



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

Re: Snyder's-Lance Inc.  
Ashland County  
Complaint # 3259  
Return To compliance/Rescind NOV

August 21, 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 Avenue, Ashland, Ohio (Snyder's-Lance). The investigation resulted in a July 31, 2013, Notice of Violation, which cited Snyder's Lance with Ohio Administrative Code (OAC) Rule 3745-52-11 for not properly characterizing waste prior to disposal and Ohio Revised Code (ORC) Section 3734.02(E)&(F) for illegal disposal of hazardous waste. You, on behalf of Snyder's Lance, submitted several responses to the July 31, 2013, NOV via email. The responses were submitted on August 4, August 6, and August 7, 2013. The email responses documented the removal of the drum rack and drums, the new practice of storing empty drums inside, and the intent to have Rumpke manage the drums for recycling. Additionally, the responses clarified that the practice with regards to the management of the drums had always been to drain and rinse the drums in one of the two cleaning areas with drains that were located throughout the facility, prior to taking the drums outside to drain. Therefore, the material being drained was not purely remaining material that was previously contained within the drum, but the residual water/material that was previously in the drum remaining after the rinse process. You also confirmed that waste water discharge is permitted through the City of Ashland.

On August 9, 2013, I, representing Ohio EPA conducted a focused inspection of Snyder's Lance. This inspection included the drum storage and handling areas, the wash/rinse out area, and the outside area where the drum rack had been previously located. The cleaning chemicals used are either Fleetline 205 or Oakite CFC, which are housed in a locked cage in the wash/rinse area, with a proportioner that dispenses a predetermined H2O/cleaner mixture for use. I evaluated the pH of each of the different cleaning solutions using pH paper. The Fleetline 205 mixture appeared to have a pH of around 10, while the Oakite appeared to have a pH of around 12. According to you, once the 55-gallon drums are empty they are removed from the locked cage, replaced with a new drum, and then are rinsed in the wash area.

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The previous practice was to then take the rinsed drum out to the drying rack; however, now empty drums will be taken to a storage area where they will be picked up and recycled by Rumpke. Other types of waste generated at the facility were not evaluated during the inspection and the generator status was not determined.

As a result of the August 4, 6, and 7, 2013, correspondence and the August 9, 2013, focused inspection, the following is the status of the violations cited in the July 31, 2013, NOV:

**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.

The July 31, 2013, NOV cited Snyder's Lance in violation of ORC Section 3734.02(E)&(F) based on the understanding that empty drums were taken directly to the rack outside where the remaining materials were then emptied onto the ground. However, based on correspondence and observations made during the August 9, 2013, inspection, it was clarified that the drums were first rinsed prior to taking them to the rack outside for further draining. Based on this the MSDS sheets previously used to determine that the Fleetline 205 and Oakite CFC would have been hazardous for corrosivity is no longer representative of what would have been drained at the outside rack. In fact the addition of water and rinsing would have likely lowered the pH.

**Based on the information submitted and my inspection on August 9, 2013, this violation is rescinded. As discussed during our inspection you intend to further clean the gravel area where the drums were previously drained, removing and properly managing the gravel, and then landscaping the area.**

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

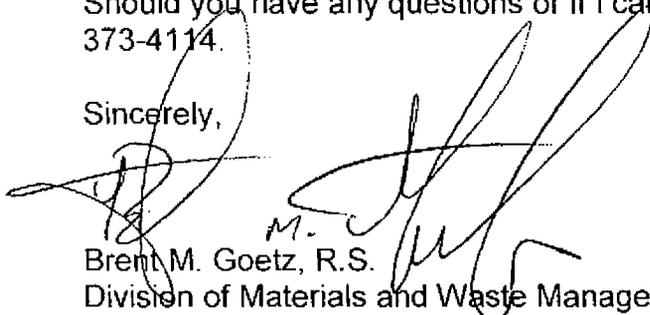
A person, who generates waste, as defined in OAC Rule 3745-51-02, must determine if that waste is a hazardous waste.

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.

**As documented in the August 4, 6, and 8, 2013, correspondence, Snyder's Lance has changed its practice for managing empty drums and no longer generates a waste from rinsing the drums which is subsequently disposed of on the ground. Therefore, this waste could not be evaluated. This violation is unresolvable, but is considered abated on August 4, 2013, due to the removal of the drums and drum rack and a change in practice with regards to the management of empty drums.**

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

Sincerely,



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

/llr

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**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.