



State of Ohio Environmental Protection Agency

Southwest District Office

401 E. Fifth St.
Dayton, Ohio 45402

TELE (937) 285-6357 FAX (937) 285-6249
www.epa.state.ch.us

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

Eval 002
enf 602

December 23, 2009

Re: Custom Chrome Plating
OHD 987 037 900
Montgomery County
Notice of Violation

Mr. David Richman
307 Quitman Street, Apt. A
Dayton, Ohio 45410

Certified Mail

Dear Mr. Richman:

On October 1, 2009 Ohio EPA's Division of Hazardous Waste Management (DHWM) conducted a complaint investigation at Custom Chrome Plating facility located at 828 Hall Avenue, Dayton, Ohio. This investigation was conducted in response to a complaint received by Ohio EPA. The complainant alleged the existence of several containers were located outside and behind a building on this property. During the investigation, Jeff Smith and I represented Ohio EPA and you represented Custom Chrome Plating. The purpose of our investigation was to assess the validity of the complaint and determine your 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).

On October 1, 2009 Ohio EPA DHWM verified the existence of these containers and several other containers, including plating tanks, within the building. During the investigation, you provided us with limited information regarding the contents of these containers/tanks and their planned use and disposition. In order for Ohio EPA DHWM to fully assess the compliance of operations occurring at this property, you were requested in my October 6, 2009 letter to provide specific information regarding the containers and tanks currently stored at 828 Hall Avenue. On November 13, 2009 I received your response to my October 6, 2009 letter. The documentation you submitted included an inventory (including facility map) of all containers and plating tanks on-site at Custom Chrome Plating, Dayton, Ohio facility.

A. VIOLATIONS

Your documentation along with the investigation conducted on October 1, 2009 was used to assess compliance with Ohio's hazardous waste laws. The following violations

of Ohio's hazardous waste laws were identified. In order to correct these violations you must do the following and send me the required information **within 30 days** of the date of this letter:

1. ORC 3734.02 (E)(2) and OAC 3745-52-34, Treatment, Storage, Disposal:

No person shall establish or operate a hazardous waste facility for the storage of hazardous waste without a hazardous waste facility installation and operation permit. Custom Chrome Plating stores hazardous waste at its facility without a hazardous waste installation and operation permit or a permit by rule.

The October 1, 2009 inspection and your inventory revealed that Custom Chrome Plating accumulated the following hazardous waste:

Number of Containers	Type of Container	Waste Description	Total Volume of Waste (gals.)	Map Location
1	55 gallon drum	chrome floor sweep	55	15
2	55 gallon drum	dry chrome sludge	110	21, 28
1	55 gallon drum	chrome sludge (evaporator)	27.5	21
7	55 gallon drum	wastewater	385	22
1	900 gallon storage tank	wastewater	400	23
1	700 gallon storage tank	wastewater	500	24

According to you Custom Chrome Plating ceased operations on August 19, 2009. Therefore, the hazardous waste listed above has been stored at the facility in excess of 90 days. The containers appeared to be in good condition and no leakage/spillage was evident in the area in which the containers were being stored. However, Custom Chrome Plating stored hazardous waste without a hazardous waste installation and operation permit or a permit by rule, in violation of ORC 3734.02 (E)(2) and OAC 3745-52-34.

Custom Chrome Plating must immediately cease on-site storage of hazardous waste at its facility and must manage and dispose of hazardous waste generated in accordance with ORC Chapter 3734 and the applicable hazardous waste regulations in OAC Chapters 3745-52 through 3745-55 and 3745-270. Custom Chrome Plating must provide documentation confirming that the hazardous waste has been removed and appropriately disposed of must be submitted to this office for review. This documentation must include a copy of the manifest(s) which accompanied the shipment(s) of waste off-site.

Since Custom Chrome Plating violated ORC 3734.02 (E), Custom Chrome Plating 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 Custom Chrome Plating begin facility-wide cleanup pursuant to the Corrective Actions process under Ohio Law.

2. OAC Rules 3745-66-91 through 66-100, Tank Requirements:

As indicated by your inventory, chrome tanks 4, 5, 6 and 7 contain chrome baths of 200, 350, 350 and 430 gallons, respectively. Custom Chrome Plating ceased operations on August 19, 2009. As stated in my October 6, 2009 letter the waste found in tanks 4-7 is subject to OAC Rule 3745-51-05 (C). The hazardous waste has remained in the tanks in excess of 90 days and therefore Custom Chrome Plating is in violation of all hazardous waste tank standards per OAC Rules 3745-66-91 through 66-100.

OAC Rule 3745-51-05 (C) states:

“Hazardous wastes which are exempted from certain rules. A hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment-manufacturing unit, is not subject to regulation under rules 3745-50-40 to 3745-50-235 and Chapters 3745-52, 3745-53, 3745-54 to 3745-57, 3745-65 to 3745-69, 3745-205, 3745-256, and 3745-270 of the Administrative Code or to the requirement to notify Ohio EPA or U.S. EPA of regulated waste activity, until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials.”

In order to abate this violation, Custom Chrome Plating must immediately cease on-site storage of hazardous waste in its plating tanks and must manage and dispose of hazardous waste generated in accordance with ORC Chapter 3734 and the applicable hazardous waste regulations in OAC Chapters 3745-52 through 3745-55 and 3745-270. Custom Chrome Plating must provide documentation confirming that the hazardous waste has been removed and appropriately disposed of must be submitted to this office for review. This documentation must include a copy of the manifest(s) which accompanied the shipment(s) of waste off-site.

3. OAC Rule 3745-52-11, Waste Evaluation:

Any person who generates a waste must evaluate the waste to determine if the waste is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51.

Custom Chrome Plating is in violation of OAC Rule 3745-52-11. Custom Chrome Plating has failed to determine if the following are hazardous waste:

- 11 containers (part of the 22 drums that were initially located outside and directly behind the building, map location: 31).
- chrome sludge in tank #3 (map location: 3).

Custom Chrome Plating must immediately evaluate the above waste to determine if it is a listed or characteristic hazardous waste as required by OAC Rule 3745-51-11. Once Custom Chrome Plating has made this determination, you must send me the documentation.

4. OAC Rule 3745-52-34 (A)(2), Accumulation time of hazardous waste:

The date upon which each period of accumulation and/or treatment begins is clearly marked and visible for inspection on each container.

The hazardous waste containers listed above in Table 1 located at the facility were not marked with an accumulation start date, in violation of OAC Rule 3745-52-34 (A)(2).

In order to abate this violation, Custom Chrome Plating must apply the accumulation start date to each container and submit documentation to demonstrate compliance with this rule.

5. OAC Rule 3745-52-34 (A)(3), Accumulation Time of Hazardous Waste:

While being accumulated and/or treated on site, each container and tank must be labeled or marked clearly with the words "Hazardous Waste."

As noted above, during the October 1, 2009 investigation, the containers of hazardous waste listed above in Table 1 were not labeled with the words "Hazardous Waste," in violation of OAC Rule 3745-52-34 (A)(3).

In order to abate this violation, Custom Chrome Plating must label all containers with the words "Hazardous Waste" and submit documentation (i.e. photographs, cover letter) to demonstrate compliance with this rule.

6. OAC Rule 3745-66-73 (A), Management of Containers:

A container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste.

During the inspection, the half full 55 gallon steel drum containing chrome sludge was open, in violation of OAC Rule 3745-66-73 (A). This drum had an evaporator system attached to it. The evaporator was used to reduce the volume of hazardous waste. However, the evaporator was no longer functional because the power had been turned off.

In order to abate this violation, Custom Chrome Plating must close the container and submit documentation to demonstrate compliance with this rule.

7. OAC Rule 3745-66-74, Container Inspections:

The owner or operator must inspect area where hazardous waste containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. The owner must record inspections in an inspection log or summary. "Weekly" as defined by ORC §1.44 means seven consecutive days.

A review of Custom Chrome Plating records indicates that weekly inspections are not being conducted, in violation of OAC Rule 3745-66-74.

To return to compliance, it will be necessary to begin conducting weekly inspections in accordance with OAC Rule 3745-66-74. Please submit to Ohio EPA four weeks' worth of your most recent container inspections. In addition, please submit documentation which outlines the procedures that will be implemented by Custom Chrome Plating to ensure that hazardous waste containers will be inspected at least weekly.

B. GENERAL COMMENTS

1. Evaporator

During the October 1, 2009 investigation, an evaporator was identified on one of the 55 gallon steel drums located at your facility. You had indicated that the drum contained chrome sludge and the evaporator had been used to add heat to the container to remove water and reduce the volume of hazardous waste. Generators can use evaporators to reduce the volume of their hazardous waste under the generator treatment requirements found in OAC Rule 3745-52-34. However, if there is a release of hazardous waste or hazardous waste constituent to the air or the environment, this would be considered disposal. A generator is not allowed to dispose of its hazardous waste in this manner. It must be disposed of at a permitted hazardous waste facility. For additional information regarding the use of evaporators, please refer to the following documents:

- Ohio EPA DHWM Guidance Document, "Generator Treatment," November 2006.
- Ohio EPA Ohio Hazardous Waste Notifier, Summer 2004, Section "Can I Evaporate My Hazardous Waste?," pages 3-4.

2. Definition of Waste

According to your inventory, you identified several containers that are not waste but instead are "ready for use." These containers are listed below:

Table 2				
Number of Containers	Type of Container	Contents	Total Volume of Waste (gals.)	Map Location
1	55 gallon	strip bath (muriatic acid)	55	11
1	30 gallon	muriatic acid	30	12
1	60 gallon	strip bath (muriatic acid)	60	13
1	20 gallon	strip bath (muriatic acid)	20	14
2	30 gallon	sulfuric acid	60	16
1	30 gallon	muriatic acid	30	16
4	1 gallon	duro 60	4	16
3	55 gallon	stored chrome bath	165	17
4	55 gallon	stored chrome bath	220	30

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OAC Rule 3745-51-02 (F) states in part any material deemed not a waste, or is conditionally exempt from regulation, owners and operators must demonstrate that there is a known market or disposition for the material. Therefore, Custom Chrome Plating must provide appropriate documentation to demonstrate that the material listed above or any other material found on-site is not a waste, or is exempt from regulation.

Please submit documentation demonstrating violations A1, A2, A3, A4, A5, A6, and A7 have been abated, e.g., cover letter, copies of relevant letters and procedures, photographs, manifests, inspection logs, etc., to Ohio EPA Southwest District Office **within 30 days** of the date of this letter. For General Comment #2, please provide appropriate documentation to demonstrate that any material is not a waste, or is exempt from regulation. Should you have any questions, please feel free to call me at (937) 285-6456. You can find a copy of the rules and other information on the division's web page at: <http://www.epa.state.oh.us/dhwm>.

Sincerely,



Jeffery H. Stark
District Representative
Division of Hazardous Waste Management

Enclosures: Ohio EPA DHWM Guidance Document, "Generator Treatment,"
November 2006
Ohio EPA Ohio Hazardous Waste Notifier, Summer 2004

cc: DHWM Data Entry/Facility File

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.

JHS\bp

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