



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

March 27, 2013

RE: STARK CERAMICS  
OHD 004 461 711  
STARK COUNTY  
NOTICE OF VIOLATION

Lorraine Lockhart  
Stark Ceramics Representative  
630 Deerfield Dr. SW  
North Canton, OH 44720

Dear Ms. Lockhart:

On February 13, 2013, Frank Popotnik and I inspected Stark Ceramics (Stark) located at 600 West Church Street, East Canton, Ohio. You, David Hall with Currie-Hall Investment Company, and Jaclyn Hupp with Canton City Health District were also present. The purpose of this inspection was to investigate a complaint received by this office, and to determine if this facility was in compliance with Ohio's hazardous waste, universal waste and used oil laws and rules as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). In the past, Stark generated hazardous waste in amounts of more than 1000 kilograms in a calendar month, commonly referred to as a large quantity generator (LQG) of hazardous waste. Based upon that information, Ohio EPA evaluated Stark's hazardous waste compliance with those generator requirements.

At a minimum, the following violations were found:

1. **Ohio Revised Code (ORC) § 3734.02(E) and (F) – Establishment and Operation of Unlawful Hazardous Waste Storage Facility.**

ORC § 3734.02 (E) and (F) state that no person shall establish or operate a hazardous waste facility without a permit and that no person shall store, treat, or dispose of hazardous waste except at a facility with a hazardous waste permit.

Stark violated ORC § 3734.02(E) and (F) by storing hazardous waste in excess of ninety days (90) without first obtaining a hazardous waste installation and operation permit. Hazardous waste which has been unlawfully stored includes, but may not be limited to:

- Approximately 1200 cubic yards of waste water treatment sludge and clay additive waste, characteristically hazardous for barium (D004) and lead (D008), as described in OAC rule 3745-51-24, located on a covered storage pad designated as Area C in US EPA's December 19, 2011 site assessment report; and

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- A fifty-five gallon metal drum, designated as D026 in US EPA's site assessment report, containing corrosive hazardous waste, D002, as described in OAC rule 3745-51-22.

Since Ohio EPA has not issued a permit to you to store hazardous waste, you have established a hazardous waste storage facility which has been operating without a permit in violation of ORC § 3734.02 (E) and (F). You must make immediate arrangements for the lawful, off-site management of all hazardous waste. Submit documentation (i.e., manifests) verifying the lawful, off-site management of all hazardous waste at the Facility.

Due to the unlawful establishment and operation of a hazardous waste facility, you are subject to conducting closure at the Facility, pursuant to OAC rules 3745-55-10 through 3745-55-20. Closure is the cleanup procedure for all areas where hazardous has been managed. Generally, closure activities entail the following: removing and management of all waste and residues, removing or decontaminating contaminated equipment and structures, remediating contaminated soils and groundwater if necessary, and managing all wastes generated from these activities in accordance with the hazardous waste laws. Furthermore, the closure process requires the submittal and approval of a closure plan which ensures that the closure performance standards set forth in OAC rule 3745-55-11 are met. The closure performance standards require you to remove and remediate contamination in these areas to prevent it from posing a risk to human health and the environment. The closure plan should be prepared in accordance with Ohio EPA's *Closure Plan Review Guidance for RCRA Facilities*. If you have questions concerning the closure process, please contact me.

2. **OAC Rule 3745-52-11 – Hazardous waste determination.**

Stark violated this rule by failing to determine if the wastes at the Facility are hazardous waste.

During the inspection, I observed the following wastes: two roll off boxes adjacent to Building 12, drums of waste in Building 12, smaller containers and totes in Building 12, an open blue plastic drum along Church Street, and containers of waste in designated Area A of the US EPA report, including numerous totes (some appeared to be empty), a gallon container, and a mercury vial (part of a thermostat).

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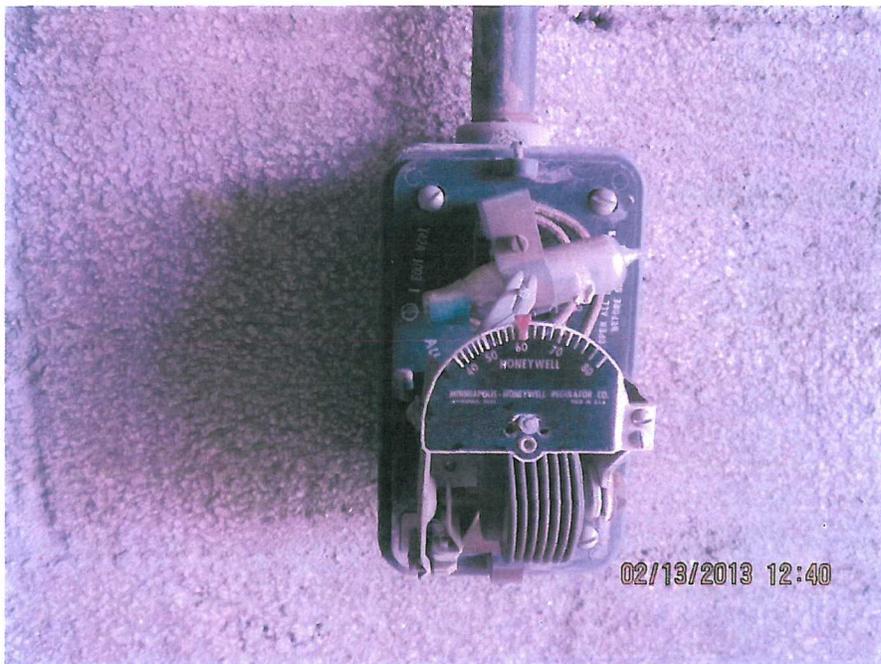
Photos showing some of this waste are shown below:



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(There is a one gallon paint can at the lower left of the photo.)



This vial containing mercury may alternatively be managed as universal waste.



Additionally, Stark must determine if the wastes listed in US EPA's inventory of the assessment report are hazardous waste. Stark must describe how all waste will be sampled, evaluated and managed. You are requested to notify Ohio EPA at least five days prior to implementing the sampling event. After conducting the sampling event, you must submit a copy of the waste evaluation information (i.e. analytical results) of the contents of the waste management units, as well as documentation (e.g., hazardous waste manifests) demonstrating the proper off-site management of the wastes.

Furthermore, any soils or other media generated during the cleanup of this Facility must be properly evaluated in accordance with this rule. Based upon limited preliminary soil sampling by US EPA, soils at the Facility may, at a minimum, exhibit a characteristic of a hazardous waste when generated.

On page 11 of the US EPA site assessment report, it states a sample was collected from "oily stained soil next to the vandalized transformer southwest of the boiler room in Area D." This is sample SC-S4-102011 shown on the map. Another sample, SC-S5-102011, was collected from "surface soil near the milky-white standing water documented by the Ohio EPA between Areas F and G." These were analyzed for total metals, but a Toxicity Characteristics Leaching Procedure (TCLP) was not done. The total levels of chromium and lead for sample S4 and of lead for sample S5 indicate that these areas may be hazardous waste. In order to comply with OAC 3745-52-11, you must take at least one sample at each of these locations

and run a TCLP analysis on it for the metals mentioned above. Please let me know when these samples will be taken so that I have the opportunity to be present.

3. **OAC rule 3745-54-14 --Site Security.**

The owner or operator must prevent the unknowing entry, and minimize the possibility for unauthorized entry, of persons or livestock onto the facility.

Stark violated this rule by not having adequate security at the site. Unauthorized access can be obtained directly off of Berger Road.

Due to the presence of hazardous wastes and other asbestos containing materials at the Facility, the possibility of trespass or other unauthorized access may lead to further releases at the Facility. To address this violation, Stark must make immediate arrangements to secure the Facility. Submit documentation verifying that the Facility has been secured.

4. **OAC rule 3745-54-31 –Design and Operation of Facility and OAC rule 3745-55-73 –Management of Containers.**

Facilities shall be designed, constructed, maintained and operated to minimize the possibility of a fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous constituents to air, soil or surface water which could threaten human health or the environment. Additionally, containers holding hazardous waste must not be opened, handled or stored in a manner which may rupture the container or cause it to leak.

Stark violated these rules by not having hazardous wastes in closed containers, including but not limited to approximately 1200 cubic yards of waste water treatment sludge and clay additive waste, characteristically hazardous for barium (D004) and lead (D008), as described in OAC rule 3745-51-24, located on a covered storage pad designated as Area C in US EPA's December 19, 2011 site assessment report. These areas, while covered, are still exposed to the elements and waste can be dispersed to the environment.

Submit in writing the corrective actions taken to containerize the hazardous wastes and prevent further releases of hazardous waste or hazardous waste constituents to the environment.

**Comments/Concerns:**

Be aware that this Facility is subject to a May 20, 1994 Administrative Order of Consent with US EPA to conduct corrective action (i.e., site wide clean up). Nothing in this letter shall be construed to waive the requirements in that Order. Furthermore, based upon the violations

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cited, Ohio EPA also reserves its rights to require Stark to conduct Facility wide cleanup pursuant to the Corrective Action process under Ohio law.

You need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, you are requested to provide documentation to me including the steps taken to abate the violations cited above. Such documentation may include written correspondence, updated policies, and photographs, as appropriate. Please send me a copy of any manifests and/or shipping papers for any hazardous waste, used oil, and universal wastes (such as batteries, mercury containing lamps or other mercury containing material) that were shipped from this site during 2011, 2012, and 2013.

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. If circumstances delay the abatement of violations, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

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 or Comprehensive Environmental Response, Compensation and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

Other information and suggestions:

Identifying Your Hazardous Waste, 2010

<http://www.epa.ohio.gov/portals/41/sb/publications/identifyingwaste.pdf>

OAC 3745-51-21 to 24 characteristic hazardous waste

OAC 3745-51-31 listed hazardous waste

[http://www.epa.ohio.gov/dhwm/laws\\_regs.aspx](http://www.epa.ohio.gov/dhwm/laws_regs.aspx)

For information regarding Ohio's used oil rules please see the following enclosed information:

The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, 2006

[http://epa.ohio.gov/portals/32/pdf/Used\\_Oil\\_Generators\\_Guidance.pdf](http://epa.ohio.gov/portals/32/pdf/Used_Oil_Generators_Guidance.pdf)

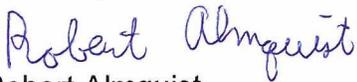
Registered Used Oil Transporters in Northeast Ohio, 2011

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Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides compliance and pollution prevention assistance on environmental issues (including sources of funding) related to air, land, and water. They can be contacted at (800) 329-7518, or <http://www.epa.ohio.gov/Default.aspx?alias=www.epa.ohio.gov/ocapp>.

If you have any questions, please contact me at (330) 963-1217, or [robert.almquist@epa.ohio.gov](mailto:robert.almquist@epa.ohio.gov).

Sincerely,



Robert Almquist  
Division of Materials and Waste Management

RA:cl  
Enclosures

ec: Frank Popotnik, DMWM, NEDO  
Natalie Oryshkewych, DMWM, NEDO  
Marlene Kinney, DMWM, NEDO  
Dave Dysle, DMWM, NEDO  
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Ron Bonner, OSI, CO  
Jaclyn Hupp, Canton City Health District  
Lori Muller, US EPA  
Mark Durno, US EPA