



## REGION 5

CHICAGO, IL 60604

### **ELECTRONIC MAIL DELIVERY RECEIPT REQUESTED**

Mr. Joseph Bianco  
Environmental Manager  
INEOS Nitriles USA LLC  
1900 Fort Amanda Road  
Lima, Ohio 45804  
[joseph.bianco@ineos.com](mailto:joseph.bianco@ineos.com)

Re: **Notice of Violation**  
INEOS Nitriles USA LLC  
Lima, Ohio  
Facility ID: OHD042157644

Dear Mr. Bianco:

On June 25-26, 2024, the U.S. Environmental Protection Agency (EPA) conducted a RCRA compliance evaluation inspection of the INEOS Nitriles USA LLC ("INEOS" or "facility" or "you") located in Lima, Ohio. The purpose of the inspection was to evaluate INEOS' compliance with INEOS' RCRA permit as well as certain provisions of RCRA and its implementing regulations related to the generation, treatment, and storage of hazardous waste. A copy of the inspection report is enclosed for your convenience.

Information currently available to the EPA suggests that INEOS is in violation of RCRA.<sup>1</sup> By this letter, the EPA is extending to you an opportunity to advise the Agency, in person or in writing, of any further information the EPA should consider with respect to the violations. We request that you voluntarily submit a response in writing to us no later than 30 calendar days after receipt of this letter documenting the actions, if any, which you have taken since the inspection to address the violations identified below or demonstrating why the violation(s) have not occurred. At this time, the EPA does not plan additional enforcement action under RCRA in response to the violations identified in this letter assuming INEOS demonstrates full compliance. The EPA, however, reserves its right to take

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<sup>1</sup> We note that effective October 5, 2020, the State of Ohio promulgated revised regulations which have not yet been authorized by EPA. EPA authorized the 2010 edition of Ohio's hazardous waste regulations which contained a provision at Ohio Admin. Code § 3745-52-34 that remains the RCRA authorized Large Quantity Generator provision in Ohio.

additional actions under RCRA including issuing an information request, seeking a penalty, and issuing an order.

## **Part I – Storage of Hazardous Waste in Violation of Ohio Permit Conditions**

### **1. Maintenance and Operation of the Facility**

Per INEOS' Ohio Hazardous Waste Facility Installation and Operation Permit, Module B – General Facility Conditions, Condition B.1(a), INEOS must maintain and operate the Facility to minimize any unplanned sudden or non-sudden release of hazardous waste.

At the time of inspection, there was hazardous waste filter cake on the ground adjacent to the filter cake roll off. See page 5 and Photo 5 of the enclosed inspection report.

### **2. Contingency Plan**

Per INEOS' Ohio Hazardous Waste Facility Installation and Operation Permit, Module B – General Facility Conditions, Condition B.13(a), INEOS must make arrangements and familiarize emergency response agencies which are likely to respond in an emergency, including the Ohio Environmental Protection Agency (Ohio EPA) and local hospitals, with the location and layout of the facility, properties of the hazardous waste managed at the facility and associated hazards, facility personnel work locations, facility entrances, and evacuation routes. Per INEOS' Ohio Hazardous Waste Facility Installation and Operation Permit, Module B – General Facility Conditions, Condition B.18(b) and (c), INEOS must submit a copy of their contingency plan to all local police departments, fire departments, hospitals, local emergency response teams, and the Ohio EPA's Division of Environmental Response and Revitalization.

At the time of inspection, INEOS had reviewed emergency procedures with local Fire Departments, but the contingency plan had not been distributed to other agencies listed in the plan as having arrangements. See page 16 of the enclosed inspection report.

## **Part II - Other Violations**

### **3. Hazardous Waste Recordkeeping and Reporting**

Under Ohio Admin. Code § 3745-52-41(A)(5), a generator that ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and submit a report to the Ohio Environmental Protection Agency by March 1 for the preceding two calendar years which includes a description, EPA hazardous waste number, U.S. DOT hazard class, and quantity of each hazardous waste shipped off-site for shipment to a treatment, storage, or disposal facility.

During the inspection, the EPA reviewed a manifest from July 20, 2023 showing INEOS shipped 57 pounds of UN1993, waste flammable liquids, n.o.s. (benzene, methanol), 3, PGII. The 2023 Biennial Report reviewed during the inspection stated no shipments of this waste were shipped offsite during 2023. See page 16 of the enclosed inspection report.

#### 4. Used Oil Requirement

Under Ohio Admin. Code § 3745-279-22(B)(2), used oil generators must store used oil in containers and above ground tanks that are not leaking (no visible leaks). Under Ohio Admin. Code § 3745-279-22(D)(3) and (4), upon detection of a release of used oil, a used oil generator must clean up and properly manage the released used oil and other materials and, if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

At the time of inspection, INEOS' used oil tank in the Barrel Yard had a broken site gauge which had caused a leak of used oil into containment, staining the tank and concrete below. The tank was still in service at the time of inspection. See page 8 and photos 19-22 of the enclosed inspection report.

#### 5. Universal Waste Requirement

Under Ohio Admin. Code § 3745-273-14(B)(2), each container of universal waste antifreeze used to accumulate antifreeze shall be labeled with words that identify the contents of the container (i.e. used antifreeze, spent antifreeze, universal waste antifreeze, recyclable antifreeze).

At the time of inspection, weekly waste inspection records for the Barrel Yard showed eight (8) drums of glycol first appearing on 05/03/2024. INEOS representative stated these drums were not labeled as Universal Waste at the time of inspection. See page 14 of the enclosed inspection report.

### **Actions Requested**

In order to ensure compliance, by no later than 30 calendar days after receipt of this letter, please provide information documenting the actions, if any, which you have taken since the inspection to address the identified violations or demonstrating why the violation(s) have not occurred.

Please send all reports requested by this letter by electronic mail to:

[R5LECAB@epa.gov](mailto:R5LECAB@epa.gov)

and

[cole.shawn@epa.gov](mailto:cole.shawn@epa.gov)

The subject line of all email correspondence must include your EPA identification number, OHD042157644. All electronically submitted materials must be in final and searchable format, such as Portable Document Format (PDF) with Optical Character Recognition (OCR) applied. If you are unable to send a response to these email addresses due to email size restrictions or other problems, contact Shawn Cole to make additional arrangements for transmission of the response.

This letter is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks

information from specific individuals or entities as part of an administrative investigation. You may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to EPA in response to this letter. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice.

The EPA contact in this matter is Shawn Cole. You may contact him at [cole.shawn@epa.gov](mailto:cole.shawn@epa.gov) if you have additional questions. Thank you for your prompt attention to these concerns and your efforts to protect human health and the environment.

Sincerely,

Michael D. Harris  
Division Director  
Enforcement and Compliance Assurance Division

cc: Mitch Mathews, Ohio EPA, [mitchell.mathews@epa.ohio.gov](mailto:mitchell.mathews@epa.ohio.gov)