



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Acme Specialty Mfg.
OHD033589870
Lucas County
Hazardous Waste
Partial Return to Compliance

January 9, 2012

Mr. Thomas Messina
Acme Specialty Manufacturing
3010 Monroe Street
Toledo, Ohio 43606

Dear Mr. Messina:

Thank you for accompanying me during Ohio EPA's October 21, 2011, follow-up inspection and for your November 22, 2011, response to Ohio EPA's September 20, 2011, Notice of Violation (NOV) letter. I originally inspected your facility on September 12, 2011. On October 21, 2011, I observed Acme's management of universal waste lamps and on November 22, 2011, you submitted documentation including analyses of chrome coated and silver coated mirror glass.

My review of this documentation and my observations during my follow-up inspection reveal that Acme Specialty Manufacturing (ASM) has adequately demonstrated abatement of the following violations cited in the September 20, 2011, NOV:

1. Waste Evaluation, OAC Rule 3745-52-11

The waste analyses demonstrate that the chrome and silver coated mirror glass is not hazardous waste. However, since the TCLP lead concentration of 3.76 mg/L in the silver coated mirror glass is close to the regulatory limit of 5 mg/kg, Ohio EPA recommends that Acme periodically sample and analyze this waste to ensure that it is not hazardous. Also, based on this waste evaluation, it appears that Acme does not generate hazardous waste. **This violation was abated on November 22, 2011.**

2. Universal Waste Packaging – Lamps, OAC Rule 3745-273-13(D)(1)

On October 21, 2011, I observed ten closed containers of universal waste lamps. **Therefore, this violation was abated on October 21, 2011.**

3. Universal Waste Labeling – Lamps, OAC Rule 3745-273-14(E)

On October 21, 2011, I observed ten closed containers of universal waste lamps labeled with the words "Used Lamps". **Therefore, this violation was abated on October 21, 2011.**

4. Accumulation Time for Universal Waste – Lamps, OAC Rule 3745-273-15(C)

On October 21, 2011, I observed ten closed containers of universal waste lamps labeled with the various accumulation dates. **Therefore, this violation was abated on October 21, 2011.**

However, ASM has not adequately demonstrated abatement of the following violations. Please respond within 14 days of your receipt of this letter:

**5. Accumulation Time for Universal Waste – Lamps
OAC Rule 3745-273-15(A)**

A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated.

ASM has accumulated a large number of used lamps for longer than one year. In order to correct this violation, ASM must correct all the universal waste violations cited in this letter, provide the photographic documentation, and then **ship them off-site for recycling and submit a copy of the shipping paper or invoice demonstrating that this has been done. Acme has not submitted a copy of the shipping paper for its universal waste lamps. Acme must do this immediately.**

**6. Universal Waste Employee Training
OAC Rule 3745-273-16**

A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste of the proper procedures. The information shall describe proper handling and emergency procedures appropriate to the type of universal waste handled at the facility.

ASM has not adequately informed its employees, handling universal waste lamps, of the proper handling procedures. In order to correct this violation, **ASM must list the employees who may manage used lamps, describe how it will inform (train) its universal waste lamp handlers in proper handling procedures and state when this is accomplished.** The training must include compliance with all rules for the handling of universal waste lamps and batteries and the corrective actions for all violations of universal waste rules, cited above. **Acme must list the employees, submit a copy of the training plan or SOP, etc., perform the required training and submit all this documentation immediately.**

Also, ASM must identify a used oil transporter that has obtained a US EPA ID#, that you will use; ship your used oil off-site for recycling soon; and send me a copy of the shipping paper documenting this.

ASM needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, ASM is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to don.north@epa.ohio.gov.

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Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, ASM is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions, please feel free to contact me at (419) 373-3074.

Sincerely,



Don North
District Representative
Division of Materials and Waste Management

/lr

pc: Colleen Weaver, DMWM, NWDO (hard copy of letter)
Cindy Lohrbach, DMWM, NWDO

ec: Colleen Weaver, DMWM, NWDO (scanned copy of letter)
Don North, DMWM, NWDO