



State of Ohio Environmental Protection Agency

Northeast District Office

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

June 2, 2010

Christopher Minnick
General Manager
Duffin Manufacturing Company
316 Warden Ave.
P.O. Box 4036
Elyria, OH 44036

RE: DUFFIN MFG CO., OHD004196630, LORAIN COUNTY, SQG, NOV/PRTC

Dear Mr. Minnick:

On January 22, January 28 and February 11, 2010, Ohio EPA's Division of Hazardous Waste Management (DHWM), conducted a hazardous waste compliance evaluation inspection (CEI) at Duffin Manufacturing Company (Duffin) located at 316 Warden Avenue in Elyria, Ohio. The findings of the inspection were provided to Duffin in Ohio EPA's Notice of Violation/Partial Return to Compliance (NOV/PRTC) letter dated March 23, 2010. On May 20, May 21, May 25 and June 1, 2010, I received Duffin's response to Ohio EPA's March 23, 2010 NOV/PRTC letter.

The following is the status of the previously cited violations:

1. OAC rule 3745-52-11, Waste Evaluation:
A.-E. These violations were previously abated.
F. Waste solids removed from the white, plastic holding tank. Subsequent testing revealed that the waste solids exceeded the hazardous waste regulatory level for lead. This violation has been adequately abated. No further response is necessary.
2. ORC §3734.02(F), Causing Hazardous Waste to be Transported to an Unpermitted Facility: Duffin's May 20, 2010 response indicated that the waste kerosene has been identified as a hazardous waste and will be shipped to a permitted facility. **No further response is necessary at this time.**
3. OAC rule 3745-52-34(C)(1)(b), Satellite Accumulation Requirements: Duffin's May 20, 2010 response included a photograph to demonstrate that the hazardous waste kerosene drum was labeled and closed in compliance with this rule. **This violation has been adequately abated. No further response is necessary.**



4. OAC rule 3745-52-34(D)(5)(b), Emergency Procedures for SQG: Duffin's May 20, 2010 response included a copy of the posted emergency information. **This violation has been adequately abated. No further response is necessary.**
5. OAC rule 3745-52-42(B), Exception Report: **This violation was previously abated.**
6. OAC rule 3745-65-31, Maintenance and Operation:
 - A. Duffin's May 20, 2010 response indicated that the waste on the floor near the evaporator unit was cleaned up. **This violation has been adequately abated. No further response is necessary.**
 - B. Ohio EPA observed that Duffin had accumulated hazardous waste sludge from the Cell Six tumbling process in the truck bay. Duffin indicated that it has ceased using the truck bay for the accumulation of hazardous waste. As required by OAC rules 3745-66-11 and 3745-66-14, Duffin must conduct closure (decontamination) activities for this area. For additional information concerning decontamination efforts, please refer to Section 3.10 of Ohio EPA's Closure Plan Review Guidance for RCRA Facilities which is available at <http://www.epa.ohio.gov/portals/32/pdf/2008CPRG.pdf>. **Please submit a decontamination plan for this area.**
7. OAC rule 3745-65-33, Testing & Maintenance of Emergency Equipment: Duffin's May 20, 2010 response included a copy of the completed inspection form for emergency equipment. **This violation has been adequately abated. No further response is necessary.**
8. OAC rule 3745-270-07(A)(1)(2), LDR Requirements: Duffin's May 20, 2010 response indicated that a revised LDR notification form for the evaporator waste will be provided in June 2010. Please ensure that all applicable hazardous waste numbers (i.e., D006 and D008) and underlying hazardous constituents (i.e., chromium) are identified on the LDR notification form. **This violation will remain unabated until Duffin submits the revised LDR notification form.**
9. OAC rule 3745-273-13(D)(1), Universal Waste Management Standards for Small Quantity Handlers: **This violation was previously abated.**
10. OAC rule 3745-273-14(E); Labeling/marketing Standards for Small Quantity Handlers of Universal Waste: **This violation was previously abated.**
11. OAC Rule 3745-273-15(C), Accumulation Time Limits - Standards For Small Quantity Handlers of Universal Waste: Duffin's May 20, 2010 response indicated that the accumulation time will be tracked through identifying the date of when the universal waste was first placed into the container. **This violation has been adequately abated. No further response is necessary.**

12. OAC rule 3745-279-22(C)(1), Used Oil Storage Requirements for Generators:

A.-E. **These violations were previously abated.**

F.-J. Duffin's May 20, May 21 and May 25, 2010 responses included documentation to demonstrate that the tanks were labeled with the words "used oil." **These violations were adequately abated. No further response is necessary.**

Based on the March 2010 and April 2010 monthly inventory reports for hazardous waste generation amounts, Duffin appears to be operating as a small quantity generator (SQG). As such, Duffin failed to comply with the following hazardous waste tank regulations:

13. OAC rule 3745-52-34(A)(3), Labeling of Hazardous Waste Tanks: While being accumulated and/or treated on-site, each tank must be labeled or marked with the words "Hazardous Waste."

Duffin failed to label the following tanks with the words "Hazardous Waste:" A). Holding Tank (white, plastic), B). Evaporator Unit, C). Evaporator Unit Holding Tank and D). Cell Six Tank (steel stationary tote). Duffin's May 21 and June 1, 2010 responses included photographs to demonstrate that the aforementioned tanks were labeled as "Hazardous Waste." **This violation has been adequately abated. No further response is necessary.**

14. OAC rule 3745-66-101(C)(1)(2)(3)(4)(5), Tank System Requirements: SQGs must inspect, where present: (1) Discharge control equipment (e.g., waste-feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order; (2) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day to ensure that the tank is being operated according to its design; (3) The level of waste in the tank at least once each operating day to ensure compliance with paragraph (B)(3) of this rule; (4) The construction materials of the tank at least weekly to detect corrosion or leaking of fixtures or seams; and (5) The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage.

Duffin failed to comply with the inspection requirements identified in OAC 3745-66-101(C)(1)-(C)(5). **To abate this violation, submit copies of 14 consecutive days of completed inspection forms that document all hazardous waste tanks are being inspected in accordance with this rule.**

The above violations must be immediately addressed and all of the above requested documentation must be submitted to my attention at the Ohio EPA within 30 days of receipt of this letter.

DUFFIN MFG CO.
JUNE 2, 2010
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Present or past instances of non-compliance may continue as subjects of pending or future enforcement actions. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve Duffin from having to comply with all applicable regulations.

Should you have any questions, please contact me at (330) 963-1108.

Sincerely,

A handwritten signature in black ink that reads "Frank A. Zingales". The signature is written in a cursive, flowing style.

Frank A. Zingales
Environmental Specialist
Division of Hazardous Waste Management

FAZ:ddw

ec: Harry Sarvis, DHWM, CO
Natalie Oryshkewych, DHWM, NEDO
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