



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

May 29, 2013

CERTIFIED MAIL

Mr. Steve Bellman
H.B. Fuller Company
4440/4450 Malsbary Road
Cincinnati, Ohio 45242

**RE: H.B. Fuller Co., Hamilton County, OH0118796; 1IN00236*CD,
NOTICE OF VIOLATION**

Dear Mr. Bellman:

This office has received the Initial Pollution Incident Report (IPIR) for Spill ID No. 1305-31-1053. The initial complaint was a fish kill called in by Wildlife Officer Ryan Schock. The release was traced back to H.B. Fuller Company. Our review indicates violations of the conditions of your NPDES permit. The specific instances of non-compliance and/or deficiencies were as follows:

Station No. 1IN00236001

This violation was a release of approximately 700 gallons of 4% sodium hydroxide solution from an on-site storm sewer on May 12, 2013. MSD of Greater Cincinnati received a voice mail message on the evening of Sunday May 12, 2013, to report a spill which reached the storm drain. On May 13, 2013, H.B. Fuller was informed this was a storm drain, which went to waters of the state. MSD informed H.B. Fuller they should call Ohio EPA to report the spill. When MSD followed up with the company on this, the inspector was told they had not called in the spill because the regional EHS supervisor had calculated it was not a reportable quantity under CERCLA. The reporting is a requirement in the NPDES permit. This has different reporting requirements than the CERCLA/NRC reporting. The permit was for the discharge of wastewater generated by the on-site ground water remediation system. This discharge was not permitted under the facility's NPDES permit. The On-Scene Coordinator (OSC), Bill Lohner, issued a field notice of violation for the initial release. The company did not report this spill as required in its NPDES permit. This is a violation of Part III.12.B.2 which states:

"The permittee shall report non-compliance that is the result of any spill or discharge which may endanger human health or the environment within thirty (30) minutes of discovery by calling the 24-Hour Emergency Hotline toll-free at (800) 282-9378. The permittee shall also report the spill or discharge by email or

telephone within twenty-four (24) hours of discovery in accordance with B.1 above.”

In addition, a five (5) day completed non-compliance report with a confirmation report is needed. There are also reporting requirements for the Emergency Response Section on spills and releases which would need to be completed. Those will be addressed separately through OSC Lohner.

Because of the fish kill, Ohio Administrative Code 3745-1-04(D) was also violated. This states all waters shall be:

“Free from substances entering the waters as a result of human activity in concentrations that are toxic or harmful to human, animal or aquatic life and/or are rapidly lethal in the mixing zone;”

Please be advised that failure to comply with the effluent limitations, or to satisfy monitoring or reporting requirements of your NPDES permit, may be cause for enforcement action pursuant to the Ohio Revised Code Chapter 6111.

On May 22, 2013, Kevin Mercier (MSD), Jim Weast (MSD) and I conducted a follow-up site visit for the unreported release. Reporting requirements for the NPDES permit were reviewed. Storm water permitting was also discussed. This included updating the Storm Water Pollution Prevention Plan (SWP3) to note the release and the steps being taken to prevent it from recurring. The non-submittal of e-DMRs was discussed for December 2009, March 2012, and August 2012. The facility must submit this data. This will also serve as the notice of violation for the missing reports. The NPDES renewal application is due to Ohio EPA by October 31, 2013. The facility has received a “No Further Action” letter through the VAP program. It appears the permit will no longer be needed. MSD staff also discussed the updates to their phone contacts and slugload/spill plans. These issues will be addressed by MSD separately. A site walk-through was then conducted. As a result of this event, the facility is color coding its drains. All storm drains will be painted red and labeled storm sewer. The sanitary sewer drains will be painted green and labeled process sewer. The facility has been updating its contact information for spill reporting and the SWP3. The PLC used for filling the two 8,000 gallon sodium hydroxide tanks will be changed to show two separate tanks instead of one 16,000 gallon tank. Also, the vent lines from the tank will be routed through the wall into the containment for its process tanks to prevent it from leaving the site. The outfall did not show any residual impacts from the release on the day of the inspection.

REQUIRED ACTIONS

- 1) H.B. Fuller must update its Storm Water Pollution Prevention Plan (SWP3) to reflect the steps/procedures to prevent this from recurring. This should include plugging/blocking storm drains in the unloading area while off-loading materials.

The updated SWP3 must be submitted by June 14, 2013.

- 2) H.B. Fuller must update the Notice of Intent (NOI) for the polymer line. The SIC Code 2821 is in Subsector C4 which requires benchmark monitoring. The updated form should be emailed to Jason Fyffe at Jason.fyffe@epa.state.oh.us. This will allow the creation of eDMRs for reporting the data. This must be submitted by June 7, 2013.
- 3) H.B. Fuller is working on the following actions to prevent a spill from recurring. This includes, but is not limited to:
 - a. Painting and labeling of drains;
 - b. Replacing the 8,000 gallon stainless steel tank and associated venting;
 - c. Changing the logic for the PLC so each tank is viewed independently; and
 - d. Repairing the gate valve on the outfall structure so it will seal and contain any spilled material on-site.

Within one week of completing the tasks associated with the prevention of a future release, Ohio EPA shall be notified. The email response shall be sent to Marianne.piekutowski@epa.ohio.gov, and a copy to Kevin Mercier at kevin.mercier@cincinnati-oh.gov.

If you have questions regarding the above, please contact me at (937) 285-6108.

Sincerely,



Marianne Piekutowski
Environmental Specialist II
Division of Surface Water

MP/tb

cc: Kevin Mercier, MSD
Jim Weast, MSD
Ryan Schock, ODNR District 5
Bill Lohner, DERR/SWDO
Dave Combs, SIU/SWDO
Paul Dworzniak, H.B. Fuller
Greg Freeman, H.B. Fuller