

August 6, 2013
CERTIFIED MAIL

Michael Akkaoui, President/CEO
Tanury Industries
6 New England Way,
Lincoln, RI 02865

Re: Petition for a variance from Regarding Satellite Accumulation-
Notice of Intent to Approve

Dear Mr. Akkaoui:

The letter is in response to your request for a Non-Permit Variance under Rule 4.2 of the *Rhode Island Rules and Regulations for Hazardous Waste Management (Regulations)* regarding storage of hazardous waste at your facility at the location referenced above.

The facility performs nickel and precious metals plating for a wide variety of metal products produced offsite. The satellite accumulation area for stripping acids consists of three 55 gallon drums stored in between a barrel plating area and the main plating area as discussed in the attached field investigation report. The definition of satellite accumulation is shown below:

Satellite accumulation shall mean the accumulation of as much as fifty-five (55) gallons of hazardous waste, or the accumulation of as much as one quart of acutely hazardous waste, in containers at or near any point of generation where the waste initially accumulates, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of 40 CFR 262.34(a) and without any storage time limit, provided that the generator complies with 40 CFR 262.34(c)(1)(i) and marks and labels his containers as required by Rule 5.4C. Accumulations in excess of these amounts are subject to the requirements of 40 CFR 262.34(c)(2) and to the marking and labeling requirements of Rule 5.4A.

Given that the “satellite accumulation area” is separated from the main plating area by a half wall, it would be consistent with our interpretation to consider this area not “at or near any point of generation” and therefore not eligible to be managed as such.

During our March 8, 2013 walkthrough of the facility, we discussed why you feel the variance is needed. Reasons are listed below:

1. The concern the facility has is that their plating lines are relatively narrow. The site chosen for satellite accumulation was as near to the line as possible without creating a physical obstruction that could cause injury to employees and/or a release of hazardous waste.
2. The "satellite accumulation area" has high visibility allowing safety and compliance supervisors to easily see the waste many times a day.
3. While the current "satellite accumulation area" could be replaced with a larger number of smaller containers, it would result in more waste locations with a lower level of scrutiny.
4. Removal of the half wall would expose the employees walking through the area to more chance of contact with hazardous materials due to spillage or steam leaks.

Regulations 4.2 allows the Director to grant a Non-Permit Variance if the applicant demonstrates that granting the variance will meet the following conditions:

- A. will provide protection of health and the environment equivalent to that provided by these rules,
- B. will not endanger the public health and safety,
- C. will not create a public or private nuisance,
- D. will not significantly interfere with the public use and enjoyment of any recreational resource,
- E. will not cause pollution in any surface body of water or any groundwater, or cause contamination of any drinking water supply or tributary thereto,
- F. will not violate any provisions of any rules or regulations adopted pursuant to Chapter 23-23 (the Rhode Island Clean Air Act) of the General Laws of Rhode Island, as amended,
- G. will not be less stringent than 40 CFR 262.34 (b).

Based upon our review of the situation, the Department has determined that under these specific circumstances, a variance under Rule 4.2 is warranted. The variance would allow Tanury Industries to use the existing configuration as a satellite accumulation area under Rule 5 of the *Regulations*. The variance is subject to the following conditions:

1. The variance applies only to the application of Satellite Accumulation requirements for the three drums in the satellite accumulation area described in their request of June 26, 2012 as described in the Department's Field Investigation Report of March 8, 2013. All other hazardous waste management must be in strict accordance with the Regulations.
2. The variance is granted for five years, and then must be renewed.
3. Tanury Industries must install and maintain secondary containment in the form of a spill pallet for the drums in the satellite accumulation area.

This tentative approval is based upon the representation made in the variance request relative to the storage of hazardous wastes at the facility. Before such a variance can be granted, however, in accordance with Rule 4.2 of the Regulations, a public notice and response to public comment, if necessary, is required. We have included a copy of the draft that you must publish in a local newspaper. Once published, you should mail a copy of the newspaper including the public notice back to this office.

If you have further questions, please contact me at (401)222-2797, extension 7112 or at mark.dennen@dem.ri.gov.

Sincerely,

Leo Hellested, P.E., Chief
Department of Environmental Management
Office of Waste Management

CC: Mark Dennen, OWM/DEM
Robert Nero, OCI/DEM
Yan Li, OWM/DEM
Laurie Grandchamp, OWM/DEM



**Department of Environmental Management
Office of Waste Management
FIELD INVESTIGATION REPORT**

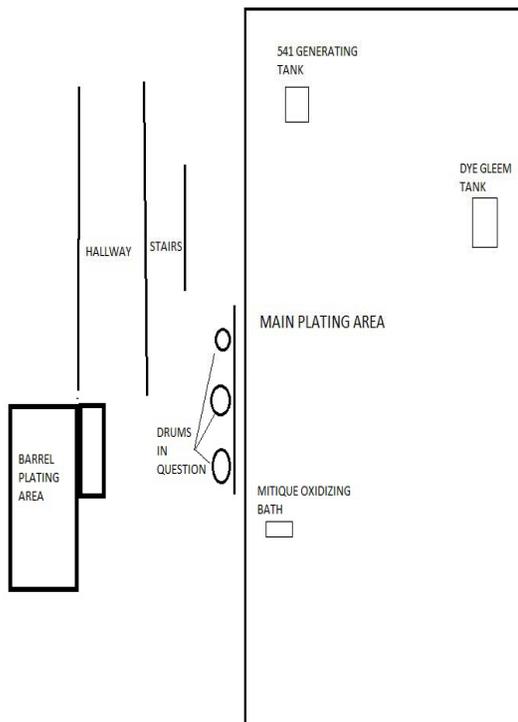
Facility Name: Tanury Industries
Date of Investigation: March 8, 2013
Facility Address: 6 New England Way, Lincoln

Investigators: Mark M. Dennen, Yan Li

Findings:

We arrived at the site at Approximately 10:00 AM to evaluate a variance request submitted by Tanury Industries relative to satellite accumulation. Michael Akkaoui and Chris Tremblay, both accompanied us on our visit.

The facility does nickel and precious metals plating for a wide variety of metal products produced offsite. The satellite accumulation area for stripping acids consists of 3 55 gallon drums stored in between a barrel plating area and the main plating area (photos 1 and 2). A rough sketch of the operation is shown below:



The satellite accumulation area is a collection point for the small barrel plating operations shown in photos 3 and 4 as well as the main plating area shown in photos 5 and 6. The satellite accumulation area has 3 drums, representing 3 different waste streams, all of which are D002 corrosive acids:

- Acid cleaners (541D) for solder composed of a nitric and sulfuric acid mixture for use on solders.
- A waste sulfuric acid mixture from either the barrel plating line or the dye gleem acid nickel strip.
- A chromium sulfuric acid mixture for creating antique finishes.

The facility provided us with the attached manifest showing all three waste streams.

We also toured other areas of the facility including the hazardous waste storage area located in a separate room from plating operations.

During and after the walkthrough of the facility, we discussed why the facility feels the variance is needed. The concern the facility has is that their plating lines are relatively narrow. The site chosen for satellite accumulation was as near to the line as possible without creating a physical obstruction that could cause injury to employees and a release. Also the location was chosen because of its visibility allowing safety and compliance supervisors to easily see the waste many times a day. They could replace the 55 gallon drums with smaller (5 or 15 gallon containers), however they are concerned it would result in more waste locations with a lower level of scrutiny. While it would be possible to remove the half wall behind the satellite drums, doing so would expose the employees walking through the area to more chance of contact with hazardous materials due to spillage or steam leaks.

We left the facility at approximately 11:30.

Mark M. Dennen

Date

Yan Li

Date

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