



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

April 2, 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 March 30 and 31, 2009 emails. This was in response to my March 30, 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 March 30, 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) Previously corrected.

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 6 drums of F006 being shipped to Envirote 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.
4. OAC rule 3745-52-34(D)(5)(c) – Employees familiar with waste handling and emergency procedures.
5. OAC 3745-52-34(C)(1) – Satellite accumulation area.
Previously corrected.
6. OAC 3745-52-34(C)(1)(b) – Satellite accumulation area.
Your email responses dated March 30 and 31, 2009 document your correction of this violation.
7. OAC rule 3745-52-34(D)(4) – Hazardous waste labels.
Previously corrected.
8. OAC rule 3745-52-34(D)(4) – Accumulation start dates.
Your March 30, 2009 email states that this waste was sampled and found to be nonhazardous. The sample data you submitted for Boiler Water NI – Dike Liquid supports this determination. This violation has been corrected.

Generator LDR Checklist

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

Christine Lucas
Tomlinson Industries
April 2, 2009
Page 3

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

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.
Previously corrected.

Used Oil Inspection Checklist

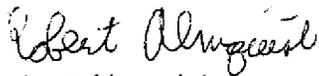
14. OAC rule 3745-279-22(C) - Used oil labels.
Previously corrected.

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/>.

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.