a follow-up to our telephone conversation on August 2, 2012. D.S. Brown documented that they are no longer using the containment room and that they have not crushed drums in this area since February 1, 2012. D.S. Brown stated that on March 1, 2012, the drum crushing containment room was pumped out and cleaned, generating three drums of hazardous waste that was shipped off-site on March 15, 2012.

In the response, D.S. Brown decided to no longer crush drums and conducted a final cleanout of the containment room.

The drum crusher was removed and the open side of the containment room was temporarily closed. On June 27, 2012, four drums of waste liquid and room debris generated during the final cleanout were shipped off-site for hazardous waste disposal.

According to the response, D.S. Brown is able to purchase the majority of their raw materials in bulk (250 gallon returnable totes), thus decreasing the amount of empty drums that are generated. D.S. Brown plans to ship any future empty drums off-site to a drum recycler.

The drum crushing containment room is subject to closure. D.S. Brown is advised to refrain from using this area until the closure process (certification) has been completed.

D.S. Brown stored hazardous waste on at least one occasion (D009, D018, D019, D027, D028, D029) for greater than 180 days: September 15, 2010, to September 14, 2011, (364 days).

Since D.S. Brown violated ORC 3734.02(E&F), D.S. Brown is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have D.S. Brown begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

11. OAC Rule 3745-66-74: Weekly Inspections:

Container storage areas shall be inspected on a weekly basis looking for leaks and for deterioration. These inspections shall be recorded in an inspection log or summary. Ohio EPA interprets weekly to mean once within the seven-day period following the previous inspection.

D.S. Brown was not conducting inspections of the hazardous waste storage area on a weekly basis. D.S. Brown exceeded the weekly inspection requirement when less than 180-day drums of waste were present in the hazardous waste storage area. Specifically, D.S. Brown exceeded the weekly requirement for inspections from September 19, 2011 to December 27, 2011. The Ohio EPA reviewed with you during our inspection on November 4, 2011, the requirement to conduct weekly inspections when hazardous waste is in the less than 180-day storage area. An example weekly inspection log was previously sent to you via electronic mail.

To abate this violation, D.S. Brown must begin conducting weekly inspections of the hazardous waste storage area and submit four (4) weeks of completed inspection logs to this office.

On March 27, 2012, D.S. Brown submitted four (4) weeks of completed weekly inspection logs.

With this information, this violation has been abated.

The following violations have all been abated. An outline of your compliance with respect to each violation was included in the NOV/PRTC letter sent to you on February 24, 2012. These violations were observed during my November 4, 2011, compliance evaluation inspection and were cited in the NOV/PRTC letter dated December 1, 2011.

1. OAC Rule 3745-52-11, Waste Evaluation:

This violation was previously abated on November 8, 2011.

2. OAC Rule 3745-52-34(D)(5)(b), Preparedness and Prevention:

This violation was previously abated on November 8, 2011.

3. OAC Rule 3745-65-33, Emergency Equipment:

This violation was previously abated on December 29, 2011.

4. OAC Rule 3745-52-34(C)(1)(b), Satellite Accumulation Areas:

This violation was previously abated on November 8, 2011.

5. OAC Rule 3745-279-22(C)(1): Labeling:

This violation was previously abated on November 8, 2011.

6. OAC Rule 3745-273-13(D)(1): Universal Waste: Fluorescent Lamp Management:

This violation was previously abated on November 22, 2011.

7. OAC Rule 3745-273-14(E): Universal Waste: Fluorescent Lamp Labeling:

This violation was previously abated on November 22, 2011.

8. OAC Rule 3745-273-15(C): Accumulation Time for Universal Waste Batteries and Lamps:

This violation was previously abated on December 29, 2011.

9. OAC Rule 3745-273-16: Universal Waste Employee Training:

This violation was previously abated on November 22, 2011.

Ms. Jennifer McGuckin
September 26, 2012
Page 5

Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: <http://www.epa.ohio.gov/ocapp>. In addition, you can find copies of the rules and other information on the division's web page at: <http://www.epa.ohio.gov/dhwm/>.

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3066.

Sincerely,



Melissa L. Boyers
Division of Materials and Waste Management

/cg

pc: Cindy Lohrbach, DMWM, NWDO
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Notice:

Ohio's 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.