



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

Re: Anderson & Vreeland Inc.  
OHD017556853  
Williams County  
DMWM, NWDO  
Partial Return to  
Compliance/Notice of Violation

January 29, 2013

Mr. Rick Hubert  
Anderson & Vreeland Inc.  
P. O. Box 527  
Bryan, Ohio 43506

Dear Mr. Hubert:

Thank you for sending the documentation in response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notices of Violation (NOVs) dated September 8, 2011, December 15, 2011, March 16, 2012, and July 23, 2012. The documentation submitted by Anderson & Vreeland Inc. (A&V) since my last NOV was received by Ohio EPA on August 7, 2012, September 25, 2012, and November 1, 2012, and included waste evaluation documentation:

The following is a summary of the violations observed during the July 26, 2011, compliance evaluation inspection (CEI) and the January 5, 2012, follow-up inspection. After review of the information submitted on November 1, 2012, additional violations have been cited. 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. **Please submit the required information within 14 days of receipt of this letter.**

**Violations:**

The following violations were observed during the July 26, 2011, CEI and were originally cited in my September 8, 2011, NOV.

1. **Ohio Revised Code (ORC) Section 3734.02(E)&(F), Unpermitted Hazardous Waste Treatment, Storage & Disposal:** A&V responded to this violation on October 10, 2011. This violation has not been abated.

2. **ORC Section 3734.02 (F), Unlawful transportation of a hazardous waste:** A&V responded to this violation on October 10, 2011. This violation has not been abated.
3. **Ohio Administrative Code (OAC) Rule 3745-52-11, Hazardous Waste Determination:** "Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste..."

A&V 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, prior to sending them off site.

- a) Old inventory waste-**Abated October 10, 2011**
- b) Waste paint-**Abated September 25, 2012.**
- c) Paint booth filters-**Abated April 27, 2012**
- d) Bag house dust-**Abated January 31, 2012**
- e) Hard reclaim/ mfg powder/pressure tank clean-out waste from the phenolic powder process-**Abated on April 27, 2012**
- f) Photopolymer solids from Orbital X machine-**Abated April 27, 2012**
- g) Recirculated water (Cosmolight water) from Orbital X machine-**Abated August 7, 2012**
- h) Photopolymer solids from laser machine-**Abated November 1, 2012**
- i) Liquid Resin plus flexowash A waste-**Abated November 29, 2011**
- j) Lubricant waste from slitter machine-**Abated January 31, 2012**
- k) Solids removed from the lubricant waste from the slitter machine-**Abated March 29, 2012**
- l) ADA laminator overspray-**Abated January 31, 2012**
- m) AV Solve-**Abated November 1, 2012**
- n) AV Solve II-**Abated November 1, 2012**
- o) Print tight solution from the testing department-**Abated August 7, 2012**
- p) Testing department Cosmolight solution- **Abated August 7, 2012**
- q) Testing department AV Solve-**Abated August 7, 2012**
- r) Testing department liquid resin waste-**Abated January 31, 2012**
- s) Water based black ink-**Abated November 1, 2012.**
- t) ADA adhesive-**Abated December 14, 2011**

On August 7, 2012, Ohio EPA received documentation that the cosmilight water (3g) was not actually filtered during the sampling process. The term "filtered" was utilized as a part of the description of the process that generates the waste. Therefore, the analytical submitted is a valid waste evaluation and this violation is considered abated.

On August 7, 2012, Ohio EPA received documentation that the wastes generated in the testing department are the exact same wastes as generated in the process area. Therefore, violations 3o, 3p, and 3q are considered abated on August 7, 2012.

During a conference call and follow-up email on September 25, 2012, A&V described the process that generates the waste paint. This waste stream is the same waste stream as the waste lacquer thinner, which has already been evaluated. Therefore, the waste paint and waste lacquer thinner are hazardous waste (D001, D005, D035, F003, F005). Therefore, violation 3b is considered abated on September 25, 2012.

On November 1, 2012, Ohio EPA received analytical results that show the photopolymer solids from the laser machine (3h) and AV Solve II (3n) are non-hazardous waste. Additional analytical results submitted in this response show that the AV Solve (3m) is a hazardous waste (D018) and the water based black ink (3s) is a hazardous waste (D008). Therefore, violations 3h, 3m, 3n, and 3s are considered abated on November 1, 2012.

**At this time, all violations associated with this citation have been abated.**

4. OAC Rule 3745-52-20(A)(1)-Abated on October 10, 2011.
5. OAC Rule 3745-270-07(A)(1)-Abated on March 1, 2012.
6. OAC Rule 3745-270-07(A)(2)-Abated on March 5, 2012.
7. OAC Rule 3745-52-34(D)(1)-Abated on October 10, 2011.
8. OAC Rule 3745-52-34(D)(5)(b)-Abated on October 10, 2011.
9. OAC Rule 3745-65-33-Abated on January 5, 2012.
10. OAC Rule 3745-66-74-Abated on January 5, 2012.
11. OAC Rule 3745-52-34(D)(5)(c)-Abated March 14, 2012.
12. OAC Rule 3745-52-34(D)(4)-Abated January 10, 2012.
13. OAC Rule 3745-66-73(A)-Abated on October 10, 2011.

The following violations were observed during the January 5, 2012, follow-up inspection and were originally cited in the March 16, 2012, PRTC/NOV.

14. ORC Section 3734.02(E)&(F), Unpermitted Hazardous Waste Treatment, Storage & Disposal: A&V and Ohio EPA discussed this violation during the March 29, 2012, meeting. This violation has not been abated.

The following violations have been cited after review of the analytical results received on November 1, 2012.

**15. Ohio Revised Code (ORC) Section 3734.02 (F), Unlawful transportation of a hazardous waste:**

"No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following: (1) A hazardous waste facility operating under a permit issued in accordance with this chapter; (2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976"..."

A&V caused hazardous waste to be unlawfully transported to an unauthorized facility for disposal.

During the original inspection, Ohio EPA received information that A&V generates between 10-25 gallons of water based black ink every year which is disposed of as solid waste. A&V was using generator knowledge to determine this waste stream was non-hazardous waste. Ohio EPA did not consider the waste evaluation conducted by A&V to be adequate. Therefore, A&V was cited for failure to adequately evaluate this waste stream in the September 8, 2011, NOV. On November 1, 2012, Ohio EPA received analytical results that show the water based black ink is a hazardous waste (D008).

- a. A&V disposed of the solid water based black ink as a non-hazardous waste through disposal into the trash. This waste is generated by scraping off the top of the usable water based black ink that has hardened or is generated from scraping out the ink reservoir. A&V generates 1-2 quarts of this waste stream per year and they have been generating this waste stream for 15-17 years. A&V throws these solids into the dumpster to be disposed of as solid waste.

On December 7, 2012, A&V provided a receipt showing that Allied Waste picks up and disposes of their solid waste. On December 10, 2012, representatives of Allied Waste stated that the wastes taken from A&V are not treated to meet land disposal restrictions prior to disposal. On December 18, 2012, Allied Waste confirmed that they have been disposing of A&V's solid waste since 1991 and that all waste taken from A&V is disposed of in the Williams County Landfill, a subtitle D landfill. Therefore, A&V has caused the unlawful disposal of 15-34 quarts of hazardous waste to be disposed of in an unpermitted treatment, storage, or disposal facility.

- b. A&V disposed of the liquid water based black ink as a non-hazardous waste by listing the material as graphic art material or non-hazardous/non-regulated waste for disposal through EQ Detroit, Inc. (EQ). This waste is generated when the water based black ink becomes too contaminated with water and cannot be reused. A&V generates 55 gallons of this waste stream every 12-14 months and they have been generating this waste stream for 15-17 years. This waste stream is sent off-site as a non-hazardous waste.

On a December 7, 2012 conference call, A&V explained that the water based black ink is described as "graphic art material" or "non-hazardous/non-regulated material" and transported to EQ Detroit, Inc. When this waste is picked-up by EQ at the same time as hazardous waste at A&V, this waste is listed on the hazardous waste manifests as non-hazardous waste. Two examples of this were given by A&V. The first manifest is dated 08-28-2002 and shows that 1910 gallons of waste were shipped off site (manifest number MI8974130). The second manifest is dated 08-29-2006 and shows that 55 gallons of graphic art material were transported off-site (manifest MI9987894).

During phone calls with EQ-Wayne Disposal, Inc. (a division of EQ Detroit, Inc.) on January 3, 2013, and January 18, 2013, Melinda Keillor stated that the graphic art material disposed of on the 2006 manifest was not treated to meet land disposal restrictions and was ultimately disposed of in the subtitle D Woodland Meadows landfill located in Michigan. Over the life of this waste stream, A&V has caused the unlawful disposal of 715-935 gallons of hazardous waste to be disposed of in an unpermitted treatment, storage, or disposal facility over the years.

**A&V unlawfully transported hazardous waste to an unpermitted treatment, storage, or disposal facility.**

A&V must immediately begin properly storing, treating, and disposing of their hazardous waste. A&V must describe how their hazardous waste will be managed in the future. This includes the type of container the waste will be stored in, where the waste will be stored at the facility, how the container will be labeled, where A&V will send the hazardous waste to be disposed, and how often the hazardous waste will be picked up.

16. **OAC Rule 3745-52-20(A)(1), Manifest - general requirements:** "A generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, and disposal facility who offers for transport a rejected hazardous waste load, must prepare a manifest..."

A&V failed to ship the hazardous waste solid water based black ink (D008), hazardous waste liquid water based black ink (D008), and AV Solve (D018) off site listing them as hazardous wastes on a hazardous waste manifest.

In order to abate this violation, A&V must begin shipping all hazardous waste streams off site to an appropriate hazardous waste TSDf utilizing hazardous waste manifests. A&V must submit information to describe how A&V will meet this rule in the future for this waste stream.

- 17. OAC Rule 3745-270-07(A)(1), Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities:** "A generator of a hazardous waste must determine if the waste has to be treated before it can be land disposed..."

A&V failed to determine if the hazardous waste solid water based black ink (D008) and hazardous waste liquid water based black ink (D008) needed to be treated prior to being land disposed.

In order to abate this violation, A&V must determine if these waste streams need to be treated prior to disposal. A&V must submit documentation that shows these waste streams have been evaluated and determined if they need to be treated prior to disposal. This documentation should be completed and submitted prior to shipping the waste off-site.

- 18. OAC Rule 3745-270-07(A)(2), Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities:** "If the waste or contaminated soil does not meet the treatment standards, or if the generator chooses not to make the determination of whether his waste must be treated, with the initial shipment of waste to each treatment or storage facility, the generator must send a one-time written notice to each treatment or storage facility receiving the waste, and place a copy in the generator's files..."

A&V failed to send a one-time written notice to the treatment or storage facility receiving the hazardous waste solid water based black ink (D008) and hazardous waste liquid water based black ink (D008).

In order to abate this violation, A&V must send a one-time written notice to the treatment or storage facility receiving these wastes. A&V must submit documentation that shows these notices have been properly sent to the treatment or storage facility prior to shipping the waste off-site.

**Outstanding Issues:**

1. **Pump Cleaning Waste:** At this time, Ohio EPA has not received adequate analytical to determine if the pump cleaning waste is characteristic hazardous waste and if the F003 hazardous waste listing applies as indicated by reviewing the material safety data sheets.

On September 25, 2012, Ohio EPA received documentation that A&V will sample and analyze this waste stream the next time it is generated. This waste stream is only generated on an as-needed basis due to pump maintenance. This waste stream should be analyzed for flashpoint, toxicity characteristic leaching procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals, TCLP volatile organic compounds (VOCs), and TCLP semi-volatile organic compounds (SVOCs).

2. **Phenolic Resins:** New information has been brought to Ohio EPA's attention that suggests that phenolic resins may contain cresols in amounts that may make them characteristically hazardous wastes. This information can be found in documents such as USEPA's May 1998 document titled *Hazardous Air Pollutant Emissions from the Manufacture of Amino and Phenolic Resins* and the Occupational Safety & Health Administration's information on phenol and cresol (Links to these documents are listed below.). In order to determine if a waste contains a characteristically hazardous amount of cresol, a TCLP test must be analyzed for semi-volatile organic constituents, including but not limited to, cresol, m-cresol, o-cresol, and p-cresol.

Review of the analytical results submitted by A&V document that the above listed cresols were not analyzed for in the wastes. Therefore, it is unclear if the phenolic resin wastes generated at A&V are characteristically hazardous for any of the cresols. Please submit a list of wastes that are generated by A&V that are related to the phenolic resins at the facility and any waste evaluation documentation for these waste streams concerning the amount of cresols located in the wastes.

Please be advised that as the generator of potentially hazardous wastes, it is your responsibility to properly evaluate these wastes in accordance with OAC 3745-52-11. Failure to do so may result in the unpermitted storage, treatment, and disposal of hazardous wastes. If such a case of waste mismanagement is found at A&V in the future, potential future violations and future escalated enforcement may result.

<http://www.osha.gov/dts/sltc/methods/organic/org032/org032.html>  
[http://www.epa.gov/ttn/atw/aminop\\_r3bpd.pdf](http://www.epa.gov/ttn/atw/aminop_r3bpd.pdf)

Mr. Rick Hubert  
January 29, 2013  
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Please send all correspondence **within 14 days of receipt of this letter**, to Ohio EPA, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,

*Kara Reynolds*

Kara Reynolds  
Environmental Specialist  
Division of Materials and Waste Management

/llr

pc: Colleen Weaver, DMWM, NWDO  
Kara Reynolds, DMWM, NWDO  
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Gary Goll, Anderson & Vreeland, Inc.  
Rick Hubert, Anderson & Vreeland, Inc.  
Shara Dine, Dine Comply, Inc.

**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.