



St. Joseph County Health Department

"Promoting physical and mental health and facilitating the prevention of disease, injury and disability for all St Joseph County residents"

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November 21, 2011

USEPA Region 5
77 West Jackson Boulevard
Mail Code: SE-5J
Chicago, IL 60604-3507
Attn: Charles Gebien, Chief – Emergency Response Section III

Re: Unsecured Hazardous Waste at Abandoned Baycote Facility

Dear Mr. Gebien:

The Health Department is requesting your assistance in securing hazardous wastes left at the defunct Baycote metal finishing facility located at 1302 Industrial Dr., in Mishawaka.

Baycote was a large quantity generator (LQG) of hazardous waste (IND980680094 - last reported 2007) and reportedly went out of business in early 2008. It's last reporting under EPCRA was in 2007 for 2006. The facility treated the majority of its hazardous wastes on-site (e.g. neutralization before discharge to sewer).

On July 10, 2008, a closed facility Compliance Evaluation Inspection was conducted by IDEM. Violations were observed and referred to the Office of Enforcement. A Notice of Violation was issued on November 14, 2008. On March 17, 2009, a Proposed Agreed Order was signed by the Commissioner of IDEM. A notice of final settlement offer was mailed to the Baycote CEO/Managing Director, Joseph Hennessey) on September 17, 2009. The Agreed Order was approved and adopted on October 20, 2009. The Agreed Order provided for the timely removal of all wastes.

An enforcement follow-up inspection was conducted by IDEM on February 10, 2010. According to the report of the inspection, Mr. Robert Smith of D&B Environmental (contracted by Baycote) provided a summary of cleanup work completed to date as well as an inventory of what was left. They were not able to inspect certain portions of the facility because it was unsafe to enter. The inventoried waste streams left in the portions of the facility that could be inspected totaled over 52,000 gallons of hazardous and non-hazardous liquids, solids and sludge, including: cyanide, hexavalent chromium, and hydrochloric acid. Some of the containers were compromised. The majority of the material was consolidated into one area.

At some point, the contractor stopped performing work due to non-payment. Weekly inspections were to be performed as required by federal RCRA regulations and the Agreed Order. It is not known what (if any) of these required

inspections were performed since the February 2010 IDEM inspection.

St. Joseph County Health Department Environmental Health Specialist John Lankowicz and Ken McDaniels from the Indiana Department of Environmental Management attempted an inspection of the Baycote facility on November 9, 2011 in response to a report of unsecured/uninspected tanks of cyanide and hydrochloric acid being stored there. A door was found open in the portion of the facility (production lines 4 & 7) that could not be previously inspected by IDEM. It appeared that the entire floor in this area was filled with several inches of liquid. Holes in the roof could be observed. No attempt was made to evaluate the facility any further. Mr. Smith was contacted, as he was the last known individual to have been in the facility. Mr. Smith confirmed that no additional work was performed by him and that the roof was collapsed at the time of his 2010 inspection with IDEM. He believes there is the significant potential for further compromise of storage containers in the building as a result of the water accumulation.

It has been reported to our office that representatives of Mishawaka Utilities, Mishawaka Fire Department and Mishawaka Code Enforcement inspected the facility this past September. Photos from the inspection have been provided to the Health Department. Code Enforcement was contacted about the unsecured door to the facility and it has since been secured.

The Health Department is concerned that the condition of the facility poses a significant threat to the health & safety of the various companies within the industrial park as well as the residential area located less than 1,000 feet west of the facility. It appears that the owner has no intention of following through with the cleanup. The Indiana District 2 Hazmat Team was notified by our office about the conditions present at the facility and their assistance in determining the stability of the wastes was requested. They stated they could only respond if notified by the local fire department or if we had knowledge of an actual current spill. Mr. McDaniels indicated that a referral was made to the USEPA. However, our follow-up with your office revealed that the referral apparently has not been made yet. Therefore, we are requesting your assistance as we believe this to be a time critical situation with another winter season approaching that could further compromise the building.

Please contact either John Lankowicz at 574-244-6711 or me at 245-6760 if we can provide any additional information to you.

Sincerely,



Marc E. Nelson
Environmental Division Director
Cc: File 1100967