



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

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

Re: BBC Environmental Enterprises, Inc.
Matzinger Road - Toledo Facility
Hazardous Waste
OHD981000557
Lucas County
Return to Compliance

June 4, 2008

Mr. Jeffrey O. Davis
PSC Environmental Services Group
515 Lycaste Street
Detroit, MI 48214

Dear Mr. Davis:

Thank you for your August 23, 2006, March 19, 2007, April 30, 2007, and March 13, 2008, responses to Ohio EPA's July 21, 2006, Notice of Violation letter. My review of this documentation reveals that BBC Environmental Enterprises, Inc. (BBC) has adequately demonstrated abatement of all the violations cited in the July 21, 2006, Notice of Violation letter.

The following is a summary of the violations cited and your compliance with respect to each:

1. ORC Section 3734.02(F): Causing hazardous waste to be transported to an unpermitted facility:

On June 22, 2005, BBC shipped ten 55-gallon drums of isocyanate solution to Vexor. In addition, on August 23, 2005, BBC shipped 28, 55-gallon drums of isocyanate solution to Vexor. The transporter for both shipments was PSC Cousins Waste Control Corp. You profiled the material as a non-hazardous waste based upon the information provided to you by the generator of the waste and sampling results. BBC stated that they sample 15% of each generator shipment for pH, flash point, and % solids. Upon receipt of the material at Vexor, one drum from each shipment was rejected. Vexor rejected the two drums stating that the flash point was less than 140 degrees F, thus making them an ignitable hazardous waste.

The drums of isocyanate solution came from Petro Chem Processing in Detroit, MI. Petro Chem is a sister company and BBC back hauls drums from the Detroit facility to their facility every Friday.

This violation is considered abated as both drums of isocyanate solution were returned to BBC and then shipped as a hazardous waste back to Petro Chem in Detroit where they were properly reacted and disposed of.

2. OAC Rule 3745-52-41: Annual Report: A generator who ships any hazardous waste off-site must prepare and submit to Ohio EPA the "Annual Hazardous Waste Report" by March first of each year.

BBC failed to submit their annual hazardous waste report to Ohio EPA by March 1, 2006.

This violation is considered abated since BBC filed their annual hazardous waste report on March 7, 2006, and received an e-mail confirmation of its receipt dated May 22, 2006.

3. **OAC Rule 3745-65-16(A)(2)&(A)(3): Personnel Training:** Facility personnel must successfully complete a program of classroom instruction or on-the-job training directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures, including contingency plan implementation, relative to the positions in which they are employed.

BBC failed to have a training plan on-site for review at the time of the inspection.

BBC must submit for review a training plan that meets the requirements outlined above along with documentation that the training will be directed by a person trained in hazardous waste management procedures. BBC must have an adequate training plan in place prior to conducting employee training.

On July 5, 2006, BBC submitted electronically to Ohio EPA a copy of a list of safety certificate courses that employees will receive training for. This list did not specifically list out the hazardous waste management procedures that will be covered in the training, which should include implementation of the contingency plan. BBC also submitted electronically to Ohio EPA a memo regarding employee training and stated that all training, except for confined space rescue, would be conducted in-house and directed by Todd Flippin. In addition, BBC must submit a revised list of safety certificate courses that includes the required hazardous waste management procedures employees will receive training for.

On April 30, 2007, BBC submitted documentation that Mr. Flippin has been trained in hazardous waste management procedures and is qualified to conduct the training.

In addition, you stated in your letter dated April 27, 2007, that BBC Enterprises is no longer a legal entity since the company was merged into Cousins Waste Control Corporation. As of June 19, 2006, the facility ended their photographic waste recovery program and stopped receiving photographic wastes for silver recovery. On August 2, 2006, all remaining silver residues (D011) from the photographic waste recovery operations were shipped off-site for disposal. The facility is no longer operating as a large quantity generator of hazardous waste. On March 13, 2008, BBC submitted a copy of the manifest for the last shipment of hazardous waste generated from the silver recovery operation that is no longer in operation.

With this information, this violation is considered abated.

4. **OAC Rule 3745-65-16(B): Personnel Training for New Employees:** A generator shall provide hazardous waste training to all new personnel within six months of their first date of employment at the facility or when they are moved to a new job position which involves hazardous waste management.

BBC does not have in place hazardous waste management training for new employees.

BBC must immediately begin to train new employees within six months of their initial date of employment or switching to a new position involving hazardous waste management. To demonstrate a return to compliance, BBC shall submit to Ohio EPA, NWDO, a copy of a written internal policy that ensures new employees are properly trained.

On July 5, 2006, BBC submitted electronically to Ohio EPA a copy of an internal policy that states that all employees will be trained on the Hazardous Waste Operations 40-hour training initially and 8-hour refreshers annually.

With this information, this violation is considered abated.

5. **OAC Rule 3745-65-16(C): Annual Refresher Training for Personnel:** A generator shall provide annual refresher training for all personnel involved in the handling and management of hazardous waste at the facility.

BBC has no training plan and therefore failed to provide annual refresher training for all employees involved in the handling or management of hazardous waste.

To abate this violation, BBC must conduct the required training and shall submit signed class rosters to Ohio EPA, NWDO, to demonstrate that all employees have received the required training. In addition, BBC shall immediately establish a written procedure to provide annual refresher training and shall submit a copy of this procedure to Ohio EPA, NWDO. Annual refresher training must be completed at least once every 365 days.

On July 5, 2006, BBC submitted electronically to Ohio EPA a copy of an internal policy that states that all employees will be trained on the Hazardous Waste Operations 40-hour training initially and 8-hour refreshers annually. BBC also e-mailed copies of training certificates for three employees. Harry Martin received 8-hour training on February 15, 2006 and Mike Graf received 8-hour training on March 30, 2006 for the following areas: respiratory training; job hazard analysis training; confined space entry; lock out tag out; fall protection; and air moving training. BBC did not cover hazardous waste management procedures or implementation of the contingency plan. BBC must revise the training plan to include this information and submit it to Ohio EPA for review.

On August 23, 2006, BBC submitted an updated Training Plan which included hazardous waste management procedures and a review of the contingency plan. Since BBC is no longer operating as a large quantity generator, annual refresher training is not required. BBC must ensure employees are properly trained as necessary according to the hazardous waste regulations related to your generator status.

Therefore, this violation has been abated.

6. **OAC Rule 3745-65-53(B): Contingency Plan:** A facility shall have a written contingency plan designed to minimize hazards to human health or the environment from fires, explosions or any unplanned sudden or non-sudden releases of hazardous waste or hazardous waste constituents to air, soil or surface water.

BBC failed to provide a copy of the contingency plan to all emergency authorities that may be requested to provide emergency services.

To abate this violation, BBC must submit documentation (cover sheet, certified mail receipt, etc.) to Ohio EPA, NWDO, to verify that the updated contingency plan has been sent to the appropriate emergency authorities. Please note that an adequate contingency plan must be in place prior to conducting employee training as directed in violation number three.

BBC is not operating as a large quantity generator of hazardous waste. At the present time, no contingency plan is required.

Therefore, this violation has been abated.

7. **OAC Rule 3745-52-34(A)(2)&(A)(3): Container Management:** A generator may accumulate hazardous waste on-site for ninety days or less without a permit provided that the waste is placed in tanks and containers that have the date upon which each period of accumulation begins clearly marked and visible for inspection on each container; and that each container and tank is labeled or marked clearly with the words "Hazardous Waste".

The tank used to store the liquid silver waste was not properly labeled "Hazardous Waste" and did not have an accumulation start date. A review of manifest documentation indicated that the contents of the tanker were last pumped and shipped off-site for disposal on May 2, 2006.

On May 22, 2006, BBC submitted electronically to Ohio EPA photographic documentation for the storage tanker that is now properly labeled and dated.

Therefore, this violation is considered abated.

8. **OAC Rule 3745-66-91 to 3745-66-100: Tank System Requirements:** Tank system requirements apply to owner or operators of facilities that use tank systems for storing or treating hazardous waste.

The tanker truck BBC is using to store the liquid silver waste (D011) is not being used to move or transport hazardous waste. Because of its stationary use, Ohio EPA considers the unit to meet the definition of a tank as defined in OAC Rule 3745-50-10(A)(114).

To abate this violation, BBC must submit all applicable tank information, including but not limited to, design and installation assessment certified by an independent, qualified, registered professional engineer; secondary containment, spill and overfill controls; and daily inspection logs for two weeks. Ohio EPA will review the submitted tank documentation for compliance with the regulations. Additional violations may be cited once our review has been completed. You will be notified of any additional violations in a separate letter.

BBC no longer generates or stores the liquid silver waste (D011) stream in the tanker truck located on-site. The waste was removed on August 2, 2006, and BBC provided a copy of the manifest on March 13, 2008.

Therefore, this violation is considered abated.

9. **OAC Rule 3745-66-74: Inspections:** Container storage areas shall be inspected on a weekly basis looking for leaks and for deterioration. These inspections shall be recorded in an inspection log which includes at a minimum the date and time of inspection, name of the inspector, a notation of observations made, and the date/nature of any repairs. Ohio EPA interprets weekly to mean once within the seven day period following the previous inspection.

BBC failed to conduct and document the weekly inspections of the container storage area in an inspection log.

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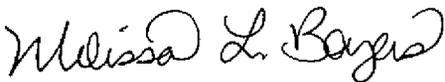
To abate this violation, BBC must submit four (4) weeks of completed inspection logs to this office.

On July 5, 2006, BBC submitted electronically to Ohio EPA a copy of an inspection log documenting seven weeks of completed inspections of the container storage area.

With this information, this violation is considered abated.

Should you have any questions or if I can be of assistance, please contact me at (419)373-3066.

Sincerely,



Melissa L. Boyers
Division of Hazardous Waste Management

/csl

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
Michael Cunningham, U.S. EPA Region V
(DHWM; NWDO BBC Environmental Enterprises, Inc. File

ec: Melissa Boyers, DHWM, NWDO

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.