



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

January 4, 2013

RE: TUSCARAWAS COUNTY
SEMCO CERAMICS
DMWM SEDO
OHR 000 156 935

Mr. Frank Stroman
Stebbins Engineering
363 Eastern Boulevard
Watertown, New York 13601

Dear Mr. Stroman:

On February 4, 2009, Mike Check of the Tuscarawas County Health District and Dale Warner of Ohio EPA's Division of Solid and Infectious Waste Management (DSIWM) inspected the SEMCO Ceramics facility in Uhrichsville, Ohio. At the time of the inspection an on-site dump for off specification, unfired brick, as well as fired brick was observed. From 1982 until 2009 SEMCO disposed of off-specification fired and unfired brick and tile at its on-site disposal area. In a letter dated May 6, 2009, the DSIWM identified this on-site disposal area as an unlicensed, illegal solid waste disposal area. On October 13, 2010, Ohio EPA received a sampling plan for the characterization of the wastes found in the on-site disposal area. Sampling of the waste materials occurred on August 30, 2012 and September 25, 2012. On October 15, 2012, Ohio EPA received copies of three separate sample results from Babst Calland Attorneys at Law indicating that some of the waste materials disposed of in on-site disposal area were characteristically hazardous for barium.

The sampling results were forwarded to the Division of Materials and Waste Management – Hazardous Waste for review. Based on this review, it appears that hazardous wastes, characteristically hazardous for barium (D005), have been disposed of in the on-site disposal area and that SEMCO is in violation of Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC) as detailed below.

- (1) **ORC 3734.02(E) & (F), Prohibitions:** This law states in part, that no person shall store, treat or dispose of hazardous waste without a hazardous waste facility installation and operation permit. ORC 3734.02(F) states that no person shall treat, store, or dispose of hazardous waste except at the types of facilities within this rule.

Since SEMCO is in violation of ORC 3734.02(E) and (F) for the disposal of characteristically hazardous wastes, this facility is subject to all the applicable general facility standards found in OAC chapters 3745-54 and 55. **This violation**

will be abated, in part, once SEMCO has implemented an approved closure plan for this disposal area.

- (2) **OAC Rule 3745-55-12(A), Closure Plan:** The owner or operator of Hazardous waste management facility shall have a written closure plan.

Because characteristically hazardous wastes (D005) have been illegally disposed of in the on-site disposal area, SEMCO must submit a closure plan for the removal of hazardous wastes. In order to abate this violation, SEMCO must submit a closure plan which meets the requirements of OAC Rule 3745-55-12 to Ohio EPA within 45 days. To ensure that the closure plan complies with this rule, Ohio EPA encourages SEMCO to refer to Ohio EPA's Hazardous Waste Management Closure Plan Review Guidance found on Ohio EPA's website at: <http://www.epa.ohio.gov/portals/32/pdf/2008CPRG.pdf>

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.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

Sincerely,



Melody Stewart
District Representative
Division of Materials and Waste Management

MS/mr

cc: Bruce McCoy, DMWM – CO
Dale Warner, DMWM-SEDO

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.