



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

Re: Snyder's-Lance Inc.  
Ashland County  
Complaint # 3259  
Notice of Violation

July 31, 2013

Mr. Bob Remington  
Snyder's-Lance Inc.  
2041 Claremont Avenue  
Ashland, Ohio 44805

Dear Mr. Remington:

On July 3, 2013, the Ohio Environmental Protection Agency (Ohio EPA) conducted a complaint investigation at Snyder's-Lance Inc., located at 2041 Claremont Ave, Ashland, Ohio (Snyder's-Lance). I represented Ohio EPA, Division of Materials and Waste Management (DMWM) and was accompanied by Rick Hassinger with Ohio EPA's Office of Special Investigations (OSI). You represented Snyder's-Lance. The Snyder's-Lance facility in Ashland serves as a bakery/packaging facility for Archway brand cookies. A complaint was received by Ohio EPA on June 18, 2013, alleging violations related to the management practices of wastes generated at Snyder's-Lance. Specifically, the complaint stated that 55-gallon drums were being placed onto a rack located to the east of the facility where their contents were allowed to drain onto the ground in a gravel area. The complaint stated that once the gravel had become overly contaminated with the various contents of the drums then it was excavated and disposed of and new gravel would be placed onto the area. This letter will explain the validity of the complaint, the violations found, and requests additional information needed to determine compliance.

During the July 3, 2013, investigation you were initially questioned about this practice and confirmed that such a practice does take place at the facility. You explained that the drums were viewed as mostly empty and that this practice had taken place at the facility for at least 15 years. You did clarify that gravel was only added to the area and was not scooped up and disposed of as the complaint alleged. You led us to an area located to the east of the main building where a rack had been constructed over a gravel pad. The rack contained a total of 11 55-gallon drums, all upside down on the rack, some of them still draining liquids. Four drums were labeled "CFC Chemetall", two of the drums were labeled "Caramel Color", two of the drums were labeled "TCT Black Strap Molasses", one drum was labeled Fleetline 205, one drum labeled "OB Kool CT 112", and another drum was labeled "Oven Band Oil".

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Some of the drums contained warning labels indicating that they were corrosive in nature and could cause severe burns. Staining was observed in the gravel area as well as dead vegetation in and around the gravel area. You indicated that since this practice had been taking place for so long, you never thought that management of the drums in this manner was a problem and confirmed that all 55-gallon drums generated at the facility that were viewed as "empty" were drained in this manner.

As a follow up to the investigation, in a July 10, 2013 email, I requested all manifests for chemicals from any drum that would have been drained in the manner observed. You provided manifests for Oakite CFC, Fisan LC Degreaser, Band Oil, Fleetline 205, Chlorinated Degreaser, OB 112, Molasses 116, and Black Strap Molasses.

Of the manifests provided at least two indicated that the chemical was characteristically hazardous for corrosivity (D002) (Fleetline 205 and Chlorinated Degreaser). Additionally, with a Ph of 11.5 +/- 0.5, the Oakite CFC also has the potential to be characteristically hazardous for corrosivity.

Based on the investigation the complaint was a valid complaint and Snyder's-Lance Inc. is in violation of the following hazardous waste laws:

1. **Unpermitted Hazardous Waste Treatment, Storage & Disposal  
ORC Section 3734.02(E)&(F)**

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.

Snyder's-Lance has become an unpermitted hazardous waste disposal facility by disposing of corrosive hazardous waste (D002) onto the ground for at least the past 15 years. At the time of the complaint investigation, Snyder's-Lance had a rack with 11 drums draining onto the ground, one of which containing Fleetline 205, was confirmed to be hazardous waste due to a Ph of 12.5 or above.

**Snyder's-Lance must immediately cease this activity and must ensure that all drums and containers are RCRA empty before properly managing them (i.e. sending to a drum reconditioner, back to the manufacture for reuse, etc.).**

**Snyder's-Lance must provide a response to Ohio EPA indicating how drums and containers as well as their contents will be managed in the future. Additionally, Snyder's-Lance must provide photo documentation demonstrating that the drum rack has been removed.**

Since Snyder's-Lance has violated ORC Section 3734.02(E) & (F) by becoming an unpermitted disposal facility (TSD), it is subject to OAC Rules 3745-55-10 through 3745-55-48 and 3745-55-97, and may be required to complete closure of the disposal area. Contact me for additional questions/information regarding remediation of this area.

Snyder's-Lance also is subject to all applicable general facility standards, found in OAC Chapters 3745-54 and 55, until such time as Snyder's-Lance has demonstrated that it has ceased operations as a disposal facility. Additionally, at any time, Ohio EPA may assert its right to have Snyder's-Lance begin facility-wide cleanup, pursuant to the Corrective Action process under Ohio law.

## **2. Ohio Administrative Code (OAC) Rule 3745-52-11**

A person, who generates waste, as defined in OAC Rule 3745-51-02, must determine if that waste is a hazardous waste.

Snyder's-Lance is in violation of OAC Rule 3745-52-11 for not determining if the wastes generated by draining the drums are hazardous. By managing the materials in the manner that Snyder's-Lance was managing them, the residual material remaining in the drums constitutes a waste and must be properly evaluated.

To abate this violation Snyder's-Lance must properly evaluate the residual material remaining in the drums for Toxic Characteristic Leaching Procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals (SW-846 Method 1311) and volatile organics (SW-846 Method 8260), or must manage the drums/residual in the drums in such a manner that they do not constitute a waste. Ohio EPA is requesting a response from Snyder's-Lance, providing sample results or a response indicating how Snyder's-Lance intends to manage the drums and residual materials so that the materials don't constitute a waste.

A comprehensive compliance evaluation inspection (CEI) was not completed during my visit on July 3, 2013. Therefore, Snyder's-Lance may be notified of additional violations once a future inspection is completed.

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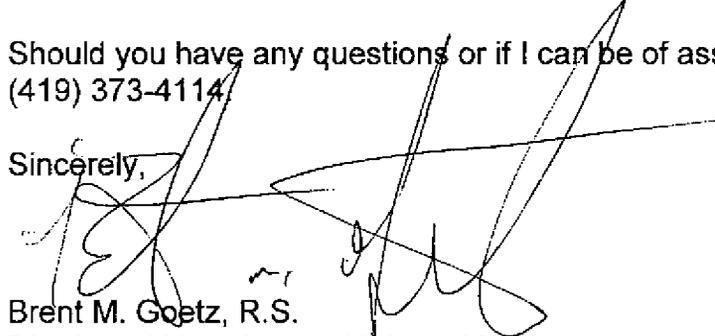
Additionally, I will determine Snyder's-Lance generator status during this future CEI. Snyder's-Lance needs to take the necessary measures to return to compliance with Ohio's environmental laws. Snyder's-Lance is requested to provide the requested information within **14 days** of receipt of this letter.

All correspondence and documentation can be sent to my attention at Ohio EPA NWDO or via email to [brent.goetz@epa.ohio.gov](mailto:brent.goetz@epa.ohio.gov).

Please be advised that the violation cited above will continue until the violation has 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. It is imperative that you return to compliance. If circumstances delay the abatement of the violation, Snyder's-Lance is requested to submit written correspondence of steps that will be taken by date certain to attain compliance.

Should you have any questions or if I can be of assistance, please contact me at (419) 373-4114.

Sincerely,



Brent M. Goetz, R.S.  
Division of Materials and Waste Management

/cg

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

ec: [RCRAInfoData@epa.state.oh.us](mailto:RCRAInfoData@epa.state.oh.us) w/attachments  
Rick Hassinger, SIU, NWDO  
Colleen Weaver, 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.

Send to Central Office <input checked="" type="checkbox"/>	<b>Ohio Environmental Protection Agency</b> <b>RCRA SUBTITLE C SITE</b> <b>IDENTIFICATION/VERIFICATION FORM</b>	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to [RCRAInfoData@epa.state.oh.us](mailto:RCRAInfoData@epa.state.oh.us).

<b>Site EPA ID No.</b> <b>Site Name</b>	EPA ID Number:		Website: (Optional)	
<b>Site Location Information</b>	Name: <b>Snyder-Lance Inc.</b>		Street Address: <b>2041 Claremont Ave.</b>	
<b>Site Land Type</b> (check only one) <b>NAICS code(s)</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>	City, Town, or Village: <b>Ashland</b>	State: <b>OH</b>		
	County Name: <b>Ashland</b>		Zip Code: <b>44805</b>	
	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>
	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>

<b>Facility Representative</b>  Additional names can be recorded in number 12  Only provide address information if it is different than the site address	First Name: <b>Bob</b>		MI:	Last Name: <b>Remington</b>	
	Title:				
	Phone Number: <b>(419) 207-7731</b>		Phone Number Extension:		
	E-Mail Address:				
	Fax Number:		Fax Number Extension:		
	Street or P.O. Box: <b>2041 Claremont Ave.</b>				
	City, Town or Village: <b>Ashland</b>				
	State: <b>Ohio</b>		Zip Code: <b>44805</b>		

<b>Legal Owner And Operator of the Site.</b> List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: <b>S-L Snacks OH, LLC.</b>		Date Became Owner (mm/dd/yyyy): <b>5/23/2012</b>		
	Owner Type:	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>
	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
	Street or P.O. Box: <b>13024 Ballantyne Corp Place</b>				
	City, Town or Village: <b>Charlotte</b>		Owner Phone #:		
	State: <b>North Carolina</b>		Country:		Zip Code: <b>28277</b>
	Name of Site's Operator:		Date Became Operator (mm/dd/yyyy):		
	Operator Type:	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>
	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
	Street or P.O. Box:				
	City, Town or Village:		Operator Phone #:		
	State:		Country:		Zip Code:

<b>VIOLATIONS CITED?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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<b>TYPE OF HANDLER - MARK "X" AS APPROPRIATE</b>
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<input type="checkbox"/> Not a HW Generator	<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG)
	<input type="checkbox"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). Check the box for the applicable generator status and provide a comment.	<input type="checkbox"/> Small Quantity Generator (SQG)
		<input type="checkbox"/> Conditionally Exempt Small Quantity Generator
		<input type="checkbox"/> U.S. Importer of Hazardous Waste
		<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)	
<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> Hazardous Waste Transfer Facility	<input type="checkbox"/> Small Quantity On-Site Burner Exemption
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Underground Injection Control Facility
<input type="checkbox"/> 72-Hour Recycler	<input type="checkbox"/> Receives Hazardous Waste from Off-site

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY))	
<input type="checkbox"/> Small Quantity Handler of Universal Waste	<input type="checkbox"/> Destination Facility for Universal Waste
<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES
<input type="checkbox"/> Batteries
<input type="checkbox"/> Pesticides
<input type="checkbox"/> Mercury containing equipment
<input type="checkbox"/> Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))
<input type="checkbox"/> Used Oil Generator
<input type="checkbox"/> Used Oil Transporter
<input type="checkbox"/> Used Oil Transfer Facility
<input type="checkbox"/> Used Oil Processor
<input type="checkbox"/> Used Oil Re-refiner
<input type="checkbox"/> Off-Specification Used Oil Burner
<input type="checkbox"/> Used Oil Fuel Marketer who directs shipment of Off-Spec Used Oil
<input type="checkbox"/> Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

<b>Eligible Academic Entities with Laboratories:</b> Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.
<input type="checkbox"/> College or University
<input type="checkbox"/> Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university
<input type="checkbox"/> Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

**Waste Codes for Federally Regulated Hazardous Wastes.** Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRAInfo source record, you do not need to list them. Instead just indicate the date of the most recent source record.

<b>D002</b>
<b>COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.</b>
Announced <input type="checkbox"/> Yes <input type="checkbox"/> No    Additional Facility Representatives:
Tanks <input type="checkbox"/> Yes <input type="checkbox"/> No
Containers <input type="checkbox"/> Yes <input type="checkbox"/> No

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Brent Goetz	Rick Hassinger	07/03/2013

**Comments:**  
**This was a complaint investigation that resulted in a 02 violation, this was not a complete inspection therefore waste activities and generator status is not known at this time.**