



State of Ohio Environmental Protection Agency

Southwest District Office

401 E. Fifth St.
Dayton, Ohio 45402

TELE: (937) 285-6357 FAX: (937) 285-6249
www.epa.ohio.gov

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

NOTE added
regarding
enforcement
referral.

November 6, 2009

James Taylor
American Metal Cleaning of Cincinnati, Inc.
475 Northland Blvd.
Cincinnati, Ohio 45240

**Re: Partial Return to Compliance/ Enforcement
American Metal Cleaning of Cincinnati Inc., OHD981097603
SQG, Hamilton County**

Dear Mr. Taylor,

On August 20, 2009 Ohio EPA received American Metal Cleaning's August 11, 2009 written response to Ohio EPA's July 7, 2009 Partial Return to Compliance (RTC) letter. American Metal Cleaning's response included a written explanation how general concern #1 and general concern #5 were addressed, a log book created in April for the transfer/ reclaim tank, a bill of lading for a drum of methylene chloride, a manifest for the waste from the cleanout of the methylene chloride tank, and a diagram describing the deruster solution reclaim operation.

Based upon our review of American Metal Cleaning's August 11, 2009 written response, American Metal Cleaning (AMC) has adequately addressed all the general concerns within Ohio EPA's July 7, 2009 Partial RTC letter as provided below.

General concern 1-regulation of excess deruster solution -AMC has demonstrated that AMC's practice of taking deruster solution and sludge from the deruster process vat, keeping it in a tank, running it through a filter press, and then returning useable solution to the process vat is not hazardous waste treatment, but is reclamation and is not regulated under RCRA.

General concern 1-demonstration related to speculative accumulation- To demonstrate compliance AMC must continue to maintain a log or records which demonstrate that 75% of the volume of material kept in the tank on Jan 1 of one year is processed (pressed) or returned solution by Jan 1 of the next year.

General concern 5-methylene chloride drum and dip tank- AMC has addressed this concern.

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Although AMC has abated or addressed all other violations or concerns contained within both the March 6, 2009 NOV and the July 7, 2009 partial RTC, **violation 1** as noted within Ohio EPA's March 6, 2009 NOV is considered serious and therefore Ohio EPA has determined that formal enforcement will be initiated. The violation is restated here.

VIOLATION 1-

**Accumulation of hazardous waste longer than 180 days
OAC 3745-52-34
ORC 3734-02 (E)&(F).**

This rule prohibits a small quantity generator of hazardous waste from accumulating hazardous waste on site for greater than 180 days from the date it was generated. By accumulating hazardous waste on site for time periods greater than 180 days a SQG is considered an illegal treatment storage disposal facility (TSD).

At the time of inspection January 23, 2009 and February 6, 2009 Ohio EPA found a 1,500 gallon tank on the south wall of the facility full of dried deruster sludge hazardous waste D003. When asked how long the waste had been stored in the tank, American Metal Cleaning stated that it had been accumulated in the tank for at least a couple of years possibly longer. This indicates the waste has been accumulated for greater than 180 days. Therefore at the time of inspection January 23, 2009 and February 6, 2009 American Metal Cleaning was in violation of OAC 3745-52-34 and ORC 3734-02 (E)&(F) for storing hazardous waste on site for greater than 180 days. Since American Metal Cleaning violated ORC 3734.02(E) and (F), American Metal Cleaning is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, since American Metal Cleaning has violated ORC 3734-02 (E)&(F), at any time in the future Ohio EPA may assert its right to have American Metal Cleaning begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

American Metal Cleaning has properly disposed of the contents of the 1,500 gallon tank and provided this office a copy of the manifest from the offsite transport and disposal of this waste; however the violation cannot be abated without formal enforcement.

As a result of the above violation, this District Office has been requested to prepare an enforcement referral relative to the violations found at AMC during the January 23, 2009 and February 6, 2009 inspections and provide it to the Division of Hazardous Waste Management's Enforcement Unit. Another representative from Ohio EPA may contact AMC in the future related to this issue.

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This concludes the partial return to compliance letter. If you have any questions about this letter or how to comply with hazardous waste regulations, please call me at (937) 285-6082. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.

Sincerely,



Brian Gitzinger
District Representative
Division of Hazardous Waste Management

Cc: DHWM date entry/ facility file
John Schierberl, DHWM
Ec: Brian Marlatt, SWDO
Paul Pardi, SWDO

BG/plh





State of Ohio Environmental Protection Agency

B&G
File

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Dayton, Ohio 45402TELE: (937) 265-6357 FAX: (937) 265-6249
www.epa.state.oh.usTed Strickland, Governor
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July 07, 2009

James Taylor
American Metal Cleaning of Cincinnati Inc.
475 Northland Blvd
Cincinnati, Ohio 45240**Re: Partial Return to Compliance
American Metal Cleaning of Cincinnati Inc., OHD981097603
SQG, Hamilton County**

Dear Mr. Taylor,

On April 17, 2009 Ohio EPA received American Metal Cleaning's April 11, 2009 written response to Ohio EPA's March 6, 2009 Notice of Violation (NOV). American Metal Cleaning's response included a written explanation how the violations and general concerns were abated or addressed, a waste profile for the deruster sludge, a waste profile for the waste water treatment sludge, analysis for the burn oven ash, and a manifest.

On May 29, 2009 Ohio EPA conducted a return to compliance (RTC) inspection of American Metal Cleaning's facility at 475 Northland Blvd Cincinnati, Ohio to determine if the violations and general concerns noted in Ohio EPA's March 6, 2009 NOV had been abated. During the inspection Mark Kormelick represented American Metal Cleaning. Brian Marlat and I represented Ohio EPA.

Based upon our inspection and a review of American Metal Cleaning's April 11, 2009 written response, American Metal Cleaning (AMC) has abated or adequately addressed the following violations and general concerns.

VIOLATIONS**Violation 2- Tank labeling OAC 3745-52-34 (A) (3)****Violation 3- Tank Inspections OAC 3745-66-101 (C)****Violation 4- Labeling of hazardous waste storage containers OAC 3745-52-34 (D) (4)****Violation 5- Accumulation date on hazardous waste storage containers
OAC 3745- 52-34 (D) (4)****Violation 6- Required aisle space OAC 3745-65-35****Violation 7- Inspections of container area OAC 3745-66-74****Violation 8- Waste Determination OAC 3745-52-11****GENERAL CONCERNS****General concern 2 – deruster waste codes****General concern 3 – waste water treatment sludge waste codes****General concern 4 – OAC 3745-66-101 (B) (2), suitability of tank for storage**

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General concern 6- tote of liquid outside
General concern 7- generator status
General concern 8- generator status

Based upon our inspection and a review of American Metal Cleaning's April 11, 2009 written response, Ohio EPA requires additional explanation and documentation from AMC to address the following concerns. **Within 30 days** American Metal Cleaning should provide Ohio EPA a written response to this letter explaining how each concern has been addressed.

General concern 1 -

This concern relates to Ohio EPA's determination of how to regulate AMC's process of the management of deruster sludge which is removed from the deruster process vat. In order to determine if AMC's management process is waste treatment or reclamation Ohio EPA requires additional information. After obtaining additional information Ohio EPA will make a final determination and provide guidance to AMC on this issue.

In order to address this concern, provide an explanation including a process flow diagram of AMC's process of generating, managing, returning to process, and waste generated from processing the deruster sludge or other materials which AMC interprets as reclamation which was occurring at AMC prior to Ohio EPA's January 23, 2009 inspection, and also any modified process AMC plans to adopt. Provide a process flow diagram(s) which describes the steps, size of tanks/ containers, estimated volumes or weights at each step, types of material (sludge or liquid), estimated residence time, and estimated frequencies of occurrence, etc.

General concern 1 -

For materials stated to be in reclamation a company must be able to demonstrate that reclamation is occurring in a timely manner, and that material is not "accumulated speculatively"¹. To demonstrate material is not being accumulated speculatively, AMC must record the date and amount of material when it is generated for the purpose of reclamation and the date and amount of material when it is returned to process in order to show that three-fourths of the material is processed from January 1st of one year to January 1st of the following year.

At the time of inspection May 29, 2009 AMC had began to utilize a 1,500 gallon tank (containing liquid) which AMC stated was in the reclamation process, but AMC had no records to show the dates and volumes when the material was generated or began to be in reclamation.

To address this concern create a log which shows amounts, dates, and types of material which are generated for reclamation, and the dates and volumes for material which is returned to process. Provide a copy of this log which shows this information for all material at AMC currently within viewed as in reclamation, including the liquid material presently in the 1,500 gallon tank which was found during our May 29, 2009 inspection. Also please explain how the liquid in the 1,500 gallon tank was generated.

General concern 5 -

This general concern required that the drum marked Methylene Chloride be disposed of if it was a waste. American Metal Cleaning's April 11, 2009 letter states that this drum of methylene chloride is

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a waste. During inspection May 29, 2009 it was noted the drum had not been disposed of. The accumulation date on the drum is 04/05/09. To comply with hazardous waste regulations, the contents of this drum must be properly disposed of. Demonstrate compliance to this office by disposing of the contents of the drum within 30 days and providing a copy of the manifest which shows it was properly disposed of.

General concern 5 –

This concern was meant to encourage timely cleanout of the bottom of an old methylene chloride dip tank. Ohio Administrative Code 3745-51-04 (C) states that any material remaining in a manufacturing process unit 90 days after operation of the unit ceases is considered a waste. Since operation of the unit has ceased at least 90 days ago, Ohio EPA considers the remaining sludge within the old methylene chloride tank to be a waste.

To address this concern and to avoid further violations AMC must clean out the tank and properly dispose of the contents within 30 days. Provide this office with documentation including a copy of a hazardous manifest showing the unit has been cleaned out and the contents properly disposed of.

This concludes the partial return to compliance letter. If you have any questions about this letter or how to comply with hazardous waste regulations, please call me at (937) 285-6082. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.

Sincerely,


Brian Gitzinger
District Representative
Division of Hazardous Waste Management

cc: ~~Dinah Crawford, DHWM, SWDO~~
John Schierberl, DHWM
ec: Paul Pardi, SWDO

BG/plh

¹ A material is "accumulated speculatively" if it is accumulated before being recycled. A material is not accumulated speculatively if the person accumulating the material can show that the material is potentially recyclable and has a feasible means of being recycled; and that during the calendar year, commencing January first, the amount of material that is recycled, or transferred to a different site for recycling, equals at least seventy-five per cent by weight or volume of the amount of that material accumulated at the beginning of the calendar year. In calculating the percentage of turnover, the seventy-five per cent requirement is to be applied to materials of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulated in units that would be exempt from regulation under paragraph (C) of rule 3745-51-04 of the Administrative Code shall not be included in the calculation. (Materials that are already defined as wastes also shall not be included in making the calculation.) Materials are no longer in this category once they are removed from accumulation for recycling.

