



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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

July 9, 2008

RE: GUARANTEED FINISHING UNLIMITED, INC.  
CUYAHOGA COUNTY  
OHD 107 109 563  
SECOND NOTICE OF VIOLATION

Mr. Bill Kozak Jr.  
3200 W. 121<sup>st</sup> Street  
Cleveland, OH 44111-1700

Dear Mr. Kozak:

To date you have not responded to a Notice of Violation letter dated April 22, 2008, regarding a compliance evaluation inspection (CEI), of Guaranteed Finishing Unlimited (GFU) in Cleveland. The inspection was conducted to determine GFU's compliance with Ohio's hazardous waste laws and regulations as found in the Ohio Revised Code and the Ohio Administrative Code ("ORC" and "OAC" respectively).

You did call several times, finally indicating about a month ago that all wastes had been representatively sampled and characterized by Enviroserve and that it was not hazardous waste. I had asked that you provide this documentation and other documentation needed to consider abatement of the hazardous waste violations, other violations, and the concerns that were identified in your Notice of Violation letter. As no information has been received, the following violations remain:

### Personnel Training

- 1) **OAC Rule 3745-65-16(A)(1-3), (B), (C), (D)(1-4) and (E), Personnel Training.** Facility personnel must complete training on hazardous waste management procedures.

GFU failed to comply with the personnel training requirements of this rule.

GFU must immediately provide this training as required to meet the LQG requirements and submit documentation (i.e., copy of the training sign-in sheets) to this office for review.

### Contingency Plan

- 2) **OAC Rules 3745-65-51(A) and (B); 3745-65-52 (A), (B), (C), (D), (E) and (F); 3745-65-53(A) and (B); and 3745-65-55, Contingency Plan.** A facility must have a contingency plan which will be implemented during an emergency. The contingency plan must describe the actions personnel will take during an emergency, describe arrangements with responders, list the emergency contact and related information, list emergency equipment, and include an evacuation plan. A copy of the contingency plan ~~must be maintained at the facility and submitted to entities that may be required to~~ provide emergency services.

A facility must have a designated emergency coordinator who is familiar with all aspects of the contingency plan, be available to respond to an emergency and have the authority to commit the resources needed to implement a contingency plan.

GFU has violated all of the applicable rules associated with the contingency plan requirements by having not prepared such a contingency plan.

GFU must prepare a contingency plan for meeting the LQG requirements. This plan must include all components to demonstrate compliance with this rule. GFU must maintain a contingency plan at its facility and submit such plan to agencies or organizations that may be required to provide emergency services during the periods of time when GFU is a LQG. GFU must designate an emergency coordinator and identify this person in its contingency plan. The contingency plan must demonstrate compliance with this rule when GFU is a LQG.

### Preparedness and Prevention

- 3) **OAC 3745-65-32 (A)(B)(C), Required Equipment:** All facilities shall be equipped with the following: spill control equipment, decontamination equipment and an internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel.

GFU failed to have the above needed equipment at the generator accumulation area including appropriate spill control equipment for both liquid and solid wastes such as pigs, booms, neutralization materials and decontamination equipment.

Please provide Ohio EPA with a list of emergency equipment provided at the generator hazardous waste storage area(s) appropriate to the wastes managed including communication, alarm, spill control and decontamination equipment. These requirements also apply to SGQs.

- 4) **OAC 3745-65-33, Testing and Maintenance of Equipment:** All facility communication or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment shall be tested and maintained to assure proper operation in time of emergency. These tests must be documented in a log or summary.

GFU failed to have emergency equipment inspection records.

GFU must develop a log for recording inspections of all emergency equipment and commence these inspections immediately. GFU may inspect by a method or frequency that insures the emergency equipment is ready and available at all times. GFU must submit a copy of the latest completed inspection. An example container/equipment inspection form is enclosed. The inspection form provided can be adapted to meet your needs. This requirement also applies to SGQs.

- 5) **OAC 3745-65-35, Required aisle space:** The owner or operator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment. GFU areas of hazardous waste drum storage failed to allow access.

The aisle space requirement also applies to SGQs. Provide a photograph that demonstrates adequate aisle space is provided.

### Containers

- 6) **OAC 3745-52-34(A)(3), Hazardous waste container labeling:** While being accumulated and/or treated on-site, each hazardous waste container and tank must be labeled or marked clearly with the words "Hazardous Waste" and visible for inspection on each container.

GFU failed to label as "Hazardous Waste" the following containers:

- About forty five (45) unlabeled 55-gallon drums reported to contain hazardous waste clean-out sludge from plating baths and tanks. Several of these drums also contained fluids.
- An unlabeled roll-off container of hazardous waste D006 and D007 sludge for an episodic clean-out event from plating tanks.
- A second hazardous waste drum area with five (5) unlabeled 55-gallon drums north of the hazardous waste roll-off.

To return to compliance, GFU must properly label all hazardous waste containers and provide photographs that show the labeling violation has been corrected. During the inspection, GFU did label the hazardous waste roll-off and the drums located near the roll-off. GFU must also provide sign-in sheets that show the employees have been trained in procedures for labeling hazardous waste containers. As an SQG you also are required to label all hazardous waste containers.

- 7) **OAC 3745-52-34(A)(2), Hazardous waste container dating:** While being accumulated and/or treated on-site, each hazardous waste container and tank must be labeled or marked clearly with the ... date accumulation began clearly marked and visible for inspection on each container.

GFU failed to date all of its hazardous waste containers as follows:

- About forty five (45) unlabeled 55-gallon drums reported to contain hazardous waste clean-out sludge from plating baths and tanks. Several of these drums also contained fluids.
- An unlabeled roll-off container of hazardous waste D006 and D007 sludge for an episodic clean-out event from plating tanks.
- A second hazardous waste drum area with five (5) unlabeled 55-gallon drums north of the hazardous waste roll-off.

GFU must properly date all hazardous waste containers and provide photographs that show the dating violation has been corrected. Submit in writing the procedures that have been implemented to insure future compliance with this regulation. GFU must also provide sign-in sheets that show employees have been trained in procedures for dating hazardous waste containers. As an SQG you are required to date all hazardous waste containers.

- 8) **OAC Rule 3745-66-73(A) and (B), Management of Containers:** A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste. A container holding hazardous waste shall not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

GFU violated rules:

(a) 3745-66-73(A) - GFU had about forty two (42) open poly drums that you reported were a hazardous waste in the south and west side of the facility.

(b) 3745-66-73(B) - Many of these hazardous waste drums were stored in a manner which could cause a leak or spillage when handled.

GFU shall secure lids on the open containers, especially those containing fluids. The facility must arrange drums in the area to provide access and eliminate the potential that certain drums may fall over and leak when handled. The facility must submit photographic documentation to demonstrate compliance with this rule. GFU must also provide sign-in sheets that show employees have been trained in procedures for keeping hazardous waste containers closed. As an SQG you are also required to keep closed all hazardous waste containers.

- 9) **OAC 3745-66-74, Inspections:** The owner or operator shall inspect areas where containers are stored at least weekly, looking for leaks and deterioration caused by corrosion or other factors. The owner or operator shall record inspections in an inspection log or summary.

GFU failed to inspect and record the inspections in a log or summary.

Please provide inspection records for at least three weeks to demonstrate inspections are now being performed. An example of an inspection checklist was previously enclosed and also found at the following link: <http://www.epa.state.oh.us/dhwm/pdf/sqglog.PDF>.

#### **Unpermitted Hazardous Waste Storage**

- 10) **ORC §3734.02(E) and (F):** GFU established an unpermitted hazardous waste storage facility by storing hazardous wastes without a permit. The hazardous waste storage exceeded 90 days and included the following areas:

1) Hazardous Waste drum storage area in the southwest building corner, where approximately 40 drums were reported to be hazardous waste and consisting of D002, D006 and D007 sludge and fluid wastes.

2) Hazardous drum stored in an area of the south central building area by a roll-off where 5 drums of hazardous sludge and fluid wastes were located.

GFU must immediately send off all accumulated hazardous waste and provide Toxicity Characteristic Leaching Procedure (TCLP) analytical data representative of all wastes and a signed Return to Generator copy of the Uniform Hazardous Waste Manifests (UHW) that show all the accumulated hazardous waste has been properly shipped offsite. You must include documentation and photos that show that all of this hazardous waste has been removed and the unpermitted storage areas properly cleaned. You may reference the Closure Plan Review Guidance (CPRG) for generator closure found at: <http://www.epa.state.oh.us/dhwm/cprg/Correctionsto2006CPRG.pdf>.

GFU violated ORC §3734.02(E) and (F), and is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. The Ohio EPA may assert its right to have GFU begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

#### **CONCERNS and COMMENTS**

Based on the CEI, Ohio EPA also has the following concerns and comments:

- A) A table of various DHWM recordkeeping requirements was previously enclosed and also at: <http://www.epa.state.oh.us/dhwm/pdf/RecordKeepingRequirementsTable.pdf>.

- B) There appears to have been a former hazardous waste generator storage area located just east of Rack #2. In regard to closure of this area, there is a closure performance standard that must be met in lieu of using weekly inspection records as these have not been maintained during LQG episodes. This generator closure performance standard is cited in the Closure Plan Review Guidance (CPRG) revised 2007 and found at: <http://www.epa.state.oh.us/dhwm/cprg/Correctionsto2006CPRG.pdf>.
- C) There were several areas being, or in need of clean out or removal. These include the Rack #2, Barrel #3 lines and the compressor room area. These efforts might best be accomplished and completed during your episodic LQG event. Appurtenances destined for recycling in a manner that will destroy residual contamination (e.g. scrap metal recycling) need not be thoroughly decontaminated. However, the appurtenances, pipes, tanks, etc. must be rendered useless (cut into sections) when recycled or disposed. It is recommended you maintain a record of disposal, recycling and sale or transfer of site equipment and wastes. Please provide an update of the status of these areas.
- D) Spent fluorescent lamps were seen at two locations. The lamps observed appeared to be nonhazardous as indicated by the green ends or green printing. This tends to indicate that these lamps may be considered non-hazardous waste due to their mercury or metals content. Other fluorescent and high intensity lamps that were observed in use may be considered a hazardous waste when disposed. Prior to disposal of lamps as a solid waste you must insure that manufacturer's data or test characterization results show the lamps to be non-hazardous. You may choose to manage all lamps as a universal waste, sending them to be recycled.

Spent lamps that are recycled are not subject to the hazardous waste rules. Management as universal waste requires the lamps be placed in a container, kept closed and dated and properly labeled as a universal waste. Refer to the following guidance, "Universal Waste Rules for Handlers of Lamps": [http://www.epa.state.oh.us/dhwm/pdf/Universal Waste Rules for Handlers of Lamps.pdf](http://www.epa.state.oh.us/dhwm/pdf/Universal%20Waste%20Rules%20for%20Handlers%20of%20Lamps.pdf). A list of facilities that accept fluorescent lamps is found at: <http://www.epa.state.oh.us/dhwm/pdf/comp.lamp.ballast.list.pdf>. A list of facilities licensed to receive hazardous waste is found at: <http://www.epa.state.oh.us/dhwm/pdf/accepting.pdf>.

- E) The Ohio EPA encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For those wastes that are generated, the second priority is to recycle or reuse them in an environmentally sound manner. You can benefit economically, help preserve the environment and improve your public image by implementing pollution prevention programs. More information about pollution prevention, including fact sheets and U.S. EPA's "Facility Pollution Prevention Guide" (EPA/600/R-92/088) may be obtained by contacting the Ohio EPA Pollution Prevention Section at (614) 644-3469 or online at: <http://www.epa.state.oh.us/ocapp/ocapp.html>.
- F) The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. We encourage you to sign-up for this free service. You can find more information at the following Web link: <http://www.epa.state.oh.us/dhwm/listserv.html>.

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You can find copies of the rules and other information on the DHWM's web page at:  
<http://www.epa.state.oh.us/dhwm>.

Be advised that any instances of non-compliance can continue as subjects of pending or future enforcement actions.

Please respond to this letter in writing **within 30 days** of the date of this letter by providing the information requested above. Should you have any questions or require additional information, you may contact me at (330) 963-1146 or at [ron.shadrach@epa.state.oh.us](mailto:ron.shadrach@epa.state.oh.us).

Sincerely,



Ronald J. Shadrach  
Division of Hazardous Waste Management

RJS:ddw

ec: Frank Popotnik, DHWM, NEDO

**NOTICE:**

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.