

**Environmental
Protection Agency**

Governor
Lt. Governor
Director

September 8, 2011

RE: PROCEX, LTD.
OHR000115352
PORTAGE COUNTY
LQG CEI NOV #3/ PRTC

Earl Hamlin, Owner
ProceX, Ltd.
880 Cherry St.
Kent, OH 44240

CERTIFIED MAIL

Dear Mr. Hamlin:

On September 6, 2011, we received a letter from you responding to my July 29, 2011 second notice of violations letter. With your letter you submitted some training outlines and documentation.

The following violations remain.

1. **Personnel Training Program - OAC 3745-65-16(D)(4)**

Your response included a training outline for the hazardous waste management training you and Sam Jeffries received on June 24, 2011 as well as training certificates from this event. You provided a list of all employees involved in hazardous waste management, with their date of hire, their job title, their job description, and a statement that once per month hazardous waste issues will be discussed with these employees and proper documentation kept. As previously requested, please submit records such as sign-in sheets that document each of these employees has completed training which teaches them hazardous waste management procedures including contingency plan implementation relevant to their jobs.

2. **Contingency Plan to Emergency Authorities - OAC 3745-65-53(A) & (B)**

We understand you have not yet submitted your updated contingency plan to the local police department, fire department and hospital. Please do so immediately and submit copies of cover letters or mail receipts that demonstrate this has been accomplished.

3. **Emergency Equipment Inspection Logs - OAC 3745-65-33**

We have still not received documentation that all of your emergency equipment is being inspected and the inspections recorded as required. Your updated contingency plan lists emergency exit lighting, protective equipment including sleeves, jacket, hard hat with full face shield, shovel and broom in addition to fire extinguishers and telephone as emergency equipment. The telephone and fire extinguishers are listed on the submitted inspection log however "emergency response equipment consistent with the contingency plan" is marked as "N/A". All of the other emergency equipment listed in your contingency plan should be added to the inspection log.

Also the second column of the log should specify the inspection frequency for each item being inspected. (Do they need to be inspected daily, weekly, monthly?) The information currently hand written in the second column could be added to the first column. Please add the other equipment to the first column of the log, revise the second column and submit a copy of a completed emergency equipment inspection log.

4. **Satellite Accumulation (>55 Gallons and Incorrect Date)** - OAC 3745-52-34(C)(1)&(2)

No more than 55 gallons of hazardous waste can be accumulated at or near the point of generation which is under the control of the operator of the process that is generating the waste, unless the full container is dated with the date the excess amount began accumulating and the provisions of OAC 3745-52-34(A)(1)-(4) are met within 3 days. Alternatively, the generation area could be managed as a second hazardous waste storage area similar to the one you have already established along the side wall. This would require that it be inspected weekly with the inspections logged and this area would need to be included in your contingency plan as well.

Your May 12th response states, "All hazardous waste will be kept on North wall and less than full containers will reside there also ...and moved to generation point completing full barrel. No ½ drums will be stored by generating point at all." Does that mean when you generate salt bath sludge you will retrieve an empty or partially full drum from the <90 day hazardous waste accumulation area along the north wall, place the salt bath sludge waste in it, and return this drum immediately to the accumulation area along the north wall? Please confirm my understanding is correct or explain further. How do you plan to label and date these containers? Your September 6th response did not address this violation. As previously requested, please further explain your management, labeling, and dating procedures for containers accumulating hazardous waste.

5. **Incomplete LDR Form** - OAC 3745-270-07(A)(2)

The land disposal restriction form for the salt bath sludge going to Chemtron appeared to be missing a second page that would show which underlying hazardous waste constituents would be present. Again no response to this violation was received. Please submit a copy of the second page and maintain the original in your file with page one.

6. **Waste Evaluation** – OAC 3745-52-11

Upon generation, all wastes need to be evaluated to determine if they are a hazardous waste. Your May 12th response indicated a sludge waste has been generated from the chemical removal of paint and you would have it analyzed. Your September 6th response indicates you have still not completed your waste evaluation. Again, please submit a copy of the analysis with your determination of whether this waste is hazardous.

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Please address each of the above violations immediately and submit the requested responses and documentation within 10 days of the date of this letter. Copies of the cited rules can be found at http://www.epa.ohio.gov/dhwm/laws_regs.aspx.

During our inspection your <90 day accumulation area was located midway along the north wall inside the building. Our file information from a prior inspection, refers to the location of the <90 day hazardous waste storage area as being by the back dock door. I had asked you to identify any previous locations for hazardous waste storage. In your September 6th response you state it will be stored by the back door and not along the north wall. You go on to say that if wastes build up you will take the overflow to the north wall. It sounds like you are using both areas, as needed, for <90 day hazardous waste storage. You should have an inspection form for each area appropriately titled and identifying which area is being inspected. Weekly inspections are required for each area when they are in use. If they aren't in use you should just mark on that week's inspection log that no containers are present. The facility layout map should be modified to include both areas.

Should you have any questions related to this letter, please feel free to call me at (330) 963-1226.

Sincerely,



Sheryl K. Slone, P.E.
District Engineer
Division of Materials and Waste Management, NEDO

ec: Natalie Oryshkewych, DMWM, NEDO
Nyall McKenna, DMWM, NEDO
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<p>The absence of a specific deficiency or violation in this letter does not relieve your facility from the obligation to comply with all applicable regulations.</p>
