

**Environmental
Protection Agency**

John Kasich, Governor
Paul Glendon, Lt. Governor
Stephanie Hill, Director

May 25, 2010

**RE: ERIEVIEW METAL TREATING
4465 JOHNSTON PARKWAY
OHD 981 195 233
CUYAHOGA COUNTY
RCRA/LQG/CEI
PARTIAL RETURN TO COMPLIANCE**

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Alex Kappos
President/Owner
Erievview Metal Treating
4465 Johnston Parkway
Cleveland, Ohio 44128

Dear Mr. Kappos,

Thank you for your responses to Ohio EPA's January 27, 2010 Notice of Violation (NOV) Letter. You submitted information and documentation including:

- By e-mail dated December 16, 2009;
 - In house tote inventory.
- By e-mail dated December 18, 2009;
 - COC's and documentation regarding sampled totes of waste.
- By e-mail dated December 14, 2009;
 - Spreadsheet of wastes processed through on-site WWTU.
- By letter dated March 4, 2010;
 - Photographs of hazardous waste accumulation area demonstrating that containers have been labeled and dated.
 - Photograph demonstrating used oil containers have been labeled with the words "used oil".
 - Photographs demonstrating hazardous waste accumulation areas have been provided with proper emergency equipment.
 - A completed spreadsheet of all waste treated through the on-site WWTU.
 - Photographs to demonstrate aisle space has been provided between totes of waste.
 - Personnel training documentation and qualifications of the trainers.
 - Photographs of the F006 sludge hopper demonstrating that it has been labeled with the words "hazardous waste".
 - Copies of the inspection log sheets for the emergency equipment and hazardous waste accumulation areas, and a copy of the inspection protocols.

- Copy of hazardous waste manifest #000286980FLE and associated LDR, demonstrating spent corrosive (D002) oil has been shipped off site to a permitted facility.
- Documentation regarding future management of Universal Waste lamps.
- Updated pages to the facility contingency plan and documentation demonstrating copies have been sent to emergency authorities.
- A copy of the written protocol for future management of LDR's and waste analysis.

My review of this documentation demonstrates that Erievview has adequately abated the following hazardous waste violations cited in Ohio EPA's January 27, 2010 NOV.

OAC Rule 3745-52-34(A)(3) Labeling

OAC Rule 3745-52-34(A)(2) Accumulation Date

OAC Rule 3745-65-35 Required aisle space

OAC Rule 3745-52-11 Hazardous waste determination

OAC Rule 3745-65-31 Maintenance and operation of facility

OAC Rule 3745-52-34(C)(1)(b) Satellite Accumulation

OAC Rule 3745-66-74 Inspections

OAC Rule 3745-65-33 Testing and Maintenance of Equipment

OAC Rule 3745-279-22(C)(1) Used oil storage requirements for generators

OAC Rule 3745-273-13(D)(1)(2) Universal Waste Lamp Management

OAC Rule 3745-273-14(E) Labeling/marketing of Universal Waste

OAC Rule 3745-273-15(C) Accumulation time limits for universal waste

OAC Rule 3745-65-54 Amendment of contingency plan

OAC Rule 3745-65-53(B) Copies of contingency plan

OAC Rule 3745-270-07(A)(2) & (8) Testing, Tracking, and Record keeping Requirements for Generators, Treaters, and Disposal Facilities

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OAC Rule 3745-52-40(A),(C) Recordkeeping

Erievview remains in violation of the following state hazardous waste statute:

1. **Ohio Revised Code (ORC) §3734.02(E) and (F) storage of hazardous waste without a facility installation and operation permit:**

Since Erievview violated ORC §3734.02(E) and (F), Erievview is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have Erievview begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

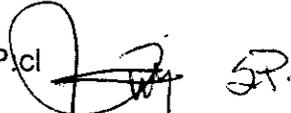
Should you have any questions, please feel free to call me at (330) 963-1181.

Sincerely,



Suzanne Prusnek
Environmental Specialist
Division of Hazardous Waste Management

SP:cl



ec: Natalie Oryshkewych, DHWM, NEDO, OEPA
Harry Sarvis, DHWM, CO, OEPA
Elissa Miller, Legal, CO, OEPA
Frank Popotnik, DHWM, NEDO, OEPA
Sherry Slone, DHWM, NEDO, OEPA

cc: Marlene Kinney, DHWM, NEDO, OEPA

Failure to list specific deficiencies in this communication does not relieve Erievview from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve Erievview from liability for any past or present violations of the state's hazardous waste laws.