



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

Re: Seneca Railroad & Mining, Inc.
Complaint #3234
Sandusky County
OHD986983682
Hazardous Waste
Partial Return to Compliance

May 29, 2013

Mr. Raymond Wasson, President
Seneca Railroad and Mining, Inc.
1075 West Main Street
Bellevue, Ohio 44811-9419

Dear Mr. Wasson:

Thank you for your April 30, 2013, May 6, 2013, and May 13, 2013, responses to Ohio EPA's March 29, 2013, Notice of Violation/Partial Return to Compliance (NOV/PRTC) letter. The violations cited were discovered during our March 11, 2013, inspection at your facility. The documents you submitted included: waste evaluation documentation, waste disposal manifest, photographic documentation for over-pack containers, and weekly inspection logs.

The following is a summary of the violations cited in the March 29, 2013, NOV/PRTC as a result of our March 11, 2013, inspection and your compliance with respect to each:

1. 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.

Seneca stored hazardous waste in the outside drum storage area for greater than 180 days without first obtaining a hazardous waste facility installation and operation permit. Ohio EPA reviewed the facility paperwork and Seneca had one manifest for the last time waste was shipped off-site for disposal. On February 3, 2010, Seneca shipped seven drums of the used oil/coolant and spent methyl ethyl ketone (MEK) (D001, D035, F005) mixture and one drum of off-spec polyurethane product to Chemtron Corporation.

Since the spent MEK waste has not been shipped off-site since February 3, 2010, Seneca exceeded the total accumulation amount of hazardous waste allowed on-site at any given time for a CESQG and the waste became subject to the OAC rules applicable to SQG's on or about April 1, 2011. Therefore, Seneca stored hazardous waste for greater than 180-days without a permit since at least April 1, 2011.

On May 6, 2013, Seneca submitted a copy of the manifest for the 13 drums of hazardous waste that were shipped off-site on April 29, 2013, to EWS Alabama, Inc., for proper disposal. Nine of the 13 drums were over-packed prior to shipment. Seneca submitted photographic documentation of the drums prior to shipment and a copy of the receipt for the over-pack drums. Drum #14 was an open-top drum used for scrap metal shavings and was not used to store hazardous waste. The precipitation (less than an inch) that had collected in this drum was transferred into a hazardous waste drum as a precaution. This drum was moved back into the building and used to collect scrap metal.

Due to the nature of the violation, Ohio EPA may require closure pursuant to OAC rules 3745-55-11 through 3745-55-20 and OAC rules 3745-55-42 through 3745-55-47 at this site.

Since Seneca violated ORC 3734.02 (E) & (F), Seneca 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 Seneca begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

2. OAC Rule 3745-52-11: Waste Evaluation:

Any person who generates a waste must determine if that waste is a hazardous waste by using generator knowledge or by testing the waste.

- a. At the time of the inspection, Seneca did not have waste evaluation documentation for the mixture of used oil/coolant and spent MEK. Seneca has historically disposed of this spent material as a hazardous waste (D001, D035, F005). Seneca must properly evaluate this waste stream for metals prior to shipping it off-site for disposal.

On April 26, 2013, Ohio EPA sent Seneca a copy of the analytical results for the MEK that was evaluated for metals. The analytical results indicate that the mixture of used oil/coolant and spent MEK does not contain metals. Seneca plans to cease mixing the used oil/coolant in with the spent MEK. In the future, Seneca will ship the spent MEK off-site as a hazardous waste using the D001 and D035 waste codes for ignitability and MEK, respectively.

With this information, this portion (a) of the violation has been abated.

- b. At the time of the inspection, Seneca did not have waste evaluation documentation for the spent sandblasting material. Seneca has historically disposed of this spent material as a non-hazardous/solid waste. Seneca must immediately cease disposing of the spent sandblasting material as non-hazardous waste until a proper waste evaluation has been completed.

On April 26, 2013, Ohio EPA sent Ridge a copy of the analytical results for the spent sandblasting material. The analytical results indicate that the spent material is not a hazardous waste. Seneca can continue to manage this waste stream as a solid waste.

With this information, this portion (b) of the violation has been abated.

This violation has been completely abated.

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

Containers, aboveground tanks, and fill pipes used for underground storage tanks shall be labeled or marked clearly with the words "used oil."

Seneca had one 55-gallon drum of used oil/coolant that was not properly labeled.

This violation was previously abated on March 11, 2013.

As a result of exceeding the allowable total accumulation amount for a CESQG, Seneca is in violation of the following SQG hazardous waste rules:

4. OAC Rule 3745-52-34(D)(4): Accumulation Start Date:

A generator may, for one hundred eighty days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit provided that the waste is placed in containers that have the date upon which each period of accumulation begins clearly marked for inspection on each container.

Seneca failed to properly label the 13 (corrected #), 55-gallon drums of the used oil/coolant and spent MEK (D001, D035, F005) mixture with the accumulation start date.

This violation was previously abated on March 22, 2013.

5. OAC Rule 3745-52-34(D)(4): Hazardous Waste Labeling:

A generator may, for one hundred eighty days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit provided that the waste is placed in containers that are labeled or marked clearly with the words "Hazardous Waste".

Seneca failed to properly label the 13 (corrected #), 55-gallon drums of the used oil/coolant and spent MEK (D001, D035, F005) mixture with the words "Hazardous Waste".

This violation was previously abated on March 22, 2013.

6. OAC Rule 3745-52-34(C)(1)(a): Satellite Containers Closed:

A container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste.

Seneca failed to keep the satellite drum of spent MEK, located near the inside washing station, closed.

This violation was previously abated on March 22, 2013.

7. OAC Rule 3745-52-34(C)(1)(b): Satellite Containers Labeled:

A generator may accumulate as much as fifty-five gallons of hazardous waste or one quart of acutely hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit provided the containers are marked "Hazardous Waste" or other identifying words of the container's contents.

Seneca failed to properly label the satellite drum of spent MEK, located near the inside washing station, with the words "Hazardous Waste".

This violation was previously abated on March 22, 2013.

8. OAC Rule 3745-66-71: Conditions of Container:

If a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator must transfer the hazardous waste from such container to a container that is in good condition.

Seneca failed to transfer hazardous waste MEK into containers in good condition. Seneca had several of the 13 (corrected #) containers of the used oil/coolant and spent MEK mixture that were either leaking or in poor condition.

On April 30, 2013, Seneca submitted photographic documentation of the drums that were properly over-packed/secured and a copy of the receipt for the purchase of the over-pack drums.

With this information, this violation has been abated.

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

Container storage areas shall be inspected at least once during the period from Sunday to Saturday looking for leaks and for deterioration. These inspections shall be recorded in an inspection log or summary.

Seneca was not conducting weekly inspections of the outside hazardous waste storage area where the drums of used oil/coolant and spent MEK (D001, D035, F005) mixture are stored. On March 22, 2013, Seneca was given an example weekly inspection log and instructed to begin conducting weekly inspections of the outside hazardous waste storage area until the waste has been properly evaluated and shipped off-site for disposal.

On May 6, 2013, Seneca submitted six weeks of completed weekly inspection logs for the outside hazardous waste storage area. Weekly inspections were conducted from March 25, 2013, until April 28, 2013. The waste was shipped off-site for disposal on April 29, 2013.

With this information, this violation has been abated.

10. OAC Rule 3745-52-34(D)(5)(a): Emergency Coordinator
11. OAC Rule 3745-52-34(D)(5)(b): Emergency Info. Posted by the Telephone
12. OAC Rule 3745-52-34(D)(5)(c): Employee Training
13. OAC Rule 3745-65-31: Facility Operated to Minimize Accidents
14. OAC Rule 3745-65-33: Emergency Equipment

In order to abate the above violations (#10-#14), Seneca must ship off-site for proper disposal the drums of used oil/coolant and spent MEK mixture which have exceeded the total accumulation amount allowed on-site and submit a copy of the manifest along with the land disposal restriction (LDR) form to Ohio EPA.

On May 6, 2013, Seneca submitted a copy of the manifest for the 13 drums of hazardous waste that were shipped off-site on April 29, 2013, to EWS Alabama, Inc., for proper disposal.

With this information, violations (#10-#14) have been abated.

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/>.

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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: Lisa Gifford, DMWM, NWDO
Colleen Weaver, DMWM, NWDO

ec: Colleen Weaver, DMWM, NWDO (scanned e-copy)
Melissa Boyers, DMWM, NWDO

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.