

RCRA Corrective Action Statement of Basis & Comment Period

April 2018

Facility Name: The Scotts Company, LLC

U.S. EPA I.D.: OHD 900 834 483

Location:

14111 Scottslawn Road
Marysville, Ohio 43065

Activity:

RCRA corrective action statement of basis for entering hazardous waste landfill Pond 1 that is currently in post-closure care into corrective action.

Comment Period:

April 12, 2018 – June 1, 2018

Submit Comments to:

Ohio EPA
ATTN: Don Vogel
Division of Environmental Response and Revitalization
P.O. Box 1049
Columbus, Ohio 43216-1049
(614) 644-2924
donald.vogel@epa.ohio.gov

Pond 1 Landfill Unit



What does the facility do?

The Scotts Company (Scotts) manufactures fertilizer for lawn and garden use. The fertilizer can contain herbicides and pesticides.

What is the Statement of Basis?

The Statement of Basis is the document which will be commented on by the public. After any public comment has been received and addressed, a Decision Document will be issued by the Director. The Statement of Basis is for entering Pond 1 into RCRA corrective action.

What is the history of post-closure care and corrective action at the facility?

Pond 1 is located in the northwestern area of Scotts' property. Historically, Scotts produced a liquid hazardous waste which was disposed in Pond 1. Following an approved closure plan, Pond 1 was closed as a landfill by in-place solidification of the waste material in the pond in 1988. An engineered clay cap system with a gas vent and carbon treatment was placed over the solidified waste.

Financial assurance was put in place to maintain and monitor the landfill and ground water for a 30-year post-closure period, which is set to expire in November 2018.

Scotts is also subject to facility-wide corrective action. In 2003, Ohio EPA issued a Decision Document requiring Scotts to complete corrective action for 13 other waste

RCRA Corrective Action Statement of Basis

management units at the facility. Selected remedies included land use restrictions, an integrated ground water monitoring and response system, financial assurance, and appropriate operation and maintenance activities.

What would the Statement of Basis allow the facility to do?

On June 15, 2017, Scotts submitted a request for termination of ground water monitoring under post-closure and continuing monitoring under RCRA corrective action for Pond 1 because the alternate requirements of the corrective action Decision Document will also be protective of Pond 1. Specifically, the current corrective actions ground water monitoring and maintenance adequately cover the Pond 1 landfill closure area. In addition, Scotts will enter into an Environmental Covenant for Pond 1 and modify its financial assurance mechanism under the corrective actions program to include maintenance and monitoring for Pond 1.

This is only an administrative change; ground water monitoring and maintenance of Pond 1 will continue to be conducted, but under a different regulatory structure.

What is the regulatory basis to support this Statement of Basis?

The Director has determined that Scotts has submitted a request for termination of post-closure for Pond 1 and continuing monitoring to be addressed as part of the corrective action under OAC-3745-54-101. The Director has considered the request and has found that it meets the Director's performance standards and that Scotts has a history of compliance with the appropriate rules. Findings and Orders will be entered into at the same time the decision document is issued final. Scotts has demonstrated reliability, expertise, and competency to maintain and monitor the Pond

1 Landfill in post-closure and has complied with the hazardous waste laws and rules.

Who can I contact for more information?

For additional information, please contact Chris Bulinski at (614) 728-5036 or Don Vogel at (614) 644-2924.

What is the history of the hazardous waste program?

The Resource Conservation and Recovery Act (RCRA), an amendment to the Solid Waste Disposal Act, was passed in 1976. The main reason for the amendment was to address the growing volume of municipal and industrial solid waste generated across the United States. A few goals established by RCRA include: to protect human health and the environment from potential hazards of waste disposal, to reduce the amount of waste generated, and to ensure that waste produced are managed in an environmentally sound manner.

When RCRA was written, U.S. Congress' intent was for the states to assume primary responsibility for implementing the hazardous waste regulations with oversight from the United States Environmental Protection Agency (U.S. EPA). U.S. EPA must approve each state as an authorized state. To become an authorized state, each must demonstrate that the state program is at least equivalent to and consistent with federal laws, provides adequate enforcement authority and provides availability of information similar to the federal program. Since 1989, the State of Ohio has been an authorized state by U.S. EPA for the majority of their hazardous waste program.

How can I become more involved?

The comment period begins on April 12, 2018 and ends on June 1, 2018. Copies of the statement of basis are available for review by the public at the following locations:

RCRA Corrective Action Statement of Basis

Ohio EPA, Central District Office
50 West Town St., Suite 700
Columbus, Ohio 43215
(614) 728-3778

Ohio EPA, Central Office
Division of Environmental Response and
Revitalization
Lazarus Government Center
50 West Town St., Suite 700
Columbus, Ohio 43215
(614) 644-2924

The Ohio statement of basis is available for review by the public online under the “What’s New” tab at:

<http://www.epa.ohio.gov/derr/EnvironmentalResponseandRevitalization>

The statement of basis is also available via Ohio EPA’s eDocument portal:

<http://edocpub.epa.ohio.gov/publicportal/edochome.aspx>

Using the search function, search under the document type of “Remedial Response” and then refine the search using the facility’s RCRA ID number Secondary ID which is OHD 900 834 483. Select from the list of documents, the document dated 04/05/2018.

After the close of the public comment period, Ohio EPA will review all comments received and decide whether to issue the RCRA Corrective Action Decision Document based on the Statement of Basis. The final Decision Document will include a notification to those who submitted written comments during the official comment period. Ohio EPA will also prepare and send to all responders a document answering significant comments. Within 30 days of a final decision, any person who submitted written comments may petition Ohio EPA’s Environmental Review Appeals Commission Board to review the decision.