



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Referral #2419
Deco Tools
OHD 005041132
Lucas County
Hazardous Waste
Partial Return to Compliance 3

February 8, 2007

Mr. Mike Bollenbacher
President
Deco Tools, Inc.
1541 Coining Drive
Toledo, Ohio 43612

Dear Mr. Bollenbacher:

On January 23, 2007, I received two letters from you in response to my Partial Return to Compliance (PRTC) letter of January 3, 2007. Your letters are dated March 13, 2006 (unsigned) and January 19, 2007. The following documents were attached to your letters: a Bill of Lading for paint waste, dated August 15, 2006; a Bill of Lading for paint waste, dated January 16, 2007; a waste analysis for Paint Related Waste From Silver and Red Skin Painting; a waste analysis for Caraflex Cleanup Waste; your Hazardous Waste Materials Training outline; emergency procedures; and waste management procedures. Based on the information that you provided, I have made the following conclusions (the numbering used in the first PRTC letter is used in this one):

**1. Waste Evaluation
OAC Rule 3745-52-11**

3. Mask Rinse (D008, D011 & D002): This is a hazardous waste. It has the characteristics D008, D011 and D002. D011 and D002 are newly identified characteristics. Therefore, any labels or manifests should include the new hazardous waste numbers. Please indicate that you understand the proper description of this hazardous waste and provide a copy of a hazardous waste manifest for this waste.

Your response letters indicate that Deco understands that the proper description of this waste is D002, D008 & D011. You explained that your satellite accumulation drum has not been filled yet, so none of

this waste has been shipped off-site. Therefore, this violation has been corrected.

4. Caraflex Cleanup (D002): On March 3, 2006, Mr. Rob Rill of Jones & Henry Laboratory took the one gallon plastic container of Caraflex Cleanup waste back to the laboratory to have it analyzed. Please submit a copy of the analytical results for this waste. Clearly indicate if it is hazardous waste or not and what characteristics it possesses, if it is hazardous waste.

Attached to your response letters is the analysis of this waste demonstrating that it is also hazardous for lead (D008). Please submit a photograph of this waste container.

5. Paint Related Waste From Silver and Red Skin Painting (D008): This is a hazardous waste. The November analysis demonstrates that it has, at least, the characteristic for lead D008. However, silver is not detected in the sample. It was your understanding that the paint contained silver. After our conversation on December 21, 2005, you contacted the laboratory to see if there could have been a recording mistake. However, the laboratory indicated that the results were accurate. You agreed that another sample and analysis is necessary for this waste.

On March 3, 2006, Mr. Rob Rill of Jones & Henry Laboratory collected another sample of the waste paint booth filter and took it back to the laboratory for analysis. Please submit a copy of the analytical results for this waste. Clearly indicate if it possesses any additional hazardous waste characteristics and any Underlying Hazardous Constituents for land disposal purposes.

Attached to your response letters is the analysis of this waste which verifies that it is hazardous for lead (D008) and not hazardous for silver. Based on the analytical results, there do not appear to be any additional Underlying Hazardous Constituents. Therefore, this violation has been corrected.

7. Mask Washer Waste Acetone (F003, F005, D008 & D011): This waste is the listed waste F003 (acetone) and F005 (MEK). It also has the new characteristics D008 & D011. All these characteristics must be applied to the still bottoms unless a laboratory analysis demonstrates something different. Please indicate that you understand the proper description of this hazardous waste and provide a copy of a hazardous waste manifest for this waste.

Your response letters indicate that Deco understands that the proper description of this waste is F003, F005, D008 & D011. You explained that your satellite accumulation drum has not been filled yet, so none of this waste has been shipped off-site. Therefore, this violation has been corrected.

8. Still Bottoms: There were no still bottoms to sample on the sampling day. The still bottoms, when generated, will have the hazardous waste numbers D008, D011, F003 & F005. Please indicate that you understand the proper description of this hazardous waste and provide a copy of a hazardous waste manifest for this waste.

Your response letters indicate that Deco understands that the proper description of this waste is F003, F005, D008 & D011. You explained that you have not used the still, since the inspection, and so have not generated any still bottoms. Therefore, this violation has been corrected.

9. Grinding Room Waste/Debris: This waste is non-hazardous, based on the November analysis. There is some leachable lead, though, so Deco should periodically sample and analyze the waste. Please describe your plan for periodic sampling and analysis of this waste.

You explain in your January 19, 2007, letter that you plan to have this waste sampled and analyzed in January or February 2007. Your January 31, 2007, e mail message instructs Mr. Keith Holub to arrange for the sampling by the end of February 2007. This sampling has been scheduled for February 16, 2007. Deco should provide the analytical results as soon as they are available.

10. Sand Blast Waste: This waste is non-hazardous, based on the November analysis. There is some leachable lead, though, so Deco should periodically sample and analyze the waste. Please describe your plan for periodic sampling and analysis of this waste.

You explain in your January 19, 2007, letter that you plan to have this waste sampled and analyzed in January or February 2007. Your January 31, 2007, e mail message instructs Mr. Keith Holub to arrange for the sampling by the end of February 2007. This sampling has been scheduled for February 16, 2007. Deco should provide the analytical results as soon as they are available.

11. Fluorescent Bulbs: These bulbs are now being handled as Universal Waste. **Compliance with Universal Waste rules will be checked during a future inspection.**

12. Out-of-Service Plating Tanks:
 - A: Nickel Bright Tank Waste Liquid and Crystals, Tank #1 (D007)
This waste is a hazardous waste. It has the characteristic of D007 for chromium. On March 3, 2006, MWC Ohio removed the hazardous waste and cleaned the tank. Also on March 3, 2006, you provided a copy of the hazardous waste manifest demonstrating that this waste was sent to Chemtron Corporation of Avon, Ohio. **The condition of the tank will be checked during a future inspection.**

 - B: Nickel Strike Tank Waste Liquid and Crystals, Tank #2 (D002, D007 & D008) This waste is a hazardous waste. It has the characteristics of D002 (corrosivity), D007 (chromium) and D008 (lead). On March 3, 2006, MWC Ohio removed the hazardous waste and cleaned the tank. Also on March 3, 2006, you provided a copy of the hazardous waste manifest demonstrating that this waste was sent to Chemtron Corporation of Avon, Ohio. **The condition of the tank will be checked during a future inspection.**

13. Caustic Cleaner Tank Residue (D008) This waste is a hazardous waste. It has the characteristic of D008 (lead). On March 3, 2006, MWC Ohio removed the hazardous waste and cleaned the tank. Also on March 3, 2006, you provided a copy of the hazardous waste manifest demonstrating that this waste was sent to Chemtron Corporation of Avon, Ohio. **The condition of the tank will be checked during a future inspection.**

14. Mask Shop Floor Sweepings This waste is non-hazardous, based on the November analysis. There is some leachable lead, though, so Deco should periodically sample and analyze the waste. Please describe your plan for periodic sampling and analysis of this waste.

You explain in your January 19, 2007, letter that you plan to have this waste sampled and analyzed in January or February 2007. Your January 31, 2007, e mail message instructs Mr. Keith Holub to arrange for the sampling by the end of February 2007. This sampling has been scheduled for February 16, 2007. Deco should provide the analytical results as soon as they are available.

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**2. Unpermitted Hazardous Waste Treatment, Storage & Disposal
ORC 3734.02(E)&(F)**

In the September NOV, Ohio EPA stated that Deco had become an unpermitted hazardous waste treatment, storage and disposal facility by: disposing of MEK (F005) to the air in the silver painting spray booth; disposing of acetone (F003) to the air in the primer/finish painting booth; disposing of MEK contaminated filters (F005) from the silver painting booth in the trash; disposing of spent fluorescent bulbs (D009) in the trash; and disposing of waste still bottoms (F005 & F003) in the trash. This had been the procedure for years. Deco was required to immediately cease unpermitted treatment, storage and disposal of its hazardous waste.

As a result of the sampling performed on November 17, 2005, Ohio EPA has also determined that Deco has also become an unpermitted hazardous waste treatment, storage and disposal facility by: storing hazardous waste Nickel Bright Tank Waste Liquid and Crystals (D007), Nickel Strike Tank Waste Liquid and Crystals (D002, D007 & D008), and Caustic Cleaner Tank Residue (D008) for longer than 180 days.

Deco must submit to me a legible copy of the manifest(s), signed by a representative of the permitted treatment, storage or disposal facility, that documents the proper off-site shipment of all its hazardous waste. Deco must also provide documentation that describes the procedures that will be taken, immediately, to ensure that unpermitted treatment, storage and disposal does not happen again.

Attached to your January 19, 2007, letter are copies of two Bills of Lading for hazardous paint waste in cubic yard boxes. The paint waste was unused and in 1-gallon cans that were placed into the orange cubic yard boxes. You reported that Deco has not shipped any other hazardous waste, therefore, you have no other hazardous waste manifests to submit, at this time.

You also reported in your January 19, 2007, letter that you provided training to employees in March of 2006 to ensure that Deco remains in compliance with the hazardous waste management rules.

Since Deco has violated ORC 3734.02(E) & (F) by becoming an unpermitted treatment, storage and disposal facility (TSD), it is subject to OAC Rules 3745-55-10 through 3745-55-48 and 3745-55-97. Therefore, you may be required to submit a closure plan. A closure plan describes the steps necessary to investigate the extent of contamination and to clean up all contamination found.

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**3. Use of Manifest
OAC Rule 3745-52-20**

In order to correct this violation, Deco must complete a hazardous waste manifest for any and all shipments of hazardous waste it sends off-site and submit to me copies of all such manifests. If it is not possible to submit a copy of a manifest (for waste generated in a very small quantity and accumulated in a satellite accumulation drum), then Deco must explain how the waste will be managed off-site and when it expects to ship the next load.

Attached to your January 19, 2007, letter are copies of two Bills of Lading for hazardous paint waste in cubic yard boxes. The paint waste was unused and in 1-gallon cans that were placed into the orange cubic yard boxes. You reported that Deco has not shipped any other hazardous waste, therefore, you have no other hazardous waste manifests to submit, at this time. You indicated that you expect to ship one container of spent bulbs (as Universal Waste) in January or February of 2007 and one container of waste mask rinse (D002, D008 & D011) in March or April of 2007.

Please be aware that a conditionally exempt small quantity generator (CESQG) may ship hazardous waste with a Bill of Lading, but a small quantity generator must use a hazardous waste manifest. It appears possible that Deco was acting as a CESQG in August 2006 and January 2007 when the boxes of paint were shipped using the Bills of Lading. However, it also appears likely that Deco will be a small quantity generator, at least, in the months when the mask washer and mask rinse tanks are drained. Therefore, it may be prudent to require the use of a hazardous waste manifest for all shipments of hazardous waste from your facility.

**5. Training
OAC Rule 3745-52-34(D)(5)(c)**

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.

Deco should now have information which would properly identify its wastes. Past information has identified new hazardous wastes and new unpermitted hazardous waste management practices. Therefore, Deco must immediately submit a training plan that includes all its hazardous wastes and their hazards, proper waste handling procedures and emergency procedures and provide training to all applicable employees. Deco must also submit a record that

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demonstrates that all applicable employees have received hazardous waste management training.

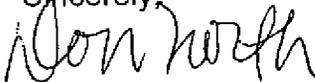
Attached to your March 13, 2006, letter is a copy of your training outline. This outline is sufficient to meet the requirements of this rule. You stated that you provided your employees with training from this outline in March of 2006, but that you did not record your employees attendance. Therefore, in your January 19, 2007, letter you explain that you will perform the training again and have each employee sign a document showing their attendance. Please submit this document as soon as it is available.

The following violations were previously corrected:

1. OAC Rule 3745-52-11, # 1., 2. & 6.
4. OAC Rule 3745-52-34(D)(5)(b)
6. OAC Rule 3745-52-34(C)(1)(b)
7. OAC Rule 3745-52-34(A)(2)&(3)
8. OAC Rule 3745-66-71 & OAC Rule 3745-66-73
9. OAC Rule 3745-66-74

If you have any questions about this letter, please call me immediately at (419) 373-3074. You can find copies of the rules and other information about used oil and hazardous waste management on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

Sincerely,



Don North
District Representative
Division of Hazardous Waste Management
/lb

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
NWDO, DHWM, Deco File, Lucas County
ec: Don North, DHWM, 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.