

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:

PRECISION METAL
FINISHING, INC.
MOBILE, ALABAMA

94-058-HW

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 through 22-22A-16 (1990 Rplc. Vol.), and the Alabama Hazardous Wastes Management and Minimization Act of 1978 (hereinafter "the Act"), Code of Alabama 1975, §§ 22-30-1 through 22-30-20 (1990 Rplc. Vol.), the Alabama Department of Environmental Management (hereinafter "The Department") makes the following FINDINGS OF FACT:

1. Precision Metal Finishing, Inc., ("PMF") operates an electroplating facility in Mobile, Alabama.

2. PMF had previously notified the Department that it generated minimal amounts of a listed hazardous waste classified as F006. PMF reported that the quantities of hazardous waste it generated were small enough to qualify as a conditionally exempt generator under the applicable Hazardous Waste regulations ("regulations").

3. On June 22, 1993, representatives of the Hazardous Waste Compliance Branch of the Department conducted an inspection of PMF.

4. This inspection identified several violations of the regulations, the most fundamental of which was a failure by PMF to make a hazardous waste determination on several waste streams generated at the facility. ADEM Admin. Code R. 335-14-3-.01(2) requires anyone generating a waste to determine whether the waste is hazardous.

5. During the inspection, ADEM officials reviewed PMF's plating process and identified several individual waste streams, namely: a powder generated in the blasting box (also referred to as blasting bead residue); a spent caustic cleaner solution; a spent acid solution; and a sludge generated by the boil-off tank. PMF officials acknowledged during the inspection that no laboratory analysis had been conducted on these materials as required by the regulations.

6. At the time of the inspection, PMF was managing these several waste streams in different ways, to wit: the powder or blasting residue was being placed in a dumpster and hauled to a sanitary landfill; the spent caustic and spent acid solutions were being placed in the boil-off tank; and, the sludge from the boil-off tank was being dewatered and then mixed with a sludge made up of spent acid and lime. This mixture was simply accumulated on site and was contained in 3 drums and two large vats at the time of the inspection.

7. Additionally, the PMF officials acknowledged the presence on site of approximately 500 gallons of liquid they identified as "spent acid". They explained that this material had been left on the premises by a previous owner. This material was a combination of spent sulfuric and nitric acids having a pH of approximately 1. PMF had added lime to the spent acids to raise the pH. As noted in the previous paragraph, the sludge from the boil-off tank had subsequently been added to this mix.

8. The inspection also revealed that PMF had five drums of spent acid cleaning solution and spent caustic cleaning solution being stored in open drums. Subsections 335-14-3-.03(5)(d)2. and 335-14-6-.09(4)(a) of the regulations require that containers of hazardous waste must always be closed except when necessary to remove or add waste.

9. These same drums also were not labeled as containing hazardous waste and lacked any other information about the contents or time of storage. Subsection 335-14-3-.03(5) requires a generator such as PMF to label hazardous waste containers as such and to specify the date on which accumulation began.

10. The inspection also revealed other violations of the regulations regarding availability of records and preparations for emergency response. Among these violations were:

- a) PMF personnel available during the inspection

could not locate any records requested by ADEM personnel. Section 22-30-19(d) of the Act requires that anyone regulated by its terms to make available for inspection any records required to be maintained by the Act or regulations, and subsections 335-14-3-.03(5) and 335-14-3-.04 of the regulations impose various recordskeeping requirements;

b) PMF had only one designated and trained emergency response coordinator, but that person was on vacation at the time of the inspection meaning that no designated emergency coordinator was present while the facility was in operation, a violation of subsection 335-14-3-.03(5)(d)5.(i) of the regulations; and

c) PMF had failed to post any of the emergency response information as required by subsection 335-14-3-.03(5)(d)5.(ii) of the regulations.

11. On August 16, 1993, the Department sent a Notice of Violation to PMF identifying the several waste streams and instructing PMF to conduct hazardous waste determinations as required by the regulations.

12. On September 10, PMF provided laboratory analysis on the blasting box powder residue and on the sludge generated when lime was mixed with the spent acids. The analytical results indicated that the levels of lead in the blasting box residue was 65.0 mg/l, well in excess of the regulatory

threshold level of 5.0 mg/l. Thus, this residue would be classified as a D008 hazardous waste. PMF indicated that arrangements were being made to dispose of these materials at a hazardous waste management facility.

13. On September 21, the Department responded informing PMF that the company had failed to do waste determinations for the spent caustic cleaner solution and the spent acid solutions prior to the placement of these materials in the boil-off tank, and also, on the sludge which is generated by the boil-off tank.

14. In October, PMF provided further analytical data on these additional waste streams. This data revealed that the pH of the spent acid solution was 1.0, and thus, is considered corrosive and must be managed as a D002 hazardous waste according to section 335-14-2-.03(3) of the regulations.

15. In a subsequent response received at the Department on December 16, PMF indicated that it had taken steps to correct the emergency response situation by designating an additional emergency response coordinator and by posting the necessary information as required by the regulations. PMF further indicated it had begun labeling drums and maintaining records as required.

16. In response to a draft administrative order proposed by the Department in this matter, PMF submitted a detailed written response and representatives of the company met with Department representatives. PMF did not contest the accuracy

of the foregoing Findings, but asserted that the violations were not intentional, and that no environmental harm had resulted.

17. In further response to the proposed administrative order, PMF has retained a consultant to conduct inspections at least quarterly to identify and correct potential violations of environmental statutes and regulations.

18. In further response to the proposed administrative order, PMF officials asserted that the company did not have the ability to pay an administrative penalty in the amount proposed by the Department. In response to the Department's request, PMF submitted copies of recent federal tax returns in an effort to support the company's limited ability to pay an administrative penalty.

ORDER

Based on the foregoing FINDINGS OF FACT and pursuant to Code of Alabama 1975, §§ 22-221-5(10), 22-22a-5(18), 22-30-13 and 22-30-19(a) and (b) (1990 Rplc. Vol.), it is hereby ORDERED:

A. That PMF shall identify and manage all hazardous waste streams according to the requirements of the regulations.

B. That PMF shall maintain hazardous waste containers according to the requirements of the regulations.

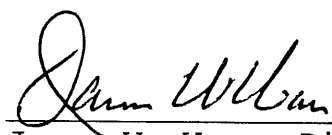
C. That PMF shall maintain all records and have them available for inspection as provided in the Act and regulations.

D. That in light of the several violations of the Act and regulations identified herein, PMF shall, within thirty days following the date of receipt of this Order, pay to the Department an administrative penalty in the amount of TWO THOUSAND (\$2,000.00) DOLLARS for these violations.

E. That the failure of PMF to comply with any of the provisions of this Order shall constitute cause for the commencement of legal or other appropriate enforcement action by the Department against the Permittee for the recovery of civil penalties, criminal ~~fin~~es or other appropriate relief.

F. That the issuance of this Order does not preclude the Department or others from seeking appropriate criminal fines or relief or sanctions against PMF for the violations state herein.

ORDERED and ISSUED this 14th day of April, 1994.


James W. Warr, Director
Alabama Department of
Environmental Management
1751 Cong. W.L. Dickinson Drive
Montgomery, Alabama 36130
(205) 277-7700

CERTIFICATE OF SERVICE

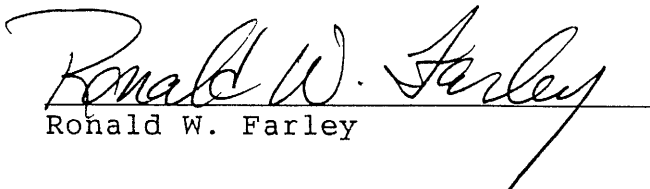
I, Ronald W. Farley, hereby certify that I have served the foregoing proposed Administrative Order No. 94-058-HW upon Precision Metal Finishing, Inc., by sending the same via telefax and postage paid, through the United States Mail, as Certified Mail No. P 014 550 812, with instructions to forward and return receipt requested to:

Mr. Daniel Kline
Precision Metal Finishing, Inc.
1806 Sixth Street
Building 6 Section A
Brookley Complex
Mobile, AL 36615

I have also sent a copy of the above referenced document by U.S. Mail to:

Mr. Harry S. Pond, IV
Kaffer, Pond & Pipkin
150 Government Street
LaClede Building
Suite 3003
Mobile, Alabama 36602

DONE this 17th day of April, 1994.


Ronald W. Farley

P 014 550 812



**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Send to Mr. Daniel Kline Precision Metal Finishing	
Street or P.O. Box No. 1806 Sixth Street	
P.O. Box, State, and ZIP Code Building 6 Section A	
Postage Brookley Complex	
Postage Mobile, AL 36615	
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

Form 3800, June 1991