



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

**77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590**

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Theresa Izzo
Environmental Coordinator
Dover Chemical Corporation
3676 Davis Road Northwest
Dover, Ohio 44622
tizzo@doverchem.com

Re: Notice of Potential Violation and Return to Compliance
EPA Identification No.: OHD004210563

Dar Ms. Izzo:

On December 8, 2020, the U.S. Environmental Protection Agency emailed a Request for Information (RFI) to the Dover Chemical Corporation ("Dover" or "you") located in Dover, Ohio. The purpose of the RFI was to evaluate Dover's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment, and storage of hazardous waste. You responded to the RFI in two emails dated February 5, 2021 ("Response 1"), and March 25, 2021 ("Response 2").

When an owner or operator of a hazardous waste storage facility, who is also a generator of hazardous waste, fails to comply with generator conditions for a permit exemption, the generator must obtain RCRA hazardous waste management permits in accordance with Ohio Admin. Code §§ 3745-50-45(A); 3745-50-41(A) and (D) ¹ and 40 C.F.R. §§ 270.1(c), and 270.10(a) and (d), as applicable.

Many of the RCRA permit exemption conditions are also independent requirements that apply to permitted and interim status hazardous waste management facilities that treat, store, or dispose of hazardous waste (TSDF requirements). When a hazardous waste generator loses its permit exemption due to a failure to comply with an exemption condition incorporated from Ohio Admin. Code chs. 3745-65 to 68 and 3745-256 and/or from 40 C.F.R. §§ 265.1050 - 265.1064 and §§ 265.1080 - 265.1090, the generator simultaneously: (a) is required to apply for and obtain hazardous waste management facility permits from the appropriate authorized entity; and (b) violates the corresponding TSDF requirements.

¹ Under Section 3006 of RCRA, 42 U.S.C. § 6926, EPA may authorize state implementing regulations. Following authorization, the state regulations operate in lieu of the federal regulations. Under Section 3008 of RCRA, 42 U.S.C. § 6928, EPA retains the authority to enforce state-authorized regulations. Effective October 5, 2020, the State of Ohio promulgated revised regulations, which have not yet been authorized by EPA. Therefore, the Ohio regulations cited here and in item 1 of the attached list of violations are the pre-existing EPA-authorized regulations in Ohio, effective February 12, 2018.

POTENTIAL VIOLATIONS

Storage of Hazardous Waste without a Permit or Interim Status Which Potentially Violated Section 3005 of RCRA, 42 U.S.C. § 6925(a) and State Permitting Requirements

Upon review of Responses 1 and 2, EPA identified Dover's potential failure to comply with RCRA permit exemption conditions. The permit exemption conditions identified below are also independent TSDF requirements:

1. Content of Contingency Plan – Emergency Coordinators

Under Ohio Admin. Code § 3745-52-34(A)(4); 3745-65-52(D), a large quantity generator must include in a contingency plan the names, addresses, and phone numbers of all persons qualified to act as emergency coordinator.

In Response 1, the contingency plan provided by Dover for review did not include a list of emergency coordinators.

Dover updated the plan and provided a copy of the list of emergency coordinators in Response 2. EPA is not requesting any further information for this potential violation.

2. Content of Contingency Plan – Emergency Equipment

Under Ohio Admin. Code § 3745-52-34(A)(4); 3745-65-52(E), a large quantity generator must include in a contingency plan a list of emergency equipment at the facility, which includes the location and a physical description of each item on the list, and a brief outline of its capabilities.

In Response 1, the contingency plan provided by Dover for review included a list of emergency equipment; however, this list did not include physical descriptions or brief outlines of capabilities of the items.

In Response 2, Dover provided an updated emergency equipment list with descriptions and capabilities. EPA is not requesting any further information for this potential violation.

3. Copies of Contingency Plan

Under Ohio Admin. Code § 3745-52-34(A)(4); 3745-65-53(B), a large quantity generator must submit a copy of the contingency plan and all revisions to the local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

In Response 1, Dover provided documentation showing that the contingency plan was submitted to emergency authorities on February 3, 2021, after the issuance of the information request. EPA is not requesting any further information for this potential violation.

As noted above, EPA has reviewed Responses 1 and 2, and does not plan additional enforcement under RCRA at this time. This letter does not limit the applicability of the requirements evaluated, or of other federal or state statutes or regulations. EPA and the Ohio Environmental Protection Agency will continue to evaluate your facility in the future.

The EPA contact in this matter is Brenda Whitney. You may contact Ms. Whitney at whitney.brenda@epa.gov or at (312) 353-4796 if you have additional questions. Thank you for your efforts to protect human health and the environment.

Sincerely,

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Mitch Matthews, OEPA (mitchell.mathews@epa.ohio.gov)