



State of Ohio Environmental Protection Agency

Northwest District Office

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

**RE: Brent Industries, Inc.
OHR 000 019 257
Lucas County
DHWM, NWDO
Partial Return to
Compliance/ Notice of
Violation**

April 15, 2009

Mr. Alan Shepard
Brent Industries, Inc.
2922 South Avenue
Toledo, OH 43609

Dear Mr. Shepard:

Thank you for sending the electronic mail in response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notice of Violation (NOV) dated September 4, 2008. The electronic mail was received by Ohio EPA on March 25, 2009. The documentation submitted includes a hazardous waste manifest and land disposal restriction forms from the disposal of the kettle cooker lint.

The following is a summary of the violations observed during the July 23, 2008, compliance evaluation inspection and the facility's compliance with respect to each violation and additional violations being cited from the tank certification review:

Violations:

- 1. Ohio Administrative Code (OAC) Rule 3745-52-11, Hazardous Waste Determination:** "Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste..."

One of the waste streams from the dry cleaning process generated at Brent Industries, Inc. (BII) is lint from the kettle cookers. Currently, BII disposes of this lint as a non hazardous waste in the landfill. However, BII failed to have waste evaluation documentation for this waste stream at the facility.

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On October 24, 2008, Ohio EPA received documentation that included the analytical results from the kettle cooker lint. The results showed that the kettle cooker lint is hazardous for lead (D008).

On March 25, 2009, Ohio EPA received documentation that included appropriate manifest documents and land disposal restriction (LDR) forms from the disposal of this waste stream. Ohio EPA would like to remind BII that all underlying hazardous constituents must be noted on the LDR form unless the waste will be treated and monitored for all constituents.

Therefore, this violation is considered abated on March 25, 2009.

2. **OAC Rule 3745-273-13(D)(1), Waste management-standards for small quantity handlers of universal waste:** "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."

BII failed to store the universal waste lamps in a closed container.

This violation was abated on July 31, 2008.

3. **OAC Rule 3745-273-14(E), Labeling/marketing-standards for small quantity handlers of universal waste:** "Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste-Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)."

BII failed to mark the container holding the spent lamps with the words "Universal Waste-Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)."

This violation was abated on July 31, 2008.

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4. **OAC Rule 3745-273-15(C), Accumulation time limits-standards for small quantity handlers of universal waste:** "A small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received."

BII failed to demonstrate the length of time the universal waste lamps have been accumulated.

This violation was abated on July 31, 2008.

On October 3, 2008, Ohio EPA received information pertaining to the tank certification at BII. This information was reviewed by Ohio EPA's Central Office engineering staff. Ohio EPA sent BII a letter on January 14, 2009, requesting additional information pertaining to the tank certification. During a phone conversation with BII on March 19, 2009, Ohio EPA was told that BII did not have any of the requested tank certification information prior to the January 14, 2009, letter. Since BII did not have the required tank certification information at the time of the July 23, 2009, compliance evaluation inspection, the following violations have been cited as listed below.

BII has two tanks at the facility that were built for hazardous waste storage. It is unclear if the information submitted to Ohio EPA was intended as a tank certification for both tanks or only the tank currently being used for hazardous waste storage. BII must submit a tank certification for both tanks.

Additional Violations:

5. **OAC Rule 3745-66-93 (E)(1), Containment and detection of releases:** "In addition to the requirements of paragraphs (B), (C), and (D) of this rule, secondary containment systems must satisfy the following requirements... (b) Designed or operated to prevent run-on or infiltration of precipitation... such additional capacity must be sufficient to contain precipitation from a twenty-five-year, twenty-four-hour rainfall event... (c) Free of cracks or gaps... (e) Constructed with chemical-resistant water stops..."

BII failed to provide the required information for the tank certifications of the hazardous waste tanks located behind the facility.

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In order to abate this violation, BII must submit the following information **within 30 days of receipt of this letter (requested information is numbered according to the January 14, 2009, letter to BII):**

- 1) As required by paragraph (E) (1) (b) of OAC Rule 3745-66-93, secondary containment must be designed or operated to prevent run-on or infiltration of precipitation. Otherwise, the secondary containment must be designed with sufficient excess capacity to contain run-on or infiltration from a twenty-five-year, twenty-four-hour rainfall event. The written assessment did not address this requirement. Calculations must be provided to insure adequate capacity is provided.
 - 2) The written assessment states that as of March 2001, there were several minor cracks on the floor of the secondary containment area. The assessment states that BII is in the process of repairing, but did not affirm the cracks had been adequately repaired. Pursuant to paragraph (E) (1) (c) of OAC Rule 3745-66-93 and the installation certification requirements of paragraph (B) of OAC Rule 3745-66-92, the written assessment must affirm the secondary containment is free of cracks or gaps.
 - 3) Paragraph (E) (1) (e) of OAC Rule 3745-66-93 requires the secondary containment area be "constructed with chemical-resistant water stops in place at all joints." The assessment states that BII is in the process of installing the water stops. An additional assessment must be included to verify that the installation of the chemically-resistant water stops has been completed at all joints.
6. **OAC Rule 3745-66-93 (C)(1), Containment and detection of releases:** "To meet the requirements of paragraphs (B) of this rule, secondary containment systems must be, at a minimum: (1) Constructed of or lined with materials that are compatible with the waste(s) to be placed in the tank system..."

BII failed to provide the required information for the tank certifications of the hazardous waste tanks located behind the facility.

In order to abate this violation, BII must submit the following information **within 30 days of receipt of this letter (requested information is numbered according to the January 14, 2009, letter to BII):**

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- 4) The written assessment states that the concrete containment area will be coated with 10 mils of epoxy phenolic sealant that is compatible with the waste solvent. Pursuant to paragraph (C) (1) of OAC Rule 3745-66-93, the secondary containment must be constructed of or lined with materials that are compatible with the waste to be placed in the tank system. The written assessment must address that the secondary containment area is compatible with the waste solvent.

7. **OAC Rule 3745-66-93 (F), Containment and detection of releases:**
"Ancillary equipment must be provided with full secondary containment..."

BII failed to provide the required information for the tank certifications of the hazardous waste tanks located behind the facility.

In order to abate this violation, BII must submit the following information **within 30 days of receipt of this letter (requested information is numbered according to the January 14, 2009, letter to BII):**

- 5) The written assessment states that all ancillary equipment is above ground piping. As required by paragraph (F) of OAC Rule 3745-66-93, the written assessment must provide secondary containment to all ancillary equipment flanges, joints, valves, and connections of aboveground piping, unless they are welded flanges, joints, or connections. The written assessment must address secondary containment for ancillary equipment.

8. **OAC Rule 3745-66-92(A), Design and installation of new tank systems or components:** "Owners or operators of new tank systems or components must ensure that the foundation, structural support, seams, connections...are adequately designed...The owner or operator must obtain a written assessment reviewed and certified by an independent, qualified, registered professional engineer..."

BII failed to provide the required information for the tank certifications of the hazardous waste tanks located behind the facility.

In order to abate this violation, BII must submit the following information **within 30 days of receipt of this letter (requested information is numbered according to the January 14, 2009, letter to BII):**

- 6) As required by paragraph (A) of OAC Rule 3745-66-92, the owner or operator must obtain a written assessment reviewed and certified by an independent, qualified, registered professional engineer in accordance with paragraph (D) of rule 3745-50-42. The certification must state "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." This written assessment was certified by a registered professional engineer but did not include certification statement.
 - 7) As required by paragraph (A) (1) of OAC Rule 3745-66-92, the written assessment must include "Design standard(s) according to which the tank(s) and ancillary equipment is or will be constructed." The written assessment does not list specific design standard(s) according to which the tank and ancillary equipment were constructed. These design standard(s) must be cited in this assessment or detailed calculations (i.e. thickness, loading pressures, corrosion, etc.) should be provided to demonstrate that the system is constructed in accordance with sound engineering principles and will safely contain the hazardous waste.
9. **OAC Rule 3745-66-92(A), Design and installation of new tank systems or components:** "The owner or operator must obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system..."

BII failed to provide the required information for the tank certifications of the hazardous waste tanks located behind the facility.

In order to abate this violation, BII must submit the following information **within 30 days of receipt of this letter (requested information is numbered according to the January 14, 2009, letter to BII):**

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- 8) Pursuant to paragraph (G) of OAC Rule 3745-66-92, the owner or operator of a new tank system must obtain and keep on file at the facility written statements by those persons required to supervise the installation of the tank system in accordance with the requirements of paragraphs (B) to (F) of this rule. These written statements must also include the certification statement as required in Paragraph (D) of rule 3745-50-42 of the Administrative Code. The written assessment does not contain the certification statement and must contain such a statement on file.

General Concerns:

- A. **Waste Evaluations:** During the inspection, Ohio EPA spoke with BII about periodically evaluating all waste streams.

This general concern serves as a reminder to BII and is considered addressed.

- B. **Contingency Plan:** During the inspection, BII explained to Ohio EPA that there are no designated spill kits at the plant. If a spill occurs, the closest pile of clean or dirty laundry will be used to absorb the spill. Then the contaminated pile of laundry will be sent through the dry cleaning system where the excess solvent will be recovered and the laundry will be cleaned for later use.

No further information needs to be submitted for this general concern. This general concern is considered addressed per the October 28, 2009, letter.

- C. **Tank Inspections:** BII utilizes an inspection form for the hazardous waste tank inspections which includes language at the top of the form indicating that if the form is signed and dated for a certain day, then no problems were found with the tanks and secondary containment.

No further information needs to be submitted for this general concern. This general concern is considered addressed per the October 28, 2009, letter.

- D. **Tank Certifications:** During the inspection, Ohio EPA requested to review the tank certifications. However, BII stated that this information was at the corporate office.

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Ohio EPA agreed that this information could be submitted at a later date in order for Ohio EPA's Central Office to assist in the review of the certification.

Additional violations have been cited as described above. No further information needs to be submitted to address this general concern. However, BII must work to abate the additional violations.

Should you have any questions, please feel free to call me at (419) 373-3065. Please send all correspondence **within 30 days of receipt of this letter** to Ohio EPA, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,

Kara Reynolds

Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/lb

cc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
~~DHWM, NWDO Lucas County File: Brent Industries 2004-~~

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.