



Environmental
Protection Agency

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

September 14, 2012

RE: ACCU-CHROME CORP.
OHD 057 244 758
SUMMIT COUNTY
NOTICE OF VIOLATION

Peggy Russell
Russell Products Co., Inc.
275 North Forge St.
Akron, Ohio 44304

Dear Ms. Russell:

On July 20, 2011, I met with you to inspect Accu-Chrome Corporation located at 275 North Forge Street in Akron, Ohio. You told me that Accu-Chrome ceased operations here over a year ago. On August 1, 2011, I sent a letter to two of the previous owners of Accu-Chrome – Joe Dea and Don Paukert. Both have denied that they have any responsibility for this location. I understand that Russell Products Co., Inc. owns this property. The hazardous waste rules are written so that both the owner and operator are responsible for compliance. Therefore, this notice of violation letter is being sent to you. It is the same letter that was sent to Joe Dea and Don Paukert except that it has been updated based on the information received and actions taken since August 1, 2011.

1. **OAC Rule 3745-52-11 – Hazardous waste determination**

This rule requires that any person who generates a waste must determine if that waste is a hazardous waste.

Accu-Chrome was cited in the August 1, 2011 letter for violating this rule by having waste on the floor, in at least two tanks, and in multiple containers without determining whether it is a hazardous waste. During our August 14, 2012 inspection you gave me a copy of the analysis of a sample taken from the in-ground former chromium plating tank. This analysis showed that the waste now in this tank is a hazardous waste based on its level of chromium. This documents your correction of this violation. See related violation in # 12 below.

The Cessation of Regulated Operations (CRO) program requires specific actions when certain businesses shut down. More information regarding this can be found at: <http://www.epa.ohio.gov/Default.aspx?tabid=3919> and a manual can be found at: http://epa.ohio.gov/portals/32/pdf/CRO_Manual.pdf

Violations 2 through 9 cited below deal with these CRO regulations. The first thing you need to do to start to correct these violations is to fill out and submit the form titled Permanent/Temporary CRO and Contact Person Form (30/45 Day Form) which is in the enclosed manual. A checklist covering the rules cited below is enclosed.

2. OAC Rule 3745-352-20(A)(1)(a) – CRO 30-day requirements

This rule requires the owner or operator that has permanently ceased all regulated operations to submit a notice using EPA form 0327 within 30 days of cessation of regulated operations. This notice must go to the Director of Ohio EPA, the Local Emergency Planning Committee, and the local Fire Department.

Russell Products violated this rule by not submitting the required notice. You must now submit this notice.

3. OAC Rule 3745-352-20(A)(1)(c) – CRO contact person

This rule requires the owner or operator to designate a contact person within 30 days of cessation of regulated operations.

Russell Products violated this rule by not submitting the required information. You must now submit this information.

4. OAC Rule 3745-352-20(A)(2)(g) – Certification to the director

This rule requires the owner or operator to certify to the director that they have complied with paragraphs (A)(2)(d) to (A)(2)(f) within 90 days of cessation of regulated operations. This is to be done using EPA form 0329.

Russell Products has not complied with paragraphs (A)(2)(d) to (A)(2)(f). You must complete these actions and then submit the certification required by the above rule.

5. OAC Rule 3745-352-20(A)(2)(a) – Chemical inventory report

This rule requires the owner or operator (within 90 days of cessation of regulated operations) to submit to the director a copy of the most recent chemical inventory report that was submitted to the State Emergency Response Commission (SERC). With the report, you must include a statement indicating whether any asbestos-containing materials are present at the facility.

I have the SERC Facility Identification Form dated 3-1-08 and the Emergency and Hazardous Chemical Inventory Form dated 2-26-03 that were submitted by Accu-Chrome. Please submit a statement indicating whether any asbestos-containing materials are present at the facility.

6. OAC Rule 3745-352-20(A)(2)(b) – current hazardous chemicals list

This rule requires the owner or operator (within 90 days of cessation of regulated operations) to submit to the director a copy of the current hazardous chemical list or each material safety data sheet that the owner/operator is required to have on file with the SERC.

Russell Products violated this rule by not submitting the required information. You must now submit this information.

7. **OAC Rule 3745-352-20(A)(2)(c) – List of items to be left**

This rule states that if you will be leaving any stationary tank, vat, electrical transformer, or vessel of any type that contains or is contaminated with regulated substances, you must submit a precise description of where each is located, and a description of what regulated substance each contains or is contaminated with.

Russell Products violated this rule by not submitting the required information. You must now submit this information.

8. **OAC Rule 3745-352-20(A)(2)(d) – Removal of regulated substances and debris**

This rule requires the owner or operator (within 90 days of cessation of regulated operations) to drain or remove all regulated substances from each stationary vat, tank, electrical transformer, and vessel, and from all piping, that is to remain at the facility. It also requires the removal of all regulated substances and all debris, non-stationary equipment and furnishings, non-stationary containers, and motor vehicles and rolling stock that contain or are contaminated with regulated substances.

Russell Products has violated this rule by leaving regulated substances and debris on the floor, in at least three tanks, and in multiple containers. You must now remove this material following the requirements of this rule and submit documentation of that to me. Please keep me up-to-date regarding this work.

9. **OAC Rule 3745-352-30(B) – Warning signs**

This rule requires the posting of warning signs in publically visible locations about each building or structure and each outdoor location of operation. Further requirements of these signs can be found in the attached checklist.

Russell Products violated this rule by not posting the required signs. You must now post the required signs and send me documentation of that.

10. **OAC Rule 3745-66-11 – Closure of facility**

This rule requires that the owner /operator close his facility in a manner that minimizes the need for further maintenance and controls, minimizes, or eliminates post-closure escape of hazardous waste, hazardous constituents, leachate contaminated runoff, or hazardous waste decomposition products to the ground water, or surface waters, or to the atmosphere.

Russell Products violated this rule by not closing its facility in the required manner. You must now close the facility in this manner and submit documentation of that to me. Please keep me up-to-date on the progress of this.

11. **OAC Rule 3745-52-41 – Annual report**

This rule requires a large quantity generator who ships hazardous waste off site to submit an Annual Hazardous Waste Report by March first of each year.

This violation dealt with the 2009 annual report which I believe was a year that Accu-chrome was in business. Therefore, this violation does not apply to Russell Products.

The following is a newly cited violation:

12. **Ohio Revised Code (ORC) 3734.02(E) and (F) – Accumulation beyond 90/180 days.**
ORC 3734.02 (E) and (F) state that no person shall establish or operate a hazardous waste facility without a permit and that no person shall store, treat, or dispose of hazardous waste except at a facility with a hazardous waste permit.

Russell Products violated ORC 3734.02(E) and (F) by storing hazardous waste in the in-ground former chromium plating tank beyond 90/180 days. What the generation status was at the time this waste was generated would determine whether the 90 or 180 day limit would apply. You told me you plan to treat this waste in an on-site wastewater treatment unit. You must either do that now or ship the waste off site to a permitted hazardous waste treatment, storage, or disposal facility. Please send me documentation showing that one of these has been done.

Since Russell Products violated (ORC) 3734.02(E) and (F), Russell Products 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 Russell Products begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

Due to the nature of this violation, Ohio EPA is requiring cleanup procedures (called closure) pursuant to OAC rules 3745-55-11 through 3745-55-20 and OAC rules 3745-55-42 through 3745-55-47 at this site. Please submit a plan outlining how you will comply with this rule.

You need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, you are requested to provide documentation to me including the steps taken to abate the violations cited above. Such documentation may include written correspondence, updated policies, and photographs, as appropriate.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 (or 3714 for C&DD) 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. If circumstances delay the abatement of violations, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Peggy Russell
Russell Products Co., Inc.
September 14, 2012
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If you have any questions, please contact me at (330) 963-1217, or robert.almquist@epa.state.oh.us.

Sincerely,



Robert Almquist
Division of Materials and Waste Management

RA:cl

ec: Frank Popotnik, Ohio EPA, DMWM, NEDO
Natalie Oryshkewych, Ohio EPA, DMWM, NEDO
Marlene Kinney, Ohio EPA, DMWM, NEDO
Jeff Mayhugh, Ohio EPA, DMWM, CO
John Palmer, Ohio EPA, DERR, NEDO