



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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www.epa.state.oh.us

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

January 28, 2008

**RE: CBM SUPPLY COMPANY
OHD 004154944**

Henry Billingsley
Tucker Ellis & West LLP
1150 Huntington Bldg.
925 Euclid Avenue
Cleveland, OH 44115-1475

Dear Mr. Billingsley:

This letter will update the status of the violations and concerns found during the March 9, 2007 inspection of CBM Supply Company (CBM) located at 2950 E. 55th Street in Cleveland. My most recent letter regarding this was dated September 5, 2007. My most recent inspections of CBM Supply were September 24, 2007 and January 16, 2008.

I have received documentation showing the September 12, 2007 shipment of the plating chemicals to Quality Metal Finishing in Byron, Illinois.

CBM Supply has previously documented the correction of the following violations:

1. OAC rule 3745-52-11 – Hazardous waste determination.
3. OAC rule 3745-52-34(C)(1)(a) – Satellite accumulation area.
4. OAC rule 3745-273-13 (D) - Universal waste lamp containers.
5. OAC rule 3745-273-14 (E) - Universal waste lamp labeling.

CBM Supply has documented the correction of the following violations:

2. OAC rule 3745-65-31 – Maintenance and operation of facility.
This violation dealt with green contamination seen on the paving bricks and pavement of the area just off of Bragg Street. A cleanup of this area was conducted as described to me by Karl Guenther and documented in the report given to me on January 16, 2008. I also saw this area on January 16, 2008. This documents the correction of this violation.
6. OAC rule 3745-279-22(C) - Used oil labels.
This used oil was shipped to Chemtron Corporation in Avon, Ohio on November 12, 2007. This documents the correction of this violation.

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7. OAC rule 3745-52-11 – Hazardous waste determination.
CBM Supply determined that many, if not all, of these materials were hazardous wastes and has provided analytical results of samples of the wastes. These wastes were shipped to Chemtron Corporation in Avon, Ohio on October 1, 2007, and November 12, 2007. This documents the correction of this violation.

Two areas were seen on January 16, 2008 that require further cleanup. These were below the plating line and in a room next to the plating line. Photographs of these areas are attached to this letter. As required by OAC 3745-52-11, CBM Supply must determine whether the waste on the floor in these areas is a hazardous waste. This determination and the required cleanup if the waste is hazardous waste must be done in the room next to the plating line as soon as possible. CBM Supply may wish to wait until after the February 7, 2008 auction to do the cleanup below the plating line. This is because if the tanks and lines will be removed, then the cleanup can be done after they are removed. **Please respond with your plans for these cleanups and let me know before the cleanups are done.**

CBM Supply is also subject to the Cessation of Regulated Operations (CRO) requirements. I received the 30-day and the 90-day CRO forms for this facility. The date of cessation of regulated operations listed on the form is May 31, 2007. The actual date of the cessation may have been sometime in the fall of 2007 when the wastewater treatment system stopped being used, or at the latest, on November 12, 2007 when waste was last shipped from the wastewater treatment unit. A manual of the CRO regulations can be found at: http://www.epa.state.oh.us/dhwm/cro/CRO_Manual.pdf.

A copy of the CRO rules which include definitions of “regulated substances” and “contaminated with” are enclosed with this letter.

CBM Supply has CRO obligations it must complete as outlined below:

1. OAC 3745-352-20(A)(2)(a) – CRO responsibilities of an owner or operator.
This rule requires that not later than 90 days after cessation of regulated operations, you must submit a copy of the most recent chemical inventory report required by section 3750.08 of the Revised Code. With the report, you must include a statement indicating whether any asbestos-containing materials are present at the facility.

CBM Supply has not yet submitted this report and statement.

Also within 90 days, CBM Supply must either remove all regulated substances or submit a list of those to be left. A log of the method used to remove regulated substances from things that will remain must also be written. The three rules that require this are outlined below. Some of the items that may need to be included in this removal, list, or log are the following:

1. Waste on the floor below the plating line.
2. Waste on the floor in the room next to the plating line.
3. Containers of InstaPak 2 part isocyanate located in the building at 2955 and 2957 East 55th Street.
4. Five gallon bucket of degreaser located on the first floor.
5. Two 1-gallon cans of paint and six 1-gallon cans of thinner stored in a cabinet at the wastewater treatment system.
6. Vacuum pump oil.
7. Five drums of buffing compound.
8. Two drums of buffing waste stored under a platform at the outside area that was recently cleaned.
9. Materials in containers and on the floor near the furnaces and pouring deck.

Outline of CRO rules mentioned above:

1. OAC 3745-352-20(A)(2)(c) – CRO responsibilities of an owner or operator.
This rule requires that no later than 90 days after the cessation of regulated operations, you must remove from the facility all regulated substances and all debris, nonstationary equipment and furnishings, nonstationary containers, and motor vehicles and rolling stock that contain or are contaminated with regulated substances.
2. OAC 3745-352-20(A)(2)(d) - CRO responsibilities of an owner or operator.
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.
3. OAC 3745-352-20(A)(2)(e) - CRO responsibilities of an owner or operator.
This rule states that if you will be claiming that any stationary tank, vat, electrical transformer, vessel of any type, piping, nonstationary equipment and furnishing, nonstationary container, motor vehicle, rolling stock or debris is not contaminated with a regulated substance, you must record in a log the standard industrial method used to remove the regulated substance from each of these items.

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A written response to this letter is requested within 30 days.

You can find copies of the regulations and other information on the Division of Hazardous Waste Management web page at <http://www.epa.state.oh.us/dhwm/>.

If you have any questions, please contact me at (330) 963-1217, or robert.almquist@epa.state.oh.us.

Sincerely,



Robert Almquist
Division of Hazardous Waste Management

RA:cl
Enclosures

cc: Natalie Oryshkewych, DHWM, NEDO
Ralph McGinnis, DHWM, CO
Richard Chandler, CBM Supply Company

ec: Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO
Karl Guenther, Chemtron Corporation
Cleveland Fire Department

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.

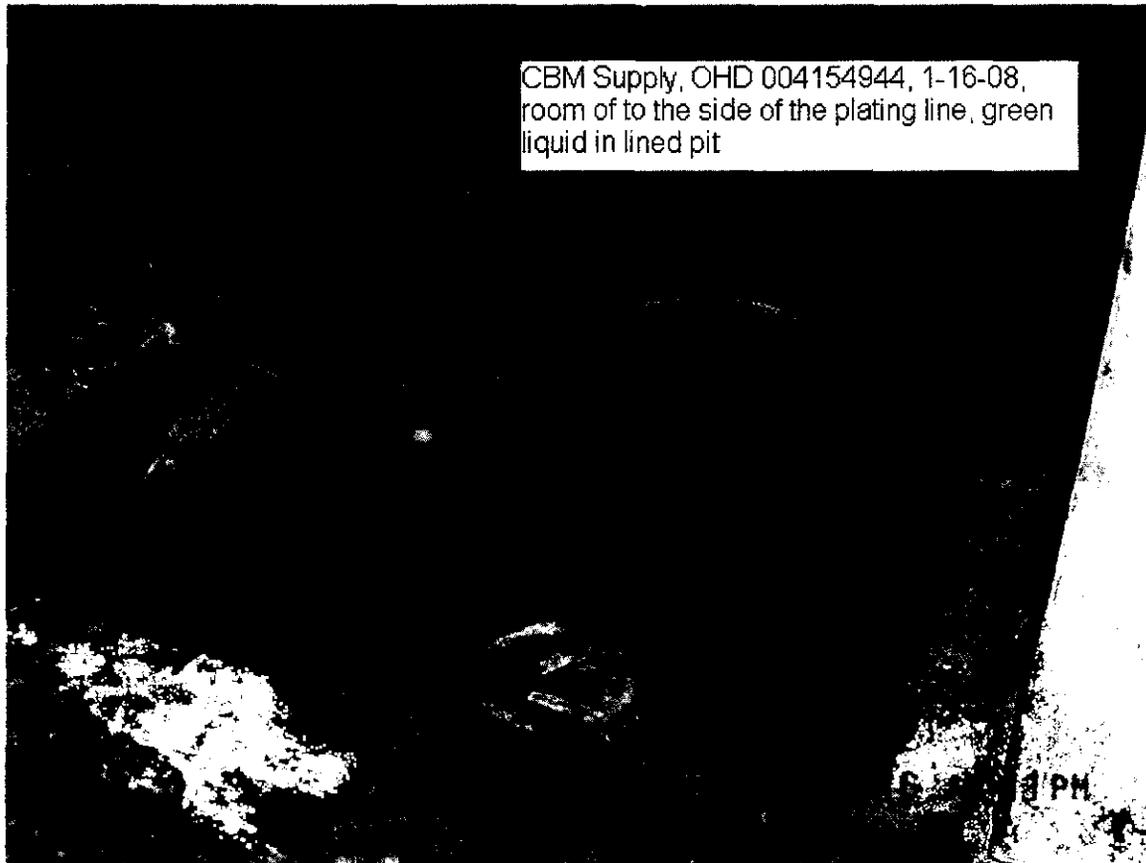
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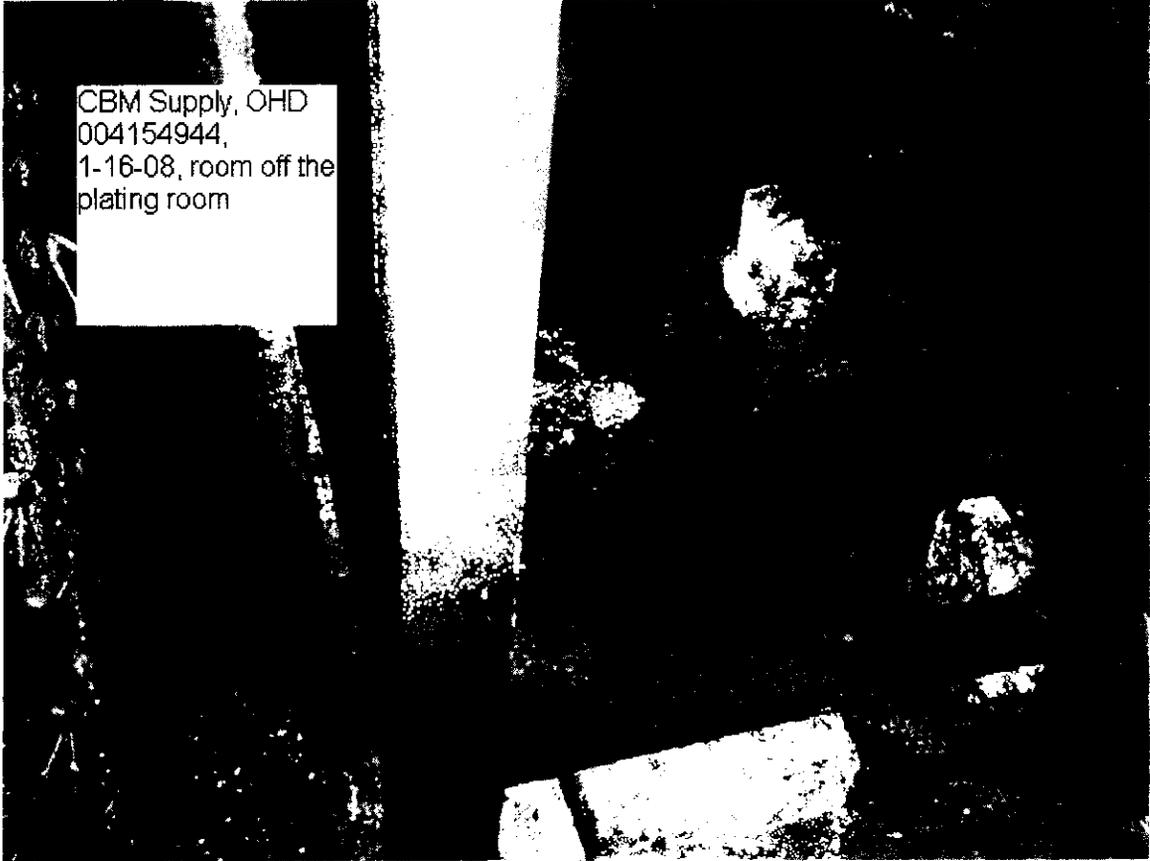
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CBM Supply, OHD
004154944,
1-16-08, room off the
plating room