



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Accubuilt, Inc.
Allen County
OH0 001 002 781
Partial Return to Compliance

July 27, 2009

Mr. Bill Jones, Director of Engineering
Accubuilt, Inc.
2550 Central Point Parkway
Lima, Ohio 45804

Dear Mr. Jones:

On June 30, 2009, you sent me an email summarizing all the items you have previously submitted via email to address the items cited in my June 2, 2009, NOV as a result of the May 18, 2009, compliance evaluation inspection. The status of each violation follows:

1. **Ohio Revised Code (ORC) Section 3734.02 (E) & (F) -- Unpermitted Hazardous Waste Treatment, Storage & Disposal**

Accubuilt has become an unpermitted hazardous waste storage facility by storing hazardous waste at the property for greater than 180 days. Accubuilt must immediately cease unpermitted storage of its hazardous waste.

Accubuilt must do the following:

- Accubuilt must immediately begin properly shipping hazardous waste off site within 180 days of the accumulation start date.
 - **On June 22, 2009, you submitted copies of two manifests (# 005268545 and #005268551) indicating the disposal of hazardous waste including the containers previously identified exceeding the 180-day storage requirement. The pickup was dated 6/15/2009.**
- Accubuilt must provide to me in a the letter of response a statement regarding how it plans to manage the disposal of its hazardous waste to prevent becoming an unpermitted storage and disposal facility.
 - On June 30, 2009, you included an explanation of steps taken through training to reduce the likelihood that the 180-day storage requirements will be exceeded in the future.

Since Accubuilt has violated ORC Section 3734.02(E) & (F) by becoming an unpermitted treatment, storage, and disposal facility (TSDF), it is subject to OAC Rules 3745-55-10 through 3745-55-48 and 3745-55-97.

Therefore, Accubuilt may be required to submit a closure plan. A closure plan describes the steps necessary to investigate the extent of contamination and to clean up all contamination found.

Accubuilt is also subject to all applicable general facility standards, found in OAC Chapters 3745-54 and 55, until such time as Accubuilt has demonstrated that it has ceased operations as a TSD. Additionally, at any time, Ohio EPA may assert its right to have Accubuilt begin facility-wide cleanup, pursuant to the Corrective Action process under Ohio law.

2. OAC Rule 3745-52-11: Waste Evaluation

Any person who generates a waste in the state of Ohio must determine if that waste is a hazardous waste in accordance with the criteria for hazardous waste as set forth in Chapter 3745-51 of the Ohio Administrative Code.

Accubuilt failed to adequately evaluate the following waste stream:

- Paint booth filters
 - On **June 10, 2009**, you emailed me copies of the paint filters and wipe down rags analytical results which indicated that these were both non-hazardous. **This violation has been abated.**

3. OAC Rule 3745-52-34(D)(5)(b): Preparedness and Prevention – Emergency Contact Information Display

A generator of hazardous waste must post the following information by the telephone:

- a. The name and telephone number of emergency coordinator.
- b. Location of fire extinguisher and spill control equipment, and fire alarm if present.
- c. The fire department telephone number.

Accubuilt failed to display the required emergency contact information as described above by the facility telephones.

On the email you sent me on **June 30, 2009**, you stated that Accubuilt has chosen to include its emergency contact information in the contingency plan. Accubuilt stated that employees will be trained on the contingency plan during its weekly meetings.

In addition, on July 23, 2009, during a phone conversation you stated that that Accubuilt had also posted the emergency response information by the telephone near the hazardous waste storage accumulation area. **This violation has been abated.**

7. OAC Rule 3745-66-74: Use and management of Containers: Inspections.

The owner or operator shall inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. Inspections shall be recorded in a log or summary. Ohio EPA interprets weekly to mean once within the seven-day period following the previous inspection.

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At the time of the inspection, Accubuilt was not conducting and recording the weekly inspections in a log book.

On **July 15, 2009**, you sent me an email that included a copy of container storage inspection logs. **This violation has been abated.**

General Comments:

1) Hazardous Waste Storage Area – House keeping

During the inspection, I observed that Accubuilt 180-day storage building lacks adequate housekeeping. Good housekeeping is a way to eliminate many of the many hazards often cited as violations of the General Duty Clause (blocked entrances and exits; sticking doors; slip, trip and fall hazards; lack of or improperly stocked first aid kit; cuts & lacerations from bent/protruding objects on walls/floors;). Good housekeeping reduces injuries and accidents, improves morale, reduces fire potential, and can even make operations more efficient. Ohio EPA recommends that Accubuilt improve its housekeeping practices by constant policing and maintenance especially of its areas of waste accumulation. Weekly inspection should check for housekeeping irregularities and take the necessary actions to correct any deficiencies immediately.

On July 15, 2009, you emailed me photographs of a cleaned and well organized hazardous waste storage area. This issue has been addressed.

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3015.

Sincerely,



Edgar V. Pulido
Division of Hazardous Waste Management

/l/r

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
(DHWM, NWDO File-Accubuilt, Inc.)

ec: Ed Merriman, DHWM, NWDO
Ed Pulido, DHWM, NWDO

NOTICE: 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.
