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February 14, 2008

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

Re: Burton Metal Finishing, Inc.
OHD180657975 *Franklin County*
***LQG* [pRTC-NOV2]**

Dear Mr. Stephens:

Thank you for your time and assistance during my follow-up visit to Burton Metal Finishing at 1711 Woodland Avenue on December 12, 2007. The purpose was to review your facility's progress with regard to compliance with items previously identified in a Notice of Violation letter dated August 7, 2007, from an original hazardous waste inspection on June 28, 2007. 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.

You had indicated in an email message to me on October4, 2007 that many of the required actions were completed, but did not provide enough information to document and confirm the necessary steps had all been taken. Although I requested more complete and descriptive information both in the August 7, 2007 letter and in a reply email I sent back to you on October 4, 2007, no other updates were received from you and I contacted you by phone on November 29, 2007 to set up the return visit.

During my visit we reviewed the compliance steps which had been taken to date.

Significant accumulations of waste cleaned up from process floors... Waste sludge on the floor of the 100 Process area, waste solids in a bucket and pile on the floor of the 300 Process area, waste sludge on the floor in the 400 Process area, had been cleaned up and placed in the hazardous sludge waste roll-off box. Gray solid materials from a past spill cleanup, contained in two open unmarked fiber barrels near the waste water treatment and 400 Process areas, were placed in the hazardous sludge waste roll-off box. A layer of brown sludge on the floor beneath the 500 barrel line was cleaned up (the leak causing the waste buildup was repaired) and placed in the hazardous sludge waste roll-off box. A green colored waste liquid from a spill of nickel solution on the floor between the 500 and 600N Process Lines was cleaned up and managed in the on-site waste water pretreatment system– but the tank apparently had overflowed again later.

Containers of waste properly taken care of...

Three buckets of blue liquid cyanide process waste in the 300 Process area had been transferred into a cyanide hazardous waste accumulation tank and will be shipped to an offsite permitted TSD facility.

Contents of a 55-gallon drum of liquid waste from the 600 Process area, contents of a fiber drum of unneeded McDermid X07384 dye chemicals, and contents of a 5-gallon bucket of waste from a hydrofluoric acid process tank had all been managed in the on-site waste water pretreatment system.

Contents of a 55-gallon drum of waste from the 600-A Zinc plating process line, contents of a black barrel of sludge in the 600-A Process area, contents of two barrels of waste sludge and debris from the 800 zinc barrel line process area, and contents of two drums of used "spill dry" near the 400 Process and wastewater treatment areas had all been transferred into the properly marked hazardous waste sludge roll-off box.

Accumulation drums for used oil in the 200 Process area had been properly marked.

Tank Markings Provided... Tank 320 (a 150-gallon poly tank for accumulating cyanide waste) and a 2000 gallon chromate waste holding tank had been properly marked.

Contingency Plan Updated... Corrected, updated emergency coordinator name and contact information had been placed in the facility Contingency Plan.

The following violations identified during the June 28, 2007 inspection have now been resolved:

1(a). ***OAC Rule 3745-52-11, Waste Evaluation*** **(a layer of accumulated waste sludge on the floor of the 100 Process area)**
1(b). ***OAC Rule 3745-52-11, Waste Evaluation*** **(blue liquid cyanide process waste in three buckets in the 300 Process area)**
1(c). ***OAC Rule 3745-52-11, Waste Evaluation*** **(waste solids in a bucket and pile on the floor of the 300 Process area)**
1(e). ***OAC Rule 3745-52-11, Waste Evaluation*** **(a 5-gallon bucket of waste from a hydrofluoric acid process tank)**
1(f). ***OAC Rule 3745-52-11, Waste Evaluation*** **(a layer of accumulated waste sludge on the floor in the 400 Process area)**
1(g). ***OAC Rule 3745-52-11, Waste Evaluation*** **(a layer of brown sludge on the floor beneath the 500 barrel line)**
1(h). ***OAC Rule 3745-52-11, Waste Evaluation*** **(a green colored waste liquid from a spill of nickel solution on the floor between the 500 and 600N Process Lines)**
1(j). ***OAC Rule 3745-52-11, Waste Evaluation*** **(waste contents in a 55-gallon drum containing waste from the 600-A Zinc plating process line)**
1(k). ***OAC Rule 3745-52-11, Waste Evaluation*** **(liquid waste from the 600 Process area, in a 55-gallon drum)**
1(m). ***OAC Rule 3745-52-11, Waste Evaluation*** **(a fiber drum of unneeded McDermid X07384 dye chemical)**
1(n). ***OAC Rule 3745-52-11, Waste Evaluation*** **(gray solid material in two open unmarked fiber barrels near the waste water treatment and 400 Process areas)**
2(b). ***OAC Rule 3745-52-34(A)(2), Container Start Date Marking*** **(black barrel of sludge in the 600-A Process area)**
2(c). ***OAC Rule 3745-52-34(A)(2), Container Start Date Marking*** **(two barrels of waste sludge and debris from the 800 zinc barrel line process area)**
2(d). ***OAC Rule 3745-52-34(A)(2), Container Start Date Marking*** **(a full drum of used "spill dry" near the 400 Process and wastewater treatment areas)**

2(e). ***OAC Rule 3745-52-34(A)(2), Container Start Date Marking*** **(two barrels of waste residues from cleanup of a spill at the chemical storage building, being held near the waste water treatment and 400 Process areas)**
3(b). ***OAC Rule 3745-52-34(A)(3), Container and Tank Marking*** **(black barrel of sludge in the 600-A Process area)**
3(c). ***OAC Rule 3745-52-34(A)(3), Container and Tank Marking*** **(two barrels of waste sludge and debris from the 800 zinc barrel line process area)**
3(d). ***OAC Rule 3745-52-34(A)(3), Container and Tank Marking*** **(a full drum of "used spill dry" near the 400 Process and wastewater treatment areas)**
3(e). ***OAC Rule 3745-52-34(A)(3), Container and Tank Marking*** **(Tank 320, a 150-gallon poly tank for accumulating cyanide waste)**
3(f). ***OAC Rule 3745-52-34(A)(3), Container and Tank Marking*** **(a 2000 gallon chromate waste holding tank)**
4(b). ***OAC Rule 3745-52-34(A)(3), Satellite Accumulation Area Requirements*** **(a full drum of "used spill dry" near the 400 Process and wastewater treatment areas)**
5. ***OAC rule 3745-65-34(C)(1)(a), Open Satellite Containers***
6(a). ***OAC Rule 3745-65-34(C)(1)(a), Unmarked Satellite Containers*** **(a 5-gallon bucket of waste hydrofluoric acid solution in the 400 process area)**
6(b). ***OAC Rule 3745-65-34(C)(1)(a), Unmarked Satellite Containers*** **(three open 5-gallon buckets in the aisle of the 300 Process area containing cyanide wastes)**
6(c). ***OAC Rule 3745-65-34(C)(1)(a), Unmarked Satellite Containers*** **(a 5-gallon bucket of waste from the floor of the 300 Precious Metals process area)**
6(e). ***OAC Rule 3745-65-34(C)(1)(a), Unmarked Satellite Containers*** **(a partially full drum of "used spill dry" near the 400 process and wastewater treatment areas)**
6(f). ***OAC Rule 3745-65-34(C)(1)(a), Unmarked Satellite Containers*** **(a fiber drum of unneeded McDermid X07384 dye chemical)**
7. ***OAC Rule 3745-66-71, Container Condition***
10. ***OAC Rule 3745-65-31, Preparedness and Prevention***
11. ***OAC Rule 3745-65-52(D) and rule 3745-65-54(D), Contingency Plans***
16. ***OAC rule 3745-279-22(D), Used Oil Container Marking***

Burton Metal Finishing had not done anything to correct problems with an unmarked, open and overflowing 55-gallon black poly drum containing waste floor debris and sludge from the 500 and 600 Process areas. Spent filters from maintenance of a "Zep 100" solvent parts cleaning unit had not been evaluated. The drum of spent TCE solvent in the maintenance building had not been moved to a suitable location to qualify as satellite accumulation, had not been marked as hazardous waste, reaching 90 days in accumulation there on September 26, 2007. The roll-off box of hazardous waste sludge was still being left open although waste was only added to it once every day or two. No inspection log checklist had been developed or put into use for less-than-90-day hazardous waste accumulation container areas. Hazardous waste tank certifications had not been obtained for either Tank 320 (a 150 gallon poly tank for accumulating cyanide waste located in the 300 process area), or for the 2000-gallon steel holding tank for chromate bearing hazardous waste that was located in the wastewater pretreatment room. Daily operating inspections were not being conducted and documented for both the above mentioned two hazardous waste tanks and for a 2100 gallon alkaline hazardous waste holding tank.

Therefore, Burton Metal Finishing remains in violation of the following hazardous waste laws:

1. ***Hazardous Waste Evaluation, OAC rule 3745-52-11***: A person who generates a waste must determine if that waste is hazardous waste, using methods defined in this chapter.

The following wastes had not been adequately evaluated:

d. Assorted unneeded "corrosive" waste chemicals in three 5-gallon buckets, one 5-gallon carboy, and two 1-gallon jugs that were located on a wooden pallet near the 400 Process, behind the line near the roll up door. Although these were said to have been disposed of as hazardous waste, the manifest records for off-site shipments of waste to a permitted TSD facility did not indicate any labpacks were shipped during the time since the June 28, 2007 inspection. In addition, more small containers of similar waste chemicals were accumulated in this location again.

i. Waste floor debris and sludge from the 500 and 600 Process areas, contained in an open overflowing 55-gallon black poly drum.

l. Spent filters generated from maintenance of a "Zep 100" recirculating solvent parts cleaning unit.

☛ *Properly evaluate these wastes and take steps to properly manage them as hazardous waste if they are found to be such. Please provide a description of steps taken to evaluate and properly manage each of these items. [Hazardous waste must be placed in compatible closed containers, marked as such, with accumulation start dates, and properly disposed to a permitted facility].*

2. ***Container Start Date Marking, OAC rule 3745-52-34(A)(2)***: Less-than-90-day hazardous waste accumulation containers must be marked with the date upon which the period of accumulation begins.

a. An overflowing 55-gallon barrel of waste sludge and debris in the 500 process area lacked the required start date marking.

☛ *Provide suitable markings of the original accumulation start dates, for all hazardous waste accumulation containers. Send photos and/or descriptions of actions taken to correct this problem. Take any necessary steps to ensure that this problem is not repeated in the future.*

3. ***Container and Tank Marking, OAC rule 3745-52-34(A)(3)***: Less-than-90-day hazardous waste accumulation containers and hazardous waste accumulation tanks, must be marked as "Hazardous Waste."

a. An overflowing 55-gallon barrel of waste sludge and debris in the 500 process area lacked the required marking as "Hazardous Waste".

☛ *Provide suitable markings for all regulated hazardous waste accumulation tanks and hazardous waste accumulation containers. Send photos and descriptions of actions taken to correct this problem.*

4. ***Satellite Accumulation Area Requirements, OAC rule 3745-52-34(C)(1)***: Satellite accumulation containers must be located at or near the point of generation, and be kept under the control of the operator of the process generating the waste stream.

a. A waste TCE accumulation drum in the maintenance building was located in a completely different building than where the waste was generated, and was under the control of someone other than the person who generated the waste.

☛ *At this point, the contents of the Waste TCE accumulation drum have now been in held in an accumulation area that does not qualify as satellite accumulation, for more than 90 days. Although still only partially full, this container of hazardous waste needs to be promptly shipped to a permitted hazardous waste Treatment, Storage*

and Disposal (TSD) facility to avoid any other prohibitions for excessive storage of hazardous waste. Accumulation of any more spent TCE solvent waste generated in the future, should be done in a container situated very near to where the waste is generated in the main building. Send a copy of the completed hazardous waste manifest for the shipment of this waste to a permitted TSD facility.

6. ***Unmarked Satellite Containers, OAC rule 3745-65-34(C)(1)(a)***: Satellite accumulation containers must be marked with the words "Hazardous Waste" or other words identifying the contents.

   d. A drum containing (listed hazardous waste) spent TCE solvent in the Maintenance Shop building lacked the required hazardous waste marking, and was only marked as a product (See also violation #4 above—).

☛ *Immediately, please provide suitable markings for this hazardous waste accumulation container. Take a photo showing the correction of this problem. Then ship the container of hazardous waste off site for proper disposal as indicated in #4 above.*

8. ***Open Containers, OAC rule 3745-66-73(A)***: Hazardous waste accumulation containers must be kept closed when waste is not being added to them.

   Contents of several open hazardous waste containers noted during the June 28, 2007 inspection had been transferred into the large roll-off box which was still being left open:

   b. Two unmarked fiber barrels of sludge from a cleanup at the chemical storage building.

   c. Two unmarked barrels of waste sludge and debris from the 800 zinc barrel line process area.

   e. A black barrel of sludge from the 600-A process line area with a loose lid that did not fit.

   f. Two barrels of "used spill dry" waste from the 400 process line area.

   In addition, the following containers remained open in the same basic condition as they had been at the time of the June 28, 2007 inspection.

   a. A roll-off box of listed hazardous waste sludge under a filter press in the wastewater pretreatment room was left open all the time, although contents were only being added to this container once every day or two, on a manual batch basis.

   d. An overflowing black 55-gallon barrel of waste sludge and debris that remained in the 500 process line area.

☛ *Provide properly closing lids for these and any other less-than-90-day accumulation containers of hazardous waste. Keep them closed whenever waste is not being added to them. Send photos and/or descriptions of actions taken to correct this problem.*

9. ***Container Area Inspections, OAC rule 3745-66-74)***: Containers of hazardous waste in less-than-90-day accumulation must be inspected at least weekly (every 7 days) with the findings recorded in a log record or summary.

   The required inspections were not being conducted or documented. No inspection log checklist had been developed or put into use. Mr. Stephens promised that one would be drafted and sent to me soon.

☛ *Conduct weekly inspections of hazardous waste containers in accumulation, looking for marking/labeling problems, open or leaking containers, spills, and verifying that wastes are not accumulated longer than the 90 day timeframe allowed. Document the inspections in a suitable log record. Send copies of logs for the first three weeks of the inspections to show the correction has been made.*

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...

Only one of the hazardous waste tanks (the alkaline waste storage tank) appeared to have been assessed previously by a qualified person. There was no record of the other two regulated hazardous waste tanks noted on site, ever having been properly assessed. They included:

a. Tank 320, a 150 gallon poly tank for accumulating cyanide waste located in the 300 process area (contents of which are transferred to another holding tank in the wastewater pretreatment area, then shipped off site to a permitted facility for hazardous waste treatment and/or disposal)

b. 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)

Mr. Stephens told me he had advised Dan Burton, the owner, about this matter, but that no action had yet been taken to obtain the tank assessments.

I noted during my December 12, 2007 visit that very little cyanide waste was being accumulated or shipped off site, and that it was possible that two of the accumulation tanks being used for cyanide bearing waste, might not be needed. It seemed likely that containers could serve the same purpose without the obligation for daily inspections and engineer certified assessments which tanks must have.

☛ *Determine if the tanks mentioned above are truly needed for hazardous waste accumulation purposes. If not, they should be removed from hazardous waste service. If they are needed for hazardous waste accumulation prior to off-site shipment of the waste, then Burton Metal Finishing must now provide the necessary engineering assessments and certifications of these hazardous waste tanks 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.*

13. ***Hazardous Waste Tank Inspections, OAC rule 3745-66-95***: The owner/operator must inspect hazardous waste tank systems at least once each operating day, including: aboveground portions to detect corrosion or releases (A)(2); and secondary containment (A)(4) and must document these inspections in the operating record (C).

A weekly tank inspection log (once a week) existed but was not being used. There was no indication or record of the required daily tank inspections being conducted for any of the three hazardous waste tanks on site: Tank 320, a 150 gallon tank in the 300 process area; and in the wastewater pretreatment area a 2000 gallon chromate waste holding tank and 2100 gallon alkaline hazardous waste holding tank.

During my December 12, 2007 visit Mr. Stephens told me that a weekly log was being used intermittently or monthly.

☛ *Burton Metal Finishing must conduct and record daily inspections of its (three) regulated hazardous waste tanks. Send copies of logs from the first week of inspections as evidence of correcting of this violation.*

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.

a. **Waste debris may still carry regulated codes**. Absorbent socks, rags, and other floor waste material was accumulated in a drum mixed with sludge that was to be managed as listed hazardous waste. Mr. Stephens said that the solid debris would be manually separated and disposed to the solid waste dumpster because the TSD facility does not allow debris in their F006 sludge waste. However, such debris items would likely still carry a listed F006 hazardous waste code (due to the so-called "mixture rule"), and could also exhibit other general hazardous waste characteristics. (For both reasons, they shouldn't be disposed to a solid waste dumpster.)

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 waste used process solutions were being generated and shipped offsite as hazardous waste, and would in all likelihood be classified within this treatability group for LDR purposes. The LDR notification for these waste streams needed to be reviewed and properly completed.

c. **Spent TCE waste.** Company files included no record of a LDR notification for the spent TCE waste, which would carry a F001 waste code (nonwastewater). The waste was being generated and accumulated on site, and in all likelihood had been shipped to a TST facility in the past period for which records were reviewed. Mr. Stephens said this waste has not been shipped for a while, and he had not located any related LDR records. He planned to track them down from the TSD facility.

Little if any progress had been made addressing this item since the June 28, 2007 inspection.

☛ *Burton Metal Finishing must provide proper LDR notifications, including all applicable waste codes and waste type classification, in order to ensure that the waste streams it generates (including those noted above which appeared to lack current accurate LDR information) are sent to facilities that will in fact (and which are legally permitted to properly handle) properly store and treat such regulated hazardous waste. Send a copy of the revised/corrected LDR notifications with this information, to me and to the receiving facility.*

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.

Waste process solutions (apparently within the "wastewater" treatability group) were being generated and would be characteristic hazardous waste. However, no UHCs were identified on any of the Land Disposal Restriction notifications located for review.

No progress had been made addressing this item since the June 28, 2007 inspection.

- *Burton Metal Finishing must provide proper identification of Underlying Hazardous Constituents which are present in the waste(s) generated on site and 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 11 unresolved violations (outlined above), to me within 20 days of receipt of this letter.

In addition, I also offer the following comments, concerns and/or suggestions:

- My August 7, 2007 letter mentioned the need for keeping hazardous waste tank operating records to show that waste is not held inside regulated accumulation tanks for longer than the allowed 90-day accumulation timeframe. It was apparent during my December 12, 2007 from a simple review of shipping records, that cyanide wastes were remaining in the tanks for longer than 90 days. It is very important that a verifiable tracking system be put in place to ensure that hazardous wastes are not held on site for longer than the allowed 90 days after they are generated.
- Status of any actions taken to address numerous other comments from my original August 7, 2007 letter, were not reviewed during my December 12, 2007 visit but may be covered at a future time as appropriate. I do encourage any related responses or communications on those items as needed.

Finally, I apologize for the time it has taken me to issue this follow-up letter. I realize that it is in everyone's best interest to keep progress moving forward on addressing these items. Resource demand from other workload items, the holidays, and an extended period of illness recently on my part contributed to this. As you can see, there were a lot of items to address in the letter. I do look forward to your resolution of the remaining violations in the very near future..

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
Environmental Specialist
Division of Hazardous Waste Management
Central District Office

Enclosure

c: Tammy McConnell
CDO File

JDH/nsm Burton prtc-NOV2

"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."