



State of Ohio Environmental Protection Agency

**Southeast District Office**

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Logan, Ohio 43138

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

June 17, 2008

**JACKSON COUNTY**  
**GENERAL FILE**  
**(BRAMHI, INC)**  
**DHWM/SEDO**  
**NON-NOTIFIER**

Mr. Lyne Johnson  
BRAMHI, Inc.  
10282 Bulaville Pike  
Bidwell, Ohio 45614

Dear Mr. Johnson:

On March 21, 2008 Ohio EPA was contacted by the Wellston Fire Department stating that they had responded to a fire at 8:59 AM that morning on your property located at 17987 State Route 124, Wellston. This fire was located at the north end of your property and consisted of nine, 55-gallon drums piled together in an open-burning area. Ohio EPA personnel arrived at your property at approximately 11:00 AM and collected samples in and near the open burn area and also samples were collected of nearby wastes located east of the open burn area.

Ohio EPA received analytical results from samples collected on March 21<sup>st</sup>. These results reveal that the waste in one 55-gallon drum (labeled #1 drum) in the open burn area was hazardous waste due to chromium toxicity. This letter will explain the hazardous waste violations we found and what you need to do to correct the violations and manage the waste present on your property.

Based on Ohio EPA's site visit and sample results, you are in violation of the following hazardous waste regulations:

- (1) **ORC 3734.02(E) & (F), Prohibitions:** This law states, in part, that no person shall store, treat or dispose of hazardous waste without a hazardous waste facility installation and operation permit. ORC 3734.02(F) states that no person shall treat, store or dispose of hazardous waste except at the types of facilities specified below, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following:

- (1) A hazardous waste facility operating under a permit issued in accordance with this chapter;

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended;

(3) A facility in another nation operating in accordance with the laws of that nation;

(4) A facility holding a permit issued pursuant to Title I of the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 Stat. 1052, 33 U.S.C.A. 1401, as amended;

(5) A hazardous waste facility as described in division (E)(3)(a) or (b) of this section.

Because hazardous waste was burned (treated) in the open burning area without a hazardous waste treatment permit and was disposed of on the ground, you are in violation of the above law. In order to demonstrate compliance with law, all open burning of wastes must cease. In order to abate this violation, you must properly manage this waste stream off-site to an approved hazardous waste management facility. Ohio EPA can provide contact information to you for approved hazardous waste management companies that can manage this waste off-site.

On May 7, 2008, Ohio EPA personnel placed the D007 hazardous waste into a 55-gallon drum and marked this drum with the words "D007 hazardous waste". Sample results from a sample collected in the location where the D007 hazardous waste was present on the soil indicated that this waste has been completely removed from the ground. BRAMHI, Inc. will be returned to compliance with this violation when this waste has been properly managed off-site by an approved hazardous waste transporter.

- (2) **OAC Rule 3745-52-11, Evaluation of Wastes:** Any person who generates a waste in the State of Ohio, as defined in rule 3745-51-02 of the Administrative Code, ...shall determine if that waste is a hazardous waste using the following method: (A) He shall first determine if the waste is excluded from regulation under rule 3745-51-04 of the Administrative Code; (B) He shall then determine if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code; and (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 shall 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 process used.

BRAMHI, Inc. did not evaluate wastes present on the property to determine if they are hazardous wastes in violation of this rule. Please note that all future wastes generated at your facility must be adequately characterized to determine if they are a hazardous waste. Using Ohio EPA sample results, BRAMHI, Inc. has returned to compliance for this violation.

The following violations will be abated when the D007 hazardous waste is managed off-site to an approved facility:

- (3) **OAC Rule 3745-270-07(A)(1), Testing, tracking, and record keeping requirements for generators, treators, and disposal facilities:** The generator must evaluate all wastes to determine if they are restricted from land disposal.

Bramhi, Inc. failed to determine if the wastes in the 55-gallon drums that were burned in Area #1 were restricted from land disposal in violation of this rule.

- (4) **OAC Rule 3745-270-07(A)(2), Testing, tracking, and record keeping requirements for generators, treators, and disposal facilities:** The generator must determine each EPA hazardous waste code applicable to the waste.

Bramhi, Inc. failed to determine each hazardous waste code applicable to the waste in the Area #1 burn pile, in violation of this rule.

- (5) **OAC Rule 3745-270-07(A)(1), Testing, tracking, and record keeping requirements for generators, treators, and disposal facilities:** Generators of hazardous waste must correctly determine if restricted wastes meet or do not meet treatment standards.

Bramhi, Inc. failed to determine if the restricted waste in the Area #1 burn pile met or did not meet treatment standards, in violation of this rule.

- (6) **OAC Rule 3745-270-07(A), (Table 1) Testing, tracking, and record keeping requirements for generators, treators, and disposal facilities:** Generators must determine the correct treatability group.

Bramhi, Inc. failed to determine the correct treatability group for the waste in the Area #1 burn pile, in violation of this rule.

- (7) **OAC Rule 3745-270-09(A), Specific rules regarding wastes that exhibit a characteristic:** The generator must identify all underlying hazardous constituents of the characteristic hazardous waste.

Bramhi, Inc. failed to identify underlying hazardous waste constituents for the waste in the Area #1 burn pile, in violation of this rule.

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BRAMHI, Inc.  
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- (8) **OAC Rule 3745-270-07(A)(2), Testing, Tracking, and Record Keeping requirements for generators, treators, and disposal facilities:** If a generator's waste does not meet the treatment standards, the generator must have the paperwork required in Column A of Table 1 of this rule.

Bramhi, Inc. failed to keep specific paperwork required by land disposal restriction regulations for the waste burned in the Area #1 burn pile, in violation of this rule.

#### **GENERAL COMMENT**

Bramhi, Inc. must also manage all solid wastes present on your property to an approved solid waste disposal facility. You will receive a letter from Ohio EPA's Division of Solid and Infectious Waste Management (DSIWM) detailing the necessary steps you must take to manage this waste off-site to an approved solid waste facility.

Please feel free to contact me at 740-380-5262 with any questions you may have.

Sincerely,



John Rochotte  
District Representative  
Division of Hazardous Waste Management

JR/mlm

#### **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.

Ohio Environmental Protection Agency  
**RCRA SUBTITLE C SITE  
IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to  
[tammy.mcconnell@epa.state.oh.us](mailto:tammy.mcconnell@epa.state.oh.us) or mail it to Tammy  
McCConnell, Central Office

Site EPA ID No.	EPA ID Number: Non-Notifier								
Site Name	Name: BRAMHI, Inc.					Website: (Optional)			
Site Location Information	Street Address: 17987 State Route 124								
	City, Town, or Village: Jackson					State: OH			
	County Name: JACKSON					Zip Code: 45640			
Site Land Type (check only one)	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
NAICS code(s) <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>	212111		423520						
Facility Representative  Additional names can be recorded in number 12  Only provide address information if it is different than the site address	First Name: Lyne			MI:	Last Name: Johnson				
	Phone Number: 740-384-6212				Phone Number Extension:				
	E-Mail Address:								
	Fax Number:				Fax Number Extension:				
	Street or P.O. Box: 10282 Bulaville Pike								
	City, Town or Village: Bidwell					State: OH			Country: USA
						Zip Code: 45614			
Legal Owner and Operator of the Site List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: Mr. Lyne Johnson				Date Became Owner (mm/dd/yyyy): ?				
	Owner Type:	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box: 10282 Bulaville Pike								
	City, Town or Village: Bidwell				Owner Phone #: 740-384-6212				
	State: OH				Country: USA		Zip Code: 45614		
	Name of Site's Operator: BRAMHI, Inc.				Date Became Operator (mm/dd/yyyy): ?				
	Owner Type:	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box: 10282 Bulaville Pike								
	City, Town or Village: Jackson				Operator Phone #: 740-288-4422				
	State: OH				Country: USA		Zip Code: 45640		
Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
Type of Generator									
<input type="checkbox"/> Not Regulated				<input checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator					
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11				<input type="checkbox"/> United States Importer of Hazardous Waste					
<input type="checkbox"/> Large Quantity Generator (LQG)				<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator					
<input type="checkbox"/> Small Quantity Generator (SQG)									
Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)									
<input type="checkbox"/> Recycler of Hazardous Waste				<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace					
<input type="checkbox"/> Underground Injection Control Facility				<input type="checkbox"/> Small Quantity On-Site Burner Exemption					
<input type="checkbox"/> Hazardous Waste Transporter				<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption					
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste									

Universal Waste Activities (Indicate types of universal waste generated and/or accumulated (check all boxes that apply))					
<input type="checkbox"/> Small Quantity Handler of Universal Waste			<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)		
<input type="checkbox"/> Destination Facility for Universal Waste					
(Check all boxes below that apply for each of the three types of facilities above)			Used Oil Activities (Indicate Type(s) of Activity(ies))		
	Generated	Accumulated	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner	
Batteries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil	
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner	
Thermostats	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor		
Lamps	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner		
Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at your site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.					
D007					
Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.					
Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:		
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments:		
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			
Name of Inspector(s)		Name of Inspector(s)		Date of Inspection/Time (mm/dd/yyyy) (hh:mm)	
John Rochotte		Scott Bergreen		3/21/2008 11:30 - 1:30 PM	
OPTIONAL CERTIFICATION. 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.					
Signature of Owner, Operator, or an Authorized Representative		Name and Title (Print)		Date (mm/dd/yyyy)	