

Environmental  
Protection Agency

Commissioner  
Governor  
Lt. Governor  
Director

August 1, 2011

RE: ACCU-CHROME CORP.  
OHD 057 244 758  
NOTICE OF VIOLATION

**CERTIFIED MAIL AND 1<sup>ST</sup> CLASS MAIL**

Joe Dea  
EP Pro Corp.  
2330 Euclid Heights Blvd., Unit 408  
Cleveland, OH 44106

Don Paukert  
Molectrics  
4008 E. 89<sup>th</sup>  
Cleveland, OH 44105

Dear Mr. Dea and Mr. Paukert:

On July 20, 2011, I arrived at 275 North Forge St. in Akron, Ohio, to determine Accu-Chrome Corporation's compliance with Ohio's hazardous waste, and used oil laws and rules as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). I met with Peggy Russell, a representative of the building owner, who told me that Accu-Chrome ceased operations here over a year ago. Currently there is waste on the floor, in at least two tanks, and in multiple containers. Sixteen photographs were taken inside the building where Accu-Chrome operated.

I understand you, along with Jeff Neckar, are the owners of Accu-Chrome. Please send me contact information for Mr. Neckar.

This letter will document violations and concerns found and outline what you need to do to correct them. A written response to these issues is required within 30 days of the date of this letter.

The following violations were found:

1. **OAC Rule 3745-52-11 – Hazardous waste determination**

This rule requires that any person who generates a waste must determine if that waste is a hazardous waste.

Accu-Chrome violated this rule by having waste on the floor, in at least two tanks, and in multiple containers without determining whether it is a hazardous waste. You must now determine whether this waste is a hazardous waste through the use of generator knowledge and/or sampling. For any waste that is hazardous waste you must have it properly disposed. Please call me or send me a description of how you plan to accomplish this.

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The Cessation of Regulated Operations (CRO) program requires specific actions when certain businesses shut down. More information regarding this can be found at: <http://www.epa.ohio.gov/Default.aspx?tabid=3919>. The following manual is enclosed:

Cessation of Regulated Operations (CRO) Manual, 2007  
[http://epa.ohio.gov/portals/32/pdf/CRO\\_Manual.pdf](http://epa.ohio.gov/portals/32/pdf/CRO_Manual.pdf)

The CRO rules are in OAC Chapter 3745-352 and a copy is enclosed. They can also be found at [http://www.epa.ohio.gov/dhwm/laws\\_regs.aspx](http://www.epa.ohio.gov/dhwm/laws_regs.aspx).

Accu-Chrome violated most, if not all, of these rules. The first thing you need to do to start to correct these violations is to fill out and submit the form titled Permanent/Temporary CRO and Contact Person Form (30/45 Day Form) which is in the enclosed manual. A checklist covering the rules cited below is enclosed.

2. **OAC Rule 3745-352-20(A)(1)(a) – CRO 30-day requirements**

This rule requires the owner or operator that has permanently ceased all regulated operations to submit a notice using EPA form 0327 within 30 days of cessation of regulated operations. This notice must go to the Director of Ohio EPA, the Local Emergency Planning Committee, and the local Fire Department.

Accu-Chrome violated this rule by not submitting the required notice. You must now submit this notice.

3. **OAC Rule 3745-352-20(A)(1)(c) – CRO contact person**

This rule requires the owner or operator to designate a contact person within 30 days of cessation of regulated operations.

Accu-Chrome violated this rule by not submitting the required information. You must now submit this information.

4. **OAC Rule 3745-352-20(A)(2)(g) – Certification to the director**

This rule requires the owner or operator to certify to the director that they have complied with paragraphs (A)(2)(d) to (A)(2)(f) within 90 days of cessation of regulated operations. This is to be done using EPA form 0329.

Accu-Chrome has not complied with paragraphs (A)(2)(d) to (A)(2)(f). You must complete these actions and then submit the certification required by the above rule.

5. **OAC Rule 3745-352-20(A)(2)(a) – Chemical inventory report**

This rule requires the owner or operator (within 90 days of cessation of regulated operations) to submit to the director a copy of the most recent chemical inventory report that was submitted to the State Emergency Response Commission (SERC). With the report, you must include a statement indicating whether any asbestos-containing materials are present at the facility.

Accu-Chrome violated this rule by not submitting the required information. You must now submit this information.

6. **OAC Rule 3745-352-20(A)(2)(b) – current hazardous chemicals list**

This rule requires the owner or operator (within 90 days of cessation of regulated operations) to submit to the director a copy of the current hazardous chemical list or each material safety data sheet that the owner/operator is required to have on file with the SERC.

Accu-Chrome violated this rule by not submitting the required information. You must now submit this information.

7. **OAC Rule 3745-352-20(A)(2)(c) – List of items to be left**

This rule states that if you will be leaving any stationary tank, vat, electrical transformer, or vessel of any type that contains or is contaminated with regulated substances, you must submit a precise description of where each is located, and a description of what regulated substance each contains or is contaminated with.

Accu-Chrome violated this rule by not submitting the required information. You must now submit this information.

8. **OAC Rule 3745-352-20(A)(2)(d) – Removal of regulated substances and debris**

This rule requires the owner or operator (within 90 days of cessation of regulated operations) to drain or remove all regulated substances from each stationary vat, tank, electrical transformer, and vessel, and from all piping, that is to remain at the facility. It also requires the removal of all regulated substances and all debris, non-stationary equipment and furnishings, non-stationary containers, and motor vehicles and rolling stock that contain or are contaminated with regulated substances.

Accu-Chrome has violated this rule by leaving regulated substances and debris on the floor, in at least two tanks, and in multiple containers. You must now remove this material following the requirements of this rule and submit documentation of that to me. Please notify me before work is done at this location.

9. **OAC Rule 3745-352-30(B) – Warning signs**

This rule requires the posting of warning signs in publically visible locations about each building or structure and each outdoor location of operation. Further requirements of these signs can be found in the attached checklist and/or rules.

Accu-Chrome violated this rule by not posting the required signs. You must now post the required signs and send me documentation of that.

10. **OAC Rule 3745-66-11 – Closure of facility**

This rule requires that the owner /operator close his facility in a manner that minimizes the need for further maintenance and controls, minimizes, or eliminates post-closure escape

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of hazardous waste, hazardous constituents, leachate contaminated run-off, or hazardous waste decomposition products to the groundwater, or surface waters, or to the atmosphere.

Accu-Chrome violated this rule by not closing its facility in the required manner. You must now close the facility in this manner and submit documentation of that to me. Please notify me before work is done at this location.

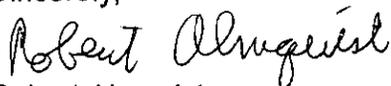
**11. OAC Rule 3745-52-41 – Annual report**

This rule requires a large quantity generator who ships hazardous waste off site to submit an Annual Hazardous Waste Report by March first of each year.

Accu-Chrome violated this rule for the 2009 reporting year as listed in the enclosed October 18, 2010 letter to Donald Paukert. Please submit this report as required and also comply with 2010 reporting requirements, if applicable.

If you have any questions, please contact me at (330) 963-1217, or [robert.almquist@epa.state.oh.us](mailto:robert.almquist@epa.state.oh.us). I look forward to your prompt response addressing the violations.

Sincerely,



Robert Almquist  
Division of Materials and Waste Management

RA:cl  
Enclosures

ec: Frank Popotnik, DMWM, NEDO  
Natalie Oryshkewych, DMWM, NEDO  
Jeff Mayhugh, DMWM, CO  
Peggy Russell, Russell Products Company  
Don Paukert, Molectrics

cc: Marlene Kinney, DMWM, NEDO

**Notice:**

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from its obligation to comply with all applicable regulations.

**PERMANENT CESSATION OF REGULATED OPERATIONS CHECKLIST**

**INSPECTION INFORMATION**

NAME		AFFILIATION	PHONE NUMBER
Inspectors:	Robert Almquist	Ohio EPA - DMWM	330-963-1217
Inspection Dates:	7-20-11	Time(s):	
Inspection Announced?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	If so, how much advance notice given?	
Facility: Rep(s)	Peggy Russell (building owner)		

**30-DAY REQUIREMENTS**

1.	Did the owner/operator of the reporting facility submit a notice of the cessation of all regulated operations (CRO) on a form prescribed by the Director to the following within 30 days of CRO: [ORC 3752.04 and OAC rule 3745-352-20(A)(1)(a) ]	
a.	Director of Ohio EPA?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
b.	Local Emergency Planning Committee?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
c.	Local Fire Department?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
2.	Did the owner/operator designate a contact person? [ORC §3752.05 and OAC rule 3745-352-20(A)(1)(c) ]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
3.	Did the owner/operator include the following information about the contact person: [ORC §3752.05(B) and OAC rule 3745-352-35(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Address of principal office of the owner/operator?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Business or residence address?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Telephone number of contact person?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
4.	Has the contact person changed? [ORC §3752.05(C) and OAC rule 3745-352-35(D)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
5.	If the contact person changed his/her address or telephone numbers, did the owner/operator or contact person provide the Director with the new address or telephone number? [ORC §3752.05(D) and OAC rule 3745-352-35(D)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

*NOTE: The owner/operator is also required to secure the facility and post warning signs within 30 days of CRO.*

**90-DAY REQUIREMENTS [ORC §3752.06]**

6.	Did the owner/operator make a written certification to Ohio EPA's Director concerning the completion of the removal action within 90 days after CRO? [ORC §3752.06(A)(6) and OAC rule 3745-352-20(A)(2)(g)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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*NOTE: The owner/operator may receive approval from the Director to extend the 90-day period. [ORC §3752.06(B) and OAC rule 3745-352-20(A)(3)].*

7.	Does the owner/operator hold a <b>valid</b> hazardous waste facility installation and operation permit or renewal permit or has obtained a generator identification number issued under the state's hazardous waste program? [ORC §3752.06(C) and OAC rule 3745-352-20(A)(2)(h)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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8.	Did the owner/operator submit to the Director a copy of the most recent emergency and hazardous chemical inventory form that was submitted to the State Emergency Response Commission (SERC), including a statement indicating whether any asbestos-containing materials are present at the facility? [ORC §3752.06(A)(1) and OAC rule 3745-352-20(A)(2)(a)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
9.	Did the owner/operator submit to the Director a copy of the current hazardous chemical list or each material safety data sheet that the owner/operator is required to have on file with the SERC? [ORC §3752.06(A)(2) and OAC rule 3745-352-20(A)(2)(b)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
10.	Did the owner/operator submit a list of every stationary tank, vat, electrical transformer, and vessel of any type that contains or is contaminated with regulated substances and that is to remain at the facility? [ORC §3752.06(A)(3) and OAC rule 3745-352-20(A)(2)(c)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
11.	Did the owner/operator drain or remove all regulated substances from each stationary tank, vat, electrical transformer, and vessel and from all piping, which is to remain at the facility? [ORC §3752.06(A)(4) and OAC rule 3745-352-20(A)(2)(d)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
12.	Did the owner/operator do the following:	
	a. Transfer the regulated substances to another facility owned or operated by the owner/operator? [ORC §3752.06(A)(4)(a) and OAC rule 3745-352-20(A)(2)(d)(i)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
<b>OR</b>		
	b. Transfer ownership of the regulated substances to another person through sale or otherwise? [ORC §3752.06(A)(4)(b) and OAC rule 3745-352-20(A)(2)(d)(ii)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
<b>OR</b>		
	c. Transfer the regulated substances off-site in compliance with applicable waste management laws? [ORC §3752.06(A)(4)(c) and OAC rule 3745-352-20(A)(2)(d)(iii)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
13.	Did the owner/operator remove from the facility all debris, non-stationary equipment and furnishings, non-stationary containers, and motor vehicles and rolling stock that contain or are contaminated with a regulated substance? [ORC §3752.06(A)(5) and OAC rule 3745-352-20(A)(2)(d)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
14.	Did the owner/operator do the following:	
	a. Transfer the debris, equipment, furnishings, containers, and motor vehicles and rolling stock to another facility owned and operated by the owner/operator? [ORC §3752.06(A)(5)(a) and OAC rule 3745-352-20(A)(2)(d)(i)].	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
<b>OR</b>		
	b. Transfer ownership of the debris, equipment, furnishings, containers, and motor vehicles, and rolling stock to another person through sale or otherwise? [ORC §3752.06(A)(5)(b) and OAC rule 3745-352-20(A)(2)(d)(ii)].	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
<b>OR</b>		

	c.	Cause the debris, equipment, furnishings, and containers to be transported off-site in compliance with applicable waste management laws and regulations? [ORC §3752.06(A)(5)(c) and OAC rule 3745-352-20(A)(2)(d)(iii)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
15.		Did the owner/operator record in a log the standard industrial method used to remove the regulated substance from each item? [OAC rule 3745-352-20(A)(2)(e)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
<b>SECURITY &amp; WARNING SIGNS REQUIREMENTS OF OWNER/OPERATOR [ORC §3752.07 AND OAC RULE 3745-352-30]</b>			
16.		Did the owner/operator secure the facility against unauthorized entry using one or more of the following as provided in OAC rule 3745-352-30(A)(1)-(5) within 30 days of CRO?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	a.	Boarded, locked or used other means to secure all windows, doors and other potential means of entry?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	b.	Fencing?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	c.	Lighting and a surveillance system?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	d.	Guard or security service?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	e.	Demonstrated to the satisfaction of the Director or his/her designee that the proposed security measures secure against unauthorized entry?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
17.		Did the owner/operator post the appropriate warning signs in the following fashion within 30 days of CRO? [ORC §3752.07(A) and OAC rule 3745-352-30(B)]:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	a.	Prohibit trespassing and state: "The building, structure, or outdoor location of operations contains or is contaminated with regulated substances that may endanger public health or safety if released into the environment." [OAC rule 3745-352-30(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	b.	Are warning signs posted on or reasonable proximate to, the building, structure or outdoor location in sufficient number to alert people? [OAC rule 3745-352-30(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	c.	Posted on or reasonably proximate to, locations that contains ignitable regulated substances and includes the language, "No Smoking?" [OAC rule 3745-352-30(B)(2)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	d.	Legible from a distance of at least 25 feet? [OAC rule 3745-352-30(B)(3)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	e.	Constructed to withstand weather and affixed to secure against removal? [OAC rule 3745-352-30(B)(4)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
18.		Are entry barrier and warning signs maintained to secure against unauthorized entry by the following measures listed below: [OAC rule 3745-352-30(C)]	
	a.	Inspected weekly or as agreed by the Director or his/her designee, county sheriff's department or local police department? [OAC rule 3745-352-30(C)(1)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

	b.	The condition is recorded in an inspection log? [OAC rule 3745-352-30(C)(2)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	c.	Prompt repair or replacement after discovery of damage, lost or removed? [OAC rule 3745-352-30(C)(3)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

**ADDITIONAL MULTI-MEDIA QUESTIONS**

If the owner/operator holds a valid hazardous waste installation and operation permit or renewal permit or has obtained a generator identification number issued under the state's hazardous waste program, the following four questions may apply.

19.		If the facility has an U.S. EPA I.D. number, has the owner/operator submitted a deactivation request letter?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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*NOTE: The inspector should submit a copy of the final CRO letter to Central Office's Regulatory and Information Services Section for I.D. deactivation. If the facility continues to need its I.D. number, the inspector should instruct the owner/operator to submit a deactivation request letter once the I.D. is no longer needed.*

20.		Were there any <90 day accumulation units for hazardous waste?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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**List Where Unit(s) Were/Are:**

21.		Did the owner/operator close his facility in a manner that: [OAC 3745-66-11]	
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	a.	Minimizes the need for further maintenance?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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	b.	Controls, minimizes, or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of hazardous waste, hazardous constituents, leachate contaminated run-off, or hazardous waste decomposition products to the groundwater, or surface waters, or to the atmosphere?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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	c.	Complies with the closure requirements of OAC rules 3745-66-10 to 3745-66-20, 3745-66-97, 3745-67-28, 3745-67-58, 3745-67-80, 3745-68-10, 3745-68-51, 3745-68-81 and 3745-69-04?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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22.		During the partial and final closure periods, were all contaminated equipment, structures, and soil properly disposed or decontaminated unless otherwise specified in OAC rules 3745-66-97, 3745-67-28, 3745-67-58, 3745-67-80 or 3745-68-10?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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*NOTE: If necessary, the inspector should supply the owner/operator with the requirements for generator closure and inform them they must close all unit(s) and have documentation that closure was completed (LQGs only) A thorough hazardous waste inspection should be conducted for a subject TSD facility with more stringent requirements. <http://www.epa.state.oh.us/dhwm/guidancedocs.html#closure>*

	a.	Were generated hazardous wastes handled in accordance with all applicable requirements of Chapter 3745-52 of the Administrative Code?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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23.		Will there be building demolition or renovation? If yes:	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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		Has a <i>Notification of Demolition and Renovation Form</i> been submitted?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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*NOTE: Facility demolition work (even partial demolition) requires notification to Ohio EPA or local air agency regardless of whether asbestos is involved as required by the National Emission Standard for Hazardous Air Pollutants (NESHAPS) Standard for Asbestos. Notification requirements are found in OAC 3745-20-03 and 40 CFR*

§61.145(b). The notification form is available from Ohio EPA's web page at <http://www.epa.state.oh.us/dapc/atu/asbestos/asbestos.html>

The inspector should check with DAPC or local air authority to determine if a notification form has been submitted. If notification was not submitted, the inspector should provide the form to the facility.

24.	Are there any wells on the property?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
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	If yes, where are the wells?			
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	What are the wells used for?			
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NOTE: If a well is used for drinking water, the inspector should inform DDAGW.

25.	Is there open dumping of solid waste on the property?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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NOTE: The inspector should inform DSIWM about open dumping of solid waste.