



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

July 9, 2007

Dino Dotsikas, President
American Metal Coatings
1088 Ivanhoe Road
Cleveland, OH 44110

**RE: AMERICAN METAL COATINGS, OH0000147868, CUYAHOGA COUNTY
RCRA/LQG, COMPLIANCE EVALUATION INSPECTION, NOTICE OF VIOLATION**

Dear Mr. Dotsikas:

On May 24, 2007, Ohio EPA's Division of Hazardous Waste Management (DHWM) conducted a compliance evaluation inspection at the American Metal Coatings, Inc. (AMC) facility located at 1088 Ivanhoe Road in Cleveland, Ohio. AMC is an electroplating operation and qualified as a Large Quantity Generator (LQG) of hazardous waste at the time of this inspection. Hazardous waste generated at the facility includes spent plating and cleaning baths (D002) from electroplating operations at the facility.

The purpose of this inspection was to determine AMC's compliance with Ohio's hazardous waste laws and regulations as found under the Ohio Revised Code and Ohio Administrative Code ("ORC" and "OAC" respectively). AMC was represented by you and Nabil Iskander while Ohio EPA was represented by me. Ohio EPA's inspection included an inspection of the AMC facility and a review of written documentation. Ohio EPA also documented portions of the inspection using digital photography.

Based on this inspection, Ohio EPA has determined that AMC has violated, at least, the following state hazardous waste regulations:

1. **Ohio Revised Code (ORC) § 3734.02 (E) and (F) storage of hazardous waste without a facility installation and operation permit:**

At the time of the May 24, 2007 inspection, Ohio EPA observed at least fifty (50) containers (drums and totes) being stored in a small building referred to as the "back, back room" by AMC representatives. The building is located in the extreme rear southwest end of the facility and was being used for the storage of used plating line equipment and electrical panels. To secure the building against theft, multiple empty plating tanks had been placed in front of each doorway and window.

Access to the interior of the building for inspection by Ohio EPA was achieved only after a large empty plating tank blocking the entrance was removed by using two tow-motors at the same time. The majority of the containers appeared to contain old plating chemicals and cleaners. You stated that you were unaware of the presence of the containers and that they must have been on site for at least four years, from before you took the business over from your father; William Dotsikas. You further stated that AMC could not use the old chemicals in the facility process lines and that they would be shipped off-site for disposal as a waste.

Ohio EPA numbered and inventoried the containers and instructed the facility to identify the contents and characterize the wastes to determine if the wastes are hazardous. On May 26, 2007 Ohio EPA provided the facility with an Excel spreadsheet developed from Ohio EPA's May 24, 2007 inventory of the numbered containers and instructed AMC to complete the spreadsheet, indicating the nature of the contents of each container and whether it is to be managed as a hazardous waste, and how long the container has been on site. Many of the containers were in poor condition with at least three that appeared to be leaking. Preliminary sampling of the containers of waste by Envirite reveals that at least twenty-three (23) of the containers are characteristically hazardous for corrosivity (D002). This information coincides with markings or labels that remained on some of the containers.

Based upon this information, Ohio EPA has determined that AMC has stored hazardous waste on-site in excess of ninety days without a hazardous waste permit.

To address this violation, AMC must ship the containers of hazardous waste off site for proper disposal or process it through the on-site permitted Waste Water Treatment Unit (WWTU). Documentation confirming that the waste has been removed and properly disposed must be submitted to this office for review. This documentation must include a copy of the hazardous waste manifest(s) and Land Disposal Restriction (LDR) forms which accompanied the shipment(s) of waste off-site. AMC must also submit a completed copy of the Excel spreadsheet itemizing each container, the nature of the waste it contains and how it will be managed and how long it has been on site. Should AMC treat any of the containers of waste through its permitted WWTU, AMC must keep a log of the on-site treatment for each container and submit said log to this office.

Since AMC violated ORC §3734.02(E) and (F), AMC is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have AMC begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

2. **OAC Rule 3745-52-11 Hazardous waste determination:** *Any person who generates a waste in the state of Ohio, as defined in rule 3745-51-02 of the Administrative Code shall determine if that waste is a hazardous waste.*

At the time of the May 24, 2007 inspection, Ohio EPA observed the following containers of wastes which the facility had not characterized to determine if the waste is a hazardous waste:

- A. In the "back, back room" Ohio EPA observed at least fifty (50) containers of old plating chemicals and cleaners (see Violation #1A). AMC stated that the containers of chemicals could not be used and therefore are a waste. AMC could not provide documentation demonstrating that the containers of waste had been properly characterized to determine if it the wastes are a hazardous waste.
- B. One (1) open tote of waste located by the ovens and to the south of the sludge roll-off, containing material described as "floor clean up from under the plating line and garbage" by AMC.
- C. One (1) open tote of spent acid rinse generated from the zinc phosphate line and treated in the on-site WWTU. At the time of the May 24, 2007 inspection, AMC did not have documentation demonstrating that the spent acid rinse had been characterized to determine if it was a hazardous waste.
- D. At the time of this inspection, Ohio EPA observed an accumulation of a solid grey material (at least fifty-five gallons) piled on the floor and described by the facility as being generated from cleaning the build up off the coils from the zinc phosphate line. AMC stated that the coil cleanings are put into the roll-off box with the WWTU filter cake which is shipped off site as a non-hazardous waste. At the time of this inspection, AMC could not provide documentation demonstrating that the coil cleanings has been properly characterized to determine if the waste is a hazardous waste. By e-mail dated June 15, 2007, Ohio EPA received analytical data demonstrating that the coil cleanings had been sampled on May 29, 2007 and analyzed. Ohio EPA therefore considers this violation (Violation #2E) abated and no further action is required regarding this waste stream.
- E. In the chemical storage room, Ohio EPA observed at least two (2) totes of an old zinc phosphate solution custom blended for a specific customer that will not be used and is therefore a waste. The totes were stacked in the far corner of the room and blocked in by equipment and supplies. AMC stated that the waste will be treated through the facility WWTU. At the time of this inspection, AMC did not have documentation demonstrating that the waste had been characterized to determine if it is a hazardous waste.
- F. In a flammable cabinet located in a building referred to by AMC as "the shed", Ohio EPA observed a five gallon container approximately one quarter full of a grey granular material labeled with a "Dangerous" label. AMC could not identify the contents of the container and therefore must determine if the material in the container is a hazardous waste.

- G. Outside the building, on the southeast side of the property where AMC stores old plating tanks and equipment, Ohio EPA observed an open one-yard hopper containing a solid waste described by the facility as either floor clean up or coil cleanings. At the time of this inspection, AMC could not provide documentation demonstrating that the waste had been properly characterized to determine if it is a hazardous waste.
- H. Outside the building, on the southeast side of the parking lot, Ohio EPA observed at least four (4) steel open-head containers being stored on a pallet. The containers were rusting and appeared to have been outside a long. AMC could neither identify the contents of the containers nor indicate how long they had been on site.
- I. In the "back, back room" Ohio EPA also observed two (2) steel bins containing an assortment of small containers of old chemicals and materials. The containers appeared to have been collected in the bins a long time ago. At the time of this inspection, AMC could not identify the contents or the nature of the materials, hazardous or non-hazardous.

To demonstrate compliance, AMC must submit to this office documentation demonstrating that the containers of waste have been appropriately characterized. A **representative** sample of the waste must be collected and tested using the Toxicity Characteristic Leaching Procedure (TCLP), test Method 1311 in "Test Methods for Evaluating Solid Waste. Physical/Chemical Methods," U.S. EPA Publication SW-846. Note, the waste need only be tested for the eight RCRA metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver) and pH. By e-mail received at this office on June 15, 2007, Ohio EPA received documentation indicating that Envirite was in the process of sampling and analyzing containers of waste on site. For each waste itemized above, AMC must submit to this office documentation including, but not limited to:

- A brief narrative regarding how the waste was generated.
- A brief narrative on how the sampling was performed and by whom.
- A copy of the analytical data report from the lab performing the analysis.
- A copy of the Chain of Custody (COC).

AMC must also submit a completed copy of the Excel spreadsheet itemizing each container, the nature of the waste it contains and how it will be managed and how long it has been on site. Should AMC treat any of the containers of waste through its permitted WWTU, AMC must keep a log of the on-site treatment for each container and submit said log to this office.

Should AMC ship any of the containers of waste off site as a hazardous waste, AMC must submit to this office documentation confirming that the waste has been removed and properly disposed. Documentation must include a copy of the hazardous waste manifest(s) and Land Disposal Restriction (LDR) forms which accompanied the shipment(s) of hazardous waste off-site.

3. **OAC Rule 3745-66-92 Design and installation of new tank systems and components:**

(A) Owners or operators of new tank systems or components must ensure that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the waste(s) to be stored or treated, and corrosion protection so that it will not collapse, rupture, or fail. The owner or 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 system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.

(B) The owner or operator of a new tank system must ensure that proper handling procedures are adhered to in order to prevent damage to the system during installation. Prior to covering, enclosing, or placing a new tank system or component in use, an independent, qualified installation inspector or an independent, qualified, registered professional engineer, either of whom is trained and experienced in the proper installation of tank systems, must inspect the system or component for the presence of any of the following items, and all discrepancies must be remedied before the tank system is covered, enclosed, or placed in use:

- (1) Weld breaks;
- (2) Punctures;
- (3) Scrapes of protective coatings;
- (4) Cracks;
- (5) Corrosion; and
- (6) Other structural damage or inadequate construction or installation.

(C) New tank systems or components and piping that are placed underground and that are backfilled must be provided with a backfill material that is a noncorrosive, porous, homogeneous substance and that is carefully installed so that the backfill is placed completely around the tank and compacted to ensure that the tank and piping are fully and uniformly supported.

(D) All new tanks and ancillary equipment must be tested for tightness prior to being covered, enclosed or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak(s) in the system must be performed prior to the tank system being covered, enclosed, or placed in use.

(E) Ancillary equipment must be supported and protected against physical damage and excessive stress due to settlement, vibration, expansion or contraction.

(F) The owner or operator must provide the type and degree of corrosion protection necessary, based on the information provided under paragraph (A)(3) of this rule, to ensure the integrity of the tank system. The installation of a corrosion protection system that is field-fabricated must be supervised by an independent corrosion expert to ensure proper installation.

At the time of the May 24, 2007 inspection, Ohio EPA observed that AMC was managing its spent cleaners and rinses (D002) in a 2000 gallon stationary tank prior to shipping the waste off site to Vickery for disposal on May 23, 2007. AMC is therefore operating a hazardous waste tank system and could not produce documentation in the form of assessments or other relevant documentation pertaining to the integrity and installation of the hazardous waste tanks per OAC Rule 3745-66-92.

To demonstrate abatement of this violation, please see Violation #5.

4. **OAC Rule 3745-66-93 Containment and detection of releases:**

(A) In order to prevent the release of hazardous wastes or hazardous constituents to the environment, secondary containment that meets the requirements of this rule must be provided...

At the time of the May 24, 2007 inspection, Ohio EPA observed that AMC was operating a hazardous waste tank system that does have secondary containment as required by OAC Rule 3745-66-93.

To demonstrate abatement of this violation, please see Violation #5.

5. **OAC 3745-66-95 Tank Inspections:**

(A) The owner or operator must inspect, where present, at least once each operating day:

(1) Overfill/spill control equipment (e.g., waste-feed cut-off systems, bypass systems, and drainage systems) to ensure that it is in good working order;

(2) The aboveground portions of the tank system, if any, to detect corrosion or releases of waste;

(3) Data gathered from monitoring equipment and leak-detection equipment (e.g., pressure and temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; and

(4) The construction materials and the area immediately surrounding the externally accessible portion of the tank system including secondary containment structures (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation).

(B) The owner or operator must inspect cathodic protection systems, if present, according to, at a minimum, the following schedule, to ensure that they are functioning properly:

(C) The owner or operator must document in the operating record of the facility an inspection of those items in paragraphs (A) and (B) of this rule.

At the time of the May 24, 2007 inspection, AMC could not produce documentation demonstrating that daily inspections of the hazardous waste tank system, used for the accumulation of the spent cleaners and rinses, were being performed and documented per OAC Rule 3745-66-95.

To demonstrate abatement of Violations #3, #4 and #5, AMC must submit to this office a statement regarding the future use of the 2000 gallon tank for the accumulation of hazardous waste to be shipped off site for disposal. At the time of this inspection, AMC stated that the 2000 gallon tank would no longer be used for the accumulation of hazardous waste. If this is the case, then AMC must include a discussion on how any hazardous waste generated from the plating lines that does not get processed through the facility on-site WWTU will be managed.

Furthermore, Ohio EPA wishes to remind you that the 2000 gallon hazardous waste tank is subject to generator closure. At the time of this inspection, AMC informed Ohio EPA that the hazardous waste tank had accumulated at least six inches of heel in the bottom of the tank which must be removed and treated through the on-site WWTU or characterized and shipped off site for disposal. AMC must also submit to this office documentation demonstrating that the 2000 gallon hazardous waste tank has been **completely emptied**, including the heel in the bottom of the tank, properly decontaminated and disposed.

Ohio EPA wishes to remind you that should AMC continue to use this tank for the accumulation of hazardous waste, the facility must comply with all hazardous waste tank system rules. Ohio hazardous waste laws and rules may be found online at:

http://www.epa.state.oh.us/dhwm/laws_regs.html

6. **OAC 3745-52-34(A)(3) Labeling:** *A generator may, for ninety days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit, provided that, while being accumulated and/or treated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste".*
 - A. At the time of the May 24, 2007 inspection Ohio EPA observed the 2000 gallon hazardous waste tank was not labeled with the words "Hazardous Waste".

To demonstrate abatement of this violation, AMC must submit to this office documentation demonstrating that the hazardous waste tank has been taken out of service and closed (please see Violation #5). Should AMC continue to use the 2000 tank for the accumulation of hazardous waste to be shipped offsite, AMC must then submit to this office documentation in the form of a photograph demonstrating that the tank has been labeled with the words "Hazardous Waste". And comply with all the hazardous waste tank rules as stated above.

- B. At the time of this inspection, Ohio EPA observed one open tote and two steel fifty-five gallon drums of spent alkaline cleaner (D002) next to the oven. None of the containers of spent alkaline cleaner were labeled with the words "Hazardous Waste". AMC stated that the spent alkaline cleaner is a hazardous waste that will be treated through the on-site WWTU.

To demonstrate abatement of this violation, please see Violation #7.

- C. At the time of this inspection, Ohio EPA observed that the containers of hazardous waste stored in the "back, back room" were not labeled with the words "Hazardous Waste".

To demonstrate abatement of this violation, please see Violation #7.

7. **OAC 3745-52-34(A)(2) Accumulation Date:** *A generator may, for ninety days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit, provided that the date upon which each period of accumulation and/or treatment begins is clearly marked and visible for inspection on each container.*

- A. At the time of this inspection, Ohio EPA observed one open tote and two steel fifty-five gallon drums of spent alkaline cleaner (D002) next to the oven. None of the containers of spent alkaline cleaner were labeled with the words "Hazardous Waste". AMC stated that the spent alkaline cleaner is a hazardous waste that will be treated through the on-site WWTU.

- B. At the time of this inspection, Ohio EPA observed that the containers of hazardous waste stored in the "back, back room" were not labeled with the words "Hazardous Waste".

To demonstrate abatement of this violation, AMC must submit to this office documentation in the form of a photograph demonstrating that the containers of hazardous waste have been labeled with the words "Hazardous Waste" and an appropriate accumulation date.

8. **OAC 3745-66-71 Conditions of containers:** *If a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator must transfer the hazardous waste from such container to a container that is in good condition or manage the waste in another manner that complies with the requirements of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code.*

During the May 24, 2007 inspection, Ohio EPA observed at least three of the containers of waste being stored in the “back, back room” were in very poor condition and leaking due to an incompatibility with the waste being stored in them.

To demonstrate compliance, AMC must submit to this office documentation demonstrating that all containers of hazardous waste are being managed in containers that are in good condition and compatible with the waste being stored in them. Submitted documentation may be in the form of photographs and/or receipts or statements from consultant or broker contracted to manage the containers.

9. **OAC 3745-65-35 Required aisle space:** *The owner or operator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of the above-mentioned purposes.*

At the time of the May 42, 2007 inspection, Ohio EPA observed that the containers of hazardous waste being stored in the “back, back room” did not have adequate aisle space to allow for the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency. Aside from the empty plating tanks obstructing entry to the building, once inside, access to the containers was obstructed by a large hoist being stored in the same area.

During a follow inspection on May 27, 2007, Ohio EPA observed that all of the containers from the back, back room had been moved into the main building in order to facilitate sampling and repackaging.

To demonstrate abatement of this violation, AMC must submit to this office documentation in the form of a photograph demonstrating that the containers of hazardous waste are being managed with appropriate aisle space to allow for the unobstructed movement of personnel or emergency equipment while awaiting transport off-site or treatment through the facility WWTU.

10. **OAC 3745-66-73(A) Management of containers:** *A container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste.*

At the time of the inspection, Ohio EPA observed one open tote of spent alkaline cleaner (D002) with the top cut out of it.

To demonstrate abatement of this violation, AMC must submit to this office, documentation demonstrating that the contents of the open tote of spent alkaline cleaner has been transferred to a container in good condition which can be kept closed when not adding or removing hazardous waste, and appropriately labeled and dated (see Violation #7).

11. **OAC 3745-65-32(B) Required equipment:** *All facilities shall be equipped portable fire extinguishers, fire control equipment (including, but not limited to, special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment.*

At the time of this inspection, AMC did not have spill control equipment available for the hazardous waste accumulation areas, including but not limited to the hazardous waste tank system.

To demonstrate abatement of this violation, AMC must submit to this office documentation in the form of a photograph demonstrating that spill control equipment has been provided for the hazardous waste accumulation areas.

12. **OAC 3745-65-33 Testing and maintenance of equipment:** *All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency. The owner or operator must record the inspections in a log or summary.*

At the time of this inspection, AMC was not performing the required inspections of the emergency equipment associated with hazardous waste accumulation areas including, but not limited to, the hazardous waste tank system.

AMC will immediately begin performing inspections of the emergency equipment associated with hazardous waste accumulation areas as necessary to assure its proper operation. To abate this violation, AMC will submit to this office a completed inspection log sheet to demonstrate that this has been done. An example of a blank inspection log sheet was given to you during the inspection.

13. **OAC 3745-66-74 Inspections:** *The owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. The owner or operator must record inspections in an inspection log or summary.*

AMC accumulates hazardous waste on site in containers (drums and totes) for treatment through the on-site WWTU or to be shipped off site for disposal. AMC has not been performing the required weekly inspections of the hazardous waste accumulation areas and documenting them in a log or summary.

To demonstrate abatement of this violation, AMC must begin performing the weekly inspections of the hazardous waste accumulation areas immediately and log the inspection in an inspection log or summary. AMC must submit to this office, copies of two consecutive weeks of completed inspection log sheets for **all hazardous waste accumulation areas on site**. This submittal must include any new hazardous waste accumulation areas established for containers of hazardous waste collected from the "back, back room" or any sludges generated from the new zinc/nickel line (F006). Ohio EPA provided AMC with example inspection log sheets at the time of this inspection.

14. **OAC Rule 279-22(D) Response to releases of used oil:** *Upon detection of a release of used oil to the environment that is not subject to the requirements of Chapter 1301:7-9 of the Administrative Code and which has occurred after October 20, 1998, a generator must perform the following cleanup steps:*

- (1) Stop the release;*
- (2) Contain the released used oil;*
- (3) Clean up and manage properly the released used oil and other materials; and*
- (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.*

At the time of this inspection, Ohio EPA observed a release of used oil which appeared to originate from a fifty-five gallon container of used oil being stored outside in the maintenance department alcove. The container of used oil appeared to be in good condition and closed. Maintenance department employees could not explain the used oil release and stated that the container of used oil had been in the alcove for at least three years.

Upon being informed of the regulations regarding the release of used oil, facility personnel responded by moving the container indoors and cleaning up the area with floor dry. Ohio EPA therefore considers this violation abated and no further action is required.

15. **OAC Rule 279-22(C)(1) Used oil requirements for generators:** *Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."*

- At the time of this inspection, Ohio EPA observed the fifty-five gallon container of used oil referenced in Violation #14 was not marked or labeled with the words "Used Oil".
- At the time of this inspection, Ohio EPA observed one tote of used oil generated from the spinning process of the zinc phosphate line was not labeled with the words "Used Oil".

Upon being informed of the regulations regarding the labeling of used oil, facility personnel labeled the containers of used oil with the words "Used Oil". Ohio EPA therefore considers this violation abated and no further action is required.

16. **OAC 3745-273-13(D)(1) Universal waste lamp management:** *A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages **must remain closed** and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.*

AMC accumulates its spent fluorescent and mercury vapor lamps to ship off site for recycling as Universal Waste (UW). At the time of this inspection, Ohio EPA observed one open box of spent fluorescent lamps and one open box containing spent mercury vapor lamps in the maintenance department store room. Therefore, AMC is not managing its UW lamps in containers or containers that are being kept closed in accordance with UW regulations.

To demonstrate abatement of this violation, please see Violation #18.

17. **OAC 3745-273-14(E) Labeling/marketing of universal waste:** *Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste- Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."*

At the time of this inspection, the UW lamps observed by Ohio EPA in the maintenance department store room were not labeled with one of the following phrases: "Universal Waste- Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

To abate this violation, please see Violation #18.

18. **OAC 3745-273-15(C) Accumulation time limits for universal waste:** *A small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.*

At the time of this inspection, AMC did not have a system for demonstrating how long the UW lamps had been onsite.

To abate Violations #16, #17, and #18, AMC must submit to this office documentation in the form of photographs demonstrating that the universal waste lamps are being managed in closed containers which are labeled with the words "Universal Waste- Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)." In addition, AMC must submit documentation that the facility can demonstrate how long the universal waste lamps have been on site. This may be in the form of a photograph demonstrating that containers of universal waste lamps are labeled with an accumulation date or one of the other methods described in OAC 3745-273-15(C).

A fact sheet regarding universal waste lamps was given to you at the time of this inspection.

19. **OAC 3745-273-16 Employee Training for Small Quantity handlers of universal waste:** *A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste. The information shall describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.*

AMC has not trained its employees in the management of UW and the proper handling and emergency procedures appropriate to the type of UW handled at the facility.

To demonstrate abatement of this violation, AMC must develop a written protocol for the management of UW lamps and train employees who manage UW lamps in this protocol. After receiving said training, employees must sign the written protocol acknowledging the receipt of training on this topic and a copy must be submitted to this office.

20. **OAC 3745-65-54 Amendment of contingency plan:** *The contingency plan must be reviewed, and immediately amended, if necessary, whenever:*

- (A) Applicable rules are revised;*
- (B) The contingency plan fails in an emergency;*
- (C) The facility changes- in its design, construction, operation, maintenance, or other circumstances in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;*
- (D) The list of emergency coordinators changes; or*
- (E) The list of emergency equipment changes; or.*

AMC has not updated the facility contingency plan to reflect changes in emergency coordinators, processes or hazardous waste generated at the facility.

To demonstrate abatement of this violation, see Violation #21.

21. **OAC 3745-65-52 (D and (E) Content of contingency plan:**

- (D) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see rule 3745-65-55 of the Administrative Code), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.*

- (E) *The contingency plan must include a list of all emergency equipment at the facility [such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment] where this equipment is required. This list must be kept up to date. In addition, the contingency plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.*

At the time of this inspection, AMC's contingency plan (dated June 2002) did not have a current list of names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator. Furthermore, the contingency plan must be updated to include additions and/or changes made to the facility processes, the hazardous waste generated from these processes. The updated plan must also include an updated list of all emergency equipment associated with the management of hazardous waste, the location of the equipment, a physical description and a brief outline of the capabilities.

To demonstrate compliance, AMC will update the hazardous waste contingency plan to include all of the above requirements. AMC will submit a copy of said contingency plan to this office for review. Upon acceptance by Ohio EPA, AMC will send a copy of the contingency plan to all local police departments, fire departments, hospitals, and local emergency response teams that may be requested to provide emergency services. AMC must document that this has been done and submit said documentation to this office. An example contingency plan was emailed to you in MS Word format subsequent to this inspection.

22. **OAC 3745-65-16 Personnel training:**

- (A) (1) *Facility personnel /must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of Chapters 3745-65 to 3745-69 and 3745-2483745-256 of the Administrative Code. The owner or operator shall/must ensure that this program includes all the elements described in the document required under paragraph (D)(3) of this rule.*
- (2) *This program /must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures, (including, but not limited to, contingency plan implementation), relevant to the positions in which they are employed.*
- (3) *At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable;*

- (a) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;*
 - (b) Key parameters for automatic waste feed cut-off systems;*
 - (c) Communications or alarm systems;*
 - (d) Response to fires or explosions;*
 - (e) Response to ground water contamination incidents; and*
 - (f) Shutdown of operations.*

- (B) Facility personnel must successfully complete the program required in paragraph (A) of this rule within six months after January 7, 1983 or six months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later. Employees hired after January 7, 1983 must not work in unsupervised positions until they have completed the training requirements of paragraph (A) of this rule.*

- (C) Facility personnel shall/must take part in an annual review of the initial training required in paragraph (A) of this rule.*

- (D) The owner or operator must maintain the following documents and records at the facility:*
 - (1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;*
 - (2) A written job description for each position listed under paragraph (D)(1) of this rule. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall/must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position;*
 - (3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (D)(1) of this rule; and*
 - (4) Records that document that the training or job experience required under paragraph (A), (B), and (C) of this rule has been given to, and completed by, facility personnel.*

- (E) Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.*

At the time of this inspection, AMC did not have a personnel training program for employees involved with hazardous waste management at the facility as required by Ohio hazardous waste regulations.

To demonstrate abatement of this violation, AMC must develop a personnel training program which meets the requirements of OAC rule 3745-65-16. **The personnel training program must be tailored to hazardous waste management at the AMC facility and specifically cover proper management of the hazardous wastes generated at that facility.** Incorporated into this program will be annual refreshers and a policy to train new employees within six months of their hiring date or transfer to a new position which manages hazardous waste. AMC will train its employees in this program and the facility contingency plan and submit to this office a copy of the training program, the qualifications of the trainer, a list of employees receiving the training and sign-in sheets demonstrating the training has been performed.

Furthermore, AMC will develop job titles and descriptions for all positions that manage hazardous waste which meet the requirements of OAC 3745-65-16(D). The facility will submit to this office:

- A list of employees which fill positions that manage hazardous waste.
- A list of job titles and descriptions for those positions involved in hazardous waste management.
- The job descriptions should make clear who has the duty to inspect hazardous waste containers and emergency equipment, to label, date and close hazardous waste containers, to sign manifests, to create annual reports and any other duties regarding the management of hazardous waste.

Example job titles and descriptions may be found on Ohio EPA's website at:

<http://www.epa.state.oh.us/dhwm/SamplePersonnelTraining.doc>

23. ***OAC 3745-65-31 Maintenance and operation of facility:*** *Facilities shall be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.*

At the time of this inspection Ohio EPA observed multiple occurrences of careless waste management and a general lack of knowledge regarding Ohio hazardous waste regulations:

- failure to properly manage containers of hazardous waste.
- failure to manage waste generated on site in manner that ensures hazardous constituents will not be released to the environment.
- failure to properly train employees regarding proper hazardous waste management.

Ohio EPA will consider this violation abated once all violations and concerns referenced in this Notice of Violation (NOV) letter have been adequately addressed.

Ohio EPA has the following concern which must be addressed:

1. At the time of this inspection, AMC was in the process of installing a new zinc/ nickel plating line. AMC stated that a separate WWTU will be installed to treat the wastes generated from the new plating line. Ohio EPA informed AMC that any WWTU sludges generated from the zinc/nickel plating line may be regulated as listed waste (F006) and must be kept separate from non-hazardous WWTU sludges generated on site and sent to BFI for land disposal.

AMC must submit to this office a discussion on the generation and management of wastes generated from the zinc/nickel line are to be managed and how AMC will keep any F006 sludge segregated from the non-hazardous filter cake.

Enclosed you will find copies of the checklists completed at the time of the inspection. Please submit all of the requested documentation to my attention within thirty (30) days of receipt of this letter demonstrating that all issues have been addressed.

The Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (*i.e.* source reduction). For those wastes and pollutants that are generated, the second is to recycle or reuse them in an environmentally sound manner. You can benefit economically, help preserve the environment and improve your public image by implementing pollution prevention programs. The Office of Compliance Assistance and Pollution Prevention provides compliance and pollution prevention assistance on environmental issues related to air, land and water. Their web site is: <http://www.epa.state.oh.us/opp/ocapp.html>

The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link: <http://www.epa.state.oh.us/dhwm/listserv.html>.

Please feel free to share this information with your colleagues.

AMERICAN METAL COATINGS

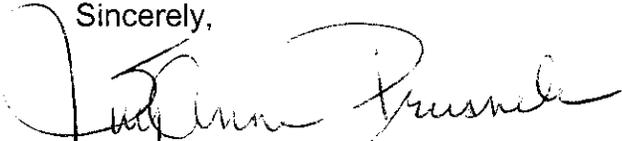
JULY 9, 2007

PAGE – 18 –

Failure to list specific deficiencies in this communication does not relieve AMC from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve AMC from liability for any past or present violations of the state's hazardous waste laws.

Should you have any questions, please feel free to call me at (330) 963-1181.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzanne Prusnek", written over a large, stylized initial "S".

Suzanne Prusnek

Environmental Specialist

Division of Hazardous Waste Management

SP:ddw

Enclosures

ec: Frank Popotnik, DHWM, NEDO, OEPA

Harry Sarvis, DHWM, CO, OEPA

cc: Natalie Oryshkewych, DHWM, NEDO, OEPA