



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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www.epa.state.oh.us

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

August 14, 2008

RE: **CBM SUPPLY COMPANY**  
**OHD 004154944**

Henry Billingsley  
Tucker Ellis & West LLP  
1150 Huntington Bldg.  
925 Euclid Avenue  
Cleveland, OH 44115-1475

Dear Mr. Billingsley:

On January 16, 2008, I conducted an inspection at CBM Supply Company (CBM) located at 2950 E. 55<sup>th</sup> Street in Cleveland. I sent a letter regarding this inspection that was dated January 28, 2008. I received your February 25, 2008 letter and April 15, 2008 e-mail regarding this. This letter will update the status of current violations and concerns at CBM.

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. The following documents give more information regarding this:

Identifying Your Hazardous Waste

<http://www.epa.state.oh.us/ocapp/sb/publications/identifyingwaste.pdf>

Use of Generator Knowledge in Complying with OAC 3745-52-11

<http://www.epa.state.oh.us/dhwm/pdf/GeneratorKnowledge6.pdf>

CBM violated this rule by not determining whether the wastes seen on January 16, 2008 below the plating line and on the floor in a room next to the plating line were hazardous wastes. If they are hazardous wastes then they must be cleaned up. **Please submit any results of waste determination and/or cleanup at these areas. Please also contact me so we can set a time in the near future for me to reinspect these areas.**

The following violations of the Cessation of Regulated Operations (CRO) requirements have been determined. These follow the order of the enclosed checklist. A manual of the CRO regulations can be found at:

[http://www.epa.state.oh.us/dhwm/cro/CRO\\_Manual.pdf](http://www.epa.state.oh.us/dhwm/cro/CRO_Manual.pdf).

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

This rule requires the owner or operator to designate a contact person within 30 days of cessation of regulated operations. The requirements for this designation are listed in OAC 3745-352-35 (copy enclosed).

CBM violated this rule by not submitting the required information. I received the Permanent/Temporary CRO and Contact Person Form (30/45 Day Form) but this information was left blank. **CBM must now submit this information.**

3. **OAC 3745-352-20(A)(2)(g) – CRO 90-day requirements**

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.

CBM stopped regulated operations on or before November 12, 2007. I received EPA form 0329 in which CBM certified that it complied with these paragraphs. However, at least as of my January 16, 2008 inspection, CBM has not complied with these paragraphs. A violation of one of these paragraphs is cited below.

4. **OAC 3745-352-20(A)(2)(d) – CRO 90-day requirements**

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, nonstationary equipment and furnishings, nonstationary containers, and motor vehicles and rolling stock that contain or are contaminated with regulated substances.

CBM has violated this rule in regards to the following items seen on January 16, 2008:

1. Waste on the floor below the plating line.
2. Waste on the floor in the room next to the plating line.
3. Containers of InstaPak 2 part isocyanate located in the building at 2955 and 2957 East 55<sup>th</sup> Street.
4. Five gallon bucket of degreaser located on the first floor.
5. Two 1-gallon cans of paint and six 1-gallon cans of thinner stored in a cabinet at the wastewater treatment system.
6. Vacuum pump oil.
7. Five drums of buffing compound.
8. Two drums of buffing waste stored under a platform at the outside area that was recently cleaned.
9. Materials in containers and on the floor near the furnaces and pouring deck.

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5. **OAC 3745-352-20(A)(2)(c) - CRO 90-day requirements**

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.

CBM has not submitted such a list and may be in violation of this rule.

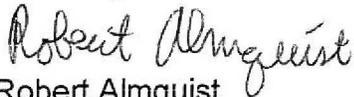
**CBM must now submit written documentation showing that it is currently in compliance with the rules cited in #4 and/or 5 above or documentation stating when it will be in compliance with these.**

**Please also contact me so we can set a time in the near future for me to reinspect CBM.**

You can find copies of the regulations and other information on the Division of Hazardous Waste Management web page at <http://www.epa.state.oh.us/dhwm/>.

If you have any questions, please contact me at (330) 963-1217, or [robert.almquist@epa.state.oh.us](mailto:robert.almquist@epa.state.oh.us).

Sincerely,



Robert Almquist  
Division of Hazardous Waste Management

RA:cl

cc: Natalie Oryshkewych, DHWM, NEDO  
Ralph McGinnis, DHWM, CO  
Richard Chandler, CBM Supply Company

ec: Frank Popotnik, DHWM, NEDO  
Harry Sarvis, DHWM, CO  
Karl Guenther, Chemtron Corporation  
Cleveland Fire Department

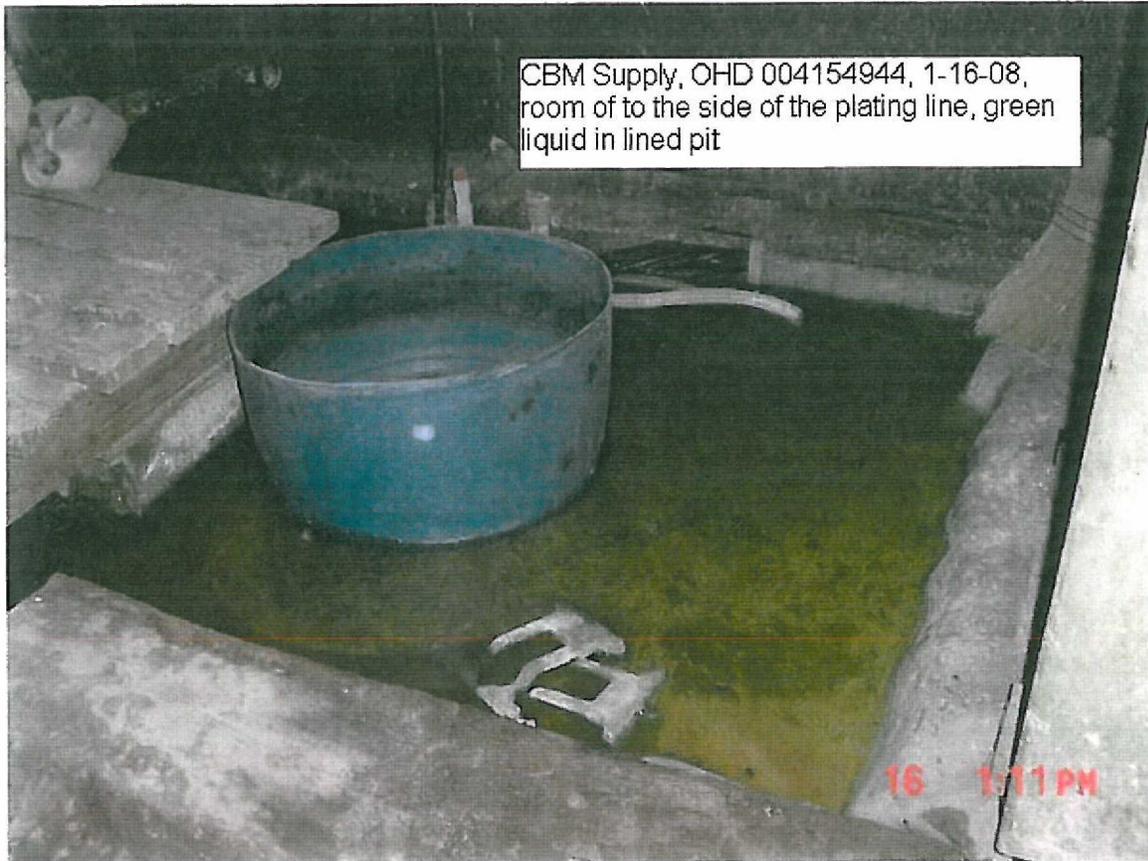
**Notice:**

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from its obligation to comply with all applicable regulations.

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