UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
215 Fremont Street
San Francisco, Ca. 94105

16 DEC 1988

WARNING LETTER

CERTIFIED MAIL NO. P 765 057 208
RETURN RECEIPT REQUESTED

Recieved Dec. 20, 1988

Peter Schneider
Romic Chemical Corporation
2081 Bay Road
East Palo Alto, CA 94303

Dear Mr. Schneider:

On November 4, 1988, Jacobs Engineering Group Inc. conducted an investigation at Romic Chemical Corporation, East Palo Alto, under a contract with the Environmental Protection Agency. During the course of this investigation, information was gathered in accordance with Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended [42 USC 6927]. A copy of the investigation report is enclosed for your information and response. The report describes conditions at the facility at the time of the investigation, and identifies areas of noncompliance with RCRA regulations and potential violations of Subtitle C of RCRA. Any omissions in the report shall not be construed as a determination of compliance with applicable regulations.

Pursuant to Section 3008 of RCRA [42 USC 6928] you are required to correct the identified areas of noncompliance and to submit documentation of their correction to EPA within 30 calendar days of your receipt of this letter. Your response must include a letter signed by a duly authorized official of your facility. Documentation of your return to compliance may consist of, among other things, photographs, manifests, revised records and certifications of compliance.

EPA reserves the right to take further enforcement action as it deems appropriate. However, your response to this letter will be considered in determining the need for further enforcement action. Violations of Subtitle C of RCRA such as those listed on

the enclosed report may be punishable by civil and criminal actions, including penalties of up to $25,000 per day for each violation as provided by Section 3008 of RCRA.

EPA routinely provides copies of investigation reports to State agencies, and upon request, to the public. Such releases are handled according to the Freedom of Information Act regulations (40 CFR Part 2). If you believe this report contains privileged or confidential information, you may make a claim within fifteen (15) working days from your receipt of this letter. EPA will construe your failure to furnish a timely claim as a waiver of the confidentiality claim.

Your response to this Warning Letter, due to EPA within 30 days of your receipt of this letter, shall be mailed to:

Section Chief, T-2-4
Waste Compliance Branch
US EPA, Region 9
215 Fremont Street
San Francisco, CA 94105

If you have questions related to technical aspects of the investigation report, please contact Jean Daniel at (415) 974-0308. For any questions related to this letter, please contact Steve Johnson (T-2-4) at (415) 974-8129.

Sincerely,

Karen Schwinn

Karen Schwinn
Chief, Waste Compliance Branch

Enclosure

cc: Doug Krause, TSCD, CA DHS, Berkeley

RCRA COMPLIANCE EVALUATION INSPECTION
ROMIC CHEMICAL CORPORATION
EAST PALO ALTO, CALIFORNIA
WORK ASSIGNMENT NO. C09004

BACKGROUND

Nature and History of Operation

Romic Chemical Corporation (Romic) has been in operation at the five-acre East Palo Alto site since 1963. Prior to Romic's ownership, the site was used for solvent recycling by CARAD Corporation from 1958 to 1963. From 1956 to 1958, Hird Chemical recycled chemicals on the site. Jacobs was not able to determine from available files what types of chemicals Hird Chemical recycled.

Romic functions as a hazardous waste storage and treatment facility, and transports spent solvent and other hazardous waste from its customers to the Romic facility. Spent chlorinated and non-chlorinated solvents are treated onsite through steam distillation or thin film evaporation. Reclaimed solvent is sold back to cumstomers. Solvents and other wastes (e.g. oil) are also blended into hazardous waste fuel and shipped offsite to hazardous waste burners. The site operates continuously. Still bottoms generated from the solvent recovery process are either blended into hazardous waste fuel or sent for incineration along with waste solvents that cannot be recycled. Romic transports these wastes. Contaminated wastewater received from offsite generators is separated, if possible, with organic constituents going into the fuels program; remaining wastewater is sent for incineration. The only wastestream which is landfilled consists of crushed, empty drums.

Wastes are brought to the site in either bulk tanker trucks or 55 gallon drums. Bulk waste is unloaded into storage tanks; drums are placed in a storage area. All tanker loads and drums are sampled and analyzed in Romic's onsite laboratory. According to the facility, turn-around time for bulk waste in tanks is approximately one week and drums are removed from storage within 90 days.

Regulatory History

Romic filed a notification of hazardous waste activity and a Part A application (Attachment 1) in 1980. The facility submitted a Part B permit application to the State of California and EPA in 1986, and was granted a state permit in May 1986.

The facility remains under Interim Status while their Part B is reviewed by EPA. Romic also has a permit from the East Palo Alto Sanitary District for industrial waste water discharge.

In 1986, EPA identified the facility for site assessment under CERCLA. Various studies were undertaken to assess soil and groundwater contamination at the site. During the intervening period, the facility had accepted for treatment two shipments of solvent-contaminated soil from CERCLA sites. Site contamination was discovered and Romic was notified in March 1988 that under the CERCLA Off-Site policy [CERCLA Section 121(d)(3) and OSWER Directive No. 9834.11] Romic would no longer be eligible to accept CERCLA waste. Since that time, further site investigation has taken place and negotiations for corrective actions under a Consent Order are in progress. There are currently 13 monitoring wells onsite.

In November 1987, Jacobs performed a RCRA Land Disposal Restrictions (LDR) inspection at Romic. This inspection identified potential violations which included inadequate hazardous waste tank and container labeling, inadequate aisle space in storage areas, poor maintenance of the facility's operating record, unsafe drum practices and insufficient waste characterization of potentially restricted wastes. A Letter of Warning (Attachment 2) was issued by EPA concerning these violations in January 1988.

An inspection was performed by the California Department of Health Services (DHS) in May 1988. The potential violations identified by Jacobs were also noted in the state's inspection report. In addition, the state cited inadequate inspection logs, inadequate personnel training records, and failure to submit a manifest exception report as potential violations. A Report of Violation (Attachment 3) was sent by the state to the facility in July 1988. Romic responded to all violations (Attachment 3) and, according to DHS, has complied with all the requirements of the Report of Violation (personal communication, L. Castillo, DHS, November 16, 1988).

In the current investigation Jacobs determined that the following violations, previously noted, persist at the facility:

- Inadequate container labeling.
- Inadequate aisle space.
- Incomplete operating record.
- Insufficient waste characterization.

- o Unsafe drum storage practices.
- o Inadequate training records.

INVESTIGATION

Record Review

Waste Analysis Plan

The Waste Analysis Plan is included in this report as Attachment 4. A two-page update has been added to the Waste Analysis Plan since last year's inspection to address management of restricted waste. This addition does not satisfy the overall requirement of 40 CFR 265.13 to update the plan in accordance with LDR requirements. The plan remains deficient in that reference to land disposal of F-solvent wastes has not been deleted, notification for First Third and California list wastes is not referenced and, as will be explained in the following section, testing procedures are inadequate.

Waste Analyses/Manifests

Waste analyses are included as Attachment 5 in this report; manifests are included in Attachment 6. One of the incoming wastestreams listed in the facility's Part A, K086, is a First Third LDR waste. This wastestream is described in 40 CFR as a solvent/sludge wash containing F-solvents, hexavalent chromium and lead. No incoming manifests with this wastestream were noted during this inspection, although not all manifests could be examined during the course of this inspection. Facility personnel indicated that this wastestream is still accepted, but is coded as an F-solvent only, rather than properly coded with both an F and K code number. No testing is performed to determine the physical state or the lead and hexavalent chromium content of this waste. These tests must be performed to determine whether the waste is also a California list waste [40 CFR 268.7(a)]. Thus, the facility is accepting improperly coded wastestreams and is not fingerprinting wastes for all parameters needed to determine whether and to what degree the waste is restricted [40 CFR 265.13(a)]. In addition, any residues from treatment of this waste must be handled as restricted and notified/certified when set offsite. Characterization for K086 must include a determination of whether the waste is a wastewater or nonwastewater: the notice must reference treatment standards, and K086 wastewaters/nonwastewaters have different treatment standards.

Analyses routinely performed by the facility (see Attachment 5, Example Set 1) include a GC scan and tests for pH, specific gravity, flash point, distillation range, yield for distillation and moisture content. According to Mr. Story, Romic's chemist, testing for metals is never performed on incoming waste, although this information is sometimes provided by customers. Mr. Schneider, Vice President of Romic, stated that the facility plans to perform metal analyses in-house on its incoming wastes, although it is unclear that this will be a routine practice. The facility does not, at present, perform the Paint Filter Liquid Test.

Some of the incoming manifests reviewed during this inspection (Attachment 6, Example Set 1) are suspected to contain metals and are potential California list wastes. These wastes were not characterized with regard to LDR (40 CFR 262.11, 268.7 and 265.13).

Sample incoming waste profiles are included in Attachment 5, Example Set 2. The profile for Van Waters and Roger's waste is deficient in that lead is not quantified. The second profile for Hewlett Packard Company waste does not indicate whether the Paint Filter Liquids Test was used to determine physical state of the waste. This waste exceeds the prohibition level for nickel. Even though the waste appears to be a solid, 40 CFR 268.32 requires the use of the Paint Filter Liquid Test to verify the physical state of the waste. Neither profile provides information on the concentration of hexavalent chromium; only total chromium is listed as an analyte.

Mr. Schneider stated during this inspection that the only chromium-containing waste coming into Romic is from tape manufacturers who use chromium dioxide. He further stated that the chromium would therefore not be hexavalent. However, the paint pigment waste streams, which could contain hexavalent chromium* remain to be characterized. In addition, Mr. Shinault identified a chromium-containing lacquer that comes in from auto body shops as a waste treated at Romic. This waste may also have some hexavalent chromium in it.*

The facility occasionally performs a test for metals on the outgoing still bottoms wastestream. This occurs when the facility chemist judges, based on his knowledge of incoming wastes, that the waste might contain sufficient metals concentration, such that hazardous waste fuel burners might reject the waste. Mr. Shinault, an Assistant

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*The Condensed Chemical Dictionary. Ninth Edition. Van Nostrand Reinhold Co. New York, New York. 1977. pp. 205-206.

Chemist, (personal communication, November 17, 1988) stated that the still bottoms wastestream always contains F-solvents. A waste shipment coded D007 for chromium (see Attachment 6, Example Set 2) which Mr. Shinault indicated must have been a still bottoms shipment since that is the only wastestream tested for chromium, was shipped to CECOS in Odessa, Texas in October 1988. This shipment was destined for land disposal via deep well injection. Mr. Shinault indicated that approximately six to eight shipments of this D007 wastestream have been sent to CECOS over the past two years. Current regulations which went into effect August 8, 1988, (53 FR 28118 et seq) require that any waste containing F-solvents which is deep well injected must either meet treatment standards or contain less than 1 percent total F-solvent constituents. Wastes which meet or exceed California list waste prohibition levels are banned from deep well injection. Thus, the October shipment did not meet requirements for proper classification of waste, identification of restricted waste, notification, or testing for total constituents, as required under 40 CFR 262.11 and 268.7.

One of the outgoing wastestreams sent to Marine Shale Processors in Louisiana is characterized by the facility as D001, (Attachment 6, Example Set 2). However, Mr. Schneider stated that this wastestream consists of drum scrapings from many drums, including ones which contained F-solvents. It is probable that most other wastestreams accepted by the facility are included in this wastestream, since all drums are cleaned prior to disposal. This drum scrapings wastestream should be classified by the facility with the proper F-solvent and any other applicable code(s) (40 CFR 262.11 and 268.7). It should also be appropriately notified (40 CFR 268.7).

Waste profiles included in Attachment 5 Example Set 3, represent Romic's blended fuels sent to Systech. There is no quantification of hexavalent chromium. Although no corresponding manifests were reviewed, it is likely that the facility does not notify when this waste stream exceeds 500 ppm lead, as the facility only practices notification of F-solvent wastes.

Manifests and LDR Notifications

Manifests and accompanying LDR notification forms (Attachment 6) show improper waste coding on both incoming and outgoing manifests (40 CFR 262.11 and 268.7). LDR notification forms frequently did not indicate treatment standards (40 CFR 268.7). A number of manifests going from Romic to Marine Shale contained notification of restricted waste forms despite classification of the waste as D001, and

some shipments listing F004 had no notifications. As noted earlier, at least one shipment to CECOS which probably contained F-solvents had no notification attached.

Training Plan

Romic's current Training Plan was submitted to DHS in 1988 and is included in Attachment 3. The plan is deficient in that hazardous waste handling and, in particular, waste sampling is not reviewed annually according to the plan (40 CFR 265.)

Personnel Training Records

Romic does not maintain records to prove that facility personnel receive an annual review of safety training (40 CFR 265.16).

Operating Record

The facility makes a record of incoming shipments. However, poor records are kept of placement of waste in tanks or transfer of wastes between tanks. Initial placement and waste transfers are only occasionally recorded. When recorded, the information is not cross referenced using specific manifest numbers as required by 40 CFR 265.73.

Biennial (Annual) Reports

The 1987 Annual Report for Romic lists only D001 and F001-5 wastestreams treated at the facility. However, Mr. Schinault stated (personal communication, November 17, 1988) that the D007 wastestream described above under "Waste Analyses" was shipped out approximately six to eight times in the past two years to CECOS, Odessa, Texas, for deep well injection. A manifest for this wastestream (see Attachment 6, Example Set 2) was obtained as a part of this inspection for an October 1988 shipment, but similar manifests for 1987 and 1986 were not found during this inspection. Based on the information obtained, the facility has not complied with requirements of 40 CFR 265.75 for listing each hazardous waste handled during the 1987 calendar year.

Closure Plan

The Closure Plan (Attachment 7) does not include methods for sampling and testing soils surrounding hazardous waste management areas, testing criteria for adequacy of clean-up or a description of groundwater monitoring as required in 40 CFR 265.112(b).

Part A Application Update

A revised Part A application must be submitted prior to managing new hazardous wastes not previously identified in a facility's Part A application [40 CFR 270.71(a)]. According to Mr. Schinault and as documented by an October 1988 manifest (Attachment 6, Example Set 2), Romic has been managing D007 waste. No revised Part A has been submitted [40 CFR 270.72 (a)].

SITE INSPECTION

Tank Farm

Romic operates five tanks for blending hazardous wastes (approximately 5,000 gallons each), and 17 tanks for receipt and storage of hazardous wastes (ranging from 5,000 to 8,000 gallons). No potential violations concerning these tanks were observed during this inspection.

All tanks were labeled "hazardous waste" (correction of a previous violation). The entire area was enclosed inside a concrete-bermed structure (see Map Attachment 8). According to Mr. Schneider, this area is drained to a "dead" sump which is pumped out as necessary.

Container Storage Areas

Drums are stored in this area (Photographs 1, 2 and 3, Attachment 9), sampled to determine appropriate management of the waste in each drum and then batched into the distillation or fuel blending processes onsite. Approximately 60 drums were open. Mr. Schneider stated that an average of 300 drums are sampled per 24-hour period (site operates continuously). He explained that drums are opened in batches rather than singly to enhance the efficiency of the sampling process. Workers sampling these drums at the time of this inspection were not wearing air purifying respirators. The only form of protection in evidence was a dust mask. Mr. Schneider stated that employees were given the option of wearing respirators when sampling.

Mr. Schneider was not aware of the LDR requirements to mark an accumulation date on all restricted wastes entering storage (40 CFR 268.50). None of the drummed restricted wastes onsite were dated upon entering storage.

Within the storage area, drums were stacked precariously (Photograph 4), and one bulging drum was observed (Photograph 5) (40 CFR 265.173).

Drum Crushing Area

The drum crushing area (Photographs 6 and 7) is adjacent to the storage area. Unlabeled drums (Photographs 8 and 9) (no dates or identifying descriptions) and insufficient aisle space (40 CFR 265.35) were observed in this area. The drum crushing and drum storage area are underlain by concrete. According to Mr. Schneider any runoff from this area drains to a sump located at the northeast end of the property (Attachment 10) and is pumped into the waste water treatment system. Mr. Schneider also stated that during occasional major storms the sump would overflow and discharge into the San Francisco Bay back waters, adjacent to Romic's property.

Wastewater Treatment Tank

No discharges were observed in this area. A new waste water treatment system is currently under construction onsite.

Storage Yard

The storage yard pictured in Photograph 10 is unpaved. The underground storage tanks visible in this photograph were empty and were used to store petroleum products, according to Mr. Schneider. The hoppers in the foreground of this photograph contained residues which Mr. Schneider described as non-hazardous. One hopper (Photograph 11) was filled with a black viscous material. Mr. Schneider described this as a non-hazardous oily waste.

POTENTIAL VIOLATIONS

40 CFR 262.11(d)	Waste Determination. The facility has not determined whether wastes generated onsite are restricted.
40 CFR 265.13(a)(1)	General Waste Analysis. The facility does not obtain sufficiently detailed chemical and physical analyses of waste, which must be done in order to properly manage wastes in accordance with 40 CFR Parts 265 and 268.
40 CFR 265.13(b)	Waste Analysis Plan. The facility's Waste Analysis Plan does not meet the requirements of Part 265.13(a) and Part 268.

40 CFR 265.16(c)(d)	Personnel Training Program. Training plan does not include an annual review of hazardous waste handling. No evidence is provided of annual review of training.
40 CFR 265.35	Required Aisle Space. Adequate aisle space was not maintained in the drum crushing area.
40 CFR 265.73(b)(1)	Operating Record. The facility's operating record does not include methods and dates of storage and treatment for each hazardous waste received.
40 CFR 265.73(b)(2)	Operating Record. The facility's operating record does not include the location of each hazardous waste within the facility and quantity at each location. Manifest numbers are not cross-referenced on the operating record.
40 CFR 265.75(d)(e)	Biennial Report. The facility's 1987 Annual Report does not list a D007 wastestream which was handled by the facility.
40 CFR 265.112(b)(4)	Closure Plan. The facility's Closure Plan does not contain methods for sampling and testing soils surrounding waste management areas or testing criteria for adequacy of cleanup.
40 CFR 265.112(b)(5)	Closure Plan. The facility's Closure Plan does not contain a description of activities necessary to satisfy closure performance standards, including groundwater monitoring.
40 CFR 265.173(b)	Management of Containers. Some containers were stacked precariously. One container was bulging.
40 CFR 268.7(a)	Waste Analysis and Recordkeeping. Facility has not determined whether wastes are restricted from land disposal, nor has it properly classified wastes known to be restricted.
40 CFR 268.7(a)(1)(ii and iv)	Waste Analysis and Recordkeeping. Waste notifications are incomplete. Some do not reference treatment standards, and in some cases available waste analyses were not attached or referenced.
40 CFR 268.7(b)(1)(4)(6 and 7)	Waste Analysis and Recordkeeping. The facility has not properly notified shipments of restricted waste.

40 CFR 268.7(b)(2)	Waste Analysis and Recordkeeping. When sending potential California list waste residues offsite, the physical state of the waste is not determined; the Paint Filter Liquid Test is not performed.
40 CFR 268.50(a)(2)(i)	Restricted Waste in Containers. The facility does not mark containers of restricted waste with accumulation dates. Many containers were not marked with contents.
40 CFR 268.50(a)(2)(ii)	Restricted Waste in Tanks. The contents, quantity of waste, and accumulation start date of restricted waste in tanks is not marked on the tanks or kept in the operating record.
40 CFR 270.71(a)	Interim Status Requirements. Facility disposes of a D007 wastestream. Waste not listed on Part A.
40 CFR 270.72(a)	Part A Revision. Part A not revised to reflect D007 waste.

ecology and economy through reclamation

ROMIC CHEMICAL CORPORATION

Reclamation of Solvents, Chemicals for All Industries

2081 BAY ROAD • EAST PALO ALTO, CALIFORNIA 94303 • TELEPHONE (415) 324-1638

FAX: (415) 324-2965

December 30, 1988

U.S. Environmental Protection Agency
215 Fremont Street, T-2-4
San Francisco, CA 94105
Atten: Karen Schwinn - Chief
Waste Compliance Branch

Re: December 16, 1988 EPA Warning Letter

Dear Ms. Schwinn:

Romic Chemical will be responding within the required 30 days to answer the items mentioned in the above referenced letter.

Romic Chemical only recently became aware that we do not have a Federal permit but only a State permit. This was a result of California loosing Phase II authorization under RCRA during our facilities permit review period. Romic recently became aware of this during our 3008H Consent Order negotiations.

Now that Jacobs Engineering is interpreting 40 CFR and asking Romic Chemical to update, change and rewrite entire sections of our California Permit we need to settle our permit conditions both under EPA and the California Department of Health Services.

Romic requests the following:

1. Status under review process as described on page 2 first paragraph in RCRA Compliance Report.

2. Under Title 22 of the California Administrative Code, will changing the operations plan constitute a major permit modification?

3. If the changes do indeed constitute a major modification, how can Romic meet federal regulations and not jeopardize our California Permit?

4. As overwhelmed and understaffed as EPA and DOHS are, when can we expect a response to these questions?

Romic is very interested in resolving this matter quickly. We were quite disturbed by the contents, methods of obtaining the information and the general tone of the inspection report. We would suggest a meeting between EPA, DOHS and Romic officials to discuss the more substantive violations noted by Jacobs Engineering and any necessary permit modifications. By copy of this letter we encourage a response from other agencies/individuals.

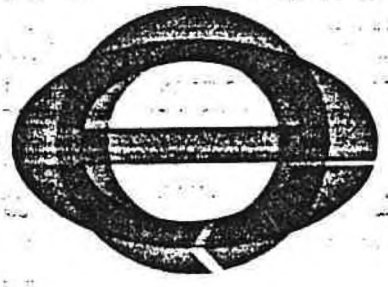
Respectfully,

Peter Schneider
Vice President

PS:sk

cc: Jim Breitlow, Section Chief - EPA
Dwight Hoenig, Chief - DOHS
Michael James, Chief Hazardous Waste Facility Permitting Unit - DOHS
Paris Greenlee, TSCD - DOHS
Doug Krause, TSCD - DOHS

ecology
and
economy
through
reclamation



ROMIC
CHEMICAL CORPORATION

Reclamation of Solvents, Chemicals for All Industries

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January 18, 1989

Ms. Karen Schwinn
Section Chief, T-2-4
Waste Compliance Branch
U.S. EPA, Region 9
215 Fremont Street
San Francisco, CA 94105

Dear Ms. Schwinn:

Following is Romic Chemical Corporation's response to a warning letter issued in December 1988 by the United States Environmental Protection Agency.

It has been Romic's philosophy to operate an environmentally sound, legislatively sensitive and service oriented waste management facility. Our commitment to this philosophy lies deep within its founding roots with a genuine concern for preservation of our environment. If we have strayed from any regulation which governs us, we would hope that this has only been in interpretation of these regulations and not in ignorance of its intent.

We realize that there may seldom be an excuse for any facility operating out of compliance, yet would like to state the following. Our growth in the last two years has been phenomenal. This country's demand for true resource conservation and recovery facilities has clearly been emphasized during the implementation of EPA's land disposal bans. Our position in servicing these needs in Northern California has been critical to the survival and growth of the one thousand plus generators who depend on us. Indeed the hazardous waste industry has expanded at such a rapid pace that the biggest challenge ahead remains in finding enough qualified people to control its growth.

Another factor which we feel has contributed to some of the findings of November 4, 1988 inspection is the apparent uncertainty of the status of our RCRA Part B Permit. We have received some inquiries from both federal and state agencies that are leading us to believe that there is some question regarding the

authorization of this permit. We have been somewhat puzzled that the validity of our permit is in question. It is this uncertainty that has made it impossible to follow up on some of the findings of the recent Jacobs Engineering Group, Incorporated report. Before adequate follow up can be performed, Romic needs clarification on the status of our RCRA permit. Two requests for this information have been formally made since this inspection. Please refer to our letter of December 29, 1988 (Attachment #1) and January 11, 1989 (Attachment #2). To date we have not received a response.

Before we comment on the potential violations, we did wish to correct a few comments in the Background Section of the Jacobs Engineering report.

We would like to add the word "transfer" to the description of the functions that Romic conducts at our East Palo Alto site. This is an activity that we occasionally perform and felt it is of enough substance to include. While on the subject of Romic's functions, we have noted that the term "treatment" was used by Jacobs Engineering to describe our facility. In light of the aforementioned uncertainty over the status of our permit and which agency has authorization, the term "treatment" may be improper. Recycling activities are not considered treatment under the auspices of RCRA.

We would like to clarify that when containers are unloaded at our facility, they are first "placed" into a sampling area adjacent to our drum storage area. These are all under one common roof and within the same secondary containment area.

To clarify the discussion regarding CERCLA, the following is provided. The site investigation was initiated by Romic in 1986. Romic, using the services of an environmental consultant, discovered contamination and provided these findings to the agencies. Romic continued to investigate the site over the next year and likewise provided these findings to the agencies. Romic entered into a consent agreement in March 1988.

The following is offered in response to the Investigation Section of the Jacobs Engineering report.

Romic made a decision a year ago to stop landfilling RCRA hazardous waste. Even though this is not clarified in our permit, it is done in practice.

All manifests were available for inspection and were willingly offered for Jacobs Engineering's review. In review of Romic's last two years of manifests, we find no EPA waste code #K086 being accepted. Although it appears on our Part A and could be accepted, we have not seen this code being used.

We do not code customer's wastes. The decision has legally and ethically been left with the generator. Jacobs Engineering, through telephone contact with one of Romic's laboratory technicians, falsely came to the conclusion that Romic codes customer's waste.

Metals analysis is performed when profile information (i.e. waste code, process description) suggests to the lab that metals may reach exceedingly high levels. Both internally at Romic and externally at the ultimate TSD facilities that Romic uses (cement kilns or incinerators), metals have not presented any problems. These facilities have been contacted to provide information on our waste stream (Attachment #3). Per this information, Romic is properly managing its waste streams to these facilities.

Several potential violations concerning Romic's waste analysis plan were addressed in the Jacobs report. The primary focus of which concerns the Land Disposal Restrictions. Romic does not landfill any wastes and all wastes are handled as if they were a restricted waste, except for wastewater which is sent for deep-well injection. During our recycling and blending processes a variety of restricted wastes are handled and routinely mixed. We are aware of this through our waste analyses which are routinely conducted as well as the accompanying restricted waste notification forms provided from the generators which ship wastes to Romic.

It is our understanding that a generator may apply knowledge of the waste in making the determination as to whether the waste is restricted. Since we are handling restricted wastes prior to processing and our processing is not designed to create non-restricted wastes we have assumed that all wastes are restricted wastes. Therefore, laboratory testing to quantitatively verify the composition would be redundant and unnecessary. Furthermore, since we don not landfill any wastes we do not feel that a Paint Filter Liquid Test is applicable or necessary.

References are made that our waste analysis plan does not meet the requirements of 40 CFR 265.13(a)(1) which will allow for the proper management of the waste. It is unclear as to the basis for this statement. As referenced in our letters dated December 29, 1988 and January 11, 1989, we feel a meeting between EPA, DOHS and Romic would be prudent so that we can discuss the problems associated with modifying our waste analysis plan. We believe any modification would constitute a major permit modification under our state permit. Therefore we feel the changes must be orchestrated by both agencies and allow for public comments. Furthermore, we are not sure what changes are required.

Romic is in the process of building a 4,000 square foot laboratory. It should be completed by April 1st. We have profiled over 1,200 waste streams over the past several months and metals analyses are being routinely performed on new profiles. The laboratory equipment used to test metals has just recently completed start up. The operator capable of achieving proper results, had just completed training on this instrument.

In discussions with paint manufacturers, we have confirmed that hexavalent chromium is not an ingredient of automotive paint.

The discussion on page 4 of the Jacobs Engineering report needs to be clarified because many false conclusions were made. The waste shipment dated October 18, 1988, destined to Cecos International, Incorporated and described as Hazardous Waste Liquid, N.O.S., ORM-E, NA 9189, EPA waste code number D007, was not still bottoms. It was not and F-listed waste, and it was not technically a D007 waste. Test results showed a detectable amount of total chromium present in the waste but significantly less than the regulated limit of 5 ppm (Attachment #4). Personnel could not find the material to be a RCRA hazardous waste but erred for the sake of being conservative and incorrectly chose the code D007. Unfortunately, the proper communication channels were not used by Jacobs Engineering to obtain this information as evidenced by a letter from Mr. Tom Shinault dated December 29, 1988 (Attachment #5).

Regarding the outgoing waste stream sent to Marine Shale Processors, Romic amended the MSP profile to reflect the EPA waste codes D001 and F003. The appropriate generator notification form was attached and accompanied the shipment. All shipments leaving this facility to MSP are now in compliance.

Romic was not aware of the notification process for metals and is now sending out the required notification. In reviewing our information we have contacted the cement kilns and incinerators for metals acceptance criteria. Romic's compliance in meeting their limits and notification forms stating that the receiving facility will treat all waste received from Romic as a restricted land ban waste is included (Attachment #3).

Romic has an extensive new employee RCRA orientation program which is divided into seven modules for production and eight modules for drivers which takes a minimum of 16 to 20 hours of classroom instruction. On a monthly basis employees attend a safety meeting which has been designed to provide updates on RCRA, OSHA, Company Policies, etc. This is the essence of ongoing training. In addition, numerous on-the-job training segments are conducted in the areas of sampling, waste handling, manifesting, container integrity, etc. The individual responsible for maintaining employee training files was on vacation

during the Jacobs Engineering inspection. Training documents were provided to Jacobs per request at a later date. One of these documents is an Annual RCRA update training class conducted in January 1988 (Attachment #6). Romic feels that it does maintain compliance with RCRA training.

Romic handles all drum shipments within one large building. Every drum is tested and then coded with an internal code system. Materials are either coded for recycling with specific chemical types or is coded for the cement kiln (fuels program) or destructive incineration. Romic has successfully managed incoming waste using this system which has not caused endangerment to human health or the environment.

Although we have not referenced specific incoming manifest numbers to outgoing loads, we do have production records showing type of material, volume and tank designations. During this inspection it was brought to our attention that in order to comply with 40 CFR 265.73, that a more substantiated waste tracking system must be implemented. Romic has reviewed tracking systems used at other similar facilities. They have recommended a manual system to which, through development, will evolve into a fully computerized system, requiring six to nine months to fully implement. We have hired one internal employee and an outside consultant to implement this program.

Romic has reviewed all outbound waste shipments in 1987 and has determined the 1987 Biennial Report to be correct.

In reference to the closure plan, Romic has entered into a consent decree with EPA for a total site assessment. In this consent agreement all the sampling, testing, monitoring, etc. will have to be incorporated into the closure plan once final determinations are made.

In reference to the Part A application, please refer to Romic's previously mentioned letters (Attachments #1 and #2) asking for clarification of our present status. Romic will amend its Part A application once we have received guidance on the appropriate regulations that apply to our site.

In reference to the container storage areas, Romic was unaware of the requirement to mark containers with the date they entered storage. This problem has been rectified. Although records have been kept which document the date drums entered the facility and the date they were sampled. Our generators provide accumulation dates on the label of each container and inspections are routinely performed to verify that all wastes are processed within one year.

Romic has observed over its twenty five plus years of existence, that the height of 55 gallon drums may vary by as much as an inch and a half. The pyramid pattern of stacking that we use has proven effective without failure even with these height variations. We have never had a drum fall unaided from its stack arrangement. We have found this to be an industry standard. We feel that Jacob's photograph #4 is standard industry practice and not unsafe.

The bulging drum which appears in the Jacobs report is the identical drum which appears in our drum integrity brochure, which was being developed during this inspection. Please reference the November 7, 1988 letter from our Environmental Department (Attachment #7) for its explanation. This problem has been rectified. Training classes for plant personnel are now being conducted using the attached Drum Integrity Brochure.

The unlabeled drums referenced in the drum crushing area were empty and waiting to be crushed or sent to a drum recycler. As per the photographs (Attachment #8), this area is not exposed to rainwater. Romic does not understand the problem implied with Jacobs Engineering's comments. A dispute in aisle space arose during the inspection. Romic has decided to paint and stripe this area consistent with the adjacent drum sampling and storage area (Attachment #8).

In reference to the storage yard inspection and determination we wish to clarify the following: Romic has never had any underground storage tanks. The tanks referenced in the Jacobs report were not underground tanks. Mr. Schneider did not make any statements inferring that they were. The hoppers identified in this report contained non-hazardous material. They had been identified on a previous internal inspection as being an eye sore. A plan was developed to manage these containers and given two months to implement. This is summarized in an October 17, 1988 and January 16, 1989 memo from the Environmental Department (Attachment #9). Photographs illustrating current condition of these containers is also provided (Attachment #11).

In conclusion, we would like to emphasize that it is Romic's intention to maintain compliance with the regulations that govern our operation. Answers to our aforementioned questions would help us accomplish this goal. We feel if may even be beneficial for Romic's representatives to meet with the Department of Health Services and the Environmental Protection Agency to discuss these issues.

If you have any further questions regarding this matter, please do not hesitate to call.

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this submittal and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Sincerely,

Peter Schneider
Vice President

Baskir

WARNING LETTER

CERTIFIED MAIL # P 879 024 425
RETURN RECEIPT REQUESTED

In Reply: T-2-4
Refer to: EPA ID #CAD009452657

14 APR 1989

Peter Schneider
Vice President
Romic Chemical Corporation
2081 Bay Road
East Palo Alto, California 94303

Re: Follow-up on January 18, 1989 Romic response to December 16, 1988 EPA Warning Letter

Dear Mr. Schneider:

On November 4, 1988, Jacobs Engineering Group Inc. conducted an investigation at Romic Chemical Corporation, East Palo Alto, under a contract with the Environmental Protection Agency (EPA). On December 16, 1988, EPA sent a copy of the inspection report to Romic, along with a Warning Letter which required Romic to address the potential violations noted in the inspection report within 30 days.

In response to the Warning Letter, on December 30, 1988 Romic sent a letter to EPA and the California Department of Health Services (DHS) in which Romic requested clarification of the status of its Part B permit application and guidance on whether changes made to Romic's operations plan to come into compliance with RCRA regulations would constitute a major modification of Romic's existing State-issued permit. Romic also indicated that a further response to the Warning Letter would be sent to EPA within 30 days. On January 18, 1989 Romic sent EPA a response to all potential violations noted in EPA's December 16, 1988 Warning Letter.

On February 7, 1989, DHS sent Romic a response to Romic's December 30, 1988 letter. The letter indicated that modifications of Romic's operation plan to bring the facility into compliance with federal RCRA regulations would not require a major permit modification.

SYMBOL	T-2-4	T-2-4	T2B	T2B		
SURNAME	Baskir	Johnson	Kolt			
DATE	4/10/89	4/10/89	4/12/89	4/14/89		

U.S. EPA CONCURRENCES OFFICIAL FILE COPY

e. The plan does not indicate the frequency with which waste analysis will be repeated or reviewed [265.13(b)(4)]. (See Section IV.A.2, page 15 of the plan.)

f. The plan refers to the possible land disposal of wastes without requiring analyses to determine if the wastes are subject to Land Disposal Restrictions. (See Section V.B and Section V.C.2, page 17 of the plan.)

g. The plan does not identify the methods that will be used to determine whether wastes generated by the Romic are restricted from land disposal (specifically, whether the wastes are California List wastes for metals content as identified in RCRA Section 3004(d)) as required by 40 CFR Section 268.7 [265.13(b)(6)].

Action Required

Within 30 days of receipt of this letter, Romic shall send EPA a copy of the facility's Waste Analysis Plan with the modifications listed below.

a. Modify the plan to include an explanation of how the parameters chosen will provide the information required to properly manage the waste, and, specifically, how unacceptable wastes are screened out.

b. Identify specific test methods which will be used for waste analysis. Where methods differ from standard EPA test methods, copies of the test methods should be included as appendices to the plan.

c. Explain in detail how samples are taken when the Caliwassis tube is not used.

d. Identify the waste analyses, if any, which are provided by the generators of wastes which Romic accepts for treatment.

e. The plan should specify the frequency with which waste analysis will be repeated or reviewed.

f. References to the land disposal of wastes should include provisions for determining if the waste is restricted from land disposal and should identify treatment methods which will be employed for waste which are restricted from land disposal. If, as Romic indicated in its January 18, 1989 letter to EPA, Romic decided a year ago to no longer employ land disposal of RCRA hazardous wastes, all

5. **Violation**

40 CFR 265.112(b)(4), (5)

Romic's Closure Plan does not contain methods for sampling and testing soils surrounding waste management areas or testing criteria for adequacy of cleanup. Further, the cost estimates for Romic's Closure Plan have not been updated since November, 1983 [see 265.142(a)].

Romic's Closure Plan does not contain a description of actions necessary to satisfy closure performance standards.

Required Action

In its January 18, 1989 response letter, Romic stated that the consent agreement for corrective action which EPA and Romic agreed to includes a total site assessment which includes many elements (e.g. sampling, testing, monitoring) that will be incorporated into the closure plan. Although Romic has undertaken corrective action which may generate new information which will affect the facility's closure plan, while this work is in progress Romic will still need to have a closure plan which satisfies RCRA requirements. Within 30 days of receipt of this letter, Romic shall send EPA a closure plan for the facility modified to correct the deficiencies noted above.

6. **Violation**

40 CFR Section 265.173(b)

Hazardous waste containers are not to be handled in a way that might cause them to rupture or leak. As many as three levels of hazardous waste containers at Romic are stacked directly on top of each other in the container storage area. Photographs taken during the November 4, 1988 inspection showed that many stacked drums of hazardous waste were leaning.

Required Action

Within 30 days of receipt of this letter, Romic shall send EPA photographic evidence that demonstrates that waste containers are not stacked directly on top of each other. Stacked waste containers shall be separated by a shelf, palette, or other method that prevents the tipping or leaning of the stacked containers and allows visual inspection for potential leaks at the bottom of the containers.

7. **Violation**

40 CFR Sections 268.7(a), (b)

Romic does not adequately analyze the wastes which it generates with respect to land disposal restrictions. Specifically, Romic does not analyze its wastes for metals content to determine if the wastes are California List wastes as identified at RCRA Section 3004(d). See also violation 2(g).

Required Action

Romic shall modify its waste analysis plan as described under Required Action 2(g) above. Further, for the two weeks following modification of its waste analysis plan to comply with Required Action 2(g), Romic shall send EPA copies of waste analyses performed on wastes which it generates and shall send EPA copies of the waste manifests and the notifications and certifications which 40 CFR Section 268.7 requires to accompany such wastes.

8. **Violation**

40 CFR 268.50(a)(2)

Romic does not mark containers and tanks of restricted wastes with the contents and accumulation start dates.

Required Action

In its January 18, 1989 letter, Romic has indicated that this problem has been rectified. Within 30 days of receipt of this letter Romic shall send photographic evidence that tanks and containers of restricted wastes are now properly marked.

You are hereby requested to submit a response within thirty (30) days of receipt of this letter describing what actions Romic has taken to remedy the violations listed above and certifying that correction of all of the deficiencies listed above has been achieved. Where compliance cannot be achieved within thirty days, please submit a schedule for actions planned to bring Romic into compliance with RCRA. EPA understands that Romic is presently modifying its waste analysis plan and closure plan as part of its efforts to obtain a full RCRA permit. Where Romic is scheduled to submit modifications of its Part B application which will satisfy the requirements of this letter, Romic may send EPA a schedule which is consistent with the schedule for its Part B review for submission of the documentary evidence which this letter requires.

Failure to achieve full compliance with the deficiencies noted in this letter within the time frames noted above my result in enforcement action by EPA under Section 3008 of RCRA. In ac-

cordance with Section 3008 of RCRA, you would be subject to liability for penalties of up to twenty-five thousand dollars ($25,000) for each day of noncompliance.

If you have any questions or require additional information, please contact Jesse Baskir, California RCRA Enforcement Section, at (415)-974-7102.

Sincerely,

ORIGINAL SIGNED BY:

Karen Schwinn
Chief
Waste Compliance Branch

Paris Greenlee DHS-NCCJ
Michael James DHS-NCCJ

cc: Jim Breitlow, EPA
Caroline Cabias, Hazardous Waste Management, DHS-HQ
Bill Lent, San Mateo County Dept of Environmental Health
Steve Ritchie, RWQCB
Brad Lamont, Romic

bc: Elaine Schimmel, T-2-4
Tom Canaday, T-2-2

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FAX: (415) 324-2965

May 12, 1989

Ms. Karen Schwinn
Chief - Waste Compliance Branch
U.S. Environmental Protection Agency
Region IX
215 Fremont Street
San Francisco, CA 94105

Dear Ms. Schwinn:

Please find enclosed the additional documentation requested in the April 14, 1989 Warning Letter. We trust that the enclosed information combined with the recent RCRA Part B submittal will return Romic to complete compliance with all RCRA regulations.

Romic,s philosophy has been and will continue to be one of providing quality customer service at a facility that is on the leading edge of waste management technologies and sensitivity to environmental regulations. We feel that Romic plays a necessary and important role in the management of hazardous waste in California. Not only does Romic offer waste management alternatives, but Romic also provides guidance and training to generators in their efforts to comply with environmental regulations.

We would like to take this opportunity to thank both the EPA and the DOHS for their rapid response and guidance to the questions we raised in our December 30, 1988 letter. We are looking forward to working with your agency during the review process for out RCRA Part B Permit.

Sincerely,

Peter Schneider
Vice President

Enclosures

1. **Potential Violation**

40 CFR 262.11(d)

Romic has identified wastes generated from the scraping of drums as characteristic (D001) waste only. Wastes generated from the cleaning of drums which contain waste listed in 40 CFR Part 261 should be identified by the appropriate listed waste codes when sent offsite for disposal.

Response to Potential Violation No. 1

There appears to be some misunderstanding as to the manner in which empty drums and drums with residual sludges are handled. Romic does not attempt to decontaminate or recondition drums. Romic does attempt to remove all material from drums through typical drum emptying practices as well as mechanically scraping all drums with sludges to remove any solids. This scraping process often involves removing the top head of closed head drums.

Sludges removed from drums are processed in our drum liquefaction process which particle sizes the sludge and dissolves/suspends the sludges in a flammable solvent/oil. Material which will not suspend or dissolve is removed from the system and sent for disposal at a destructive incinerator.

Since all sludges are processed in the aforementioned process, the bulk of the liquefied sludge (drum scrapings) is blended to meet cement kiln fuels specifications. This material is blended with bottoms from the thin film evaporators, high BTU liquid wastes and high BTU hazardous materials in varying proportions in order to meet specifications. Therefore no manifest exist for purely drum scrapings. The outgoing manifests which are sent to the cement kilns identify the wastes as:

Waste Flammable Liquid N.O.S. UN-1993
EPA # D001/F003

or

Waste Paint Related Material, Flammable Liquid NA-1263 EPA # D001/F003

Bottoms material which will not liquefy is sent to destructive incinerators with the following waste description:

Waste Flammable Liquid N.O.S. UN-1993
EPA # D001/F003

These descriptions have been used consistently by Romic since September 1988.

Romic will submit all copies of manifests which contain drum cleaning wastes for the first 60 days from the receipt of the warning letter dated April 14, 1989.

2. **Potential Violation**

40 CFR 265.13(b)

Romic's waste analysis plan is deficient in the following areas:

a. The plan does not describe in sufficient detail the rationale for the analytical parameters [265.13(b)(1)]. (See Section I.B, page 13 of the plan.)

b. The plan does not provide specific test methods for analyzing wastes [265.13(b)(2)]. Rather it only indicated methods by general reference. (See Section III, page 15 of the plan.)

c. Sampling methods are incomplete [265.13(b)(3)]. Specifically, the methods for sampling the waste when the Coliwassa cannot be used are not adequately described. (See Section II.B, page 14 of the plan.)

d. The plan does not indicate the description of analyses provides by the generators [265.13(b)(5)].

e. The plan does not indicate the frequency with which waste analysis will be repeated or reviewed [265.13(b)(4)]. (See Section IV.A.2, page 15 of the plan.)

f. The plan refers to the possible land disposal of wastes without requiring analyses to determine if the wastes are subject to Land Disposal Restrictions. (See Section V.B and Section V.C.2, page 17 of the plan.)

g. The plan does not identify the methods that will be used to determine whether wastes generated by Romic are restricted from land disposal (specifically, whether the wastes are California List wastes for metals content as identified in RCRA Section 3004(d)) as required by 40 CFR Section 268.7 [265.13(b)(6)].

Response to Potential Violation No. 2

Romic submitted on May 8, 1989 a Part B Permit Application to the California Department of Health Services and to the permitting section of EPA Region 9. The application includes a new Waste Analysis Plan which has been designed to addresses the deficiencies noted above.

As with any Part B Permitting process several levels of review, including public participation, are required. It should be noted that Romic's permit application has priority within the DOHS and the review process is underway. The initial review for completeness should be completed within the next 30 days. We anticipate a 30 - 60 day period to respond to any noted deficiencies.

The next stage of review addresses the technical merit of the permit. During this review any technical deficiencies are resolved. This review and response period should be completed within 120 days of this response.

Romic will adopt and implement all provisions of the Waste Analysis Plan submitted in the RCRA Part B submittal within 30 days of the resolution of all technical aspects of the plan. We feel that any modification or adoption of the Waste Analysis Plan submitted will require additional training of laboratory personnel. Therefore Romic would prefer to defer this process so it will have to be completed only once, without confusing the laboratory staff.

It should be noted that many aspects of the new Waste Analysis Plan have already been adopted as of the date of this response. These areas pertain primarily to the land disposal restrictions and the analyses and notifications which are completed on wastes which contain restricted materials.

Please find enclosed a draft copy of the Waste Analysis Plan which was submitted in the RCRA Part B Permit Application on May 8, 1989 (Attachment A).

3. **Potential Violation**

40 CFR 265.16(c)(d)

Facility personnel who handle hazardous waste should review hazardous waste handling procedures annually.

Response to Potential Violation No. 3

Romic Chemical conducts annual RCRA Update training classes. Please find enclosed in Attachment B the outline of topics used by the RCRA Update training instructor.

4. **Potential Violation**

40 CFR 265.73(b)(2)

Romic's operating record does not include the location of each hazardous waste within the facility and the quantity at each location. Manifest numbers are not cross-referenced on the operating record.

Response to Potential Violation No. 4

Romic's operating record has been modified to track waste movements within the facility. This record indicates the material, the quantity, the date it enters storage, the process which handles the waste, waste movements and processing/off-site shipment dates, with manifest numbers if appropriate.

This process involves many individuals, however the operating record is maintained by the Laboratory Service Coordinator. Attachment C illustrates the paperwork and required steps involved in the tracking of all hazardous wastes which Romic handles. Also included in Attachment C is the a sample operating log used by Romic. Romic is in the process of converting the operating record tracking system from a manual system to a computerized data base system. This process should be completed before the years end.

5. **Potential Violation**

40 CFR 265.112(b)(4), (5)

Romic's closure plan does not contain methods for sampling and testing soils surrounding waste management areas or

testing criteria for adequacy of cleanup. Further, the cost estimates for Romic's Closure Plan has not been updated since November 1983 [See 265.142(a)].

Romic's Closure Plan does not contain a description of actions necessary to satisfy closure performance standards.

Response to Potential Violation No. 5

Similarly to response No. 2, Romic has submitted a modified closure plan which will undergo both EPA and DOHS scrutiny for completeness and technical merit. The areas in the plan concerning sampling, testing and the relationship between the 3008h Consent Agreement will be resolved through this permitting process. Please refer to Response No. 2 for the likely schedule of compliance.

With regard to updating closure cost estimates, Romic is required by the State to submit annual reports. Part of this report includes updating closure cost estimates. Please find enclosed closure cost estimates which were submitted in the annual reports for 1986, 1987 and 1988 (Attachment D). In addition, Romic has updated the estimated closure cost estimate in the RCRA Part B submittal.

The financial mechanism established by Romic is an irrevocable letter of credit which funds a Trust Fund Agreement. The wording of the agreements are the same as those specified in 40 CFR 264.151. The amount of the letter of credit is $100,000 which is significantly higher than the amount required in the closure trust fund ($29,049 See Table 13.1 in the Part B submittal).

6. **Potential Violation**

40 CFR 265.173(b)

Hazardous waste containers are not handled in a way that might cause them to rupture or leak. As many as three levels of hazardous waste containers at Romic are stacked directly on top of each other in the container storage area. Photographs taken during the November 4, 1988 inspection showed that many stacked drums of hazardous waste were leaning.

Response to Potential Violation No.6

As we pointed out in our previous response, Romic has not had an incident in which drums have fallen due to stacking the drums three high in our 25 years of experience. Our warehouse personnel are trained to stack the drums using a pyramid stacking pattern to provide added stability. Admittedly drums stacked three high without using a pyramid stacking arrangement will not be stable. However Romic does not employ this type of stacking.

The alternative proposed in the warning letter is to separate the drums with a pallet or shelf. Romic cannot find any Federal regulation requiring that drums must be stacked using pallets or shelves. In fact pallets will create a fire hazard by placing combustible materials between flammable liquid drums. In addition it is our opinion that pallets create a less stable stack than the current method employed by Romic. The inherent problem with stacking drums is that drums are often different heights. Therefore proper training is required to teach drum handlers to recognize and stack drums of comparable size so not to create an unstable stack. This problem is present whether you stack drums with or without pallets. In fact we contend that drums stacked improperly using pallets crates a greater hazard. More drums can potentially fall and the pallet requires inspections because the wood can fail.

The violation also notes that the drums cannot be inspected so that leaks from the bottom of the drums can be detected. Again we fail to find the section in the regulation which requires that the bottom of each drum must be inspected. Single high stacks of drums on concrete do not allow for the inspection of the bottom of the drum. Whereas, pyramid stacking does allow for the identification of the specific drum which is bottom leaking because the two drums supporting the leaking drum will contain some of the spilled liquid on the drum head. A pallet would just identify 4 possible candidates as well as provide a route for the waste to spread further distance from the leaking drum and would result in a wood soaked hazardous waste.

7. Potential Violation

40 CFR 268.7(a), (b)

Romic does not adequately analyze the wastes which it generates with respect to land disposal restrictions. Specifi-

cally, Romic does not analyze its wastes for metals content to determine if the wastes are California List wastes as identified in RCRA Section 3004(d). See also violation 2(g).

Response to Potential Violation No. 7

See Response to Potential Violation No. 2.

8. **Potential Violation**

40 CFR 268.50(a)(2)

Romic does not mark containers and tanks of restricted wastes with the contents and accumulation start dates.

Response to Potential Violation No. 8

Romic handles all waste shipments as if they are restricted wastes during their tenure at the facility. All incoming drums are sampled and labeled. Each drum is given a label with a unique identifying number which is used to track the waste contained in thy drum throughout the facility until the waste is either shipped off-site or recycled. In addition to providing a means to track each waste which allows the waste to be cross referenced to the original incoming waste manifest, the label also include the date the waste enters storage. This process is followed for all incoming drum shipments.

Tanks are now labeled as well through the use of a tank board. This is a erasable board which notes the material in the tank, the quantity, and the date which the material was placed in the tank. This information is also tracked via our operating record which allows for the cross referencing of wastes to the original manifest. See Attachment E for a photograph of a tank board which is currently being used to identify the contents of tanks which hold hazardous waste.

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FAX: (415) 324-2965

June 19, 1989

Ms. Karen Schwinn
Chief
Waste Compliance Branch
United States Environmental Protection Agency
Region IX
215 Fremont Street
San Francisco, CA 94105

Re: Follow-up to Warning Letter dated April 14, 1989

Dear Ms. Schwinn:

In compliance with the required action specified in Violation #1, please find enclosed copies of all manifests which contain wastes generated from the cleaning/scraping of drums. If you have any questions or require additional information, please do not hesitate to call either myself or Brad Lamont at (415) 324-1638.

Respectfully,

Mark A. Worley
Project Manager

MAW:sk

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
215 Fremont Street
San Francisco, Ca. 94105

03 JUL 1989

CERTIFIED MAIL NO. P 918 446 893
RETURN RECEIPT REQUESTED

In Reply: T-2-4
Refer to: EPA ID #CAD009452657

Peter Schneider
Vice President
Romic Chemical Corporation
2081 Bay Road
East Palo Alto, California 94303

Dear Mr. Schneider:

EPA has reviewed the response to EPA's April 14, 1989 Warning Letter ("Warning Letter") which Romic submitted to EPA on May 12, 1989. Based on this review, EPA has determined that the deficiencies noted in Attachments 1 and 2 to this letter continue to exist and have not been adequately addressed. These violations pertain to Romic's Closure Plan, Waste Analysis Plan, and the methods which Romic uses for stacking drums of hazardous waste. In its May 12, 1989 response letter ("response letter"), Romic indicated that it will correct deficiencies in the Waste Analysis Plan and Closure Plan within 120 days of the date of the response letter (i.e. by September 9, 1989) and that it will implement the new Waste Analysis Plan within 30 days thereafter (i.e. by October 9, 1989).

The Waste Analysis Plan and Closure Plan which Romic submitted in its response letter do not meet the RCRA regulatory requirements. The specific areas of deficiency in these plans are noted in Attachment 1 to this letter. Attachment 1 also notes several "typos" in these plans which Romic should correct. EPA expects that Romic will correct the deficiencies noted in Attachment 1 within the 120 day timeframe noted in Romic's response letter.

With respect to Romic's procedures for storing drums of hazardous waste, EPA continues to be concerned with the safety of Romic's methods for stacking drums of hazardous waste. EPA's concerns are summarized in Attachment 2 to this letter. You are hereby requested to submit a response within thirty (30) days of receipt of this letter describing what actions Romic has taken to address the items noted in Attachment 2. Where compliance cannot be achieved within thirty days, please submit a schedule for actions planned to bring Romic into compliance with RCRA.

Failure to achieve full compliance with the deficiencies noted Attachments 1 and 2 within the time frames noted above may result in enforcement action by EPA under Section 3008 of RCRA. Section 3008 of RCRA provides that violations of Subtitle C of RCRA and its regulations may be punished by fines not to exceed twenty-five thousand dollars ($25,000) per day for every day on which a violation occurs.

Finally, EPA believes that there may be some misunderstanding regarding the review of Romic's various submittals. Romic has indicated its intention to resolve violations noted in the Warning Letter on a schedule coordinated with its attempt to obtain a RCRA permit. EPA would like to make clear that Romic's correction of violations noted in the Warning Letter and its attempt to obtain a RCRA permit are separate activities. Romic's submittals to EPA for these two activities are reviewed by different people. For the purposes of demonstrating correction of violations noted in the Warning Letter, Romic's submittals should be sent to Jesse Baskir, California Enforcement Section, at the following address:

Jesse Baskir
California Enforcement Section, T-2-4
U.S. EPA Region 9
215 Fremont Street
San Francisco, CA 94105

Further, EPA would like to make it clear that this letter and its attachments deal only with those items which EPA found to be deficient with respect to the violations noted in the Warning Letter. This letter does <u>not</u> constitute a Notice of Deficiency for the purposes of EPA's review of the Operations Plan which Romic has submitted as part of its Part B application, nor does it indicate the only potential areas of deficiency in the Part B.

If you have any questions regarding this letter or the comments contained in the attachments, please contact Jesse Baskir of the California Enforcement Section at (415)974-7102.

Sincerely,

Karen Schwinn

Karen Schwinn, Chief
Waste Compliance Branch

cc: Paris Greenlee, DHS
Michael James, DHS
Caroline Cabias, Hazardous Waste Management, DHS-HQ
Bill Lent, San Mateo County Dept of Environmental Health
Steve Ritchie, RWQCB
Brad Lamont, Romic
Ron Keefer, Menlo Park Fire District

Attachment 1

Deficiencies in the Waste Analysis Plan and
Closure Plan for Submitted by Romic Chemical Corporation
for the East Palo Alto Facility on May 8, 1989

Waste Analysis Plan (Submitted by Romic to EPA on May 12, 1989)

Page	Correction
p.14	The word "the" before "both" should be removed.
p.14	In #4 (Analysis Frequency), clarify who has the responsibility (i.e. Romic or the generator) for conducting the preacceptance evaluation when it is repeated or amended. Also, the sentence stating that Romic can waive the recertification requirement should be removed, since the wastes should be evaluated according to items a) - c).
p.15	What does the "etc." at the end of the first paragraph of the page refer to? This should be specified.
p.18	The "Reference Method" list in Table 3.1 should not include the statement "or equivalent." The "equivalent" methods should be specified.
p.18	In Table 3.1, is "Standard Method 213E" an ASTM method? If so, this should be indicated. If not, the reference for the method should be included.
p.19	The "Reference Method" list in Table 3.2 should not include the statement "or equivalent." The "equivalent" methods should be specified.
p.19	In Table 3.2 all method references to SW-846 should give the specific method number.
p.20	References to "Attachment C" should be changed to "Attachment III-A." [The copy of the Waste Analysis Plan which EPA received contains no "Attachment C."]
p.20	Line 3 of the first paragraph under "D. Exempt Wastes," the "the" between "to" and "all" should be removed.
p.22	In the first line on the page, the word "defendant" should be "dependent."
p.22	In the third paragraph on the page, it is stated that "in most cases" the Coliwasa is used. The plan should specify what method is used when the Coliwasa is not used.
p.23	In Table 3.3 all method references to SW-846 should give the specific method number.
p.24	In the top line on the page, "arrives" should be "arrive."
p.24	The last word in the fourth line of paragraph #6 under heading "F." should be changed from "an" to "a."
p.25	In the second paragraph on the page, the word "allow" in the second line should be "allowed."
p.28	The description under "H. Land Disposal Restrictions" should include a specific description of what types of Land Disposal Restricted wastes are generated by Romic and what specific Land Ban Notification forms are sent with the waste. In particular, if Romic is generating "F-solvent" and "California List" wastes, the notification requirements for these wastes should be discussed in the Plan and the appropriate notification forms should be included in the Plan.

Class IB: Liquids having flashpoints below 73° F (22.8° C) and having a boiling point at or above 100° F (37.8° C).

Class IC: Liquids having flashpoints at or above 73° F (22.8° C) and below 100° F (37.8° C).

Class II: Liquids with flashpoints at or above 100° F (37.8° C) and below 140° F (60° C), except any mixture having components with flashpoints of 200° F (93.3° C) or higher, the volume of which make up 99 percent or more of the total volume of the mixture.

Many of Romic's wastes are at least Class II (combustible) liquids and may be Class I (flammable) liquids. According to RCRA regulations [40 CFR §261.21(a)(1)], D001 ignitable hazardous waste is defined as "a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume and has a flash point less than 60 C (140 F) ..." By this definition, D001 waste would be at least a Class II liquid and perhaps a Class I liquid. In its Part B application, Romic identified itself as handling hazardous waste with the code D001. In the "General Information" section of its Part B permit application, Romic identified itself as handling a number of liquid wastes with flash points below 100 F (Class I liquids), including several waste constituents (see Attachment A of Waste Analysis Plan submitted by Romic), and wastes from Tape and Coatings Manufacturing (Flash Point 14° F), Disk Manufacture (Flash Point 40° F), Electronics - Water Wash (Flash Point 80° F), and the Paint Industry (Flash Point 28° F).

According to the Uniform Fire Code (1988), Article 79 (Flammable and Combustible Liquids), Division II (Container and Portable Tank Storage Inside Buildings), Section 79.204(c) (Storage Arrangement): storage in Liquid Storage Warehouses of Class II liquids in piles is limited to pile heights of at most 10 feet. Storage of Class IA liquids in piles is limited to 5 feet, while Class IB and IC liquids in piles are limited to 6.5 feet. EPA is concerned that Romic's drum-stacking practices are not consistent with these standard practices.

6) OSHA regulations [29 CFR §1910.106(d)(5)(vi)(c)] and the Uniform Fire Code [Article 79, Division II, 79.204(c)], further require that "containers in piles shall be separated by pallets or dunnage where necessary to provide stability and to prevent excessive stress on container walls." EPA believes that the weight of several full 55 gallon drums of liquid hazardous waste could cause excessive stress on the drums which must support them.

7) Further, drums stacked pyramid fashion (as at Romic) when the bottom-tier drums are of unequal height often lean and are therefore, EPA believes, unstable.

If Romic wishes to continue to stack drums 3-high in pyramid fashion as it has in the past, Romic must demonstrate to the satisfaction of EPA that:

Attachment 2

Drum Stacking Issues

Drum Stacking

In its May 12, 1989 response, Romic indicated that it did not wish to separate stacked drums by using pallets or shelves. Romic indicated that the use of wooden pallets would represent an additional fire hazard. Romic also pointed out that RCRA regulations do not specifically require the use of a pallet or shelf.

However, RCRA regulations do require that waste be handled in such a manner as to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste (see 40 CFR 265.31). Further, RCRA regulations require that waste containers not be handled or stored in a manner which may rupture the container or cause it to leak [40 CFR 265.173 (b)], and the RCRA regulations require the owner/operator to inspect containers for leaks and for deterioration caused by corrosion and other factors [40 CFR §265.174].

EPA has several concerns regarding Romic's present methods for storing drums of hazardous waste. These are outlined below:

1) Drums of waste stacked three-high are very difficult to inspect adequately for leakage or damage to the drum.
2) Department of Transportation regulations require new steel drums (e.g. 49 CFR 178.116-12 for 17E steel drums) to meet a 4 foot drop test. Drums containing hazardous waste, which are likely to be old and of unknown condition, may not be able to maintain their integrity following the 8-12 foot drop that a third-tier drum would experience in the case of an accident.
3) EPA questions whether full 55 gallon drums of hazardous waste can be safely manipulated at heights of 10-12 feet as is required for 3-high stacking.
4) East Palo Alto is located in a seismically active area. A strong earthquake could easily cause unsecured drums at the top of piles to fall.
5) Romic recycles a variety of combustible liquids, including hazardous wastes which fit the description of Class I and Class II liquids as defined in the National Fire Codes (see "National Fire Codes, A Compilation of NFPA Codes, Standards, Recommended Practices, and Manuals, Volume 3" by the National Fire Protection Association, 1982), Uniform Fire Codes (see "Uniform Fire Codes" by the International Conference of Building Officials and the Western Fire Chiefs Association, 1988) and in the Occupational Safety and Health Administration (OSHA) regulations [see 29 CFR §1910.106 (a)(18)(i), (19)(i)-(iii)]. These are defined regulations as follows:

   Class IA: Liquids having flashpoints below 73° F (22.8° C) and having a boiling point below 100° F (37.8° C).

Closure Plan (From Part B application)

Page	Correction
p.230	At the end of the first paragraph, cleaning of all "visible" waste does not constitute a sufficient standard for closure. Units must be tested to ensure that there is no residual contamination.
p.231	Where the Plan indicates that waste "will be tested" the test method and the constituents of interest should be specified.
p.231	When the plan indicates that an "EPA approved disposal facility" will be used for wastes, does this refer to land disposal facilities? If so, the plan should address potential Land Disposal Restrictions questions (i.e. the possible need for waste treatment prior to land disposal).
p.231	In #6, the disposal of the rinsewater needs to be addressed.
p.231	The first sentence of #8 is not a sentence. This should be reworded and clarified.
p.231	In #8 when the statement that waste will be "disposed of accordingly" must be made more specific.
p.232	In paragraph "E. Verification of Closure" a standard of no "visible waste" is not sufficient for closure. The closure plan should indicate a standard for closure and discuss methods of soil and groundwater sampling that will be used to determine whether the standard has been met. For the purposes of this plan, it appears that Romic anticipates a "clean-closure" of the existing units. If so, Romic will have to demonstrate that existing units have not contaminated or contributed to the contamination of the soils and/or groundwater under the Facility. The closure plan must include a plan for such sampling and analysis, and this must be included in the Closure Plan cost estimate.
p.232	In the last sentence of paragraph "F. Site Remediation" the phrase "and are not aggravating or adding to the existing site contamination" should be removed unless Romic can provide conclusive evidence that this statement is true. At the present time EPA believes that it is not known with certainty whether existing units are contributing or have contributed to contamination of soil and groundwater at the facility.
p.234	The reference to 40 CFR 265.142 in line 4 of paragraph "A. Closure" should be changed to 40 CFR 264.142.
p.234	On line 10 of paragraph "A. Closure" the word "equals" should be "equal" and the word "exceeds" should be "exceed."
p.236	In the heading of Table 13.1, the word "treatment" has been misspelled.

1) drums on the highest tier are adequately inspected for leaks and damage;
2) drums containing waste are able to be safely manipulated at the heights necessary for 3-tier stacking and that full drums containing hazardous waste are able to survive a fall from those heights without rupturing; (If Romic believes that such a fall could not occur, Romic must explain why it believes that, particularly addressing the question of how drums will be prevented from falling in the event of an earthquake.)
3) Romic's hazardous waste storage practices are consistent with the National Fire Codes and Uniform Fire Codes;
4) the pyramid stacking method gives sufficient stability to the stack and does not create excessive stress on the bottom-tier drums. (Romic must specifically explain how it will ensure that varying drum heights will not cause stacked drums to lean excessively.)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
215 Fremont Street
San Francisco, Ca. 94105

Jesse Bosken

08 JUL 1989

FILE COPY

CERTIFIED MAIL NO. P918 446 892
RETURN RECEIPT REQUESTED

In Reply T-2-4
Refer to: Romic Chemical Corp.
EPA ID No. CAD009452657

NOTICE OF UNACCEPTABILITY

Peter Schneider
Romic Chemical Corporation
2081 Bay Road
East Palo Alto, California 94303

Dear Mr. Schneider:

This Notice is to inform you that the Romic Chemical Corporation facility in East Palo Alto, California ("facility") is in violation of provisions of the Resource Conservation and Recovery Act ("RCRA") and to explain the effects of these violations on your ability to receive hazardous substances from response actions under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), and the Superfund Amendments and Reauthorization Act ("SARA").

On November 13, 1987, the Assistant Administrator for EPA's Office of Solid Waste and Emergency Response issued revised procedures for implementing off-site response actions ("the off-site policy"). This policy provides criteria for selection of off-site commercial waste treatment, storage, and disposal facilities which may be used to receive hazardous substances from response actions taken under CERCLA. A copy of the policy is attached.

The off-site policy establishes basic criteria for determining the acceptability of a facility to receive waste generated from CERCLA response actions or RCRA Section 7003 clean-ups. The three basic criteria are:

There must be no relevant violations at or affecting the receiving unit;

There must be no releases from receiving units, and contamination from prior releases at receiving units must be addressed as approriate; and

Releases at other units which are environmentally significant or which affect the satisfactory operation of the facility must be controlled by an appropriate corrective action program.

Inspection and Subsequent Response Review

On November 4, 1988, Rosemary Glenn and Marta Williams of Jacobs Engineering Group conducted an investigation at the Romic Chemical Corporation facility in East Palo Alto under a contract with the Environmental Protection Agency. During the course of this investigation, the inspectors gathered information in accordance with Section 3007 of the Resource Conservation and Recovery Act ("RCRA") as amended [42 USC §6927].

During this inspection, the inspectors observed several violations of RCRA, including the following:

Waste Analysis [40 CFR §265.13(b)(6), 40 CFR §268.7(a), (b)]

Romic's waste analysis plan does not identify methods that wil be used to determine whether wastes generated by Romic are restricted from land dispsoal. Specifically, Romic does not analyze its wastes for metals content to determine if the wastes are California List wastes as identified at RCRA Section 3004(d) and does not provide the appropriate notifications for California List waste.

Closure Plan [40 CFR § 265.112(b)(4), (5)]

Romic's closure plan does not contain methods for sampling and testing soils surrounding waste management areas or criteria for determining the extent of decontamination necessary to satisfy closure performance standards, nor does the plan contain a detailed description of other activities (specifically groundwater monitoring) necessary during the partial and final closure to satisfy closure performance standards.

On April 14, 1989, EPA issued a Warning Letter to Romic which included the violations noted above. Romic's May 12, 1989 response to EPA's Warning Letter did not demonstrate that Romic has returned to compliance for these violations, although the response did indicate that Romic is scheduled to correct these violations within 120 days. (EPA is sending Romic comments under separate cover on the May 12, 1989 response letter.)

The Effect of the Offsite Policy

Based on the violations noted above, EPA has determined that "relevant violations", as defined in the off-site policy, exist at the Romic Chemical Corporation facility. As such, the Romic Chemical Corporation has failed to meet the criteria for acceptability. The off-site policy states that a RCRA treatment, storage or disposal facility with relevant violations may receive CERCLA waste only if the relevant violations have been corrected. Although Romic indicated in its May 12, 1989 response letter that it would correct the violations within 120 days of its response letter, Romic has not yet demonstrated to EPA that it has corrected the relevant violations. EPA has notified the State of California regarding EPA's findings.

Opportunity for an Informal Conference

As required by the off-site policy, EPA is providing notice of the facility's opportunity for an informal conference with EPA. The following procedures apply to this matter:

a) The facility may request an informal conference with EPA to discuss the basis for the facility's unacceptability determination. This request must be made within 10 calendar days of receipt of this Notice. The facility may submit written comments within 30 calendar days from the date of this Notice in lieu of holding a conference.

b) EPA shall respond to the facility following the informal conference or receipt of written comments referenced above in paragraph (a).

c) Within 10 calendar days of EPA's response referenced above in paragraph (b), the owner/operator may request a reconsideration of the determination by the Regional Administrator (RA). The RA has discretion in agreeing to review the determination.

d) If the RA agrees to review the determination, the review will be conducted, if possible, within 60 calendar days of this Notice. The review will not stay the determination.

e) Failure to request an informal meeting or to submit written comments as described in paragraph (a) will result in no further consideration of the determination during the 60 calendar days following this Notice.

The facility may continue to receive CERCLA waste for 60 calendar days from the date of this Notice. Receipt of CERCLA waste must cease on the 60th day, unless EPA determines that the facility has corrected the deficiencies. The facility remains unacceptable for accepting CERCLA waste until EPA notifies the owner/operator otherwise.

Please direct questions on this matter to Jesse Baskir of this office at (415) 974-7102.

Sincerely

Jeff Zelikson
Director
Hazardous Waste Management Division

Enclosure

cc: Paris Greenlee, DHS (w/ enclosure)
Michael James, DHS (w/out enclosure)
Caroline Cabias, Hazardous Waste Management, DHS-HQ (w/out enclosure)
Bill Lent, San Mateo County Dept of Environmental Health (w/ enclosure)
Steve Ritchie, RWQCB (w/ enclosure)
Brad Lamont, Romic (w/ enclosure)

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FAX: (415) 324-2965

July 17, 1989

Jeff Zelikson, Director
Hazardous Waste Management Division
U. S. Environmental Protection Agency
Region IX
215 Fremont Street
San Francisco, California 94105

Regarding: July 3, 1989 Certified Mail P918 446 892
Notice of Unacceptability - EPA #CAD009452657

Dear Mr. Zelikson:

We must confess that the Environmental Protection Agency has us totally confused as to what it is you want of Romic Chemical.

The EPA had sent Romic a certified letter on May 17, 1988 informing us of a Notice of Ineligibility to receive CERCLA (Superfund) waste. Since that date, we have not received any of these type of wastes. We have attached a copy of the letter for your reference.

Your letter of July 3, 1989 indicates that EPA rescinded its notice of ineligibility but we have never received any correspondence to this effect. Now you tell us we will be ineligible when we thought we were ineligible all along.

I don't understand the confusion, do you?

Romic did negotiate and execute a Consent Order under 3008h to continue a facility investigation we had voluntarily started ourselves. In your May 17, 1988 letter, page 2 last paragraph, it states, "The facility's status remains unacceptable for receiving CERCLA waste until EPA notifies the owner/operator otherwise."

In the Jacobs Engineering Report that you mention, you fail to account that issues raised are not simple, easy issues. When the EPA has sent a warning letter, Romic has responded within the time allowed with very detailed, professional responses. The EPA,

in what seems to be very lengthy review periods, comes back with further comments. We have, in good faith, replied to these next set of comments.

The issues of waste analyses and closure plans are being reviewed by our personnel to be brought up to compliance standards, including the full page of typewriting mistakes you so eloquently brought to light.

The issue of drum stacking, incorporating regulations and interpretations that are not the responsibility of EPA is being investigated through DOT, National Fire Codes, etc. which you highlight in your letter. Romic is also investigating with other regional, statewide, Region IX, and national companies and associates on this issue. Stacking drums 3 high is a practice going on in local, nationwide, and national waste TSDF's as well as chemical distributing and storage companies. Generators of waste and chemicals will also be included. If EPA sets this new standard, we expect it to effect every 3 high stacking facility in the United States. We expect this to be a test case which may go to court to be finally resolved. The National Association of Solvent Recyclers, Hazardous Waste Treatment Council, Chemical Manufactures Association and many others are showing a very strong interest in this case.

Romic believes it has a right to challenge the EPA in this area for it cannot be found cited in CFR 40 that a facility cannot stack drums 3 high. We will be responding to this issue in the time frame given by the EPA.

We expect EPA to determine our exact status - eligible or ineligible to accept CERCLA waste. We would think that the EPA would work within their own framework to allow us to achieve compliance and reinstate eligibility when all issues are mutually resolved.

Sincerely,

Peter Schneider
Vice President

PS/mf

enclosure

ecology and economy through reclamation

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FAX: (415) 324-2965

August 3, 1989

Jesse Baskir
California Enforcement Section, T-2-4
U. S. Environmental Protection Agency
Region IX
215 Fremont Street
San Francisco, CA 94105

Regarding: Romic Chemical Corp., EPA ID CAD009452657

Dear Mr. Baskir:

Romic Chemical Corp. (Romic) has reviewed EPA's July 3, 1989 response to Romic's May 12, 1989 letter. EPA's response contends that Romic still has not adequately satisfied deficiencies in the areas of the Closure Plan, the Waste Analysis Plan and drum stacking arrangement for storage.

Romic has had numerous correspondence with the Department of Health Services regarding our Closure and Waste Analysis plans. We feel that we have more than adequately resolved these matters and are in line with the schedule that was established in our May 12, 1989 letter. This schedule was based on a coordinated review of our RCRA Part B Permit Application. A more detailed response regarding these two plans will be provided by September 9, 1989.

The Agency's posture towards Romic's "industry wide" method of stacking containers continues to intrigue us. The practice of stacking drums three tiers high in a stable pyramid configuration is conducted widely throughout the United States for a variety of hazardous wastes and materials and has withstood the test of time. Romic's concern with the safety of drum stacking has been paramount and thus the decision was made to use a configuration that had continually proven itself effective throughout the years. The pyramid stacking configuration was adopted and has resulted in Romic never experiencing an incident involving a drum "falling off" the third tier.

However, Romic does not use the philosophy of burying our head in the past and ignoring indicators of the future direction of our industry. These indicators may stem from the community, customers, competitors, regulatory agencies and many from environmental and business foresight. Our success can be directly related to our logical interpretation of these indicators and our realistic approach to implementing change.

It is in this light that representatives of Romic have chosen to view the issue of "drum stacking". The indicators of (1) increased general liability insurance, (2) increased risk of seismic activity and (3) the interest of EPA have lead us to the logical interpretation that Romic should alter its drum stacking practice. Romic, therefore, establishes a company policy to commit to a maximum stacking height of two drums for hazardous waste material.

We will immediately begin to reevaluate our drum storage areas and their impact on our resource recovery operations. The goal of two-high stacking cannot be accomplished in the short term without a devastating impact on the capacity of our recycling facility. In order to maintain our level of service, we may have to incorporate changes that would constitute major modifications to our existing regulatory permits. We are, therefore, requesting that EPA work with us over the next nine months to help us attain our goal of a maximum of two-high drum stacking.

In EPA's July 3rd letter there were four items that the Agency asked us to address relative to three-high drum stacking. We would still like to clarify these items of inspection, drum handling, fire codes and stability as they pertain to our refined two-high configuration.

Romic will continue to maintain compliance with its Inspection Plan as approved in our Permit Application. We feel that we have satisfactorily inspected all containers in our drum storage area. This might be easier with the new height limit.

Romic has always maintained specially designed drum grabbing forks for the purpose of controlling movement of drums. These have proven to help us safely manipulate containers during stacking and unstacking procedures. Romic will continue to maintain adequate aisle space and provide specialized fork lift training for operators. A stack-height limit of two drums should reduce the risk of incident.

In regards to the Agency's comments regarding fire codes, we would certainly like to clarify that Romic does not presently handle Class 1A materials. Romic is currently working with the local fire department having jurisdiction for our facility. We are in the process of making improved modifications to our existing fire protection system in our drum storage area. We feel that limiting our drum storage height to two drums will compliment this system.

The final item regards drum stack stability. Though we have been careful to manage the individual height variation between various containers to minimize leaning drums, we feel that limiting stack height may improve stack stability.

So, in conclusion, we agree that reducing the maximum drum stack height from three to two drums is a wise business practice and will perhaps be the direction of this and many other industries. As a federal agency we wish you luck in administering this logic throughout the country and we hope we can help by setting an example. We would like to establish a target date of May 1, 1990 for Romic to attain compliance with this company policy.

On a personal note, we want to express our concurrence in EPA designating you as their representative to whom we channel all correspondence regarding correction of violations noted in our April 14, 1989 warning letter. You have worked with our East Palo Alto facility regarding other matters and have personally toured our site. We feel you may be able to more clearly understand the impact that this decision has on our operation.

Sincerely,

Brad W. Lamont
Operations Manger

BWL/mrf

1 SEP 1989

Brad Lamont
Operations Manager
Romic Chemical Corporation
2081 Bay Road
East Palo Alto, CA 94303

Dear Mr. Lamont:

EPA is pleased with Romic's decision to reduce drum stacking to a maximum of two-high, as communicated in your letter of August 3, 1989. We agree that Romic's decision is responsible and far-sighted, and we believe that by limiting drum stacking to two-high Romic will add an additional margin of safety to its waste storage and handling procedures. We also appreciate that alteration of Romic's drum-stacking procedures represents a significant departure from prior practices. We, therefore, accept the nine-month transition period for implementing these new procedures. EPA will work with Romic as appropriate to help Romic achieve its goal of two-high drum stacking by the May 1, 1990 target date specified in your letter.

We thank you for your thorough response to our concerns with Romic's drum stacking procedures, and look forward to receiving by September 9, 1989 the revised Closure and Waste Analysis Plans which correct the deficiencies noted in our July 3, 1989 letter.

Sincerely,

Original Signed by:

Karen Schwinn
Chief
Waste Compliance Branch

cc: Paris Greenlee, DHS
Michael James, DHS
Caroline Cabias, DHS-HQ
Bill Lent, San Mateo County Dept of Environmental Health
Steve Richie, RWQCB
Ron Keefer, Menlo Park Fire District
C. G. Grant, Office of the Mayor, East Palo Alto

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U.S. EPA CONCURRENCES

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