



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

February 27, 2007

**RE: D&N BENDING
OHD 000 772 582
NOTICE OF VIOLATION**

Al Maynard
D&N Bending
2130 W. 110th St.
Cleveland, OH 44102

Dear Mr. Maynard:

This letter will report on the recent hazardous waste inspection of D&N Bending. It will document any violations and concerns found and outline what you need to do to correct them. A written response to these issues is required within 30 days.

The Ohio EPA Division of Hazardous Waste Management conducted an inspection of D&N Bending located at 2130 W. 110th St. in Cleveland, OH on February 9 and 12, 2007. You told me that D&N Bending took over operation of this site from Cooper Tire & Rubber Company in January of 2005. The purpose of the inspection was to determine if D&N Bending had violations of Ohio's hazardous waste and used oil laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

Another purpose of the inspection was to look for ways D&N Bending may be able to reduce its waste generation, conserve energy, and save money. Notes on the enclosed Process, Waste, and Pollution Prevention Summary cover these issues.

Below are listed the violations and concerns found during the inspection and what you need to do to correct or otherwise address them. Please also see the enclosed inspection checklists.

Universal Waste Handler Violations

1. OAC 3745-273-13 (D) - Universal waste lamp containers.
This rule requires universal waste lamps to be in closed containers or packages that are structurally sound and adequate to prevent breakage.

D&N Bending and/or Cooper Tire & Rubber Company violated this rule by having waste fluorescent bulbs that were not in a closed container or package. On February 12, 2007, I saw that this had been corrected.

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2. OAC 3745-273-14 (E) - Universal waste lamp labeling.
This rule requires that containers of universal waste lamps be labeled as Universal Waste - Lamps, Waste Lamps, or Used Lamps.

D&N Bending and/or Cooper Tire & Rubber Company violated this rule by not having its waste lamps labeled as required. I have received a copy of a manifest showing the February 22, 2007 shipment of 416 pounds of waste fluorescent lamps to Chemical Solvents Inc. in Cleveland, Ohio. This shows your correction of this labeling violation.

3. OAC rule 3745-273-15(A) - Universal waste accumulation time limits.
This rule allows the accumulation of universal waste for no longer than one year unless it is solely for the purpose of accumulation of such quantities to facilitate proper recovery or treatment.

You told me that at least most of the waste fluorescent lamps seen during the inspection were there since before D&N Bending started operations in January 2005. D&N Bending and/or Cooper Tire & Rubber Company violated this rule by having its waste lamps accumulated for longer than one year. The shipment mentioned above shows your correction of this violation.

Concerns

1. OAC rule 3745-52-11 – Hazardous waste determination.
You operate a parts washer which I understand includes a solvent distillation system. This is serviced by Safety-Kleen who told you that they add solvent if it has evaporated and that waste has not been taken from this parts washer for a long time. If the solvent is used and distilled, eventually, there will still be bottoms waste that needs to be removed from the parts washer. As with any waste, you, as the generator of that waste, are responsible for determining whether or not that waste is a hazardous waste. At that time, I will be available to help with that determination if requested.
2. Open container of hazardous waste.
On February 9, 2007, I saw that your drum of D001, F003 hazardous waste solvents was open. I closed it. This drum should be stored closed to prevent evaporation of this hazardous waste and the resulting air pollution. You have told me that a screw in funnel with a spring lid has been ordered for this drum. This should keep the drum closed and limit evaporation of the waste solvent.

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3. Old paints

In the chemical storage and hazardous waste storage room (the locked storage room), there were many old containers that appeared to hold paints. D&N Bending should go through these containers to determine if some of them are not able to be used and therefore are wastes. For all wastes you must determine whether or not they are hazardous waste and recycle or dispose accordingly.

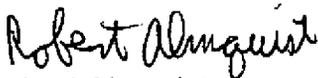
Please send a written response to this letter within 30 days including the documentation required above.

Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides compliance and pollution prevention assistance on environmental issues related to air, land, and water. They can be contacted at 800-329-7518 or <http://www.epa.state.oh.us/ocapp/ocapp.html>. In June 2006 they published a 56 page Small Business Environmental Compliance Self-Assessment Guide which can be found at: <http://www.epa.state.oh.us/ocapp/sb/publications/selfgde.pdf>.

You can find copies of the regulations and other information on the Division of Hazardous Waste Management web page at <http://www.epa.state.oh.us/dhwm/>.

If you have any questions, please contact me at (330) 963-1217, or robert.almquist@epa.state.oh.us.

Sincerely,



Robert Almquist
Division of Hazardous Waste Management

RA:cl
Enclosures

cc: Natalie Oryshkewych, DHWM, NEDO
ec: Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO
Thomas Wood, Cooper Tire & Rubber Company

Notice:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from its obligation to comply with all applicable regulations.



E-mail this completed form to tammy.mcconnell@epa.state.oh.us or mail it to Tammy McConnell, Central Office

Environmental Protection Agency
RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM

For Ohio EPA use only

2. Site EPA ID No.	EPA ID Number: OHD 000 772 582		
3. Site Name	Name: D&N Bending Corp.	Website (optional):	www.dnbend.com
4. Site Location Information	Street Address: 2130 W 110 th St.		
	City, Town, or Village: Cleveland	State: OH	
	County Name: Cuyahoga	Zip Code: 44102-3590	
5. Site Land Type (check only one)	<input checked="" type="checkbox"/> Private	<input type="checkbox"/> County	<input type="checkbox"/> District
6. NAICS code(s) www.census.gov/epcd/www/naics.html	A.		B.
	C.		D.
	7. Facility Representative:		MI:
	First Name: Al		Last Name: Maynard
Additional names can be recorded in number 12. Only provide address information if it is different than the site address.	Phone Number: 216-281-8300		Phone Number Extension: 270
	E-Mail Address: amaynard@dnbend.com		
	Fax Number: 216-281-0126		Fax Number Extension:
	Street or P.O. Box:		
	City, Town or Village:		
	State: OH	Country: Ashtabula	Zip Code: 44004
	8. Legal Owner and Operator of the Site List		
	A. Name of Site's Legal Owner: Steve Murray		Date Became Owner (mm/dd/yyyy): Jan. 2005
	Owner Type: Mark with an X	<input checked="" type="checkbox"/> Private	<input type="checkbox"/> County
	Street or P.O. Box: 101 East Pond Rd.		
City, Town, or Village: Romeo		Owner Phone #: 586-752-5511	
State: MI	Country:	Zip Code: 48065	
B. Name of Site's Operator: D&N Bending		Date Became Operator (mm/dd/yyyy): Jan. 2005	
Operator Type: Mark with an X	<input checked="" type="checkbox"/> Private	<input type="checkbox"/> County	
Street or P.O. Box: same as site			
City, Town, or Village:		Operator Phone #:	
State:	Country:	Zip Code:	
9. Violations Cited?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)			
<input type="checkbox"/> Not Regulated			

10. Type of Regulated Waste Activity (Mark "Y" in all of the appropriate boxes.)

A. Hazardous Waste Activities
 (choose only one of the following categories)

<input type="checkbox"/>	UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/>	3. Treater, Storer or Disposer of Hazardous Waste
<input type="checkbox"/>	a. Large Quantity Generator (LQG):	<input type="checkbox"/>	4. Recycler of Hazardous Waste
<input type="checkbox"/>	b. Small Quantity Generator (SQG)	<input type="checkbox"/>	5. Exempt Boiler and/or Industrial Furnace
<input checked="" type="checkbox"/>	c. Conditionally Exempt Small Quantity Generator	<input type="checkbox"/>	a. Small Quantity On-site Burner Exemption
<input type="checkbox"/>	d. United States Importer of Hazardous Waste	<input type="checkbox"/>	b. Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/>	e. Mixed Waste (hazardous and radioactive) Generator	<input type="checkbox"/>	6. Underground Injection Control Facility

B. Universal Waste Activities		C. Used Oil Activities	
<input checked="" type="checkbox"/>	1. Small Quantity Handler of Universal Waste (Indicate types of universal waste generated and/or accumulated (check all boxes that apply):	<input type="checkbox"/>	1. Used Oil Generator
<input type="checkbox"/>	2. Large Quantity Handler of Universal Waste (accumulates 5,000 kg or more).	<input type="checkbox"/>	2. Used Oil Transporter Indicate Type(s) of Activity(ies)
<input type="checkbox"/>	3. Destination Facility for Universal Waste (Check all boxes below that apply for each of the three types of facilities above.)	<input type="checkbox"/>	Transporter
		<input type="checkbox"/>	Transfer Facility
		<input type="checkbox"/>	3. Used Oil Processor and/or Re-refiner Indicate Type(s) of Activity(ies)
		<input type="checkbox"/>	Processor
		<input type="checkbox"/>	Re-refiner
		<input type="checkbox"/>	4. Off-Specification Used Oil Burner
		<input type="checkbox"/>	5. Used Oil Fuel Marketer - Indicate Type(s) of Activity(ies)
		<input type="checkbox"/>	a. Marketer Who Directs Shipment of Off- Specification Oil
		<input type="checkbox"/>	b. Used Oil to Off-Specification Used Oil Burner

	<u>Generated</u>	<u>Accumulated</u>	
A. Batteries	<input type="checkbox"/>	<input type="checkbox"/>	
B. Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	
C. Thermostats	<input type="checkbox"/>	<input type="checkbox"/>	
D. Lamps	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at your site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

D001	F003					
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12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.

No	Announced ?	Additional Facility Representatives:	Clyde, Lance (Maintenance)
no	Tanks?	Other comments: letters will also be sent to Cooper Tire and Decoma International as a result of this inspection	
yes	Containers?		

13. Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/ Time (mm-dd-yyyy) (HH:MM)
Robert Almquist		2-9and12-07

14. OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of owner, operator, or an authorized representative	Name and Title (Print)	Date (mm-dd-yyyy)

CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: D&N Bending ID #: OHD 000 772 582 Inspection Date: 2-9and12-07

CESQG: <100Kg. (Approximately 25-30 gallons) of waste in a calendar month.

SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.

LQG: >1,000 Kg. (~300 gallons) of waste in a calendar month or >1 Kg. of acutely hazardous waste in a calendar month.

NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

WASTE EVALUATION

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes No N/A
See concern in letter

GENERATOR CLASSIFICATION

2. Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")] Yes No N/A

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3. Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)] Yes No N/A
Haven't had to ship waste in the last couple of years

TREATMENT OF HAZARDOUS WASTE

4. Does the generator treat hazardous waste in a : no
- a. Container that meets 3745-66-70 to 3745-66-77? Yes No N/A
 - b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C) Yes No N/A
 - c. Drip pads that meet 3745-69-40 to 3745-69-45? Yes No N/A
 - d. Containment building that meets 3745-256-100 to 3745-256-102? Yes No N/A

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

REMARKS

Process, Waste, and Pollution Prevention Summary for:

D&N Bending, OHD 000 772 582, , 2-9 and 12 -07 inspection

#	Process generating the waste	Waste details	On-site management	Off-site management	Current pollution prevention	Possible pollution prevention
1	Cleaning of finished product with solvent and rag	Waste MEK, acetone, isopropyl alcohol left in can. Filling same drum since Jan. 2005. D001, F003 hazardous waste	Stored in drum			Set a procedure for determining when the solvent can no longer be used.
2	Cleaning of finished product with solvent and rag and isopropyl alcohol	Waste rags	Stored in a drum	Laundry facility		
3	Clean out extruders using a harder plastic	Plastic	Pelletize and reuse some	Sell some to plastics recycler		
4		Waste aerosol cans	Stored in drum			

UNIVERSAL WASTE HANDLER REQUIREMENTS - SMALL QUANTITY - BATTERIES AND LAMPS

Facility Name: D&N Bending

ID #: OHD000772582

Inspection Date: 2-9and12-07

Large Quantity Universal Waste Handler (LQUWH) = 5,000 Kg or more

Small Quantity Universal Waste Handler (SQUWH) = 5,000 Kg or less

PROHIBITIONS

- 1. Did the SQUWH dispose of universal waste? [3745-273-11(A)] Yes No N/A RMK#
- 2. Did the SQUWH dilute or treat universal waste, except when responding to releases as provided in 3745-273-17 or managing specific wastes as provided in 3745-273-13? [3745-273-11(B)] Yes No N/A RMK#

WASTE MANAGEMENT & LABELING/MARKING

UNIVERSAL WASTE BATTERIES

- 3. Are battery(ies) that show evidence of leakage, spillage or damage that could cause leaks contained? [3745-273-13(A)(1)] Yes No N/A RMK#
Waste batteries not typically generated
- 4. If batteries are contained, are the containers closed and structurally sound, compatible with the contents of the battery and lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-13(A)(1)] Yes No N/A RMK#
- 5. Does the SQUWH conduct any of the following activities:
 - a. Sort batteries by type? Yes No N/A RMK#
 - b. Mix battery types in one container? Yes No N/A RMK#
 - c. Discharge batteries to remove the electric charge? Yes No N/A RMK#
 - d. Regenerated used batteries? Yes No N/A RMK#
 - e. Disassemble them into individual batteries or cells? Yes No N/A RMK#
 - f. Remove batteries from consumer products? Yes No N/A RMK#
 - g. Remove the electrolyte from the battery? Yes No N/A RMK#

If so, are the casings of the batteries breached, not intact, or open (except to remove the electrolyte)? [3745-273-13(A)(2)]

Yes ___ No ___ N/A ___ RMK#

6. If the electrolyte is removed or other waste generated, has it been determined whether it is a hazardous waste? [3745-273-13(A)(3)]

Yes ___ No N/A ___ RMK#

a. If the electrolyte or other waste is characteristic, is it managed in compliance with 3745-50 through 3745-69? [3745-273-13(A)(3)(a)]

Yes ___ No N/A ___ RMK#

b. If the electrolyte or other waste is not hazardous, is it managed in compliance with applicable law? [3745-273-13(A)(3)(b)]

Yes ___ No N/A ___ RMK#

7. Are the battery(ies) of container(s) of batteries labeled with the words "Universal Waste - Batteries" or "Waste Battery(ies)" or "Used Battery(ies)"? [3745-273-14(A)]

Yes ___ No N/A ___ RMK#

UNIVERSAL WASTE LAMPS

8. Does the SQGUHW contain lamps in containers or packages that are structurally sound, adequate to prevent breakage, and are compatible with contents of the lamps? Are containers or packages closed and do they lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-13(D)(1)]

Yes ___ No N/A ___ RMK#

9. Are lamps that show evidence of breakage, leakage or damage that could cause a release of mercury or hazardous constituents into the environment immediately cleaned up? Are they placed into a container that is closed, structurally sound, compatible with the contents of the lamps, and lack evidence of leakage spillage or damage that could cause leakage or releases of mercury or hazardous waste constituents to the environment? [3745-273-13(D)(2)]

Yes ___ No N/A ___ RMK#
No broken ones seen

10. Are the lamps or containers or packages of lamps labeled with the words "Universal Waste - Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)"? [3745-273-14(E)]

Yes ___ No N/A ___ RMK#

NOTE: Treatment (such as crushing) by a UWH is prohibited under this rule unless the facility is permitted for such activities [3745-273-31(B)]. A generator crushing lamps must manage lamps according to hazardous waste rules (OAC Chapter 3745-52). Lamp crushing is a form of generator treatment (OAC 3745-52-34). Crushed lamps must be transported by a registered hazardous waste transporter to a permitted hazardous waste facility under a hazardous waste manifest.

ACCUMULATION TIME

11. Is the waste accumulated for less than one year? Yes ___ No N/A ___ RMK#
[3745-273-15(A)] If not:

a. Was the waste accumulated over one year in order to facilitate proper recovery, treatment or disposal? (Burden of proof is on the handler to demonstrate) [3745-273-15(B)] Yes ___ No N/A ___ RMK#

NOTE: Accumulation is defined as date generated or date received from another handler.

12. Is the length of time the universal waste is stored documented by one of the following: [3745-273-15(C)]

Yes No N/A RMK#

a. Marking or labeling the container with the earliest date when the universal waste became a waste or was received? [3745-273-15(C)(1)]

Yes ___ No ___ N/A ___ RMK#

b. Marking or labeling individual item(s) of universal waste with the earliest date that it became a waste or was received? [3745-273-15(C)(2)]

Yes ___ No ___ N/A ___ RMK#

c. Maintaining an inventory system on-site that identifies the date the universal waste became a waste or was received? [3745-273-15(C)(3)]

Yes ___ No ___ N/A ___ RMK#

d. Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers became a universal waste or was received? [3745-273-15(C)(4)]

Yes ___ No ___ N/A ___ RMK#

e. Placing the universal waste in a specific accumulation area and identifying the earliest start date or date received? [3745-273-15(C)(5)]

Yes ___ No ___ N/A ___ RMK#

f. Any other method, which clearly demonstrates, the length of time the universal waste has been accumulated from the date it became a waste or was received? [3745-273-15(C)(6)]

Yes ___ No ___ N/A ___ RMK#



EMPLOYEE TRAINING

13. Are employees who handle or have the responsibility for managing universal waste informed of waste handling/emergency procedures, relative to their responsibilities? [3745-273-16]

Yes ___ No N/A RMK#

RESPONSE TO RELEASES

14. Are releases of universal waste and other residues immediately contained? [3745-273-17(A)] Yes ___ No N/A ___ RMK#
15. Is the material released characterized? [3745-273-17(B)] Yes ___ No N/A ___ RMK#
16. If the material released is a hazardous waste, is it managed as required in OAC Chapters 3745-50 through 3745-69? (If the waste is hazardous, the handler is considered the generator of the waste and is subject to Chapter 3745-52) [3745-273-17 (B)] Yes ___ No N/A ___ RMK#

OFF-SITE SHIPMENTS

NOTE: If a SQUWH self-transport waste, then they must comply with the Universal Waste transporter requirements.

17. Are universal wastes sent to either another handler, destination facility or foreign destination? [3745-273-18(A)] Yes ___ No N/A ___ RMK#

NOTE: SQUWHs are prohibited to send waste to any other facility.

18. If the universal waste meets the definition of hazardous material under 49 CFR 171-180, are DOT requirements met with regard to package, labels, placards and shipping papers? [3745-273-18(C)] Yes ___ No N/A ___ RMK#
19. Prior to shipping universal waste off-site, does the receiver agree to receive the shipment? [3745-273-18(D)] Yes ___ No N/A ___ RMK#
20. If the universal waste shipped off-site is rejected by another handler or destination facility does the originating handler do one of the following:
- a. Receive the waste back? [3745-273-18(E)(1)] Yes ___ No ___ N/A ___ RMK#

- b. Agree to where the shipment will be sent? [3745-273-18(E)(2)] Yes ___ No ___ N/A ___ RMK#
21. If a handler rejects a partial or full load from another handler, does the receiving handler contact the originating handler and discuss one of the following: Yes ___ No N/A ___ RMK#
- a. Sending the waste back to the originating handler? [3745-273-18(F)(1)] Yes ___ No ___ N/A ___ RMK#
- b. Sending the shipment to a destination facility? (If both the originating and receiving handler agree) [3745-273-18(F)(2)] Yes ___ No ___ N/A ___ RMK#
22. If the handler received a shipment of hazardous waste that was not universal waste, did the SQUWH immediately notify Ohio EPA? [3745-273-18(G)] Yes ___ No N/A ___ RMK#
23. If the handler received a shipment of nonhazardous, non-universal waste, was the waste managed in accordance with applicable law? [3745-273-18(H)] Yes ___ No N/A ___ RMK#

EXPORTS

24. Is waste being sent to a foreign destination? If so: Yes ___ No ___ N/A ___ RMK#
- a. Does the small quantity handler comply with primary exporter requirements in OAC 3745-52-53, 3745-52-56, and 3745-52-57? [3745-273-20(A)] Yes ___ No N/A ___ RMK#
- b. Is waste exported only upon consent of the receiving country and in conformance with U.S. EPA's "Acknowledgment of Consent" as defined in 3745-52-50 to -52-57? [3745-273-20(B)] Yes ___ No N/A ___ RMK#
- c. Is a copy of U.S. EPA's "Acknowledgment of Consent" provided to the transporter? [3745-273-20(C)] Yes ___ No N/A ___ RMK#

REMARKS