



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769  
www.epa.state.oh.us

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

February 5, 2008

**RE: Metal Seal & Products, Inc.  
Conditionally Exempt Small Quantity  
Generator  
OHD 981 196 991  
Lake County  
Notice of Violation/Return to Compliance**

Mr. Dale C. Diemer  
Metal Seal & Products, Inc.  
4323 Hamann Parkway  
Willoughby, Ohio 44094

Dear Mr. Diemer:

On December 20, 2007, Sherry Slone and I inspected Metal Seal & Products, Inc.'s (Metal Seal) facility at 4323 and 4369 Hamann Parkway in Willoughby, Ohio, to determine Metal Seal's 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). Additional information was received from Metal Seal on January 3, 2008, January 7, 2008, January 14, 2008, and January 29, 2008.

This letter will explain the violations we found at the time of the inspection and what information Metal Seal provided to correct the violations.

We found the following violations of Ohio's hazardous waste laws:

1. ***Containers Labeled or Marked "Used Oil"***  
***(OAC 3745-279-22(C))***  
Metal Seal did not have their used oil containers labeled "used oil," however labels were added to the containers while we were performing the inspection. A photograph of the drums with the revised used oil label was submitted to Ohio EPA. This violation has been abated.
2. ***Universal Waste Labels***  
***(3745-273-14(A) and (E))***  
Metal Seal did not have the universal waste batteries or the universal waste lamps labeled. Metal Seal must label the batteries and lamps or their containers, with the words "Universal Waste - Batteries (Lamps)" or "Waste Batteries (Lamps)" or "Used Batteries (Lamps)." A photograph of the above mentioned universal waste labels was submitted to Ohio EPA. A copy of the universal waste label instructions and photographs of the instructions placed in the three designated accumulation areas was submitted to Ohio EPA. This violation has been abated.

3. ***Universal Waste Lamps Management  
(3745-273-13(D)(1))***

Metal Seal did not store lamps in containers or packages that are structurally sound, and adequate to prevent breakage. Metal Seal must store lamps in closed containers or packages that are structurally sound, and adequate to prevent breakage. A photograph of the closed and proper sized boxes along with a posted instruction sheet stating to close the boxes at all times was submitted to Ohio EPA. This violation has been abated.

4. ***Universal Waste Accumulation Time  
(3745-273-15(C))***

There was no mechanism in place to track the accumulation time of the universal waste lamps and batteries. The universal waste lamps must be immediately sent off-site to an appropriate facility. A copy of the label which includes a line for the accumulation start date was submitted to Ohio EPA. Ohio EPA also received a photograph of the accumulation date on the universal wastes. Metal Seal also provided documentation that Retrofit Companies, Inc. will be picking up the universal waste on a 10-month schedule. This violation has been abated.

Comments:

1. Please provide the methods (visual, generator knowledge, analytical) that were used to determine that the five thawed drums that were observed outside were approximately 100% water as Mr. Mike Hewitt wrote in the January 3, 2008 e-mail.
2. Please remove and appropriately dispose of or recycle the documented non-hazardous metal shaving waste that was observed on the ground near the dumpster in the parking lot.

As we discussed during the inspection, you may be able to reduce the waste your company generates. If you find ways to recycle, reduce or altogether eliminate the amount of waste that your company generates, you may be able to reduce treatment and disposal costs. And, you may possibly reduce your regulatory requirements.

If you would like to be considered for an in depth on-site pollution prevention assessment, or 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 Adrienne LaFavre at (330) 963-1250.

Ohio EPA has helpful information about this at the following web address:  
[www.epa.state.oh.us/ocapp/ocapp](http://www.epa.state.oh.us/ocapp/ocapp).

Mr. Dale C. Diemer  
Metal Seal & Products, Inc.  
February 5, 2008  
Page 3

The Division of Hazardous Waste Management has created an electronic news service to provide you with updates on events and news related to hazardous waste activities in Ohio. You can find more information at: [www.epa.state.oh.us/dhwm/listserv](http://www.epa.state.oh.us/dhwm/listserv).

Enclosed you will find a copy of the checklist that we completed during the inspection. You received a universal waste fact sheet and checklist during the inspection. I have also included generator closure guidance for the former outside hazardous waste roll-off storage area and the former inside hazardous waste container accumulation area.

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. Please be advised that present or past instances of non-compliance can continue as subjects of pending or future enforcement actions.

If you should have any questions, please do not hesitate to contact me at (330) 963-1214.

Sincerely,



Kim Gallagher  
District Representative  
Division of Hazardous Waste Management

KG:cl

Enclosures: CESQG  
Aerosol Can Guidance  
Generator Closure Guidance

cc: Natalie Oryshkewych, Environmental Manager, DHWM, NEDO

ec: Frank Popotnik, DHWM, NEDO  
Harry Sarvis, DHWM, CO  
Sherry Slone, DHWM, NEDO

2. Site EPA ID No. EPA ID Number: **OH 981 196 991**

3. Site Name Name: **METAL SEAL AND PRODUCTS, INC** Website (optional): **www.metalseal.com**

4. Site Location Information Street Address: **4369 HAMANN PARKWAY**  
 City, Town, or Village: **WILLOUGHBY** State: **OH**  
 County Name: **LAKE** Zip Code: **44094**

5. Site Land Type (check only one)

Private	County	District	Federal	Indian	Municipal	State	Other
<input checked="" type="checkbox"/>							

6. NAICS code(s) [www.census.gov/epcd/www/naics.html](http://www.census.gov/epcd/www/naics.html)

A.	B.
C.	D.

First Name: **DALE** MI: **C** Last Name: **DIEMER**  
 Phone Number: **440-946-8500** Phone Number Extension: **113**  
 E-Mail Address: **DDIEMER@METALSEAL.COM**  
 Fax Number: **440-953-4984** Fax Number Extension:  
 Street or P.O. Box: **4323 HAMANN PARKWAY**  
 City, Town or Village: **WILLOUGHBY**  
 State: **OHIO** Country: **LAKE** Zip Code: **44094**

8. Legal Owner and Operator of the Site List Additional Owners and/or Operators in the Comment Section or on another copy of this form page.

A. Name of Site's Legal Owner: **CO INC** Date Became Owner (mm/dd/yyyy): **12-31-1986**  
**DIEMER INVESTMENTS**

Owner Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other
	<input checked="" type="checkbox"/>							

Street or P.O. Box: **4323 HAMANN PW**  
 City, Town, or Village: **WILLOUGHBY** Owner Phone #:  
 State: **OHIO** Country: **LAKE** Zip Code: **44094**

B. Name of Site's Operator: Date Became Operator (mm/dd/yyyy):  

Operator Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other
	<input checked="" type="checkbox"/>							

 Street or P.O. Box:  
 City, Town, or Village: Operator Phone #:  
 State: Country: Zip Code:

9. Violations  Yes  No

10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)  
 Not Regulated

**RECEIVED**

JAN 07 2008

1. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)

**A. Hazardous Waste Activities**

(choose only one of the following categories)

- UNKNOWN: Cited for violation of 3745-52-11
- a. Large Quantity Generator (LQG):
  - 3. Treater, Storer or Disposer of Hazardous Waste
  - 4. Recycler of Hazardous Waste
  - 5. Exempt Boiler and/or Industrial Furnace
    - a. Small Quantity On-site Burner Exemption
    - b. Smelting, Melting, Refining Furnace Exemption
- c. Conditionally Exempt Small Quantity Generator
- d. United States Importer of Hazardous Waste
- e. Mixed Waste (hazardous and radioactive) Generator
- 6. Underground Injection Control Facility
- 7. Hazardous Waste Transporter

**B. Universal Waste Activities**

**C. Used Oil Activities**

- 1. Small Quantity Handler of Universal Waste  
(Indicate types of universal waste generated and/or accumulated (check all boxes that apply):
- 2. Large Quantity Handler of Universal Waste  
(accumulates 5,000 kg or more).
- 3. Destination Facility for Universal Waste  
(Check all boxes below that apply for each of the three types of facilities above.)
- 1. Used Oil Generator
- 2. Used Oil Transporter Indicate Type(s) of Activity(ies)
  - Transporter
  - Transfer Facility
- 3. Used Oil Processor and/or Re-refiner Indicate Type(s) of Activity(ies)
  - Processor
  - Re-refiner

Generated Accumulated

- A. Batteries
- B. Pesticides
- C. Thermostats
- D. Lamps

- 4. Off-Specification Used Oil Burner
- 5. Used Oil Fuel Marketer -  
Indicate Type(s) of Activity(ies)
  - a. Marketer Who Directs Shipment of Off-Specification Oil
  - b. Used Oil to Off-Specification Used Oil Burner

11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at your site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRA Info source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.

Y/N	Announced?	Additional Facility Representatives:
Y/N	Tanks?	Other comments: * THE ACTUAL INSPECTION DATE REF. SEC. 13 WAS THURSDAY, DECEMBER 20, 2007
Y/N	Containers?	

**KIM GALLAGHER**      **SHERRY SLONE**      \* 12-20-07

14. OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of owner, operator or an authorized representative	Name and Title (Print)	Date (mm-dd-yyyy)
<i>[Signature]</i>	DALE C. DIEMER G.M.	JAN 2, 2008

*Metal Seal and Products, Inc.* 12-20-07  
**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS**  
**COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤ 100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.  
 SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.  
 LQG: ≥ 1,000 Kg. (~300 gallons) of waste in a calendar month or ≥ 1 Kg. of acutely hazardous waste in a calendar month.  
 NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

**WASTE EVALUATION**

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes  No  N/A

**GENERATOR CLASSIFICATION**

2. Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")] Yes  No  N/A

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

**OFF-SITE SHIPMENT OF HAZARDOUS WASTE**

3. Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)] Yes  No  N/A

**TREATMENT OF HAZARDOUS WASTE**

4. Does the generator treat hazardous waste in a:
- a. Container that meets 3745-66-70 to 3745-66-77? Yes  No  N/A
  - b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)? Yes  No  N/A
  - c. Drip pads that meet 3745-69-40 to 3745-69-45? Yes  No  N/A
  - d. Containment building that meets 3745-256-100 to 3745-256-102? Yes  No  N/A

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

**REMARKS**