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MR DANIEL R NOCK OWNER
 B N PLATING
 613 DANIEL STREET
 DAYTON OH 45404

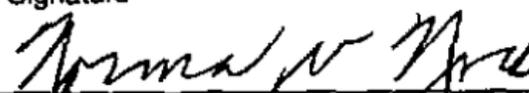
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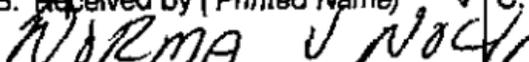
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 Street, Apt. No., or PO Box No. 613 Daniel Street Plating
 City, State, ZIP+4 DAYTON OH 45404

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PS Form 3800, June 2002 (Reverse)

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**Environmental
Protection Agency**

Jim Brinkman, Governor
Lee Fisher, Lt. Governor
Chris Kortesik, Director

August 16, 2010

**Re: B-N Plating
EPA ID# OHD 004 243 457
Montgomery County
Complaint Investigation
Notice of Violation/Return to Compliance**

Mr. Daniel R. Nock, Owner
B-N Plating
613 Daniel Street
Dayton, Ohio 45404

Certified Mail

Dear Mr. Nock:

On June 8, 2010, Ohio EPA's Division of Hazardous Waste Management (DHWM) conducted a follow-up complaint investigation at the B-N Plating facility located at 613 Daniel Street, Dayton, Ohio. As stated in my March 29, 2010 letter, this investigation was conducted in response to a complaint received by Ohio EPA. The complainant was concerned that the facility was abandoned and possible chemicals were left on-site. During the June 8, 2010 investigation, George Strobel and I represented Ohio EPA, you represented B-N Plating, and William and Barbara Eskew represented RDA Recycling Service. As a follow-up to the June 8, 2010 site visit, George Strobel, Jeff Smith and I conducted a sampling event at B-N Plating on July 7, 2010. This sampling event was conducted to obtain analytical data for various waste streams. Details of this sampling event are described within Section B of this letter. On August 10, 2010 Jeff Smith, George Strobel and I returned to B-N Plating to discuss with you analytical results of the sampling event and facility operations. The purpose of our investigation was to assess the validity of the complaint and determine your compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

Ohio EPA DHWM verified that the business, B-N Plating, was not closed. The business is in fact an operating electroplating facility. The primary process conducted at the facility is cadmium plating. Zinc plating is also conducted at the facility; however, this process is done at a limited capacity. During both the March 22, 2010 and June 8, 2010 investigations, Ohio EPA DHWM did verify the existence of several containers located throughout the building. These containers contained various chemicals used in the

Mr. Daniel R. Nock, Owner
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cadmium and zinc plating processes. In order for Ohio EPA DHWM to fully assess the compliance of operations occurring at this facility, you were requested in my March 29, 2010 letter to provide an inventory of all containers and tanks currently stored at 613 Daniel Street. On May 24, 2010 I received your response to my March 29, 2010 letter. The documentation provided included an inventory (including facility maps of both the storage/waste handling and production areas) of all containers, tanks, and evaporative system associated with the plating processes. Your documentation also included information pertaining to the past use of trichloroethylene (TCE) as a degreasing agent for cleaning parts prior to placing them in the plating lines. As indicated by your May 24, 2010 letter, TCE was used, however, as of December 31, 2006 the use of TCE was discontinued. According to records, all TCE waste was disposed of through Environmental Enterprises and Safety-Kleen Systems as noted by copies of the uniform hazardous waste manifests which were included in your May 24, 2010 response.

A. VIOLATION

Your documentation along with the subsequent investigations conducted on June 8, 2010, July 7, 2010 and August 10, 2010 were used to assess compliance with Ohio's hazardous waste laws. The following violation of Ohio's hazardous waste laws was identified.

1. OAC Rule 3745-52-11, Waste Evaluation:

Any person who generates a waste must evaluate the waste to determine if the waste is a hazardous waste in accordance with OAC Rule 3745-51.

B-N Plating is in violation of OAC Rule 3745-52-11. B-N Plating has failed to determine if the following waste stream is a hazardous waste:

- The cadmium/zinc rinse water contained within the 1,600 gallon poly tank located in the storage/waste handling area of the facility (identified as tank "W", Schematic #2 of your inventory). The tank contains approximately 800 gallons of rinse water. As reported by you, this tank is no longer in service and the rinse water has been in the tank for 10-15 years.

The above violation has been abated because Ohio EPA sampled and had analyzed the waste rinse water from tank "W". Additional information regarding the sampling event is covered in Section B of this letter. A copy of the analytical results was provided to you during our August 10, 2010 site visit.

B. SAMPLING EVENT

In order to determine if the waste was hazardous or not, during our July 7, 2010 sampling event, George Strobel, Jeff Smith and I collected grab samples of the following tanks:

- Cadmium rinse tank (identified as tank "M", Schematic #1 of your inventory) contained within the 175 gallon tank located in the production area of the facility.
- Zinc rinse tank (identified as tank "J", Schematic #1 of your inventory) contained within the 175 gallon tank located in the production area of the facility.
- Cadmium/zinc rinse water contained within the 175 gallon holding tank located in the storage/waste handling area of the facility (tank "V").
- Cadmium/zinc rinse water contained within the 1,600 gallon poly tank located in the storage/waste handling area of the facility (tank "W").

Each sample was analyzed for TCLP (Toxicity Characteristic Leaching Procedure) metals. A summary of the results are listed below.

Contaminant	175 gal. Cadmium Rinse Tank (Sample: BN-1)	175 gal. Zinc Rinse Tank (Sample: BN-2)	175 gal. Cadmium/Zinc Holding Tank (Sample: BN-4)	1,600 gal. Cadmium/Zinc Poly Tank (Sample: BN-3)
Arsenic	<0.500	<0.500	<0.500	<0.500
Barium	<0.100	<0.100	<0.100	<0.100
Cadmium	7.38	<0.150	15.5	<0.150
Chromium	<0.200	<0.200	<0.200	<0.200
Lead	<0.400	<0.400	<0.400	<0.400
Mercury	0.00111	<0.00100	<0.00100	<0.00100
Selenium	<0.500	<0.500	<0.500	<0.500
Silver	<0.200	<0.200	<0.200	<0.200

Those above analytical results identified in bold are TCLP metals that were detected in the various samples. "<" denotes less than the detectable limit.

The above analytical results indicate that no TCLP metals were identified in either the 175 gallon zinc rinse tank or the 1,600 gallon cadmium/zinc rinse poly tank. Therefore, the contents of these tanks appear to be nonhazardous. **However, cadmium was detected in both the 175 gallon cadmium rinse tank and the 175 gallon cadmium/zinc holding tank at 7.38 and 15.5 mg/L, respectively. These results**

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indicate an exceedance of the cadmium toxicity characteristic of 1.0 mg/L (EPA Hazardous Waste Code D007). After review of supplemental information, both the cadmium rinse tank and the cadmium/zinc holding tank meet the wastewater treatment unit (WWTU) exemption as described in Section C of this letter. Therefore, both the cadmium rinse tank and the cadmium/zinc holding tank are not subject to hazardous waste management standards.

Lastly, mercury was detected in the 175 gallon cadmium rinse tank at 0.00111 mg/L; however, the result was well below the mercury toxicity characteristic of 0.2 mg/L.

C. WASTEWATER TREATMENT UNIT EXEMPTION

According to records, historically B-N Plating discharged all rinse waters (cadmium and zinc rinses and counterflow rinse) to the City of Dayton sanitary sewer. Under this operating procedure, B-N Plating at times was not meeting their discharge standards. In order to meet discharge standards, B-N Plating installed an evaporator and began sending all its cadmium and zinc rinse waters to this unit while the rinse water from the counterflow tank (final rinse) continued to be discharged into the municipal sanitary sewer.

Current practice is to send rinse water from both the cadmium and zinc plating lines to a catch basin, a holding tank, and then to an evaporator. Sending hazardous waste to the evaporator is considered generator treatment requiring that you comply with generator treatment requirements and tank requirements as found in OAC Rule 3745-52-34 and OAC Rule 3745-66-91 through 66-100, respectively. However, Ohio EPA has determined that this process of sending rinse water to an evaporator meets the definition of a WWTU. Under these circumstances, this system does qualify for the WWTU exemption found in OAC Rules 3745-54-01(G)(6) and 3745-65-01 (C)(10) and exclusion from hazardous waste permitting found in OAC Rule 3745-50-45 (C)(5). The WWTU exemption allows the owner or operator of a WWTU to treat or store hazardous wastewater and sludge in a tank or tank system that is part of a WWTU without a hazardous waste permit and without complying with the hazardous waste management standards, specifically the hazardous waste tank standards.

Keep in mind, the exemption is only for the WWTU and not the hazardous waste that is treated or managed within the unit or removed from the unit. Under Ohio EPA's regulations, all wastes generated from a business must be evaluated to determine if they are hazardous as soon as they become a waste. If any waste is determined to be hazardous then any hazardous waste releases or treatment residuals generated from

the WWTU process must be managed in compliance with the hazardous waste management regulations when it leaves the exempted unit.

B-N Plating is required to ensure that the hazardous waste from the evaporator is disposed of properly and that it is being shipped to a permitted hazardous waste facility. B-N Plating must maintain records to show that all hazardous waste was shipped to a permitted facility, such as a manifest, a bill of lading or invoice.

Although B-N Plating qualifies for the WWTU exemption under Ohio hazardous waste rules as noted above, a determination must be made as to whether a permit to install (PTI) is required for the WWTU. You are still required to meet the requirements of OAC Chapter 3745-42 under the surface water regulations. Please contact Matt Walbridge of our Division of Surface Water at (937) 285-6095 for assistance in determining if a PTI is applicable.

D. GENERAL COMMENTS

1. Conditionally Exempt Small Quantity Generator Requirements

It is important that B-N Plating take steps of managing all wastes properly to ensure the safety of its employees, the public and the environment. Taking the time to manage your wastes properly will save your business expensive and costly long-term liability at some point in the future. Most likely B-N Plating does not generate a significant amount of hazardous waste. However, all wastes must be managed properly.

The level of regulatory requirements you need to comply with depends of the amount of hazardous waste generated in a calendar month. Most likely B-N Plating is a conditionally exempt small quantity generator (CESQG). If you generate no more than 100 kilograms (about 220 pounds) of hazardous waste, and no more than one kilogram (about 2.2 pounds) of acutely hazardous waste in any calendar month and never accumulate more than 1,000 kilograms (2,200 pounds) of hazardous waste or more than one kilogram of acute hazardous waste on your property, you are a CESQG. A CESQG, at a minimum; must:

- Evaluate all wastes to determine whether or not they are hazardous;
- Determine amount of hazardous waste generated each calendar month;
- Ensure the hazardous waste is disposed of properly and that it is being shipped to a permitted hazardous waste facility; and

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- Maintain records to show that all hazardous waste was shipped to a permitted facility, such as an invoice or bill of lading.

Be aware that if you generate more than allowed for a CESQG in any one calendar month, more requirements will apply.

a. Waste Characterization Ohio Administrative Code (OAC) Rule 3745-52-11

Under Ohio EPA's regulations, all wastes generated from a business must be evaluated to determine if they are hazardous as soon as they become a waste. This is one of the most important aspects of managing wastes properly. A hazardous waste can be a liquid chemical, or a solid, or a contained gas. The enclosed guidance, "Identifying Your Hazardous Waste," April 2010, will help you characterize, manage, and dispose of your hazardous waste properly. A hazardous waste disposal company can help you to characterize and give advice on how to manage the wastes. You must maintain records to show that you have reviewed each waste to determine whether or not it is hazardous. A list of disposal companies is enclosed.

b. Generator Requirements OAC Rule 3745-52

Many hazardous waste generator requirements can be found in the guidance documents with this letter. This letter will not list all requirements. Further rules can be found on our website at: <http://www.epa.state.oh.us/dhwm>. Some requirements include; ensuring that the containers of hazardous waste remain closed except when adding waste (this includes keeping a bung on a 55 gallon drum); you must clearly label all containers that contain hazardous waste with the words "Hazardous Waste", and you must ensure that the containers are stored safely to protect persons and the environment.

2. Drum Recycling

During the June 8, 2010 investigation, a total of 129 empty containers were identified in the storage/waste handling area of the facility. I would like to take this opportunity to share with you the following information regarding recycling of steel and plastic containers.

Ohio EPA recommends that you recycle your steel, plastic drums and other containers in lieu of placing them into a dumpster. Empty or near empty containers that held either non-hazardous or hazardous waste must be managed properly. Please be cognizant of the following practices when managing containers:

Mr. Daniel R. Nock, Owner
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- Wastes and spills cannot be dumped onto the ground or allowed to leak out of the building onto the ground;
- Rinsing of containers into the environment is not allowable; and
- Containers cannot be left outside to fill with rain and cause overflowing or rusting.

I would suggest you contact your solid waste refuse company to determine what can and cannot be thrown into the regular trash. Ohio EPA has a list of drum reconditioners and recyclers that may be able to help you. A list of these businesses can be found here:

<http://epawebapps.epa.state.oh.us/Recyclers/jsp/results.jsp?category=9>.

A copy of this list was also provided to you during the June 8, 2010 site visit.

Please Note: Materials that are left in containers may be a hazardous waste unless the containers are considered "RCRA empty." According to OAC Rule 3745-51-07, a container is considered RCRA (Resource Conservation and Recovery Act) empty if all the material has been removed using practices (e.g., pouring or pumping) commonly employed to remove the material from that type of container; and

- No more than one inch of residue remains on the bottom, OR
- No more than three percent by weight of the total capacity of the container remains in the container if the container is less than or equal to 110 gallons, OR
- No more than 0.3 percent by weight of the total capacity of the container remains in the container if the container is greater than 110 gallons.

Metal containers that are RCRA empty can usually be recycled as scrap metal or disposed of in the dumpster (as solid waste). You should note, though, that landfills will not accept any waste liquids so you must ensure that the containers have no free liquids. If a container is not RCRA empty and you want to dispose of it, you'll have to evaluate the contents of the container and, if hazardous, properly dispose of this waste. Contact your disposal company to ensure that empty and nearly empty containers are managed safely and properly. Again, I would also suggest you contact your solid waste refuse company to determine what can and cannot be thrown into the regular trash. To find out more about emptying containers, please refer to the attached guidance document titled, "Container Washing Operations," January 2003.

3. Universal Waste

Although no waste lamps and/or batteries were identified during the investigations, all waste, including waste lamps and batteries, must be managed properly. Universal Wastes, such as fluorescent lamps, batteries, mercury-containing thermostats and pesticides, are specific hazardous waste streams that a generator can choose to manage in an alternative manner in place of more complex hazardous waste requirements. Universal Wastes are generated by numerous businesses, typically in small quantities. The Universal Waste Rules are intended to promote recycling as well as proper disposal by easing certain regulatory requirements. See the enclosed Ohio EPA Guidance documents regarding Universal Waste:

- "Universal Waste," December 2004.
- "Universal Waste Rules for Handlers of Lamps," June 2005.
- "Fluorescent Lamps: What Should You Know," January 2007.

4. Pollution Prevention

During our August 10, 2010 site visit we talked briefly about reducing the amount of waste produced by the electroplating process. One of the areas we discussed was reducing the amount of rinse waters generated from both the cadmium and zinc plating lines. Rinse operations significantly impact product finish and plating operations by removing concentrated process solutions from part surfaces and minimizing drag in to subsequent operations. At most metal finishing facilities, water continuously flows through rinse tanks to provide proper rinsing. However, many facilities use more rinse water than necessary, which results in high water bills and wastewater treatment costs. Here are some advantages of reducing rinse water use:

- Decreased water use.
- Decreased wastewater generation.
- Decreased wastewater treatment chemical use.
- Decreased sludge generation.

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During the August 10, 2010 site visit you indicated that you could reduce the amount of rinse water generated by 50%. In addition to reducing the volume of rinse waters, Ohio EPA strongly encourages B-N Plating to explore other ways to reduce waste (i.e. reducing drag out, modifying tank layouts to improve process efficiency, reuse recovered chemicals from evaporator).

Also, the Ohio EPA Office of Compliance Assistance & Pollution Prevention (OCAPP) offers free pollution prevention assessments for Ohio businesses. If you would like a free, non-regulatory on-site pollution prevention assessment or if you would like more information about pollution prevention, please contact OCAPP at (614) 644-3469. Ohio EPA has helpful information about this at the following web address:

<http://www.epa.state.oh.us/ocapp/p2/p2assmnt.aspx>.

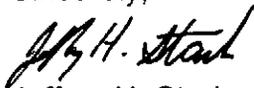
5. Cessation of Regulated Operations

B-N Plating may be subject to the Cessation of Regulated Operations (CRO) Rule. Your facility contains a substantial amount of chemicals such as zinc and sodium cyanide, muriatic, fluoboric and nitric acids, caustic soda, and other chemicals associated with the plating process. When the time comes to close B-N Plating, Ohio EPA wants to make you aware of Ohio's CRO laws under OAC Chapter 3745-52. Under Ohio's CRO laws, companies that are required to submit annual hazardous chemical reports to the State Emergency Response Commission are also required when regulated operations cease, to secure the facility until all regulated substances are properly removed. Please refer to the attached Ohio EPA guidance document, "Cessation of Regulated Operations (CRO) Program," September 2004. A complete explanation of the CRO laws and additional CRO information can be found on Ohio EPA's web page at:

http://www.epa.state.oh.us/dhwm/cessation_operations.aspx.

Should you have any questions, please feel free to call me at (937) 285-6456. You can find a copy of the rules and other information such as management of hazardous waste on Ohio EPA's DHWM web page at: <http://www.epa.state.oh.us/dhwm>.

Sincerely,



Jeffery H. Stark
District Representative
Division of Hazardous Waste Management

JHS/mab

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August 16, 2010
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Enclosures: "Container Washing Operations," January 2003
"Cessation of Regulated Operations (CRO) Program, September 2004
"Universal Waste," December 2004
"Universal Waste Rules for Handlers of Lamps," June 2005
"Fluorescent Lamps: What Should You Know," January 2007
"Identifying Your Hazardous Waste," April 2010
List of Ohio Commercial Facilities Accepting Hazardous Waste
List of Drum Reconditioners and Recyclers

cc: William Eskew, RDA Recycling Service
PMB 306, 3195 Dayton-Xenia Road, Suite 900
Beavercreek, Ohio 45434-6390
DHWM Data Entry/Facility File

NOTICE:

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.