

Environmental
Protection Agency

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korteski, Director

Enf. 001
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April 9, 2010

Mr. W. Carl Kappes
Hummell Industries Inc.
40 Oak Street
Cincinnati, Ohio 45217

OHR 000159400

Re: Complaint investigation, Hummell Industries Inc., Hamilton County

Dear Mr. Kappes:

On April 5, 2010 Ohio EPA investigated a complaint at Hummell Industries Inc. located at 40 & 42 Oak St. in Cincinnati, Ohio. The complaint alleged concerns of mismanagement of spent solvents, acids, and fuels. A comprehensive inspection to determine compliance with *all* of Ohio's hazardous waste laws and regulations, as found under the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC) was not conducted. You and Bruce Williams represented Hummell Industries Inc. Laura Marshall and I represented Ohio EPA.

As a result of the complaint investigation, I noted the following violation and general concern. To address these, you should follow Ohio EPA's recommendations below and provide a written explanation to this office within 30 days which describes how Hummell Industries Inc. has addressed these.

**Violation 1-
Ohio Administrative Code (OAC) 3745-52-11**

This regulation requires that if a company generates a waste, the company must determine if the waste is a hazardous waste. Hummel generates spent solvent waste from cleaning related to caulking. Many spent solvents are a hazardous waste.

To address this violation, collect all spent solvent in a drum with closed lid and determine if it is a hazardous waste. I recommend consulting a local hazardous waste treatment storage disposal facility for assistance. If it is a hazardous waste, Hummel Industries Inc must dispose of it through a hazardous waste treatment storage disposal facility. It is possible an alternate less hazardous solvent may be substituted, either way the solvent must be collected. Note this regulation applies to any waste Hummel Inc. generates.

Mr. W. Carl Kappes
April 9, 2010
Page 2

**General Concern 1-
55 Gallon Steel Drums**

At the time of inspection April 5, 2010 Ohio EPA noted two aging black steel drums near the storage building which contained unknown liquid. Ohio EPA is concerned these may be waste and the drums may deteriorate and leak.

To address this concern, determine if the contents of the drums are waste. If so determine if it is hazardous waste. If it is hazardous waste dispose of it properly.

This concludes Ohio EPA's complaint investigation. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve you from having to comply with all applicable regulations. If you have any questions relative to this letter or about how to comply with other hazardous waste regulations please contact me at (937) 285-6357.

Sincerely,



Brian Gitzinger
District Representative
Division of Hazardous Waste Management

cc: DHWM Data Entry/ Facility file

BG\bp

COMPLAINT INVESTIGATION FORM

DATE/TIME REPORTED: 02/12/2010 9:15	DISTRICT OFFICE: SWDO
COMPLAINANT: Name:	SUSPECTED SOURCE: Name/Facility: Hummel Inc.
Address:	Address: 400 (40?) Oak St. 45217 St Bernward
Phone No:	County: Hamilton
	Phone No: 513-242-1323; 513-242-1321
Confidential Status: Yes <input type="checkbox"/> X No <input type="checkbox"/> <small>*If complainant requests confidentiality, record complainant information on page 2 and attach.</small>	Regulatory Status: CEG SQG LQG TSD Transporter <u>Non-notifier</u>
Comments:	EPA ID# NA

STATEMENT OF COMPLAINT: (Location, type of material, quantity, areas affected).

The business is a general contractor which does building restoration work.

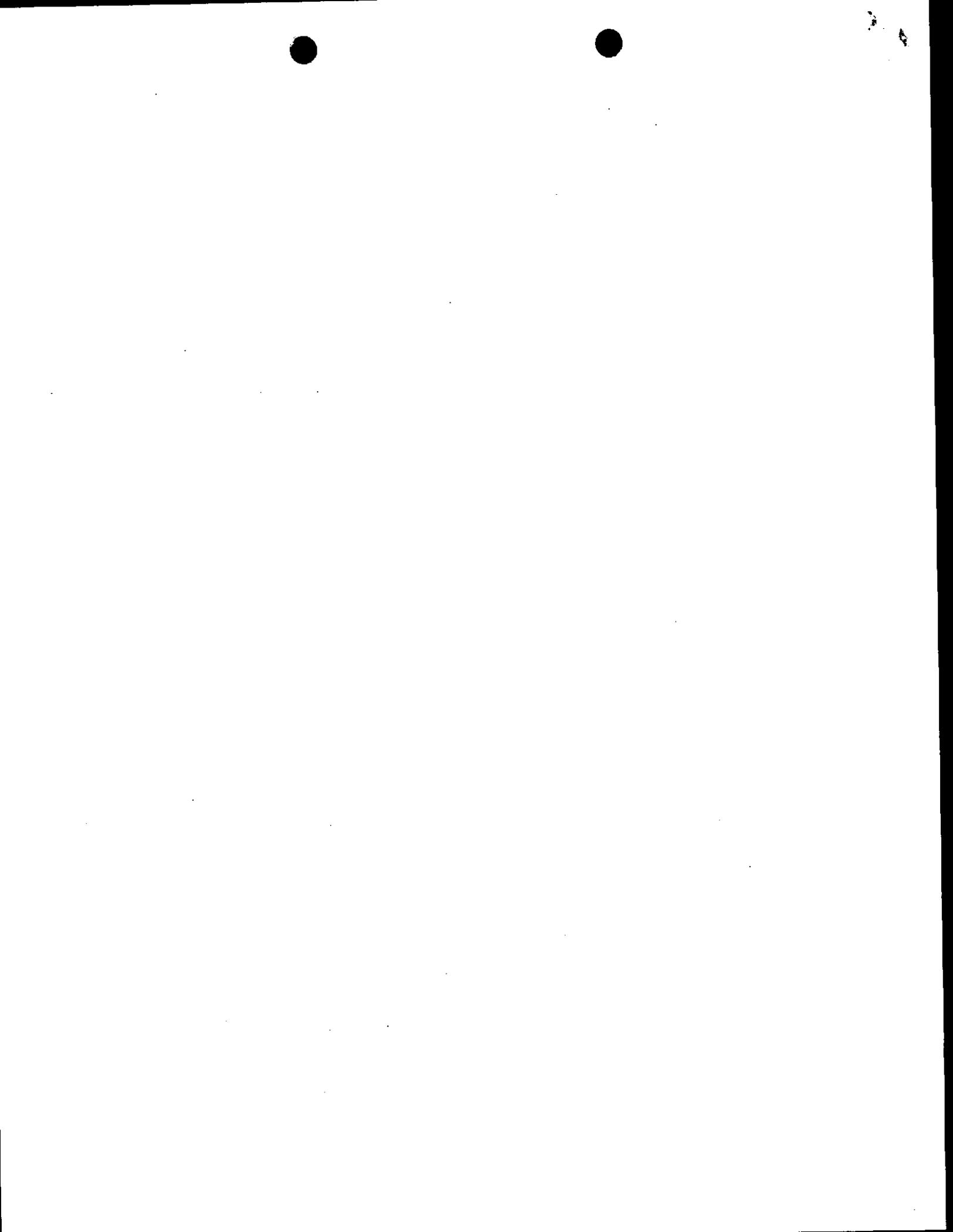
Complainant stated that waste chemicals are routinely dumped on the property, generally once a week, volumes of a gallon or two, or sometimes 5-gallon buckets of excess material. Chemicals dumped include toluene, MEK, styrene, acids (HF, HCl), chlorine, building wash, and fuels. Left over chemicals are poured on the ground around the office. The complainant said that he gets headaches from the odors and others have complained about it as well.

He said that the dumping has been occurring for over 20 years, and that in their safety training meetings the owner has instructed the workers on where to dump the chemicals so it would not be noticed and attract our attention. He said dumping occurs around the main warehouse and at the nearby office building. There is also disposal area in a big open area which has been covered with a pile of skids of brick and block.

ASSOCIATED INDIV./COMPANIES:

COMPLAINT RECEIVED BY: L. Marshall

INVESTIGATION SUMMARY:INVESTIGATOR ASSIGNED: *Gitzinger Marshall* PRIORITY: High Medium LowLOCATED IN SWAP AREA? Yes No REQUIRED RESPONSE TIME: 60 - *weather dependant***ACTIONS/OBSERVATIONS/RECOMMENDATIONS:****INVESTIGATION/STATUS/RESOLUTION:**



Send to Central Office <input type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to kristina.durnell@epa.state.oh.us.

Site EPA ID No. Site Name	EPA ID Number:		Website: (Optional)					
Site Location Information	Name: hummel industries inc		Street Address: 40 & 42 oak st					
Site Land Type (check only one)	City, Town, or Village: cincinnati		State: OH					
NAICS code(s) www.census.gov/epcd/www/naics.html	County Name: hamilton		Zip Code: 45217					
	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>

Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: w		MI: carl		Last Name: kappes	
	Title: vp		Phone Number: 513-242-1321		Phone Number Extension:	
	E-Mail Address:		Fax Number:		Fax Number Extension:	
	Street or P.O. Box:		City, Town or Village:		State:	
	State:		Zip Code:			

Legal Owner And Operator of the Site. List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: Saint bernard real estate inc		Date Became Owner (mm/dd/yyyy):					
	Owner Type: <input checked="" type="checkbox"/> Private	<input type="checkbox"/> County	<input type="checkbox"/> District	<input type="checkbox"/> Federal	<input type="checkbox"/> Indian	<input type="checkbox"/> Municipal	<input type="checkbox"/> State	<input type="checkbox"/> Other
	Street or P.O. Box: 40 oak st		City, Town or Village: cincinnati		Owner Phone #:		Zip Code: 45217	
	State: ohio		Country:		Date Became Operator (mm/dd/yyyy):		Zip Code: 45217	
	Name of Site's Operator: HICON inc		Date Became Operator (mm/dd/yyyy):					
	Operator Type: <input checked="" type="checkbox"/> Private	<input type="checkbox"/> County	<input type="checkbox"/> District	<input type="checkbox"/> Federal	<input type="checkbox"/> Indian	<input type="checkbox"/> Municipal	<input type="checkbox"/> State	<input type="checkbox"/> Other
	Street or P.O. Box: 42 oak st		City, Town or Village: cincinnati		Operator Phone #:		Zip Code: 45217	
	State: ohio		Country:		Date Became Operator (mm/dd/yyyy):		Zip Code: 45217	

VIOLATIONS CITED?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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TYPE OF HANDLER - MARK "X" AS APPROPRIATE		
<input type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG)
	<input type="checkbox"/> Short-Term Generator (generates from a short-term or one-time event and not from on-going processes). <i>Check the box for the applicable generator status and provide a comment.</i>	<input type="checkbox"/> Small Quantity Generator (SQG)
		<input checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator
		<input type="checkbox"/> U.S. Importer of Hazardous Waste
		<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)	
<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> Hazardous Waste Transfer Facility	<input type="checkbox"/> Small Quantity On-Site Burner Exemption
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Underground Injection Control Facility
	<input type="checkbox"/> Receives Hazardous Waste from Off-site

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY))	
<input checked="" type="checkbox"/> Small Quantity Handler of Universal Waste	<input type="checkbox"/> Destination Facility for Universal Waste
<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES	
<input type="checkbox"/> Batteries	
<input type="checkbox"/> Pesticides	
<input type="checkbox"/> Mercury containing equipment	
<input checked="" type="checkbox"/> Lamps	

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))	
<input checked="" type="checkbox"/> Used Oil Generator	
<input type="checkbox"/> Used Oil Transporter	
<input type="checkbox"/> Used Oil Transfer Facility	
<input type="checkbox"/> Used Oil Processor	
<input type="checkbox"/> Used Oil Re-refiner	
<input type="checkbox"/> Off-Specification Used Oil Burner	
<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil	
<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner	

Waste Codes for Federally Regulated Hazardous Wastes: Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRAInfo source record, you do not need to list them. Instead just indicate the date of the most recent source record.

COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.

Announced	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Name of Inspector(s) Brian Gitzinger	Name of Inspector(s) Laura Marshall	Date of Inspection/Time (mm/dd/yyyy) (hh:mm) april 5, 2010 high noon
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Comments:

