



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

February 21, 2013

RE: ROSS INCINERATION SERVICES, INC.
OHD 048 415 665, TSD/LQG
NOTICE OF VIOLATION (NOV)
RETURN TO COMPLIANCE (RTC)

Patricia R. Lawson
Vice President, Administration
Ross Incineration Services, Inc.
36790 Giles Road
Grafton, OH 44044

Dear Ms. Lawson:

During a walk-through at the Ross Incineration Services Inc. (RIS) facility on February 6, 2013, I observed a container with Container Identification Number (CIN) 822244 in the Container Storage Facility (CSF) Staging Area and requested a container history from RIS. The container history indicated that the container (CIN 822244) had been in the Staging Area since January 20, 2013 or for 17 days. I subsequently requested RIS to check the histories of all the containers in the CSF Staging Area.

On February 8, 2013 RIS provided additional container histories. Highlights from those histories are summarized in Attachment 1. Eleven containers were documented to have been in the CSF Staging Area for time periods ranging from 9 to 17 days. Another 44 containers, that have the same combination of Waste Profile Survey (WPS) number and Shipper Number as the eleven containers for which detailed histories were provided by RIS, are likely to have been in the CSF Staging Area for similar time periods.

The containers listed in Attachment 1 were located in an area that is only to be used for staging. Holding containers of hazardous waste in the Staging Area after completion of initial container receiving activities constitutes storage of hazardous waste in a manner inconsistent with RIS' Hazardous Waste Permit. Storing containers of hazardous waste in this area is not in compliance with OAC Rule 3745-55-73 *Management of Containers* and Permit Condition C.5 (a); Condition C.5 (a) requires that "All container storage shall be conducted within the container storage units as described in Condition C.1. of this permit and Section D of the Part B permit application."

Section D-1 a (2)(a)(iii) (Page D-8) of the RIS Permit Application states, "...the "staging area" is the open area under the Container Storage Facility (see Figure D1-2; Dwg.#D-90-119) roof that is east of the container storage racks, north of the unloading bays, west of the scales. "Staging" refers to initial drum handling activities in which offloaded waste containers are prepared for inspection, weighing, bar coding and labeling before storage and/or processing occurs."

Permitted Staging Area activities do not include storage of hazardous waste. Storage of hazardous waste in the CSF is allowed only in the storage racks and the "tanker" or "truck" bays. This is not explicitly stated, but is very clear from a reading of Sec. D-1 a (3) (Pages D-12 and 13) and Sec. D-1 a (3)(a) (Pages D-13 through 16).

RIS experienced an unplanned shutdown on February 1, 2013 so any previously planned processing of waste in the Staging Area was delayed. However, the containers listed in Attachment 1 had already been in the Staging Area for a minimum of 3 days and most had been there for more time than that.

When I met with RIS staff on February 8 to discuss the container histories, it was reported that removal of overage containers from the CSF Staging Area had been initiated. When I conducted a walk-through on February 8, 2013, I observed that the container inventory in the CSF Staging Area had been greatly reduced.

These actions served to return RIS to compliance. No additional actions are required of RIS to abate this violation.

If you have any questions, please contact me by telephone at (330) 963-1165 or by e-mail at neil.wasilk@epa.state.oh.us.

Sincerely,



Neil Wasilk
Environmental Specialist II
Division of Materials and Waste Management

NW:ddw

cc: Marlene Kinney, Ohio EPA, DMWM, NEDO
ec: Nyall McKenna, Ohio EPA, DMWM, NEDO
John Paquelet, Ohio EPA, DMWM, NEDO
John Nyers, Ohio EPA, DMWM, CO
Natalie Oryshkewych, Ohio EPA, DMWM, NEDO
Jeff Mayhugh, Ohio EPA, DMWM, CO

Attachment 1 Information on Containers in RIS CSF Staging Area					
Container Identification Number (CIN)	Date into CSF Staging Area	Date of Container History Report or Last Day in Staging Area	No. Days in CSF Staging Area	No. Containers with Same WPS and Shipper in CSF Staging Area	Comments
822244	1-20-13	2-6-13	17	8	CIN 822237 has same history as CIN 822244.
828532	1-28-13	2-7-13	10	5	
828668	1-28-13	2-7-13	10	5	
735619	1-28-13	2-7-13	10	3	Placed in Staging Area after being at incinerator
828967	1-25-13	2-7-13	13	0	
828972	1-25-13	2-7-13	13	1	
829395	1-28-13	2-7-13	10	12	
829420	1-28-13	2-7-13	10	1	
829629	1-28-13	2-7-13	10	0	
831542	1-30-13	2-8-13	9	9	
831701	1-29-13	2-7-13	9	0	
Container history information was provided by RIS.					
Containers in CSF Staging Area with same WPS and Shipper Number are likely to have same history as the CIN for which full history was provided.					