



**Environmental
Protection Agency**

John Kasich, Governor
Mary Taylor, Lt. Governor
Linda Kelly, Director

CERTIFIED MAIL

May 15, 2012

Thomas DeWeese
Bedford Anodizing Company
7860 Empire Parkway
Macedonia, OH 44056

RE: *BEDFORD ANODIZING CO., OHD987034584, SUMMIT COUNTY, NOV-PRTC*

Dear Mr. DeWeese:

On October 4, 2011 and April 24, 2012, this writer, representing Ohio EPA, Division of Materials and Waste Management (DMWM), visited Bedford Anodizing Company (BAC), located at 7860 Empire Parkway in Macedonia, Ohio. The purpose of these visits was to follow up on previously identified violations as originally cited in DMWM's June 1, 2011 Notice of Violation/Partial Return to Compliance (NOV/PRTC) letter. In addition, DMWM assessed BAC's compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). BAC was represented by you.

DMWM received the following information from BAC:

- On August 5, 2011, BAC submitted its response to DMWM's July 22, 2011 PRTC letter;
- On September 8, 2011, BAC submitted data concerning its spent acid and spent alkali usage;
- On October 20, 2011, BAC provided an update concerning the status of conducting waste evaluation activities;
- On December 5, 2011, BAC provided an update concerning the status of conducting waste evaluation activities and submitted data concerning its spent acid and spent alkali usage;
- On March 1, 2012, BAC submitted waste evaluation analytical results, an update concerning the status of conducting waste evaluation activities and data concerning its spent acid and spent alkali usage; and
- On May 11, 2012, BAC submitted a copy of the land disposal restriction form accompanying the February 24, 2012 shipment of hazardous waste.

The following is the status of the violations originally appearing in DMWM's June 1, 2011 NOV/PRTC letter:

1. OAC rule 3745-52-11, Waste Evaluation:
 - A. The contents of five, 55-gallon plastic drums identified as Alkali Etch Waste. On March 1, 2012, BAC submitted waste evaluation results concerning these wastes. The results did not exceed the regulatory levels established for a characteristic hazardous waste. Based on submitted documentation, this violation has been adequately abated.
 - B. The contents of five, 55-gallon plastic drums identified as Sulfuric Acid Crystals. On March 1, 2012, BAC submitted waste evaluation results concerning these wastes. The results exceeded the characteristic hazardous waste regulatory level for chromium (D007). Based on submitted documentation, this violation has been adequately abated.
 - C. The contents of 12, 55-gallon plastic drums identified as Phosphoric Acid Brite Dip Waste. BAC must submit waste evaluation information, developed in accordance with OAC rule 3745-52-11, for these wastes. Additionally, please identify how the wastes will be managed and disposed. This violation will remain unabated until BAC submits the requested documentation of compliance to my attention at Ohio EPA.
 - D. The contents of 11, 55-gallon plastic drums identified as Stannous Sulfate Crystals. On March 1, 2012, BAC submitted waste evaluation results concerning these wastes. The results exceeded the characteristic hazardous waste regulatory level for chromium (D007). Based on submitted documentation, this violation has been adequately abated.
 - E. Floor sweepings and solids accumulating in the dust collector unit from the buffing process. On March 1, 2012, BAC submitted waste evaluation results concerning these wastes. The results did not exceed the regulatory levels established for a characteristic hazardous waste. Based on submitted documentation, this violation has been adequately abated.

Violations two, three and four appearing in DMWM's June 1, 2011 NOV/PRTC letter were previously abated.

BAC attained a large quantity generator (LQG) status through the generation of hazardous waste stannous sulfate. On March 1, 2012, BAC submitted waste evaluation information which indicated the stannous sulfate exceeded the characteristic hazardous waste regulatory level for chromium (D007). The waste stannous sulfate was originally generated on March 12, 2011. During the April 24, 2012 inspection, BAC provided documentation that the hazardous waste stannous sulfate (440-gallon) was shipped off-site for management. As a LQG, BAC failed to comply with the following regulations:

1. Unlawful Storage of Hazardous Waste, ORC § 3734.02(E)&(F) and OAC rule 3745-52-34(A): A large quantity generator of hazardous waste may, for ninety days or less, accumulate hazardous waste that is generated on-site without an Ohio hazardous waste permit.

BAC accumulated hazardous waste that was generated on-site for greater-than-ninety (>90) days. Specifically, 440-gallons of stannous sulfate hazardous waste (D007) was accumulated on-site for 349 days. The stannous sulfate was subsequently shipped off-site to a permitted hazardous waste management facility on February 24, 2012.

Since BAC violated ORC § 3734.02(E)&(F), your facility is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 3745-55. Additionally, at any time Ohio EPA may assert its right to have you begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

Please submit a description of corrective actions taken to ensure compliance with OAC rule 3745-52-34(A).

2. OAC rule 3745-52-11, Waste Evaluation: Any person who generates a waste must evaluate that waste to determine if it is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51.

BAC failed to evaluate the following wastes:

- A. The contents of 15, 55-gallon plastic drums identified as Lot 1-Alkali Waste.
- B. The contents of 20, 55-gallon plastic drums identified as Lot 2-Alkali Waste.
- C. The contents of nine, 55-gallon plastic drums identified as Lot 3-Acid Waste.
- D. The contents of 23, 55-gallon plastic drums identified as Lot 4-Alkali Waste.

To abate this violation, BAC must submit waste evaluation information, developed in accordance with OAC rule 3745-52-11, for each of these wastes. Additionally, please identify how the wastes will be managed and disposed.

3. Labeling Hazardous Waste Accumulation Containers, OAC rule 3745-52-34(A)(3): While being accumulated on-site, each container with hazardous waste contents must be labeled with the words "Hazardous Waste."

BAC failed to label 11, 55-gallon containers of stannous sulfate and 5, 55-gallon containers of sulfuric acid crystals with the words "Hazardous Waste." Since the contents of these containers were subsequently shipped off-site to a permitted hazardous waste management facility, no further response is requested to abate this violation.

4. Required Equipment, OAC rule 3745-65-32(C): All facilities must be equipped with portable fire extinguishers, fire control equipment, spill control equipment and decontamination equipment.

BAC failed to maintain emergency equipment as required by OAC rule 3745-65-32(C). To abate this violation, submit a description of corrective actions taken to comply with this rule.

5. Testing & Maintenance of Emergency Equipment, OAC rule 3745-65-33: Facility communications or alarm systems, fire protection equipment, spill control equipment and decontamination equipment (where required), must be tested and maintained as necessary to assure its proper operation in the event of an emergency. The owner or operator must record the inspections in a log or summary.

BAC failed to conduct inspections of emergency equipment. To abate this violation, submit a description of corrective actions taken to comply with this rule.

6. Personnel Training, OAC rule 3745-65-16(A)(B)(C)(D)(1-4): Facility personnel must complete training on hazardous waste management and emergency response procedures.

BAC failed to develop and implement a hazardous waste personnel training program. To abate this violation, submit a description of corrective actions taken to comply with this rule.

7. Content of Contingency Plan, OAC rule 3745-65-52(A)(C)(D)(E)(F): (A) The contingency plan must describe the actions to be taken to comply with OAC rules 3745-65-51 and 3745-65-56 in response to fires, explosions or unplanned releases of hazardous waste; (C) Describe arrangements with local police, fire, hospitals, contractors, emergency response teams and Ohio EPA to coordinate emergency services; (D) List names, addresses, phone numbers of all persons qualified to act as an emergency coordinator; (E) Include a list of all emergency equipment at the facility, including, but not limited to, fire extinguishing systems, spill control equipment, communications and alarm systems and decontamination equipment. This list must be kept up to date and must include the location, and a physical description of each item on the list, and a brief outline of its capabilities. (F) Include an evacuation plan for facility personnel.

BAC failed to maintain a contingency plan that met all of the requirements of OAC rule 3745-65-52. To abate this violation, submit a description of corrective actions taken to comply with this rule.

8. Inspections of Containers, OAC rule 3745-66-74: The owner or operator must inspect areas where hazardous waste containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. The owner or operator must record the inspections in an inspection log or summary.

BAC failed to conduct inspections of hazardous waste containers. To abate this violation, submit a description of corrective actions taken to comply with this rule.

9. OAC rule 3745-270-07(A)(2), LDR Requirements: A generator of a hazardous waste must determine if the waste has to be treated before it can be land disposed. If the waste does not meet the treatment standard, with the initial shipment of waste to each treatment or storage facility, the generator must send a one-time written notice to each treatment or storage facility receiving the waste, and place a copy in the generator's files. The notice must include the information in Column A of Table 1 of this rule. No further notification is necessary until such time as the waste changes or the treatment or storage facility changes, in which case a new notification must be sent to the new treatment or storage facility and a copy placed in the generator's files.

BAC failed to retain a copy of the land disposal restriction (LDR) notification form accompanying the February 24, 2012 shipment of hazardous waste. On May 11, 2012, BAC submitted a copy of the LDR form. Based on submitted documentation, this violation has been adequately abated.

Ohio EPA offers the following comments:

1. BAC has asserted that the spent acid and spent alkali are not waste since they are being recycled by or used as a substitute for a commercial chemical product. Please note that the spent acid and spent alkali are normally spent materials as defined in OAC rule 3745-51-01(C)(1). However, in order for BAC's spent acid and spent alkali to maintain its non-waste status due to its use as substitute for a commercial chemical product (i.e., pH adjustment), BAC must be able to demonstrate they are not speculatively accumulating the spent acid and spent alkali pursuant to OAC rule 3745-51-01(C)(8). Recently, BAC has provided data concerning their on-site amounts from September 1, 2011 through February 1, 2012. A review of the spent acid data indicates a net increase of 2,905-gallons over six months (total on-site 17,735-gallons). Similarly, a review of the spent alkali data indicates a net increase of 2,850-gallons over six months (total on-site 5,100-gallons).

BAC must demonstrate that at least 75% of the spent acid and spent alkali accumulated at the beginning of the calendar year, commencing January first, is recycled. If BAC is unable to do so, under OAC rule 3745-51-02(E)(2)(c), spent materials (i.e., spent acid and spent alkali) that are accumulated speculatively are subject to hazardous waste requirements including OAC rule 3745-52-11, waste evaluation.

Should the waste evaluation reveal that the spent acid and/or spent alkali are a hazardous waste, BAC must comply with the hazardous waste accumulation requirements unless the waste or the units storing the waste are specifically exempted. Waste management unit exemptions may include a wastewater treatment unit (see OAC rules 3745-50-10(A)(35), 3745-54-01(G)(6) and 3745-65-01(C)(10)) or in a elementary neutralization unit (see OAC rules 3745-50-10(A)(151) and 3745-50-45(C)(5)). However, if at any point the waste or the unit loses its exempt status, then BAC would be subject to all applicable hazardous waste regulations.

2. During the inspection of the exterior, northeast corner of your facility, liquid with an elevated pH was observed entering the drainage swale. Process related wastewater is emanating either from the floor of your building or possibly through cracks in the foundation wall. BAC has been previously advised that allowing pollutants to enter the swale and waters of the state of Ohio in this manner is a violation of ORC § 6111.04. BAC must take whatever steps are necessary to eliminate this discharge.
3. During the inspection of the exterior, west side your facility, underneath the outbuilding, white solid waste from the wastewater treatment system was observed on the ground. In addition, several overfilled, open rectangular tanks containing white solid waste were observed in the area. This area must be cleaned up and managed in a manner to prevent solid waste from contacting the ground.

BAC must immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 30 days of receipt of this letter, BAC is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance may be submitted via the postal service or electronically to frank.zingales@epa.ohio.gov.

Please be advised that the violations cited above will continue until the violations have been properly abated. Failure to comply with ORC Chapter 3734 and the rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, BAC is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

BEDFORD ANODIZING CO.
MAY 15, 2012
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Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve you from having to comply with all applicable regulations.

Should you have any questions, please contact me at (330) 963-1108.

Sincerely,



Frank A. Zingales
Environmental Specialist
Division of Materials and Waste Management

FAZ:ddw

ec: Phil Rhodes, DSW, NEDO
Natalie Oryshkewych, DMWM, NEDO
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