



State of Ohio Environmental Protection Agency

Northeast District Office



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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

March 6, 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 January 31, 2007 response to Ohio EPA's December 14, 2007 Notice of Violation (NOV) letter. You submitted documentation and information including:

- A copy of hazardous waste manifest #001399127 FLE and the corresponding Land Disposal Restriction (LDR) form and weight ticket demonstrating that four (4) super sacks of F008 were shipped offsite to Envirite on December 27, 2006.
- A copy of hazardous waste manifest #001398557 FLE demonstrating that two (2) super sacks of F006 were shipped offsite to Envirite on November 17, 2006.
- A copy of hazardous waste manifest #001398598 FLE demonstrating that 3000 gallons of waste caustic alkali liquid (D002, D007) was shipped offsite to Envirite on November 21, 2006.
- A statement from Hercules indicating that both 1600 gallon tanks and the zinc/cyanide tank, observed by Ohio EPA during the November 14, 2006 inspection being used as hazardous waste tanks, have been emptied and will be removed from the facility by May 1, 2007.
- One (1) photograph showing the F008 waste being managed in closed super sacks that are properly labeled and dated prior to being shipped offsite.
- A copy of the emergency equipment inspection log sheets demonstrating that the emergency equipment has been inspected and those inspections recorded in a log.

- A copy of three consecutive weeks of hazardous waste accumulation area inspection logs demonstrating that the hazardous waste accumulation area has been inspected and those inspections recorded in a log.
- One (1) photograph demonstrating that the universal waste lamps are being managed in containers that are closed, properly labeled and dated.
- A copy of universal waste profile and manifest #60204 demonstrating that the universal waste lamps observed on site at the time of Ohio EPA's November 14, 2006 inspection, were shipped off site to Envirite on December 27, 2006.
- A copy of a FedEx label for universal waste including shipping instructions.
- A copy of a service agreement between Hercules and Crystal Clean dated January 24, 2007 regarding the management of the waste clear lacquer that is to be shipped offsite for disposal.
- A copy of a receipt for two spent lead acid batteries taken to Slesnick Iron & Metal for recycling.
- A copy of a training certificate, dated January 9 and 10, 2007, demonstrating that Tracey Moreland has successfully completed a course titled "Hazardous Waste Management: The Complete Course".

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

OAC Rule 3745-66-92 Design and installation of new tank systems and components

OAC Rule 3745-66-93 Containment and detection of releases

OAC Rule 3745-66-95 Tank Inspections

OAC Rule 3745-52-34(A)(3) Labeling

OAC Rule 3745-52-34(A)(2) Accumulation Date

OAC Rule 3745-66-73(A) Management of containers

OAC Rule 3745-65-33 Testing and maintenance of equipment

OAC Rule 3745-66-74 Inspections

OAC Rule 3745-273-13(D)(1) Universal waste lamp management

OAC Rule 3745-273-14(E) Labeling/marking of universal waste

OAC Rule 3745-273-15(C) Accumulation time limits for universal waste

OAC Rule 3745-273-15(A) Accumulation time limits for universal waste

OAC Rule 3745-273-13(D)(2) Waste management - standards for small quantity handlers of universal waste

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.

2. **OAC Rule 279-22(C)(1) Used oil requirements for generators:** *Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."*

At the time of this inspection, Ohio EPA observed eleven (11) five gallon containers of used oil generated from the air compressor. None of the containers of used oil were marked or labeled with the words "Used Oil".

To demonstrate abatement of this violation, Hercules must either label each of the five gallon containers of used oil, or transfer the used oil into a larger container which is labeled with the words "Used Oil". By letter dated January 31, 2007, Hercules submitted a statement indicating that the used oil has been transferred into a container labeled as "Used Oil" and that a photograph demonstrating this has been done was included with said letter. However, Ohio EPA did not receive the above referenced photograph with the facility response letter.

To demonstrate abatement of this violation, please submit to this office documentation in the form of a photograph demonstrating that the used oil is being managed in a container labeled as "Used Oil".

3. **OAC Rule 3745-273-16 Employee Training for Small Quantity handlers of universal waste:** *A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste. The information shall describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.*

During Ohio EPA's November 14, 2006 inspection, Hercules stated that employees were trained in UW management about two years ago. However, this was prior to the new UW regulations regarding spent fluorescent lamps which went into effect on December 7, 2004. Based upon this information and the improper management of UW lamps observed by Ohio EPA, Hercules has not adequately trained its employees in the management of UW and the proper handling and emergency procedures appropriate to the type of UW handled at the facility.

By letter dated January 31, 2007, Hercules submitted a statement indicating a written protocol for the management of UW lamps had been included with said letter. However, Ohio EPA did not receive the above referenced documentation with the facility response letter.

To demonstrate abatement of this violation, Hercules must submit to this office a written protocol for the management of UW lamps and documentation demonstrating that employees who manage UW lamps have been trained in said protocol.

4. **OAC Rule 3745-65-52 Content of contingency plan:**

- (A) *The contingency plan must describe the actions facility personnel must take to comply with rules 3745-65-51 and 3745-65-56 of the Administrative Code in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.*
- (B) *If the owner or operator has already prepared a "Spill Prevention, Control, and Countermeasures Plan" in accordance with 40 CFR Part 112 or 40 CFR Part 1510, or some other emergency or contingency plan, he need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.*
- (C) *The contingency plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and Ohio EPA and local emergency response teams to coordinate emergency services, pursuant to rule 3745-65-37 of the Administrative Code.*

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- (D) *The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see rule 3745-65-55 of the Administrative Code), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.*
- (E) *The contingency plan must include a list of all emergency equipment at the facility [such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment] where this equipment is required. This list must be kept up to date. In addition, the contingency plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.*
- (F) *The contingency plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).*

At the time of this inspection, Hercules did not have a hazardous waste contingency plan meeting the requirements OAC Rule 3745-65-52 .

To demonstrate abatement of this violation, Hercules must submit to this office a contingency plan which meets the requirements set forth in OAC Rule 3745-65-52.

By letter dated January 31, 2007 Hercules submitted a statement indicating that a consulting firm had been contracted to assist the facility in the development of a hazardous waste contingency plan that upon completion will be submitted to this office for review. Please submit to this office an anticipated date for completion and submittal of the contingency plan.

5. **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 January 31, 2007 Hercules submitted a statement indicating upon acceptance by Ohio EPA, 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.

6. **OAC Rule 3745-65-16 Personnel training:**

- (A) (1) *Facility personnel /must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of Chapters 3745-65 to 3745-69 and 3745-2483745-256 of the Administrative Code. The owner or operator shall/must ensure that this program includes all the elements described in the document required under paragraph (D)(3) of this rule.*
- (2) *This program /must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures, (including, but not limited to, contingency plan implementation), relevant to the positions in which they are employed.*
- (3) *At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable;*
- (a) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;*
 - (b) Key parameters for automatic waste feed cut-off systems;*
 - (c) Communications or alarm systems;*
 - (d) Response to fires or explosions;*
 - (e) Response to ground water contamination incidents; and*
 - (f) Shutdown of operations.*
- (B) *Facility personnel must successfully complete the program required in paragraph (A) of this rule within six months after January 7, 1983 or six months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later. Employees hired after January 7, 1983 must not work in unsupervised positions until they have completed the training requirements of paragraph (A) of this rule.*

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- (C) *Facility personnel shall/must take part in an annual review of the initial training required in paragraph (A) of this rule.*

- (D) *The owner or operator must maintain the following documents and records at the facility:*
 - (1) *The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;*

 - (2) *A written job description for each position listed under paragraph (D)(1) of this rule. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall/must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position;*

 - (3) *A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (D)(1) of this rule; and*

 - (4) *Records that document that the training or job experience required under paragraph (A), (B), and (C) of this rule has been given to, and completed by, facility personnel.*

- (E) *Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.*

To demonstrate compliance, Hercules must develop a personnel training program which meets the requirements of OAC Rule 3745-65-16 and submit documentation of said training to this office.

By letter dated January 31, 2007 Hercules submitted a statement indicating the facility is in the process of developing a personnel training program to meet the requirements of OAC Rule 3745-65-16 based upon the training received by an employee sent to a hazardous waste management course. Ohio EPA wishes to remind Hercules that the training program must be designed to train employees in hazardous waste management as it relates to the processes and wastes generated at the Hercules facility. Employees must also be trained in the facility contingency plan as a part of hazardous waste training program. Please submit to this office an anticipated date for completion of the training program and submittal of the required training documentation.

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In addition, Hercules has submitted documentation demonstrating that the facility has declared the containers of clear lacquer, observed during the November 14, 2006 inspection, a waste. Please submit to this office documentation regarding the characterization of the waste lacquer (hazardous or non-hazardous). If the waste lacquer has been determined to be a hazardous waste, please submit to this office documentation in the form of a photograph demonstrating that the container(s) are in good condition, closed and have been labeled with the words "Hazardous Waste" and an accumulation date. If the waste lacquer has been shipped off site, please submit a copy of the shipping 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

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