



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

March 30, 2009

RE: **TOMLINSON INDUSTRIES**
OHD 004 166 120
PRTC

Christine Lucas
Tomlinson Industries
13700 Broadway Ave.
Cleveland, Ohio 44125-1992

Dear Ms. Lucas:

I have received your February 27, 2009 letter and information by email. This was in response to my February 6, 2009 letter regarding the January inspection of Tomlinson located at 13700 and 13900 Broadway Avenue in Cleveland, Ohio. Below I outlined the current status of each item listed in my February 6, 2009 letter.

Small Quantity Generator Requirements

1. OAC rule 3745-52-11 – Hazardous waste determination.
This rule requires that any person who generates a waste must determine if that waste is a hazardous waste.
 - a) Tomlinson violated this rule by having waste in the secondary containment system below the electroplating tanks and not determining whether or not that waste is a hazardous waste. You must now determine whether this waste is a hazardous waste and send the results of that determination to me. Any waste that is determined to be hazardous waste must be removed and properly disposed. It is suggested that this secondary containment system be cleaned out regardless of whether the waste is hazardous waste.

I have received the analytical results of a sample called Boiler water Ni – Dike liquid. This showed a result of a nonhazardous waste. The lead was, however, close to the hazardous waste level (3.99 compared to 5.0) I believe this sample was taken of the waste stored in the drums by the secondary containment dike. Your email also stated you will clean out as much of the dike as possible. **Please respond with the details of the cleanout once it has been accomplished. You can provide photos of the cleaned dike and/or I can come out to look at it again. Please also provide a description of how the removed waste was or will be disposed.**

- b) Tomlinson violated this rule by disposing of waste paint booth filters as solid waste without determining whether or not they are a hazardous waste. Specifically, whether or not they are a D007 (for chromium) and/or D008 (for lead) hazardous waste has not been determined. The reason for this is that you have used these two waste codes in disposing of your paint waste. This can be determined by reviewing the MSDS for the paints used and/or by testing the filters. Please submit the results of your determination to me.

Your February 27 letter said you are waiting on this determination and will forward it as soon possible. You may be able to find paints and inks that work well yet do not contain these metals. You may want to ask your supplier(s) about this.

- 2. Ohio Revised Code (ORC) 3734.02(E) and (F) – Accumulation beyond 180 days. ORC 3734.02 (E) and (F) state that no person shall establish or operate a hazardous waste facility without a permit and that no person shall store, treat, or dispose of hazardous waste except at a facility with a hazardous waste permit.
 - a) Tomlinson violated ORC 3734.02(E) and (F) by storing four drums of F006 hazardous waste pit sludge beyond 180 days. I have received a copy of manifest 005480461 JJK dated 3-16-09 which shows six drums of F006 being shipped to Envirite of Ohio. This shows that this waste is no longer being accumulated beyond its allowed time.
 - b) Tomlinson violated ORC 3734.02(E) and (F) by storing a drum of hazardous painting waste for greater than 180 days. I have received a copy of manifest 005480460 JJK dated 3-16-09 which shows this paint waste was shipped to Ross Incineration Services. This shows that this waste is no longer being accumulated beyond its allowed time.
- 3. OAC rule 3745-52-20(A) – Completion of manifests.
Previously corrected.
- 4. OAC rule 3745-52-34(D)(5)(c) – Employees familiar with waste handling and emergency procedures.
your February 27 letter and attachments document the correction of this violation.
- 5. OAC 3745-52-34(C)(1) – Satellite accumulation area.
Previously corrected.
- 6. OAC 3745-52-34(C)(1)(b) – Satellite accumulation area.

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This rule requires that containers in satellite accumulation areas be marked with the words "hazardous waste" or with other words identifying the contents.

Tomlinson violated this rule by not labeling its 55-gallon drum used to collect waste from the dust collection system used for the polishing operation. Please send me documentation showing that this container has been labeled.

Your February 27 letter did not address this violation. I have received the analytical results of a 1-30-09 sample called polishing and buffing dust. These results indicated a nonhazardous waste. I understand that there is more than one waste generated from the polishing and buffing operations. **Please explain what waste(s) were sampled and whether or not the waste collected from the dust collector in the drum mentioned above is a hazardous waste.**

7. OAC rule 3745-52-34(D)(4) – Hazardous waste labels. Previously corrected.
8. OAC rule 3745-52-34(D)(4) – Accumulation start dates.

This rule requires that each container of hazardous waste be labeled with the accumulation start date. If the container is a 55-gallon drum that qualifies as a satellite container, then this date is the date the drum is full.

Tomlinson violated this rule by having two drums of hazardous waste generated from the leak of a steam line into the secondary containment system under the electroplating tanks that did not have accumulation start dates labeled on them. Based on our discussions, this waste may be close to or over your 180 day accumulation time limit. This waste must be shipped to a hazardous waste treatment, storage, or disposal facility as soon as possible. Please send me a copy of the manifest showing this shipment. An alternative to this may be to treat this waste in your wastewater treatment system. Please contact me if you plan to use that alternative.

Your February 27 letter did not address this violation. **Please send a response to this violation as soon as possible.**

Generator LDR Checklist

9. OAC rule 3745-270-07(A)(8) - On-site copies of land disposal restriction documentation.

This rule requires that generators must retain on site a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to the land disposal restriction rules for at least three years.

Tomlinson violated this rule by not retaining on site a copy of its current Land Disposal Notification/Certification Form for each of its types of hazardous waste. On February 4, 2009, I received the notification form for the F006 filter press sludge (CS5316). Since you recently sampled the polishing dust (CS5317) and the paint rags (CS024561), send me the results of that sampling and a new land disposal restriction form for each based on those sampling results.

I have received the analytical results of a 1-30-09 sample called polishing and buffing dust. These results indicated a nonhazardous waste. Since land disposal restriction notification forms are not required for nonhazardous wastes, this part of the violation is considered to be corrected. However, please see the related request for more information on this sampling in number 6 above.

I have received the land disposal notification form dated 3-16-09 for the paint rags (WPS # 20109). This shows that the second part of this violation has also been corrected.

10. OAC rule 3745-270-07(A)(2) – Land disposal restriction notice sent to receiving facility.

This rule requires certain notification if the waste does not meet the treatment standard. This includes the manifest number of the first waste shipment using this notification form.

Tomlinson violated this rule by not including the manifest number on the notification form for the paint waste (024560). The notification form signed on 3-16-09 for the paint waste (now with the WPS number 20110) also did not contain the manifest number. You gave me a copy of this manifest which has the number of 005480460 JJK. This number should be added to your copy of the notification. This violation is now considered corrected.

11. OAC rule 3745-270-07(A)(2) – Land disposal restriction notice sent to receiving facility.

This rule requires certain notification if the waste does not meet the treatment standard. This includes stating which constituents of concern any F001 through F005 waste contains.

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The notification form you submitted (described in number 10 above) contained this information and shows your correction of this violation.

Small Quantity Universal Waste Handler Requirements

12. OAC rule 3745-273-13 (D) - Universal waste lamp containers.
13. OAC rule 3745-273-14 (E) - Universal waste lamp labeling.
Tomlinson's February 27 letter and the attached photographs show your correction of these two violations. I have also received documentation of your February 9, 2009 shipment of universal wastes to Fluorescent Recycling in Cleveland, Ohio.

Used Oil Inspection Checklist

14. OAC rule 3745-279-22(C) - Used oil labels.
Previously corrected.

The following concerns were found:

1. The updated Hazardous Waste Weekly Inspection Sheet that I received addressed this concern.
2. OAC rule 3745-270-03(C) – Dilution prohibited as a substitute for treatment.
This paint waste was most recently shipped to Ross Incineration Services. You told me that the D007 (chromium) and D008 (lead) waste codes do apply because the same paints are used today as were used when the waste was last tested. One of the conditions that allows wastes that are hazardous for metals to be burned is if the wastes contain greater than 1% total organic carbon. The land disposal restriction form for this most recent shipment says it contains greater than 10% total organic carbon. This shows that the concern I originally listed is no longer a concern. You may be able to find paints and inks that work well yet do not contain these metals. You may want to ask your supplier(s) about this.

Please respond with the information requested above within 30 days of the date of this letter.

You can find copies of the regulations and other information on the Division of Hazardous Waste Management web page at: <http://www.epa.state.oh.us/dhwm/>.

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If you have any questions, please contact me at (330) 963-1217, or robert.almquist@epa.state.oh.us.

Sincerely,



Robert Almquist
Division of Hazardous Waste Management

RA:cl

cc: Natalie Oryshkewych, DHWM, NEDO

ec: Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO
Kenneth Sidoti, Tomlinson

Notice

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from its obligation to comply with all applicable regulations.