



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

Re: Materion Brush Inc.
OHD 004 212 999
Hazardous Waste
Ohio Permit # 03-62-0042
Ottawa County
NOV/RTC

November 21, 2012

Mr. Michael Berakis, Manager EH&S
Materion Brush Inc.
14710 West Portage River South Road
Elmore, Ohio 43416-9502

Dear Mr. Berakis:

Thank you for your June 8, 2012, response to Ohio EPA's June 8, 2012, Request for Information letter. Via email, Rex Brockschmidt submitted information pertaining to your fluorescent bulb crushing activities and management and disposal of your D009 hazardous waste (crushed bulbs) including the hazardous waste manifests for this waste stream as requested in the June 8, 2012, letter.

In addition, on September 20 & 28, 2012, I had a conference call to discuss your lamp crushing activities with you, Rex Brockschmidt and James Amburgey.

Based on my review of this information, I found the following violations of Ohio's hazardous waste laws:

1. **OAC Rule 3745-52-34(A)(2): Container Management:** A generator may accumulate hazardous waste on-site for ninety days or less without a permit provided that the waste is placed in containers that have the date upon which each period of accumulation begins clearly marked and visible for inspection on each container.
 - A. Materion did not have the container, which stores fluorescent bulbs prior to crushing, clearly marked with the accumulation start date. Materion is managing fluorescent bulbs as hazardous waste and therefore must place the accumulation start date on the container located in the crushing station when the first bulb is placed in the container.

- ***On September 28, 2012, via email Materion submitted photo documentation indicating the container has an accumulation start date of 8-15-12 thus this violation is abated.***
 - B. Materion did not have the drum crusher marked with the accumulation start date. Materion is managing fluorescent bulbs as hazardous waste and therefore must place the accumulation start date on the drum crusher/container located in the crushing station when the first bulb is placed in the container for treatment (crushing).
 - ***On September 28, 2012, via email Materion submitted photo documentation indicating the drum crusher has an accumulation start date of 8-15-12 thus this violation is abated.***
2. OAC Rule 3745-52-34(A) (3): Container Management: : A generator may accumulate hazardous waste on-site for ninety days or less without a permit provided that while waste is being accumulated and/or treated on-site, each container or tank is labeled or marked clearly with the words "Hazardous Waste".
- A. Materion did not have the container, which stores fluorescent bulbs prior to crushing, labeled with the words "Hazardous Waste".
 - ***On September 28, 2012, via email Materion submitted photo documentation indicating the container has been labeled "Hazardous Waste" thus the violation is abated.***
 - B. Materion did not have the drum crusher for the fluorescent bulbs labeled "Hazardous Waste".
 - ***On September 28, 2012, via email Materion submitted photo documentation indicating the drum crusher has been labeled "Hazardous Waste" thus this violation is abated.***

As a generator you are allowed to treat waste on-site without obtaining a hazardous waste permit provided that you comply with the requirements of OAC Rule 3745-52-34 which includes complying with the treatment/storage limit of 90 days for a large quantity generator (LQG). Thus, upon generation of the first spent lamp to be crushed, the facility has 90-days to store/treat and ship this waste off-site.

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Materion was managing the lamp crusher as a hazardous waste satellite area and not as a less than 90-day on-site treatment area.

The crushed bulbs (D009) are picked up by Chemtron Corporation and taken to EQ in Detroit, MI where this waste is treated and disposed as a hazardous waste. Based on the manifests for hazardous waste pick-ups of the D009 crushed bulb hazardous waste stream for 2009, 2010 and 2011, please note the following:

- 1) 6-23-10 to 10-28-10 – there was 127 days between the 6-23-10 shipment of crushed bulbs and the 10-28-10 shipment (two drums/ 814 pounds).
- 2) 10-28-10 to 2-23-11 – there was 118 days between the 10-28-10 shipment of crushed bulbs and the 2-23-11 shipment (one drum/ 388 pounds).
- 3) 7-14-11 to 11-9-11 – there was 118 days between the 7-14-11 shipment of crushed bulbs and the 11-9-11 shipment (two drums/ 776 pounds).
- 4) 11-9-11 to 4-24-12 – there were 167 days between the 11-9-11 shipment of crushed bulbs and the 4-24-12 shipment (one drum/ 398 pounds).

Materion does not keep a log of bulbs as they are crushed. We discussed on our conference call on September 20, 2012, that Materion must ensure to document the initial generation of spent lamps to ensure that they are adhering to the 90-day (total) storage/accumulation, treatment and off-site disposal of their crushed bulbs and thus would be able to demonstrate compliance with this requirement. As discussed on our September 20, 2012, conference call, an exceedance of the 90-day accumulation of the crushed bulbs could be a serious violation of Ohio's hazardous waste laws.

On October 11, 2012, via email, at my request, Materion submitted a draft management procedure indicating that all bulbs will be accumulated, treated and disposed off-site within the 90-day window and the system now in place will ensure compliance with this requirement. In addition, Materion stated within this same management procedure that they will label and date all containers in the management of their hazardous waste bulbs appropriately as well.

At my request on November 19, 2012, Mr. James Amburgey emailed me the manifest for the most recent shipment of your crushed bulbs. Your bulbs were shipped off-site on 11-14-12.

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Based on the accumulation date of 8-15-12 of your bulbs this indicates that your bulbs were on-site for 91 days, over the 90-day limit. Mr. James Amburgey and I spoke via telephone on November 20, 2012. Mr. Amburgey explained that the 8-15-12 accumulation date was Materion's best estimate for the start date of the accumulation of this material. We discussed how Materion in the future will ensure to have an accurate accumulation date. Mr. Amburgey stated that Materion will either date the bulb-crushing drum immediately after a shipment is taken off-site and/or they will begin having a pick-up schedule for the crushed bulbs of five times per year (to ensure compliance with the 90-day requirement). He stated that Materion will ensure that all bulbs generated will be stored, treated and disposed within the 90-day limit as they have a system in place now to ensure compliance with this rule.

Please note that generator treatment is allowed provided that the generator complies with the following requirements under OAC Rule 3745-52-34:

OAC Rule 3745-52-34(A) (2) - The date upon which each period of accumulation and/or treatment begins is clearly marked and visible for each container.

OAC Rule 3745-52-34(A) (3) – While being accumulated and/or treated on-site, each container or tank is labeled or marked clearly with the words "Hazardous Waste."

OAC Rule 3745-52-34(A) (4) – Comply with rules 3745-65-16, 3745-65-30 to 3745-65-37, 3745-65-50 to 3745-65-56 and 3745-270. (Since Materion is a LQG of hazardous waste you are already complying with these rules).

A Waste Analysis Plan (WAP) would not be required since you are not treating this waste to meet land disposal restrictions.

Thus if Materion intends to continue on-site treatment of their facility fluorescent bulbs they must date each drum with the date that accumulation/treatment begins, ensure the drum of crushed/treated bulbs is labeled "Hazardous Waste" and ensure that these drums are shipped off-site within 90-days of generation.

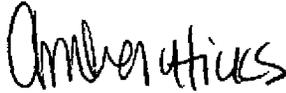
I have enclosed the Ohio EPA fact sheet Generator Treatment which you may find useful.

No response to this letter is necessary. Should you have any questions, please feel free to call me at (419) 373-3082 or email me at amber.hicks@epa.ohio.gov.

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You can find copies of the rules and other information on the division's web page at <http://epa.ohio.gov/dmwm/dmwmrules.aspx>.

Sincerely,



Amber M. Hicks
Division of Materials and Waste Management

/llr

pc: Colleen.Weaver, DMWM, NWDO ;
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ec: Gary Deutschman, DMWM, NWDO
Amber Hicks, DMWM, NWDO
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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.