



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Nemcomed, Inc.
OHR000116343
Defiance County
Hazardous Waste
Return to Compliance

June 30, 2011

Mr. Rick Link, Vice President Mfg.
Nemcomed, Inc.
8727 Clinton Park Drive
Ft. Wayne, Indiana 46825

Dear Mr. Link:

On March 18, 2010, Ohio EPA conducted a compliance evaluation inspection of Nemcomed, Inc. (NI) located at 801 Industrial Drive in Hicksville, Ohio. I was accompanied by Colleen Weaver of Ohio EPA's Division of Hazardous Waste Management. We were accompanied by Adam Mosier, Marc Munson and Ben Shuman of Nemcomed, Inc.

NI appeared to be acting as a conditionally exempt small quantity generator. NI was generating the following wastes:

1. Used Oil: Spent machine coolant was generated at the Hicksville facility and was accumulated in two totes. The used oil was recycled by Safety-Kleen of Ft. Wayne, Indiana.
2. Spent Solvent from Parts Washers (F001): NI was using trichloroethylene in its small vapor degreaser. It was generating approximately 10-15 gallons of waste solvent every two months. The spent solvent was managed by Safety-Kleen.
3. Universal Waste Lamps: NI was handling its spent fluorescent and metal halide lamps as universal waste that was recycled by Safety-Kleen.

As a result of my March 18, 2010, inspection, I found violations of Ohio's hazardous waste laws which are cited below. You submitted a response to my April 20, 2010, Notice of Violation (NOV) letter, dated May 14, 2010, which I received on May 19, 2010. I sent a Partial Return to Compliance letter (PRTC) to you on June 7, 2010, and you responded in writing on July 1, 2010. I received your response on July 7, 2010. I have included the same violations below, with the same numbering. Included are Ohio EPA's comments. NI has abated all the violations cited in the April 20, 2010, NOV.

1. **Waste Evaluation**
OAC Rule 3745-52-11

A generator must determine whether its waste is hazardous by first determining if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35; by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24; or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used. In order to abate these violations, NI must do the following:

- A. Drummed Waste: We observed at least twenty 55-gallon drums of waste in the back of the facility. These drums were pointed out to the men who accompanied us. Some were steel drums and some were plastic. None of the drums were labeled and the men did not know what was inside them at the time of our inspection. At least one had the odor of trichloroethylene.

In your May 14, 2010, response you reported that Safety-Kleen was hired to test and dispose of twenty 55-gallon drums of what appeared to be oil and rain water. The waste in the twenty drums was consolidated into three 55-gallon drums. You reported that Safety-Kleen sampled and tested each of the three drums. You enclosed three Safety-Kleen Waste Profiles and one test report. The Safety-Kleen detection limits were quite high. You stated that all three drums were sampled and tested but there is only one analytical report. Please explain, in detail, how Safety-Kleen sampled and analyzed the drums (including analytical method and number of analyses). It is not clear where the used oil was shipped and when. Please clarify this and provide a copy of the shipping paper(s).

Attached to your July 7, 2010, response are copies of three waste profiles (#40412251, #40412246 and #40412249) and the corresponding three analytical reports for the oil and water waste. An email from Rick Haskins, dated June 21, 2010, lists the analytical methods used by the lab. A copy of a Safety-Kleen shipping paper, that appears to be dated April 23, 2010, indicates that 330 gallons of oily water was shipped off-site to Safety-Kleen's Ft. Wayne, Indiana, facility.

In your May 14, 2010, response you reported that four 55-gallon drums were identified as hazardous waste trichloroethylene (F001). You enclosed a copy of the LDR form and manifest #002480056.

Please submit a copy of this manifest, which is signed and dated by the designated facility.

Attached to your July 7, 2010, response is a copy of manifest #002480056, signed by a representative of Safety-Kleen Systems, Inc. of Dolton, Illinois on March 29, 2010. This manifest was used to ship the hazardous waste trichloroethylene.

Therefore, the violation cited in paragraph A has been abated on July 7, 2010.

- B. Waste in the Secondary Containment: We observed a red-colored waste filling the drum secondary containment in the back of the facility. This was pointed out to the men who accompanied us. The waste was not in a closed container and was not identified. The men did not know what the waste was at the time of our inspection.

In your May 14, 2010, response you reported that this unit was filled with tetrachloroethylene. During my inspection, I was told that NI used trichloroethylene in its vapor degreaser. Please explain why hazardous waste tetrachloroethylene (F001) was found in this unit and how it got there. Also describe the time period that the two solvents were used at the facility.

In your July 7, 2010, response letter you explain that NI does not know how tetrachloroethylene was at the facility and that trichloroethylene has been used for degreasing since January 13, 2003. Hazardous waste manifest #002480162SKS documents that 110 gallons of this hazardous waste was shipped off-site by Safety-Kleen on April 21, 2010. Therefore, the violation cited in paragraph B has been abated on July 7, 2010.

- C. Pails on Pallet: We observed at least six pails of waste on a pallet in the back of the facility. This was pointed out to the men who accompanied us. The waste was not identified. The men did not know what the waste was at the time of our inspection.

NI must clearly state what each container held and on what lines of the two hazardous waste manifests (002480056 and 002480077) each container is recorded on. NI must explain what is recorded on each line in section 9 of the two hazardous waste manifests and the Bill of Lading.

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NI must submit copies of all the waste evaluations (analytical results or generator knowledge, including MSDS) for the waste in these containers.

Your July 7, 2010, response letter and attachments describe the following containers:

Pail #1 contains Armorseal 33 Epoxy Primer/Sealer (Part A), Clear, is listed on line 3 of manifest #002480056SKS, is reviewed in Safety-Kleen Profile #40388531 were it is described as having a flash point greater than 200°F and is described in the MSDS that indicates its flash point is 200°F.

Pail #2 contains Armorseal 33 Epoxy Primer/Sealer (Part B), Hardener, is listed on line 4 of manifest #002480056SKS, is reviewed in Safety-Kleen Profile #40388539 were it is described as having a flash point greater than 200°F and is described in the MSDS that indicates its flash point is 200°F.

Pail #3 contains hazardous waste methyl ethyl ketone (U159), is listed on line 2 of manifest #002480056SKS, is reviewed in Safety-Kleen Profile #40388550 were it is described as having a flash point of 18°F and is described in the MSDS that indicates its flash point is 15.8°F. The Safety-Kleen profile describes the waste as an off-specification or out-of-date chemical U159.

Pail #4 contains Armorseal 650SL/RC Self Leveling Epoxy (Part A), Haze Gray, is listed on line a of Bill of Lading #12345, is reviewed in Safety-Kleen Profile #40388543 were it is described as having a flash point greater than 200°F and is described in the MSDS that indicates its flash point is greater than 200°F.

Pail #5 contains Armorseal 650SL/RC Self Leveling Epoxy (Part B), Hardener, is also listed on line a of Bill of Lading #12345, is reviewed in Safety-Kleen Profile #40388548 were it is described as having a flash point greater than 200°F and is described in the MSDS that indicates its flash point is greater than 200°F.

Pail #6 contains Flexco 76 Part A Epoxy Adhesive, is listed on line b of Bill of Lading #12345, is reviewed in Safety-Kleen Profile #40412727 were it is described as having a flash point greater than 200°F.

Therefore, the violation cited in paragraph C has been abated on July 7, 2010.

- D. Cans on a Pallet: We observed approximately twenty 1-gallon cans and two 5-gallon pails on a pallet inside the facility. The containers had been covered with two plastic sheets, but all of them were open and the contents were purposely being evaporated. This was pointed out to the men who accompanied us. The waste was not identified. The men did not know what the waste was at the time of our inspection. The containers were all closed before we left.

NI must explain how it determined the characteristics of the hazardous waste in these containers, which are listed on manifest 002480062. NI must explain what was in each container.

In your July 7, 2010, response letter you explain that each of the cans on the pallet contained paint that was used on the floor of the facility and one container was paint remover/thinner. After my inspection, NI poured the paint waste in the cans into two 55-gallon drums. Safety-Kleen was hired to dispose of the hazardous waste and "treated all the contents as waste paint related materials." Attached to your response letter is Safety-Kleen profile #12267. This profile indicates that the two drums of waste had a flash point of 73°F.

In addition to all the above, NI must clearly explain the source of the hazardous waste methyl ethyl ketone listed on manifest 002480056; waste corrosive liquid listed on manifest 002480077; and waste adhesive on bill of lading 63660.

In your July 7, 2010, response letter you report that the waste methyl ethyl ketone on manifest #002480056 (line 2) was pail number 3 in the group of 5-gallon pails on a pallet in the back of the facility.

In your July 7, 2010, response letter you report that the source of five gallons of waste corrosive liquid listed on manifest #002480077 is unknown. Line 2 of manifest #002480077 lists the hazardous waste as selenious acid, nitric acid with waste code D002 and D010.

In your July 7, 2010, response letter you explain that the waste adhesive on bill of lading 63660 was from painting operations.

Therefore, the violation cited in paragraph D has been abated on July 7, 2010.

2. **Used Oil Container Labeling**
OAC Rule 3745-279-22(C)(1)

Containers, aboveground tanks, and fill pipes for underground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." On March 18, 2010, we observed two 250-gallon totes inside the facility that were not labeled with the words "Used Oil".

In order to correct this violation, NI must describe the waste (including how it is generated) that is put into each of the containers represented in the photographs submitted to Ohio EPA. If the waste meets the definition of used oil then the containers should be labeled with the words "Used Oil". NI must immediately mark or label all used oil containers at the facility, with the words "Used Oil" and provide me with photographic documentation that this has been done.

Attached to your July 7, 2010, response letter is a photograph documenting that the used oil totes are labeled with the words "Used Oil". Therefore, this violation has been abated on July 7, 2010.

3. **Response to Releases of Used Oil**
OAC Rule 3745-279-22(D)

Upon detection of a release of used oil to the environment a generator shall perform the following cleanup steps: stop the release, contain the released used oil, clean up and manage properly the released used oil and other materials, and if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service. On March 18, 2010, we observed that used oil had been released to the floor where scrap metal accumulation bins are stored. The released used oil had not been cleaned up.

In your May 14, 2010, response you described your cleanup actions and submitted photographs of the cleaned area. In order to correct this violation, NI must submit copies of the shipping papers or manifests, demonstrating that you have sent the waste from the cleanup off-site for proper disposal.

Attached to your response letter dated July 7, 2010, is a copy of hazardous waste manifest #002480338SKS. Therefore, this violation has been abated on July 7, 2010.

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**4. Universal Waste Packaging - Lamps
OAC Rule 3745-273-13(D)(1)**

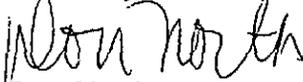
A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

NI did not contain its U-Tubes and metal halide lamps in a closed container. In order to correct this violation, NI must place all spent lamps into containers or packages that are structurally sound and adequate to prevent breakage of the spent lamps; close each container; and submit photographic documentation that this has been done.

The photograph that you submitted with your response letter documents that your spent lamps have been placed into closed containers. This violation was abated on May 19, 2010.

If you have any questions, please feel free to contact me at (419) 373-3074.

Sincerely,



Don North
District Representative
Division of Material and Waste Management

/llr

pc: Colleen Weaver, DMWM, NWDO
Cindy Lohrbach, DMWM, NWDO
~~DMWM-HW, NWDO, Defiance County, Nemcomed File~~
ec: Don North, DMWM, 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.