



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**

October 28, 2008

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

Dear Mr. Shepard:

Thank you for sending the two electronic mails in response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notice of Violation (NOV) dated September 4, 2008. The electronic mails were received by Ohio EPA on October 3, 2008. The documentation submitted includes tank certification information, a revised hazardous waste storage tank inspection form, and a few pages from Brent Industries, Inc.'s (BII's) contingency plan.

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:

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 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.

Mr. Alan Shepard
October 28, 2008
Page 2

BII must immediately cease disposing of the lint as non-hazardous waste until a proper waste evaluation has been completed.

In order for BII to determine whether the lint exhibits any hazardous waste characteristics, BII must obtain a chemical analysis of a representative sample of the lint. BII will need to contract the services of an environmental laboratory to analyze this material. BII must at least determine the concentrations of the Resource Conservation and Recovery Act (RCRA) metals and volatile organic compounds (VOCs) in the waste. If the lint can be considered a liquid as defined in OAC Rule 3745-51-21, then the flashpoint of the material must also be evaluated.

Based on the results of the analytical tests, BII shall label the container(s) appropriately and dispose of the waste at a proper disposal facility.

BII shall submit the analytical results indicating the proper evaluation of the lint and appropriate manifest documents or shipping papers indicating proper disposal of the lint. The results must document if the waste is hazardous or not and, if hazardous, whether it is restricted from land disposal. If the waste is hazardous, BII must explain what treatment, storage, or disposal facility the waste will be sent to.

If the waste is hazardous, I will determine the status of your compliance with other hazardous waste laws and notify you of my findings in a separate letter.

Ohio EPA returned to BII on October 9, 2008, to observe sampling of the kettle cooker lint. The results from this sampling should be submitted to Ohio EPA within 30 days of receipt of this letter along with the appropriate manifest documents or shipping papers from the disposal of this waste stream.

- 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.

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.

General Concerns:

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

No further information needs to be submitted for this general concern. This general concern 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. However, Ohio EPA does not recall the contingency plan describing this procedure.

Ohio EPA received documentation on October 3, 2008, that included pages of the contingency plan that explain the process of using clean or dirty laundry nearby to absorb the spilled material and then sending the contaminated laundry through the dry cleaning system.

No further information needs to be submitted for this general concern. This general concern is considered addressed.

- 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.

The language included at the top of BII's inspection form does not speak to inspecting the overflow/spill control equipment or the monitoring and leak-detection equipment on a daily basis. Therefore, Ohio EPA cannot determine if these items are being inspected daily by reviewing this inspection log. However, from discussions with BII, Ohio EPA does believe these items are included in the daily inspections.

On October 3, 2008, Ohio EPA received documentation that included a revised hazardous waste storage tank inspection form. This new form includes specific language from OAC Rule 3745-66-95.

No further information needs to be submitted for this general concern. This general concern is considered addressed.

- 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. 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.

On October 3, 2008, Ohio EPA received information pertaining to the tank certifications at BII. This information is currently under review by Ohio EPA's Central Office engineering staff. Once Ohio EPA's review of this documentation is complete, a separate letter outlining BII's compliance will be issued. No further information needs to be submitted for this general concern at this time.

Mr. Alan Shepard
October 28, 2008
Page 5

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 42402.

Sincerely,

Kara Reynolds

Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

/csl

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.