



State of Ohio Environmental Protection Agency

Northeast District Office

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

August 4, 2008

RE: HUKILL CHEMICAL CORP.  
OHD001926740/02-18-0315  
NOTICE OF VIOLATION

Mr. Tim Jones  
EH&S Manager  
Hukill Chemical Corporation  
7013 Krick Road  
Bedford, Ohio 44146-4493

Dear Mr. Jones:

I am in receipt of Hukill Chemical Corporation's (HCC) letter dated July 15, 2008, self-reporting an action of non-compliance. The action of non-compliance was also verbally reported to Ohio EPA on July 9, 2008. 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 letter dated July 15, 2008, within 30 days of the time at which HCC became aware of the non-compliance.

### Background

Per our phone conversation on July 9, 2008, you informed me that the facility had exceeded its container storage volume of 55,000 gallons. The computer systems associated with the automation of the storage tanks' valves, pipes and pumps failed, resulting in the loss of the facility's processing capability. The facility lost the ability to process hazardous waste on the LUWA thin film evaporators, distillation tower and pumping in and out of tanks. Due to the loss in process capabilities, containers of hazardous waste could not be pumped into tanks which halted reclamation of hazardous waste. From July 8 through July 10 hazardous waste scheduled into the facility continued to be received instead of re-scheduling for acceptance on another day. Continued receipt of hazardous waste caused the facility to go over its permitted container volume. During the morning of July 11, 2008, the container inventory returned to the permitted volume.

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

1. **Permit Condition A.5 and OAC Rule 3745-50-58(A): Duty to Comply.**

The Permittee must comply with all applicable provisions of ORC Chapter 3734, all applicable Ohio hazardous waste rules, and all terms and conditions of this permit, except to the extent and for the duration of such noncompliance is authorized by the laws of the State of Ohio. Any permit noncompliance, other than noncompliance authorized by the laws of the State of Ohio, constitutes a violation of ORC Chapter 3734 and is grounds for enforcement action, revocation, modification, denial of permit renewal application or other appropriate action.

2. **Permit Condition C.1: Container Storage/Quantity Limitation.**

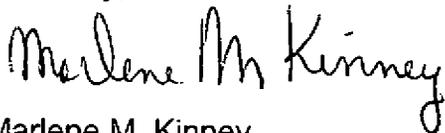
The Permittee is authorized to store 55,000 gallons of hazardous waste at any given time in the permitted container areas located in the East Warehouse Container Storage Area, the East Pad outdoors no free liquids storage area, and the staging areas. HCC stored greater than 55,000 gallons of containerized hazardous waste from July 8, 2008 to July 11, 2008.

On July 11, 2008 the facility came back into compliance with the container storage/quantity limitation. **To abate this violation and please submit to my attention the procedures the facility will put in place to ensure that HCC does not exceed its permitted volume in the future.**

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  
Natalie Oryshkewych, DHWM, NEDO