



State of Ohio Environmental Protection Agency

Northeast District Office



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

August 22, 2007

RE: HUKILL CHEMICAL CORPORATION
TSD/LQG/TRANSPORTER
OHD001926740/02-18-0315
CUYAHOGA
NOTICE OF VIOLATION/RETURN
TO COMPLIANCE

Mr. Tim Jones
EH&S Manager
Hukill Chemical Corporation
7013 Krick Road
Bedford, OH 44146

Dear Mr. Jones:

I am in receipt of Hukill Chemical Corporation's (HCC) letter dated June 29, 2007, self-reporting an action of non-compliance. The action of non-compliance was also verbally reported to Ohio EPA on June 28, 2007. HCC's notification is in accordance with Permit Condition A.22 which requires that the Permittee report all instances of noncompliance not provided for in Permit Conditions A.19 and A.20. HCC provided notification to the Director, by a dated letter of July 28, 2007, within 30 days of the time at which HCC became aware of the non-compliance.

Background

Per our phone conversations and your July 28, 2007 letter to the Director, on seven separate occasions, HCC received waste from the generator International Imaging Materials, Inc. (IIMAK). Between March 2006 and November 2006, a total of sixteen 55-gallon drums from IIMAK were received and accepted by HCC. Upon receipt at HCC, each drum was sampled per HCC's waste analysis plan and analyzed for flashpoint. All sixteen drums had flashpoints >200 degrees F, indicating that the material in the drums was non-hazardous waste. The drums were stored in HCC's non-hazardous waste storage area until June 18, 2007 at which time they were shipped to Vexor Technology. Analysis of the drums by Vexor Technology indicated that all drums had a flashpoint <140 F. The drums were rejected by Vexor and shipped back to Hukill accompanied by a hazardous waste manifest.

Upon receipt at HCC the drums were analyzed again for flashpoint. HCC's results confirmed that all drums had a flashpoint <140 F. During the facility's investigation of the matter, HCC learned that the waste resin in the drums contained a solvent component that would leach out over time. HCC re-profiled the drums and shipped them off-site to a permitted TSD on July 20, 2007.

This letter serves as a notice of violation. Ohio EPA has determined that HCC was in violation of the following:

1. **Ohio Revised Code Section 3734.02(F) and Permit Condition A.5: Causing hazardous waste to be transported to a facility that is not permitted to accept hazardous waste.**

On June 18, 2007, HCC caused hazardous waste to be transported to Vexor Technology, Inc. (Vexor), a facility that is not permitted to accept hazardous waste. Prior to acceptance by Vexor, all drums were sampled and analyzed. Analysis by Vexor indicated that the drums had a flashpoint of <140 degrees F. Vexor rejected the drums and shipped them back to HCC accompanied by a hazardous waste manifest. HCC re-sampled and re-profiled the drums as hazardous waste. On July 20, 2007, the drums were transported to a permitted TSD as hazardous waste. **This violation has been abated and no further action is required by HCC.**

2. **Ohio Administrative Code (OAC) Rule 3745-54-76 and permit condition B.24(c): Unmanifested waste report.**

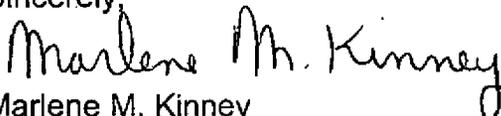
If a permitted facility receives unmanifested waste, the Permittee must submit an unmanifested waste report to the Director within fifteen (15) days after receipt of the waste. HCC failed to submit an unmanifested waste report for the 16 drums of hazardous waste received from IIMAK, in violation of this rule.

HCC submitted the non-manifested waste reports, dated 7/11/2007, to the Director for all the discrepant drums. **This violation has been abated and no further action is required by HCC.**

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.

Should you have any questions, please contact me at (330) 963-1162.

Sincerely,



Marlene M. Kinney
Environmental Specialist
Division of Hazardous Waste Management

MMK:ddw

cc Harry Sarvis, DHWM, CO
Elissa Miller, Legal, CO
Tammy Heffelfinger, DHWM, CO
Natalie Oryshkewych, DHWM, NEDO