



State of Ohio Environmental Protection Agency

**Northwest District Office**

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TELE: (419) 352-8461 FAX: (419) 352-8468  
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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

Re: ABB Inc.  
Complaint #2700  
Seneca County  
OHD004181954  
NOV

May 2, 2008

Donnell Jackson  
Environmental Engineer  
ABB Inc.  
2000 Day Hill Road  
Windsor, CT 06095

Dear Mr. Jackson:

On March 6, 2008, Ohio EPA conducted a complaint investigation of the Basic, Inc. property located at 495 Emma Street, Bettsville, Ohio. Currently, ABB owns the Basic, Inc. site as a result of past acquisitions. The purpose of this visit was to investigate a complaint received by the Division of Hazardous Waste Management (DHWM) which alleged a concrete pad with green and yellow chemical stains was covered with dirt. The investigation included an overview of the area in question and a review of your submittals (via email on March 20 and 21, 2008) including manifests and an outline of the waste management activities that occurred at the site.

In July, 2007, ABB tore down an old plant that was historically used for the manufacture of refractories, which used hexavalent chromium in this process. According to the information you submitted and described to me, building debris and wash water from rinsing scrap metal from the building tear down was characterized as hazardous waste (D007) and was sent to EQ-Detroit. The rinsed scrap metal was transported to Toledo Shredding. The cement pad south of the warehouse area was used as a storage/containment/wash area for the demolition activities. As you described the pad was covered with a plastic liner covering the entire pad where the storage of the building debris and rinsing of scrap metal took place. You further stated that after the building removal and rinsing of scrap metal took place, the liner was removed, characterized as D007 hazardous waste, placed in a roll-off and sent to EQ-Detroit for management. After the removal of the liner, you state you rinsed the pad and sent the rinseate off as hazardous waste (D007) to EQ-Detroit.

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Ohio EPA has found the following violation of Ohio's hazardous waste laws. In order to correct this violation you must do the following and send me the required information ***within 30 days*** of your receipt of this letter:

**(1) Unpermitted Storage, Treatment, and Disposal  
Ohio Revised Code Section 3734.02 (E)&(F)**

ORC Section 3734.02 (E) states in part that, ". . . No person shall establish or operate a hazardous waste facility. . . without a hazardous waste installation and operation permit. . ."

ORC Section 3734.02 (F) states in part that, "No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated or disposed of . . . except at or to any of the following: (1) A hazardous waste facility operating under a permit in accordance with this chapter . . ."

During demolition activities ABB used the cement pad south of the warehouse area as a hazardous waste storage area and thus created a hazardous waste pile. A hazardous waste pile requires a hazardous waste Installation and operation permit. ABB did not first obtain a permit before creating this hazardous waste management unit.

Pieces of building debris, which were considered hazardous waste (D007), were stored on the south pad. The building debris was then cut into smaller pieces to fit into roll-off boxes. The cement pad was also used as a wash area to rinse the scrap steel of any contaminates prior to sending it off-site for reclamation.

Since ABB created a hazardous waste pile ABB became subject to all applicable general hazardous waste facility standards, including the requirement to submit a closure plan. Due to the nature of the violation Ohio EPA may require the submittal of a closure plan pursuant to OAC rules 3745-55-11 through 3745-55-20, OAC rules 3745-55-42 through 3745-55-47 and OAC rule 3745-56-58 at this site. However, at this time, please submit all available documentation that provides a description of the activities that took place at the site during the demolition of the old plant in July 2007. Include any information on how the wastes from the building tear down was determined to be hazardous wastes and any information regarding the clean up of the pad where hazardous waste was stored and scrap metal rinsed which could demonstrate that the closure performance standards cited previously (specifically, OAC rule 3745-55-11 and OAC rule 3745-56-58) were met.

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If ABB's information does not demonstrate compliance with the closure performance standard, then abatement of this violation will be through the submittal and director's approval of a closure plan in accordance with OAC rules 3745-55-11 through 3745-55-20, OAC rules 3745-55-42 through 3745-55-47 and OAC rule 3745-56-58.

Additionally, since ABB violated ORC Section 3734.02 (E) and (F), ABB is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have ABB begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

A number of options or processes exist to address your RCRA Corrective Action obligations. One option to consider for properties that are eligible is the State of Ohio's Voluntary Action Program administered by Ohio EPA's Division of Emergency and Remedial Response. Under the Voluntary Action Program, a volunteer who complies with program requirements (Ohio Revised Code Chapter 3746, Ohio Administrative Code Section 300) and certifies that the property meets applicable standards and submits a No Further Action letter to Ohio EPA, will be issued a covenant not to sue (CNS) by the director of Ohio EPA after review by Ohio EPA. A CNS protects the volunteer from state civil liability to perform additional investigation and remedial activities for the property addressed by the covenant. However, Ohio EPA retains its rights regarding RCRA Corrective Action under Ohio law for any areas of the property that are not eligible for the Voluntary action Program or are eligible but not sufficiently addressed by the voluntary action.

The State of Ohio may have available grants or loans to fund site investigation or cleanup of your facility. Sources of these funds can be found in the Voluntary Action Program Fact Sheet at [www.epa.state.oh.us/derr/vap/financial/financon.html](http://www.epa.state.oh.us/derr/vap/financial/financon.html). There may be restrictions, and/or a requirement for partnering with local government, but money for characterization and remediation is available to eligible applicants. Additionally, you can find copies of Ohio EPA laws and rules and other information on the Ohio EPA web page at [www.epa.state.oh.us](http://www.epa.state.oh.us)

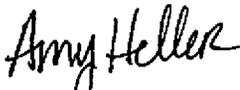
The Division of Hazardous Waste Management (DHWM) has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link <http://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

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Should you have any questions, please feel free to call me at (419) 373-3058.

You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

Sincerely,



Amy Heller  
Division of Hazardous Waste Management

/csl

pc: Colleen Weaver, DHWM, NWDO  
Cindy Lohrbach, DHWM, NWDO  
\*DHWM, NWDO File: Seneca County General

ec: Amy Heller, DHWM, NWDO  
Mitch Mathews, DHWM, CO  
Dave Sholitis, DHWM, CO  
Todd Anderson, Legal, CO

**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.