



State of Ohio Environmental Protection Agency

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**STREET ADDRESS:**

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

**Central District Office**

TELE: (614) 728-3778 FAX: (614) 728-3898  
www.epa.state.oh.us

**MAILING ADDRESS:**

P.O. Box 1049  
Columbus, OH 43216-1049

September 3, 2009

Mr. Robin Stephens  
Burton Metal Finishing, Inc.  
1711 Woodland Avenue  
Columbus, OH 43219

**Re: Burton Metal Finishing, Inc.  
OHD180657975 Franklin County  
LQG [pRTC-NOV3]**

Dear Mr. Stephens:

Thank you for your additional submittals related to my compliance inspections at Burton Metal Finishing at 1711 Woodland Avenue on December 12, 2007, and June 28, 2007. I have reviewed them related the Notice of Violation letter dated August 7, 2007, and the follow-up second notice letter dated February 14, 2008. Ohio's laws under Chapter 3745 of the Ohio Administrative Code and Chapter 3734 of the Ohio Revised Code establish a system for safe and responsible management of hazardous waste and used oil.

Since my February, 2008 letter to you, submittals on behalf of Burton Metal Finishing have been received from you as follows: by US mail on November 4, 2008, and October 3, 2008; via email and fax on September 29, 2008; via fax on September 19, 2008, and by US mail to our central office on August 18, 2008. I apologize for the delay in sending this response. In a letter dated May 20, 2009, our Central Office has confirmed that your annual report for Calendar year 2007 had been received and was adequate.

I have reviewed the other information on compliance steps reported completed at Burton Metal Finishing. The following violations identified during the June 28, 2007 inspection have now been resolved:

- 1(d). **OAC Rule 3745-52-11, Waste Evaluation** (contents of three 5-gallon buckets, one 5-gallon carboy and two 1-gallon jugs at the 400 process line)
- 1(i). **OAC Rule 3745-52-11, Waste Evaluation** (contents of a black 55-gallon poly drum at the 500 and 600 process area)
- 1(l). **OAC Rule 3745-52-11, Waste Evaluation** (spent filters from "Zep 100" solvent parts cleaning unit)
- 2(a). **OAC rule 3745-52-34(A)(2), Container Start Date Marking** (55-gallon drum at the 500 and 600 process area)

Ted Strickland, Governor  
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- 3(a). **OAC Rule 3745-52-34(A)(3), Container and Tank Marking** (55-gallon drum at the 500 and 600 process area)
- 4(a). **OAC Rule 3745-52-34(A)(3), Satellite Accumulation Area Requirements** (Waste TCE accumulation drum)
- 6(d). **OAC Rule 3745-65-34(C)(1)(a), Unmarked Satellite Containers** (Waste TCE accumulation drum)
- 8(a). **OAC Rule 3745-66-73(A), Open Containers** (sludge roll-off box)
- 8(b). **OAC Rule 3745-66-73(A), Open Containers** (fiber barrels of sludge from chemical storage building cleanup)
- 8(c). **OAC Rule 3745-66-73(A), Open Containers** (barrels of waste sludge and debris from 800 process area)
- 8(d). **OAC Rule 3745-66-73(A), Open Containers** (55-gallon drum at 500 & 600 process area)
- 8(e). **OAC Rule 3745-66-73(A), Open Containers** (barrel of sludge at 600-A line)
- 8(f). **OAC Rule 3745-66-73(A), Open Containers** (two barrels of "used spill dry" waste)
- 9. **OAC rule 3745-66-74, Container Area Inspections** (each week, recorded in a log)
- 12(a). **OAC rule 3745-66-92(A): Hazardous Waste Tank Assessment and Certification** (Tank 320, a 150 gallon poly tank for accumulating cyanide waste located in the 300 process area, which is now removed from hazardous waste service)
- 13. **OAC rule 3745-66-95: Hazardous Waste Tank Inspections** (each operating day, recorded in a log)
- 14(a). **OAC rule 3745-270-07(A)(2) and Table 1, Land Disposal Restrictions: Notification, Waste Codes and Treatability Groups** (waste sludge debris notification)
- 14(c). **OAC rule 3745-270-07(A)(2) and Table 1, Land Disposal Restrictions: Notification, Waste Codes and Treatability Groups** (waste TCE notification)

Burton Metal Finishing has not yet submitted evidence of corrections, and therefore remains in violation of the following hazardous waste laws (previous citations # 12, 14, 15):

- 12. **Hazardous Waste Tank Assessment and Certification, OAC rule 3745-66-92(A):** The owner/operator must obtain a written assessment reviewed and certified by an independent, qualified, registered professional engineer in accordance with paragraph (D) of rule 3745-50-42 of the Administrative Code attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. Specific information specified in this rule must be included...

The following hazardous waste tank did not appear to have been properly assessed by a qualified person, and tank assessment certification was needed: A 2000-gallon steel holding tank for chromate waste located in the wastewater pretreatment area (contents of which are shipped off site to a permitted facility for hazardous waste treatment and/or disposal).

No reports or certifications of this work have been received. According to Mr. Stephens, International Tank Services in September 2008 had submitted an excessively high bid for this work.

☞ **(Warning, Third Notice.)** *Burton Metal Finishing must provide the necessary engineering assessments and certifications of its hazardous waste tank and send a copy for review, including supporting information such as calculations relied on by the engineer to make the assessment. The assessment previously performed in 2001 for the alkaline hazardous waste holding tank may be used as an example.*

14. **Land Disposal Restrictions: Notification, Waste Codes and Treatability Groups, OAC rule 3745-270-07(A)(2) and Table 1:** The generator must determine the EPA hazardous waste codes applicable to the waste, and the "treatability group" (e.g., wastewater or non-wastewater) for each waste that is generated. [Note: For these purposes, "wastewater" is defined as wastes that contain less than one percent by weight total organic carbon (TOC) and less than one percent by weight total suspended solids (TSS).]

b. **"Wastewater" treatability group, and LDR.** None of the Land Disposal Restriction notifications located in the facility files appeared to be for any waste in the "wastewater" treatability group. Yet the following used process solutions were being generated and shipped offsite to Envirite as hazardous waste:

- Alkaline Etch solution, under profile # C5565 with waste codes D002, D007
- "waste chromate" under profile C7562 with unstated waste codes
- "waste A.R.P. 66A&B" under profile #C5604 with waste code D002
- an unnamed waste under profile #C54043 with waste code D007

Burton Metals has not provided supporting information to justify a determination that these wastes are "nonwastewater" for LDR treatability purposes.

☞ **(Warning, Third Notice.):** Review the applicable LDR notifications and waste characteristics to ensure that the waste streams generated are being properly described for LDR purposes. Send information to support your findings in regard to the above matters, and correct the notifications to the TSD facility if needed.

15. **Land Disposal Restrictions: Underlying Hazardous Constituents, OAC rule 3745-270-09(A):** The generator must identify all underlying hazardous constituents (UHCs) within a characteristic hazardous waste.

Characteristic-only hazardous waste process solutions were being generated, but copies of LDR notifications and waste profile certifications, including those received with a followup letter from Burton Metal Finishing that was dated October 30, 2008, identified no Underlying Hazardous Constituents (UHCs). They included:

- A waste Alkaline Etch solution (D002, D007, profile #C5565 being sent to Envirite).
- A waste described under Envirite profile #C54043 bearing a waste code D007.
- A waste "A.R.P. 66A&B" under Envirite profile #C5604 bearing a waste code D002.

There was no evidence of these forms being corrected after the June, 2007 inspection, nor was a suitable alternative explanation provided to address this apparent omission.

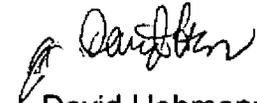
☞ **(Warning, Third Notice.)** Burton Metal Finishing must provide proper identification of Underlying Hazardous Constituents which are present in the waste(s) generated on site which are subject to such notification, for the receiving facility to ensure proper management of these wastes. Send a copy of the revised/corrected LDR notifications with this information, to me and to the receiving facility.

**Please submit an update and/or documentation showing abatement of the remaining unresolved violations (outlined above), to me within 20 days of receipt of this letter.**

Mr. Robin Stephens  
Burton Metal Finishing, Inc.  
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I do apologize for the amount of time it has taken me to issue this follow-up letter. Should you have any questions, please feel free to call me at (614) 728-3885. I look forward to receiving your response soon regarding follow-up addressing the violations noted above.

Sincerely,



J. David Hohmann  
Division of Hazardous Waste Management  
Central District Office

Enclosure

c: Kristina Durnell  
CDO File

JDH/nsm Burton PRTC-NOV3

*Notice: Ohio EPA's failure to list specific deficiencies/violations in this letter does not relieve your company from having to comply with all applicable regulations.*