



State of Ohio Environmental Protection Agency

Northeast District Office



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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

May 30, 2007

Nick Paxos, President
Hercules Polishing & Plating
4883 Southway SW
Canton, OH 44706

RE: *HERCULES POLISHING & PLATING (HERCULES), OHD981190895*
STARK COUNTY, RCRA/LQG, COMPLIANCE EVALUATION INSPECTION
PARTIAL RETURN TO COMPLIANCE

Dear Mr. Paxos:

Thank you for your May 1, 2007 response to Ohio EPA's March 6, 2007 Partial Return to Compliance (PRTC) letter. You submitted documentation and information including:

- One (1) photograph submitted to illustrate that the unlabeled containers of used oil observed at the time of the November 14, 2006 have been transferred to a larger container which has been labeled with the words "Used Oil".
- A copy of hazardous waste manifest #000040287 GRR and the corresponding LDR form demonstrating that the waste lacquer was been shipped off site to Giant Resource Recovery on February 1, 2007.
- A copy of the facility Universal Waste management protocol including a sign-off sheet demonstrating that employees have been trained in said protocol.
- A copy of the facility hazardous waste contingency plan.
- A copy of job title and description for the position of Environmental Waste Manager.
- Documentation in the form of sign-off sheets demonstrating that employees have been training in hazardous waste management and the facility contingency plan.

My review of this documentation reveals that Hercules has demonstrated abatement of the following violation cited in Ohio EPA's December 14, 2006 NOV letter:

OAC Rule 3745-273-16 Employee Training for Small Quantity handlers of universal waste

OAC Rule 3745-65-52 Content of contingency plan

OAC Rule 3745-65-16 Personnel training

Hercules remains in violation of the following hazardous waste violations:

1. **Ohio Revised Code (ORC) § 3734.02(E) and (F) storage of hazardous waste without a facility installation and operation permit:**

- A. Hercules performs zinc/cyanide electroplating on steel and runs only one plating line, referred to as the A Line. Another zinc/cyanide plating line referred to as the B Line was shut down approximately three years ago. At the time of this inspection, Ohio EPA observed a 2000 gallon tank from the B line which had been moved from the plating line in Room #2 into Room #1 in order to remove sludge that had accumulated in the tank. A visual inspection of the contents of the tank by Ohio EPA revealed that approximately 150 gallons of sludge remained in the tank which appears to have been scraped from the sides and bottom and amassed for removal from the tank. Sludges from the bottom of electroplating baths where cyanides are used meet the listing for an F008 hazardous waste. Since the zinc/cyanide plating tank was taken out of operation three years ago, the tank and its contents are subject to regulation per OAC Rule 3745-51-04(C). Hercules has therefore stored hazardous waste on site in excess of ninety days without a hazardous waste permit.
- B. At the time of this inspection, Ohio EPA observed at least thirteen (13) fifteen gallon containers and three (3) five gallon containers of F008 sludge cleaned out from the zinc/cyanide plating tanks. Hercules stated that this accumulation of waste had been on site at least a year. Hercules has therefore stored hazardous waste on site in excess of ninety days without a hazardous waste permit.

By letter dated January 31, 2007, Ohio EPA received documentation demonstrating that the F008 waste referenced in Violations #1A & #1B has been shipped offsite to Envirite. No further action is required at this time.

- C. Hercules generates an F006 hazardous waste from the zinc/cyanide electroplating operation which is managed in cubic yard super sacks. Hercules dates the super sacks with two dates; a start date, when an empty super sack is first set up to be filled, and a "filled" date when the sack is finished being filled. At the time of this inspection, Ohio EPA observed one super sack of F006 with a start date of July 25, 2006 and a filled date of August 16, 2006. On November 30, 2006 Ohio received via e-mail from Envirite a copy of hazardous waste manifest #001398557 FLE demonstrating that the F006 was shipped off site November 17, 2006. Based upon this information, Hercules has stored hazardous waste on site in excess of ninety days without a hazardous waste permit.

The submitted hazardous waste manifest demonstrates that the F006 has been shipped off site. No further action regarding this violation is required at this time.

Since Hercules violated ORC §3734.02(E) and (F), Hercules 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 Hercules begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

4. **OAC Rule 3745-65-52 Copies of contingency plan:** A copy of the contingency plan and all revisions to the plan shall be:

*(A) Maintained at the facility; and
(B) Submitted to all local police departments, fire departments, hospitals, and Ohio EPA and local emergency response teams that may be requested to provide emergency services.*

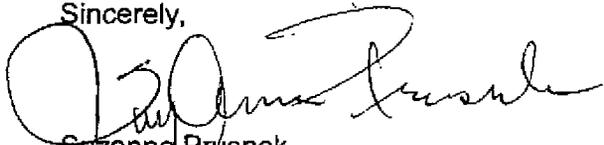
By letter dated May 1, 2007 Hercules submitted a facility hazardous waste contingency plan Ohio EPA finds meets the requirements set forth in OAC 3745-65-52. Hercules will send a copy of the contingency plan to all local police departments, fire departments, hospitals, and local emergency response teams that may be requested to provide emergency services. To demonstrate abatement of this violation, Hercules must document that this has been done and submit said documentation to this office.

Please submit all of the requested documentation to my attention within thirty (30) days of receipt of this letter demonstrating that all issues have been addressed.

Failure to list specific deficiencies in this communication does not relieve Hercules from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve Hercules from liability for any past or present violations of the state's hazardous waste laws.

Should you have any questions, please feel free to call me at (330) 963-1181.

Sincerely,



Suzanne Prusnek
Environmental Specialist
Division of Hazardous Waste Management

SP:ddw

ec: Frank Popotnik, DHWM, NEDO, OEPA
Sherry Slone, DHWM, NEDO, OEPA
cc: Natalie Oryshkewych, DHWM, NEDO, OEPA

