



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

Re: **Bethel Engineering & Equipment Inc.**
OHR000139709
Auglaize County
DMWM, NWDO
Complaint 3165
Partial Return to Compliance

December 7, 2012

Mr. Dale Wittenbrink
Bethel Engineering & Equipment Inc.
13830 McBeth Road
New Hampshire, Ohio 45870

Dear Mr. Wittenbrink:

Thank you for sending the documentation in response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notices of Violation (NOV) dated July 17, 2012, and September 19, 2012. The documentation submitted by Bethel Engineering & Equipment Inc. (BEEI) was received by Ohio EPA on October 5, 2012, October 16, 2012, October 30, 2012, and November 27, 2012, and included cover letters, analytical results, photographs, and additional information.

Since all waste streams have now been evaluated, it has been determined that BEEI is a conditionally exempt small quantity generator of hazardous waste and a generator of used oil, universal waste lamps, and spent lead-acid batteries.

The following is a summary of the violations observed during the June 26, 2012, compliance evaluation inspection (CEI). Your facility's compliance with respect to each violation is outlined below. In an attempt to streamline this letter, details concerning previously abated violations or general concerns which have been addressed in previous correspondence have been omitted.

Violations:

1. Ohio Revised Code (ORC) Section 3734.02(E)&(F), Unpermitted Hazardous Waste Treatment, Storage & Disposal:

BEEI conducted unpermitted treatment and disposal by evaporating and disposing of the hazardous waste paint gun clean-up solvent into the atmosphere. BEEI must immediately cease unpermitted treatment and disposal of its hazardous waste.

On August 1, 2012, Ohio EPA received documentation outlining how BEEI will manage the paint gun clean-up solvent as a hazardous waste in the future. This violation has not been abated but there is nothing further BEEI needs to do to address this violation.

2. ORC Section 3734.02 (F), Unlawful transportation of a hazardous waste:

BEEI caused a hazardous waste to be unlawfully transported to an unauthorized facility for disposal.

On August 1, 2012, Ohio EPA received documentation outlining how BEEI will manage the used paint booth filters in the future. This violation has not been abated but there is nothing further BEEI needs to do to address this violation.

3. Ohio Administrative Code (OAC) Rule 3745-52-11, Hazardous Waste Determination:

BEEI failed to adequately evaluate the waste streams listed below to determine if they were a hazardous waste in accordance with OAC Rule 3745-52-11.

- a. Unknown containers of material-Abated August 1, 2012.
- b. Waste paint booth filters-Abated October 5, 2012.
- c. Spent parts washer fluid-Abated October 16, 2012.
- d. Spent lamps-Abated October 5, 2012.
- e. Shot dust cartridges-Abated October 5, 2012.
- f. Permeate waste-Abated November 27, 2012
- g. Wood ash waste-Abated October 5, 2012.
- h. Powercron industrial cooling containers-Abated October 30, 2012.
- i. PPG Powercron Ecoat waste paint-Abated November 27, 2012.
- j. PPG Latex field marking waste paint-Abated October 30, 2012.

BEEI's compliance for these violations is described below.

- a. On October 5, 2012, Ohio EPA received documentation that BEEI has valid customers for the Chemfos 700RW and the Latex S/G Dry Fog. However, if these products cannot be sold within a reasonable amount of time and become a waste, then BEEI must manage these materials as a waste. This includes conducting waste evaluations on these materials and proper disposal of these materials.
On October 5, 2012, Ohio EPA received documentation that BEEI has closed and properly labeled the hazardous waste on site. BEEI's response states that these materials will be disposed of as hazardous wastes through Petro-Chem Processing Group. On November 28, 2012, Ohio EPA received a signed manifest that these waste have been properly disposed.
- b. On October 5, 2012, Ohio EPA received analytical results showing the waste paint booth filters are non-hazardous waste now that BEEI does not spray the spent solvent from the paint booth gun onto the filters. Therefore, this violation is considered abated on October 5, 2012.
- c. On October 16, 2012, Ohio EPA received documentation that BEEI is considering the parts washer fluid hazardous waste for ignitability and metals based upon generator knowledge.

BEEI will continue to dispose of this waste stream with the used oil as long as they stay a conditionally exempt small quantity generator. Therefore, this violation is considered abated on October 16, 2012.

- d. On October 5, 2012, Ohio EPA received documentation that BEEI has properly labeled and managed the spent lamps as universal waste. On October 16, 2012, Ohio EPA verified that all spent lamps from Building 1 were removed in two boxes that BEEI fashioned from left over cardboard. Therefore, this violation is considered abated on October 5, 2012.
 - e. On October 5, 2012, Ohio EPA received documentation that the spin blaster and dust collector that generated the shot dust cartridges are no longer located at BEEI. These machines were sold and relocated to a company in Michigan. Therefore, BEEI cannot sample and analyze the shot dust cartridges as required. Therefore, this violation is considered abated with the BEEI response on October 5, 2012.
 - f. On October 5, 2012, Ohio EPA received information concerning the sampling of this waste stream. On November 27, 2012, Ohio EPA received additional sampling results from additional sampling of this waste stream. These results show the waste is non-hazardous and can be managed as such. Therefore, this violation is considered abated on November 27, 2012.
 - g. On October 5, 2012, Ohio EPA received sampling information from BEEI. The submitted information has been reviewed by Ohio EPA and the samples taken appear to be representative of the wastes. Therefore, the ash waste is non-hazardous and can be managed as such. This violation is considered abated on October 5, 2012.
 - h. During the October 16, 2012, sampling of the Powercron black paste waste stream, BEEI explained to Ohio EPA that this material is used as the base ingredient of BEEI's Ecoat paint. Therefore, Ohio EPA only required BEEI analyze the sample for flashpoint, TCLP VOCs, and TCLP metals. On October 30, 2012, Ohio EPA received sampling results that show this is a non-hazardous waste. Therefore, this violation is considered abated on October 30, 2012.
 - i. On November 27, 2012, Ohio EPA received analytical information that the e-coat waste stream is non-hazardous and can be managed as such. Therefore, this violation is considered abated on November 27, 2012.
 - j. On October 30, 2012, Ohio EPA received sampling results that show the latex field marking paint is a non-hazardous waste and can be managed as such. Therefore, this violation is considered abated on October 30, 2012.
4. **OAC Rule 3745-279-22 (C)(1)**: This violation was abated on August 1, 2012.
5. **OAC Rule 3745-279-24**: This violation was abated on August 1, 2012.

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On October 5, 2012, Ohio EPA received documentation that the laser machine/bag house generates two waste streams, cylindrical filters and steel particles. The filters have not been generated yet but BEEI states in their October 5, 2012, response that these filters will be sampled and analyzed when they are generated. Please note that these filters should be analyzed for TCLP RCRA metals to determine if they are hazardous waste. The steel particles are generated once a month and are sent to Omni Source to be recycled as scrap metal. At this time, Ohio EPA is not requesting any additional information in regards to these waste streams as BEEI appears to be managing them in accordance with the hazardous waste rules and regulations.

Should you have any questions, please feel free to call me at (419) 373-3065.

Sincerely,



Kara Reynolds
Environmental Specialist
Division of Materials and Waste Management

/llr

pc: Colleen Weaver, DMWM, NWDO
Kara Reynolds, DMWM, NWDO
Lisa Gifford, DMWM, NWDO

ec: Colleen Weaver, DMWM, NWDO
Tammy Heffelfinger, DMWM, CO

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.