



**Environmental
Protection Agency**

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

Re: Eighth Floor Promotions
OHR000119776
Mercer County
Hazardous Waste
Partial Return to Compliance

June 26, 2012

Ms. Lisa Hicks
Eighth Floor Promotions
One Visions Parkway
Celina, Ohio 45822

Dear Ms. Hicks:

Thank you, for your October 17 and October 19, 2011, responses to Ohio EPA's September 14, 2011, Notice of Violation (NOV) letter. You submitted documentation including the hazardous waste management training outline for Eighth Floor Promotions (EFP), an amended waste profile, the emergency equipment inspection log, container inspection log, tank inspection log and waste evaluation analytical reports.

My review of this documentation reveals that EFP has adequately demonstrated abatement of nineteen violations observed during my August 31, 2011, inspection. However, eight violations are still unabated.

The following is a summary of the status of each violation cited in my September 14, 2011, NOV, and the general concern:

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

EFP failed to adequately evaluate all its waste properly, according to this rule. In order to abate this violation, you must immediately evaluate the following wastes, in accordance with the requirements of Ohio Administrative Code Rule 3745-52-11 and this letter:

- A. Negative Preparation Waste: EFP has not determined the TCLP concentration of the RCRA heavy metals.

EFP sampled this waste on October 5, 2011. The analytical results submitted on October 19, 2011, indicate that this waste is not hazardous. This violation was abated on October 19, 2011.

- B. Prep and Polish Station Waste: The wastes in this station are described below on lines C and E. Therefore, line B is not a violation and this violation is retracted.

There are two tubs in the same station; one is for etcher prep (same as line C.) and the other is for polishing (same as line E.). The liquid waste goes down a drain in the station and flows to the wash sump. EFP sampled these two wastes on October 5, 2011. The rags from each of the two tubs were placed into plastic bags.

- C. Etcher Prep Waste: EFP has not determined the TCLP concentration of the RCRA heavy metals and the pH of this waste.

EFP sampled this waste on October 5, 2011. The analytical results submitted on October 19, 2011, indicate that this waste has a pH of 0.02 S.U. Therefore, it is corrosive hazardous waste (D002). The analytical results for the sponges and pads used in this station indicate that they are not hazardous. This violation was abated on October 19, 2011.

- D. Primary Etcher Waste: EFP has not determined the TCLP concentration of the RCRA heavy metals and the pH of this waste.

EFP sampled this waste on October 5, 2011. The analytical results submitted on October 19, 2011, indicate that this waste has a pH of 0.05 S.U. Therefore, it is corrosive hazardous waste (D002). This violation was abated on October 19, 2011.

- E. Re-polish Station Waste: EFP has not determined the TCLP concentration of the RCRA heavy metals and the pH of this waste.

EFP sampled this waste on October 5, 2011. The analytical results submitted on October 19, 2011, indicate that this waste has a pH of <0.01 S.U. Therefore, it is corrosive hazardous waste (D002). The analytical results for the sponges and pads used in this station indicate that they are not hazardous. This violation was abated on October 19, 2011.

- F. Texture Etcher Waste: EFP has not determined the TCLP concentration of the RCRA heavy metals and the pH of this waste.

EFP sampled this waste on October 5, 2011. The analytical results submitted on October 19, 2011, indicate that this waste has a pH of 0.14 S.U. Therefore, it is corrosive hazardous waste (D002). This violation was abated on October 19, 2011.

- G. Descum Waste: EFP has not determined the TCLP concentration of the RCRA heavy metals and the pH of this waste.

EFP sampled this waste on October 5, 2011. The analytical results submitted on October 19, 2011, indicate that this waste has a pH of 13.44 S.U. Therefore, it is corrosive hazardous waste (D002). This violation was abated on October 19, 2011.

- H. Pavchrome Copper Colorant Waste: EFP has not determined the TCLP concentration of the RCRA heavy metals and the pH of this waste.

EFP sampled this waste on October 5, 2011. The analytical results submitted on October 19, 2011, indicate that this waste has a pH of 1.52 S.U. Therefore, it is corrosive hazardous waste (D002). The analytical results also indicate that the waste has the TCLP chromium concentration of 4160 mg/L. Therefore, this waste should also be assigned the hazardous waste number of D007 for toxicity due to chromium. This violation was abated on October 19, 2011.

- I. Chromatic Solution: EFP has not determined the TCLP concentration of the RCRA heavy metals and the pH of this waste.

This is the last step in the etching process. EFP sampled this waste on October 5, 2011. The analytical results submitted on October 19, 2011, indicate that this waste has a pH of 1.72 S.U. Therefore, it is corrosive hazardous waste (D002). The analytical results also indicate that the waste has the TCLP chromium concentration of 282.9 mg/L. Therefore, this waste should also be assigned the hazardous waste number of D007 for toxicity due to chromium. This violation was abated on October 19, 2011.

- J. Rinse: EFP has not determined the TCLP concentration of the RCRA heavy metals and the pH of this waste.

This waste flows to the wash sump. The waste in the sump was previously analyzed for pH, but not for metals. Therefore, the sample will be analyzed for TCLP metals. See the description of the analysis for the tank system waste below. This violation was abated on October 19, 2011.

- K. Tank System Waste: EFP has not determined the TCLP concentration of the RCRA heavy metals.

The waste in the two tanks was previously analyzed for pH, but not for metals. Therefore, the samples will be analyzed for TCLP metals. The acid waste sampled on September 2, 2011, and analyzed on September 2, 2011, had a pH of 0.44 S.U. This same sample was analyzed for the TCLP metals on October 13, 2011, and found to have concentrations of TCLP chromium at 22 mg/L and TCLP selenium at 1.7 mg/L. Therefore, the acid waste should also be assigned the hazardous waste number of D010, for toxicity due to selenium.

The waste in the two sumps was previously analyzed for pH, but not for metals. Therefore, the samples will be analyzed for TCLP metals. The wash sump waste sampled on September 2, 2011, and analyzed on September 2, 2011, had a pH of 1.1 S.U. This same sample was analyzed for the TCLP metals on October 13, 2011, and found to have concentrations of chromium at 141 mg/L. The etch sump waste sampled on September 2, 2011, and analyzed on September 2, 2011, had a pH of 0.16 S.U. This violation was abated on October 19, 2011.

- L. Paint Related Waste: On its hazardous waste manifests, EFP lists the waste code D001 for its paint related waste. However, according to the Material Safety Data Sheet, this waste is the listed hazardous waste F003 & F005, due to the presence of toluene and acetone (and other organic compounds). EFP must revise all its records (manifests, contingency plan, etc.) to reflect this.

In your October 17, 2011, response letter you explain that the records of EFP will reflect that F003 and F005 are the waste codes for the paint related waste. Therefore, this violation was abated on October 17, 2011.

- M. Screen Wash Waste: At the time of my inspection there was some confusion regarding this waste. EFP was managing it as a hazardous waste, but it was not known what characteristics it was hazardous for. Apparently the old screen wash was F003 but the product was changed at some point. A review of the new MSDS was inconclusive since valuable information is missing from the document. Approximately 30-35 gallons of this waste is removed from the screen wash machine every two months. EFP must be able to accurately demonstrate the characteristics of this waste. It must determine, at least, the flash point and pH.

On October 5, 2011, EFP stated that this waste was non-hazardous. The facility called the manufacturer and determined that the flash point is greater than 200°F. This violation was abated on October 5, 2011.

- N. Lint Free Rag Waste: EFP has not determined the concentration of TCLP VOCs (volatile organic compounds) in this waste.

EFP sampled this waste on October 5, 2011. It filled a one quart sample jar with the rags. The analytical results submitted on October 19, 2011, indicate that this waste is not hazardous. This violation was abated on October 19, 2011.

2. **Land Disposal Restriction – Evaluation
OAC Rule 3745-270-07(A)(1)**

On its hazardous waste manifests and land disposal restriction form, EFP lists the waste code D001 for its paint related waste. However, according to the Material Safety Data Sheet, this waste is the listed hazardous waste F003 & F005, due to the presence of toluene and acetone (and other organic compounds).

Attached to your October 17, 2011, response letter is a copy of a land disposal restriction form amendment for EQ Detroit. It indicates that the form will list the waste F003 and F005. Therefore, this violation was abated on October 17, 2011.

3. **Land Disposal Restriction – Written Notice
OAC Rule 3745-270-07(A)(2)**

EFP does not include the proper EPA hazardous waste numbers for the paint waste on the land disposal restriction form.

Attached to your October 17, 2011, response letter is a copy of a land disposal restriction form amendment for EQ Detroit. It indicates that the form will list the waste F003 and F005. Therefore, this violation was abated on October 17, 2011.

**4. Personnel Training - Instruction
OAC Rule 3745-65-16(A)(2)**

The training program must include instruction which teaches facility personnel hazardous waste management procedures, including contingency plan implementation, relevant to the positions in which they are employed.

Attached to your October 17, 2011, response is a copy of your hazardous waste management training outline. Please revise this training outline to indicate the following:

- 1. That the etching process waste has the hazardous waste numbers D002 for corrosivity, D007 for toxicity due to chromium and D010 for toxicity due to selenium.**
- 2. How the lacquer thinner waste is generated and where.**
- 3. How the paint related waste is generated and where.**
- 4. The labels for drums and tanks.**
- 5. That drums must be kept closed except when adding waste to them.**
- 6. The items to be observed during an inspection.**

This violation will remain outstanding until the necessary information is submitted.

**5. Personnel Training - Emergencies
OAC Rule 3745-65-16(A)(3)**

At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems. Not all personnel knew where the emergency equipment was at the time of my inspection.

Attached to your October 17, 2011, response is a list of personnel that require hazardous waste management training. After revising the training outline and contingency plan, EFP must provide the training to all the employees on the list and submit a copy of the signed and dated training list. This violation will remain outstanding until the necessary information is submitted.

**6. Personnel Training – Annual Review
OAC Rule 3745-65-16(C)**

Facility personnel must take part in an annual review of the initial training required by this rule.

Attached to your October 17, 2011, response is a list of personnel that require hazardous waste management training. After revising the training outline and contingency plan, EFP must provide the training to all the employees on the list and submit a copy of the signed and dated training list. This violation will remain outstanding until the necessary information is submitted.

**7. Personnel Training – Description
OAC Rule 3745-65-16(D)(3)**

The training program must include a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position related to hazardous waste management.

Attached to your October 17, 2011, response is a copy of your hazardous waste management training outline and a list of personnel that require hazardous waste management training. After revising the training outline and contingency plan, EFP must provide the training to all the employees on the list and submit a copy of the signed and dated training list. This violation will remain outstanding until the necessary information is submitted.

**8. Contingency Plan – Actions
OAC Rule 3745-65-52(A)**

The contingency plan must describe the actions facility personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

There is significant confusion regarding the evaluation of the waste at the facility. Therefore, personnel may not know what to do about spills of wastes not described in the contingency plan. The plan must be revised to include a description of all the hazardous waste identified at the facility and the proper response to releases of each.

To abate this violation, once EFP has completed an evaluation of its waste, it must revise its contingency plan to include the new waste descriptions, where necessary, and the associated emergency actions and submit a copy of the revised plan.

EFP must revise its contingency plan to include the new waste descriptions, where necessary, and the associated emergency actions and submit a copy of the revised plan. The revised plan must be explained during the hazardous waste management training for each employee on the training list. This violation will remain outstanding until the necessary information is submitted.

**9. Contingency Plan – Emergency Coordinators
OAC Rule 3745-65-52(D)**

The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator and this list must be kept up to date.

Steve Temple has been replaced as an emergency coordinator. His name and information must be removed from the contingency plan; his replacement must be named and the new emergency coordinator's address and phone numbers listed in the revised contingency plan. To abate this violation, EFP must submit a copy of the revised page of the contingency plan.

In your October 17, 2011, response letter you explain that Steve Temple will remain the emergency coordinator. Therefore, this violation was abated on October 17, 2011.

**10. Contingency Plan – Revisions
OAC Rule 3745-65-54**

The contingency plan must be reviewed, and immediately amended, if necessary, whenever: the facility changes - in its design, construction, operation, maintenance, or other circumstances – in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency or the list of emergency coordinators changes.

EFP must revise its contingency plan to include the new waste descriptions, where necessary, the associated emergency actions and the list of emergency coordinators and submit a copy of the revised plan. The revised plan must be explained during the hazardous waste management training for each employee on the training list. This violation will remain outstanding until the necessary information is submitted.

**11. Testing and Maintenance of Equipment
OAC Rule 3745-65-33**

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.

EFP does not perform a periodic check of its spill control and fire protection equipment and does not record the results of such a check in a log or summary. EFP must perform and record such a check immediately. The log should describe the equipment and its location, the condition or quantity of the equipment, the inspector and the date of the inspection. EFP must explain the inspection frequency for the spill control equipment, complete the inspection and submit a copy of the most recent inspection log.

Since EFP generates ignitable hazardous waste, fire extinguishers must be provided in the accumulation area and made a part of the emergency equipment inspection and log.

Please submit a completed log for the most recent two week period. This violation will remain outstanding until the necessary information is submitted.

**12. Container Inspection
OAC Rule 3745-66-74**

The owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion and other factors. The owner or operator must record inspections in an inspection log or summary. The log should include, at least, the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs.

EFP does not perform and record an inspection of areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion and other factors. To abate this violation, EFP must immediately begin to inspect its container storage area, at least weekly, and submit copies of the inspection log for the most recent four-week period.

The container inspection log must include the exact date and time of the inspection. Also it should be clear from a review of the log what problems exist. Therefore, it would be better to mark the log with a Y for yes and an N for no (or some other method that demonstrates true or false). Please submit a completed log for the most recent two week period. This violation will remain outstanding until the necessary information is submitted.

**13. Tank Inspections
OAC Rule 3745-66-95(B)(1), (B)(2) & (B)(3)**

EFP violated the rules as follows:

- (a) 3745-66-95(B)(1) - EFP does not conduct a daily inspection of the overfill/spill control equipment. It conducts no inspections on the weekends, during holidays and occasionally during other extended periods. Furthermore, the inspection log does not clearly indicate that the inspections include observations of the above components.

Attached to your October 17, 2011, response letter are copies of the tank inspection logs for the period of September 25, 2011 to October 14, 2011. These logs demonstrate that EFP conducts and records daily inspections of the overfill/spill control equipment for the two tanks. Therefore, this violation was abated on October 17, 2011.

- (b) 3745-66-95(B)(2) – EFP does not conduct a daily inspection of the aboveground portions of the tank system, including ancillary equipment (piping, pumps and sumps), to detect releases of waste. It conducts no inspections on the weekends, during holidays and occasionally during other extended periods. Furthermore, the inspection log does not clearly indicate that the inspections include observations of the above components.

Attached to your October 17, 2011, response letter are copies of the tank inspection logs for the period of September 25, 2011 to October 14, 2011. These logs demonstrate that EFP conducts and records daily inspections of the aboveground portions of the tank systems for the two tanks. Therefore, this violation was abated on October 17, 2011.

- (c) 3745-66-95(B)(3) – EFP does not conduct a daily inspection of the construction materials and the area immediately surrounding the externally accessible portion of the tank system including secondary containment structures to detect erosion or signs of releases of hazardous waste. It conducts no inspections on the weekends, during holidays and occasionally during other extended periods. Furthermore, the inspection log does not clearly indicate that the inspections include observations of the above components.

Attached to your October 17, 2011, response letter are copies of the tank inspection logs for the period of September 25, 2011 to October 14, 2011. These logs demonstrate that EFP conducts and records daily inspections of the construction materials and the area immediately surrounding the externally accessible portion of the tank system including secondary containment structures for the two tanks. Therefore, this violation was abated on October 17, 2011.

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Pollution Prevention Opportunity:

It appears from the waste analyses that the only source of the TCLP chromium is the Pavchrome Copper Colorant and Chromatic Solution. These are very small volume materials and could be possibly segregated from the other waste streams. EFP could consider accumulating these wastes in drums and managing them as hazardous waste D002 and D007. The only source of TCLP selenium is the acid waste that was sampled from the disposal truck. Since there does not appear to be any selenium in any waste from the stations or in either sump, it may be that the selenium was a contaminant in the tanker truck. EFP may want to conduct other sampling and analysis of the waste in the tanks to establish if the TCLP selenium is from your waste or some other source. If the TCLP chromium waste is segregated from the tank system and a waste analysis demonstrates that it is no longer present in the tank system and the source of TCLP selenium is determined to be from some other source or no longer present, it may be possible for EFP to conduct elementary neutralization of the acidic waste and eliminate its largest volume hazardous waste.

I encourage you to schedule a pollution prevention assessment for your business because there are often many opportunities for businesses like yours to reduce waste and save money. If you wish to talk about an assessment or if you have other questions about pollution prevention, please feel free to contact the Office of Compliance Assistance and Pollution Prevention (OCAPP) at (614) 644-3469. There is no charge for an assessment.

EFP needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, EFP 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 includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to don.north@epa.state.oh.us.

Please be advised that violations cited above will continue until the violations have been properly abated and the general concern has been properly addressed. Failure to comply with Chapter 3734 of the Ohio Revised Code and 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, HMI is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

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If you have any questions, please feel free to contact me at (419) 373-3074. You can find copies of the rules and other information on the division's web page at <http://www.epa.ohio.gov>. Ohio EPA also has helpful information about pollution prevention at <http://www.epa.ohio.gov/ocapp>.

Sincerely,



Don North
District Representative
Division of Materials and Waste Management

/lr

pc: ~~Colleen Weaver, DMWM, NWDO (hard copy)?~~
Cindy Lohrbach, DMWM, NWDO

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