



**Environmental
Protection Agency**

John R. Kasich, **Governor**
Mary Taylor, **Lt. Governor**
Scott J. Nally, **Director**

Re: Anderson & Vreeland Inc.
OHD017556853
Williams County
DMWM, NWDO
Partial Return to Compliance/Notice
of Violation

March 16, 2012

Mr. Rick Hubert
Anderson & Vreeland Inc.
P. O. Box 527
Bryan, Ohio 43506

Dear Mr. Hubert:

Thank you for sending the documentation in response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notices of Violation (NOVs) dated September 8, 2011, and December 15, 2011. The documentation submitted by Anderson & Vreeland Inc. (A&V) was received by Ohio EPA on December 8, 2011, December 14, 2011, December 20, 2011, January 10, 2012, March 1, 2012, and March 5, 2012 and included analytical results, information from the EQ laboratory, photographs, and land disposal restriction information.

On January 5, 2012, Ohio EPA conducted a follow-up inspection, reviewed some paperwork, and sampled some waste streams at A&V. During this follow-up inspection, Ohio EPA determined compliance with several outstanding violations. Ohio EPA's sampling results were received on January 31, 2012, from the January 5, 2012, sampling event and are discussed below.

The following is a summary of the violations observed during the July 26, 2011, compliance evaluation inspection (CEI) and the facility's compliance with respect to each violation. Also, **new violations have been cited**, which are listed below, based on information gathered during the January 5, 2012 follow-up inspection and resulting correspondence.

In an attempt to streamline this letter, details concerning previously abated violations or general concerns which have been addressed in previous correspondence have been omitted. **Please submit the required information within 14 days of receipt of this letter.**

Violations:

The following violations were observed during the July 26, 2011, CEI and were originally cited in my September 8, 2011, NOV.

1. **Ohio Revised Code (ORC) Section 3734.02(E) & (F), Unpermitted Hazardous Waste Treatment, Storage & Disposal:** A&V responded to this violation on October 10, 2011. This violation has not been abated.
2. **Ohio Revised Code (ORC) Section 3734.02 (F), Unlawful transportation of a hazardous waste:** A&V responded to this violation on October 10, 2011. This violation has not been abated.
3. **Ohio Administrative Code (OAC) Rule 3745-52-11, Hazardous Waste Determination:** "Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste..."

A&V failed to adequately evaluate the waste streams listed below to determine if they were a hazardous waste in accordance with OAC Rule 3745-52-11, prior to sending them off site.

- a) Old inventory waste-**This is considered abated on October 10, 2011.**
- b) Waste paint
- c) Paint booth filters
- d) Bag house dust-**This is considered abated on January 31, 2012.**
- e) Hard reclaim/ mfg powder/pressure tank clean-out waste from the phenolic powder process
- f) Photopolymer solids from Orbital X machine
- g) Recirculated water (Cosmolight water) from Orbital X machine
- h) Photopolymer solids from laser machine
- i) Liquid Resin plus flexowash A waste-**This is considered abated on November 29, 2011.**
- j) Lubricant waste from slitter machine-**This is considered abated on January 31, 2012.**
- k) Solids removed from the lubricant waste from the slitter machine
- l) ADA laminator overspray-**This is considered abated on January 31, 2012.**
- m) AV Solve
- n) AV Solve II
- o) Print tight solution from the testing department

- p) Testing department Cosmolight solution
- q) Testing department AV Solve
- r) Testing department liquid resin waste-**This is considered abated on January 31, 2012.**
- s) Water based black ink
- t) ADA adhesive-This is considered abated on December 14, 2011.

On December 8, 2011, Ohio EPA received analytical results from A&V. However, the analytical results cannot be validated due to the lack of quality assurance and quality control (QA/QC) conducted by the laboratory. Therefore, these analytical results cannot be used as the sole documentation for waste evaluations and determining that a specific waste stream is non-hazardous. On January 5, 2012, Ohio EPA conducted sampling of some of the waste streams at A&V. These results were received on January 31, 2012, and show that the bag house dust (d), lubricant waste from the slitter machine (j), ADA laminating overspray (l), and the liquid resin waste (r) are non-hazardous wastes.

To date, Ohio EPA has not received adequate waste evaluations for all wastes listed above. These violations remain outstanding. In order to abate the violations, A&V must submit adequate waste evaluations for the above listed waste streams that have not been noted as "abated". If A&V will not generate any of the wastes listed above in the future, please describe which waste streams will not be generated again and why.

- 4. OAC Rule 3745-52-20(A)(1), Manifest - general requirements: This violation is considered abated on October 10, 2011.
- 5. OAC Rule 3745-270-07(A)(1), Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities: "A generator of a hazardous waste must determine if the waste has to be treated before it can be land disposed..."

A&V failed to determine if the hazardous waste Agfa process starter (ZRC Starter) (D002), lactic acid (D002), Logetronics fixer sys cleaner (liquid) (D002), McLube 1700 (D001), Red Top Spray Developer (Magnesium Developer) (D001), Safe React (D002), OHB (Ofsmopur H) (this is a typo on the lists of materials and should be Desmodur HL according to A&V) (D001), A&V Polysafe II (D001), and ADA adhesive (D001, D035) needed to be treated prior to shipping it off site for disposal.

On March 1, 2012, Ohio EPA received a completed land disposal restriction form for the ADA adhesive waste, which is the only waste listed above which will be generated in the future.

Therefore, this violation is considered abated on March 1, 2012.

6. **OAC Rule 3745-270-07(A)(2), Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities:** "If the waste or contaminated soil does not meet the treatment standards, or if the generator chooses not to make the determination of whether his waste must be treated, 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..."

A&V failed to send a one-time written notice to the treatment or storage facility receiving the hazardous waste Agfa process starter (ZRC Starter) (D002), lactic acid (D002), Logetronics fixer sys cleaner (liquid) (D002), McLube 1700 (D001), Red Top Spray Developer (Magnesium Developer) (D001), Safe React (D002), OHB (Ofsmopur H) (this is a typo on the lists of materials and should be Desmodur HL according to A&V) (D001), A&V Polysafe II (D001), and ADA adhesive (D001, D035).

On March 5, 2012, Ohio EPA received documentation that A&V had submitted the land disposal restriction form to the waste disposal facility.

Therefore, this violation is considered abated on March 5, 2012.

7. **OAC Rule 3745-52-34(D)(1), Accumulation time of hazardous waste:** This violation is considered abated on October 10, 2011.
8. **OAC Rule 3745-52-34(D)(5)(b), Accumulation time of hazardous waste:** This violation is considered abated on October 10, 2011.
9. **OAC Rule 3745-65-33, Testing and maintenance of equipment:** "All 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 time of emergency. The owner or operator must record the inspections in a log or summary."

A&V failed to keep inspections of emergency equipment in a log or summary.

Ohio EPA reviewed emergency equipment inspection logs at A&V during the site visit on January 5, 2012.

Therefore, this violation is considered abated on January 5, 2012.

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

A&V failed to keep inspections of the container storage area and the lamp crushing area in a log or summary.

Ohio EPA reviewed container storage area and lamp crushing area inspection logs at A&V during the site visit on January 5, 2012.

Therefore, this violation is considered abated on January 5, 2012.

11. **OAC Rule 3745-52-34(D)(5)(c), Accumulation time of hazardous waste**: "A generator who generates greater than one hundred kilograms but less than one thousand kilograms of hazardous waste in a calendar month may, for one hundred eighty days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit, provided that...the generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies."

A&V failed to train their employees on proper waste handling and emergency procedures including the official designation of emergency coordinators and proper emergency protocol in contacting these emergency coordinators.

In order to abate this violation, A&V must submit information to Ohio EPA that all employees handling hazardous waste have been properly trained in waste handling and emergency procedures. This information could be in the form of a sign-in sheet for a training held on this topic with printed and signed names of each employee and the information reviewed during the training.

At this time, Ohio EPA has not received documentation that A&V has properly trained employees handling hazardous waste in waste handling and emergency procedures. In order to abate this violation, please submit the information listed above within 14 days of receipt of this letter.

12. **OAC Rule 3745-52-34(D)(4), Accumulation time of hazardous waste:** "A generator who generates greater than one hundred kilograms but less than one thousand kilograms of hazardous waste in a calendar month may, for one hundred eighty days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit, provided that...the date upon which each period of accumulation and/or treatment begins is clearly marked and visible for inspection on each container...[and]...each container... is labeled or marked clearly with the words "Hazardous Waste..."

A&V failed to mark the fiber drum containing approximately 10 four foot lamps and 15 eight foot lamps waiting to be crushed with an accumulation start date or the words "Hazardous Waste". A&V also failed to mark the 55 gallon drum attached to the lamp crushing unit with an accumulation start date or the words "Hazardous Waste".

On October 10, 2011, Ohio EPA received information that A&V has eliminated the bulb storage drum. On January 5, 2012, Ohio EPA observed the lamp crushing unit. It was labeled with the words "Hazardous Waste" and had an accumulation start date of 11-14-11. On January 10, 2012, Ohio EPA received photographs that the hazardous waste labels on the lamp crushing unit and the drum of hazardous waste lamps in the container storage building had been properly filled out and attached to the drums.

Therefore, this violation is considered abated January 10, 2012.

13. **OAC Rule 3745-66-73(A), Management of containers:** This violation is considered abated on October 10, 2011.

New Violation:

The following violations were observed during the January 5, 2012, follow-up inspection.

14. **Ohio Revised Code (ORC) Section 3734.02(E)&(F), Unpermitted Hazardous Waste Treatment, Storage & Disposal:** "No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following:

(1) A hazardous waste facility operating under a permit issued in accordance with this chapter; (2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976"..."

- a.) During the January 5, 2012, follow-up inspection, Ohio EPA noted that a drum of hazardous crushed fluorescent lamps (D009) was located in the container storage area. The label on the drum of hazardous waste showed that the accumulation was started on May 26, 2011. Since A&V is a small quantity generator of hazardous waste and is conducting generator treatment on the hazardous lamps by crushing them, A&V can only treat/store the hazardous lamps without a permit for 180 days or less. Therefore, the first lamps treated/stored in the drum of hazardous waste on May 26, 2011, should have been shipped off site for proper hazardous waste disposal by November 22, 2011. However, A&V stored the waste on site until March 5, 2012, for a period of 284 days.
- b.) During the January 5, 2012, follow-up inspection, Ohio EPA noted that three drums of hazardous ADA adhesive waste (D001, D035) were located in the container storage area. The label on one of the drums of hazardous waste showed that the drum was full on August 23, 2011. Since A&V is a small quantity generator of hazardous waste, A&V can only store the hazardous ADA adhesive waste without a permit for 180 days or less. Therefore, this drum of hazardous waste should have been shipped off site for proper hazardous waste disposal by February 19, 2012. However, A&V stored the waste on site until March 5, 2012, for a period of 195 days.

A&V has become an unpermitted hazardous waste storage facility by treating/storing hazardous waste for greater than 180 days. A&V must immediately cease unpermitted storage of its hazardous waste.

A&V must immediately begin properly shipping hazardous waste off site within 180 days of the accumulation start date. A&V must describe in their response how the hazardous waste will be managed in the future to ensure that storage of waste over 180 days does not happen again.

Since A&V has violated ORC Section 3734.02(E) & (F) by becoming an unpermitted treatment, storage, and disposal facility (TSDF), it is subject to OAC Rules 3745-55-10 through 3745-55-48 and 3745-55-97.

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Therefore, A&V may be required to submit a closure plan for this area. A closure plan describes the steps necessary to investigate the extent of contamination and to clean up all contamination found.

A&V is also subject to all applicable general facility standards, found in OAC Chapters 3745-54 and 55, until such time as A&V has demonstrated that it has ceased operations as a TSD. Additionally, at any time, Ohio EPA may assert its right to have A&V begin facility-wide cleanup, pursuant to the Corrective Action process under Ohio law.

I have enclosed the fact sheet titled A Guide to the Administrative Enforcement Process within the Division of Hazardous Waste Management to help answer any questions you may have regarding this violation and further enforcement actions.

Potential Violation:

1. During the January 5, 2012, follow-up inspection, Ohio EPA noted that three containers (approximately 12 gallons total) of pump cleaning waste were located in the container storage area. According to information submitted to Ohio EPA during the July 26, 2011, CEI, this waste was brought to the container storage area on June 8, 2011. Since A&V is a small quantity generator of hazardous waste, A&V can only store hazardous waste without a permit for 180 days or less.

At this time, Ohio EPA has not received adequate analytical to determine if the pump cleaning waste is characteristic hazardous waste and if the F003 hazardous waste listing applies as indicated by reviewing the material safety data sheets.

In order to make this determination, A&V must properly obtain a representative sample of this waste stream and have it analyzed per the hazardous waste rules and regulations at a commercial environmental laboratory. This information should be submitted to Ohio EPA within 14 days of receipt of this letter. Please call me if you have further questions concerning this potential violation and sampling this waste stream.

General Concerns:

1. **Emergency Coordinator:** This general concern is considered addressed on October 10, 2011.

2. **Emergency Communication Device:** OAC Rule 3745-65-34(A), Access to communications or alarm systems states "Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee..."

It is unclear if A&V meets this hazardous waste rule in each area of the facility in which hazardous waste is handled. During the inspection, A&V stated that emergency communication devices were not used by all personnel.

On January 5, 2012, Ohio EPA spoke with A&V concerning this issue. A&V allows employees to carry personal cell phones. All areas in the plant where hazardous waste is being handled are located near facility phones. Additionally, 2-way radios are also being used in several areas of the plant.

Therefore, this general concern is considered addressed on January 5, 2012.

3. **Used Oil:** This general concern is considered addressed on October 10, 2011.
4. **Waste Codes:** A&V needs to be sure that the hazardous waste codes associated with all waste streams are correct.

On December 14, 2011, Ohio EPA received analytical information that confirmed the ADA adhesive waste is hazardous for ignitability (D001) and methyl ethyl ketone (D035). A&V needs to utilize these codes to dispose of this waste stream in the future.

This general concern is considered addressed on December 14, 2011.

5. **Satellite Accumulation Area:** This general concern is considered addressed on October 10, 2011.
6. **Large Quantity Generator of Hazardous Waste:** This general concern is considered addressed on October 10, 2011.
7. **Distillation Unit:** A&V needs to be aware that distillation of a hazardous waste on-site may be considered generator treatment of a hazardous waste. A&V must know whether each waste stream placed into the distillation unit is a hazardous waste or non-hazardous waste before the waste stream is distilled.

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A&V also needs to know if the waste generated from the distillation unit is a hazardous waste or non-hazardous waste.

On November 29, 2011, I spoke to you on the phone concerning this distillation unit. You stated that A&V is distilling the lubricant and water mixture from the slitter machine and the ADA laminating overspray. On December 8, 2011, Ohio EPA received analytical results from A&V. However, the analytical results cannot be validated due to the lack of laboratory quality assurance and quality control (QA/QC). Ohio EPA sampled the lubricant and water mixture from the slitter machine, the ADA laminating overspray, and the still bottoms from the distillation unit on January 5, 2012. Ohio EPA's analytical results of January 31, 2012, show these waste streams are non-hazardous wastes.

This general concern is considered addressed on January 31, 2012.

Please send all correspondence within 14 days of receipt of this letter, to Ohio EPA, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,



Kara Reynolds
Environmental Specialist
Division of Materials and Waste Management

/llr

Enclosures

pc: Colleen Weaver, DMWM, NWDO
Kara Reynolds, DMWM, NWDO
Cindy Lohrbach, DMWM, NWDO
ec: Colleen Weaver, DMWM, NWDO

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.