



**Environmental
Protection Agency**

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

October 14, 2011

**GUERNSEY COUNTY
GENERAL FILE
(BI-CON SERVICES)
DMWM/SEDO
OHD987033347**

Mr. Brian Bookman
Bi-Con Services, Inc.
10901 Clay Pike Road
Derwent, Ohio 43733

Dear Mr. Bookman:

On October 12, 2011, I performed a follow-up compliance inspection of your facility to determine the validity of the complaint and to determine its compliance with Ohio's hazardous waste laws and regulations as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

Based on this inspection, Bi-Con Services is in violation of the following hazardous waste regulations. **Please provide the requested information within thirty days of the date of this letter:**

(1) Hazardous waste determination, OAC rule 3745-52-11:

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 using the following method: (A) He should first determine if the waste is excluded from regulation under rule 3745-51-04 of the Administrative Code. (B) He must then determine if the waste is listed as a hazardous waste in rules. (C) For purposes of compliance with Chapter 3745-270 of the Administrative Code, or if the waste is not listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code, the generator must then determine whether the waste is identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code by either: (1) Testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or according to an equivalent method approved by the Region V Administrator of U.S. EPA pursuant to 40 CFR 260.21; or (2) Applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

During the inspection, we observed that coating/paint waste was disposed into a storm drain in front of the media blasting building and on the ground beside and behind the painting/coating building. As we discussed, the waste coating and contaminated soil must be immediately excavated from these areas and placed into containers. Before disposing of this waste, a sample must be collected of the waste material and analyzed

using the Toxic Characteristic Leaching Procedure (TCLP) to determine if this material is characteristically hazardous. You must also determine whether this material is from cleaning the coating guns to determine whether these may be listed hazardous wastes. Based on this information, additional sampling may be required to confirm that any hazardous constituents that may be present in this waste have been removed to acceptable levels. To document compliance with this rule, provide photographs showing the sample collection and all documentation generated, including the analytical results and chain of custody forms for these samples. If you need additional information regarding sampling, you can contact me and/or an environmental services or testing company.

Additional compliance issues:

- As we discussed, you must demonstrate that you are properly managing all your coating wastes. Please provide this office a written description of the procedures your employees will use from now on to properly collect; store and dispose of all coating wastes (i.e., excess coating mixtures and equipment cleaning wastes). Also include photographs of the containers that are used to collect these wastes.

Additional information on the hazardous waste rules, pollution prevention assessments and other useful information are available on Ohio EPA's website at www.epa.ohio.gov. If you have any questions, please call me at (740) 380-5278.

Sincerely,



Richard Stewart
District Representative
Division of Materials and Waste Management

RS/mlm

cc: Michael Carper, DAPC-SEDO

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.