



State of Ohio Environmental Protection Agency

Northeast District Office

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

October 25, 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, PARTIAL RETURN TO COMPLIANCE**

Dear Mr. Dotsikas:

Thank you for your August 15, 2007 response to Ohio EPA's July 9, 2007 Notice of Violation letter. American Metal Coatings (AMC) submitted information and documentation including:

- Sampling documentation, analytical data and waste profiles for the containers of waste observed and documented by Ohio EPA at the time of the May 24, 2007 inspection.
- A copy of Invoice #120631, dated June 5 & 11, 2007, from EnviroServe for the profiling and sampling of the wastes on site.
- A copy of Invoice #121132, dated June 19, 2007, from EnviroServe for the transportation of hazardous wastes off site for disposal.
- Hazardous waste manifest #001588090 FLE and Land Disposal Restriction (LDR) form for the hazardous waste shipped to Chemtron on July 19, 2007.
- Hazardous waste manifest #001588091 FLE and Land Disposal Restriction (LDR) form for the hazardous waste shipped to Envirite on July 19, 2007.
- A statement from you indicating that the open tote of waste located by the ovens was found to contain garbage and was immediately disposed of by AMC.
- A statement from you indicating that the open tote of spent acid rinse was generated from the from the barrel phosphate line and was treated in the on-site Waste Water Treatment Unit (WWTU).
- A statement from you indicating that the totes containing the special phosphate solutions have been treated in the on-site WWTU, including log sheets for all containers of waste treated through the WWTU from May 2007 to August 2007.

- A copy of a Material Data Safety Sheet (MSDS) for the grey granular material observed by Ohio EPA in the shed revealing that the material is zinc dust (7 micron), a plating process material and not a waste.
- A statement from you stating that the open hopper observed outside the facility, contained garbage and non-hazardous coil cleanings which was disposed.
- A statement from you indicating that the 4 steel containers observed on the southeast side of the parking lot have been sampled by Mike Favor from Envirite and that analytical data and the Chain of Custody (COC) was included with your response.
- A statement from you indicating that the containers of waste in the two steel bins in the "back, back room" was sampled by Mike Favor from Envirite and that analytical data and the Chain of Custody (COC) was included with your response.
- Documentation in the form of a photograph and a statement indicating that the hazardous waste tank system had been emptied, cleaned and removed from service and that waste generated from this process was treated through the on-site WWTU.
- A statement from you indicating that any hazardous waste generated on site which cannot be immediately treated through the on-site WWTU will be properly managed in containers and treated through the WWTU within 90 days.
- Documentation in the form of photographs demonstrating that containers of hazardous waste on site are being managed in containers that are properly labeled, dated and in good condition.
- Documentation in the form of photographs and receipt from Lab Safety Supply demonstrating that emergency spill control equipment has been provided in the hazardous waste accumulation areas.
- A copy of the emergency equipment inspection log sheets dating from June 4, 2007 to August 14, 2007.
- A copy of the weekly hazardous waste accumulation area inspection log sheets dating from June 4, 2007 to August 14, 2007.
- One photograph demonstrating that the Universal Waste (UW) Lamps have been properly labeled and dated.
- Documentation demonstrating that employees involved in the management of UW lamps have been trained in AMC's written protocol for the management of UW lamps.

- A copy of the job title and description for the position of Waste/Technical Manager.
- A statement from you stating that the new zinc/nickel line will have a completely separate WWTU and any sludges generated from the Zinc/nickel WWTU will go into a separate F006 roll off box.

By letter dated October 19, 2007, Ohio EPA received:

- A copy of the Preparedness, Prevention and Contingency (PPC) Plan dated September 2007, prepared for AMC by Aegis Company, Inc.

My review of the submitted documentation reveals that AMC has adequately abated the following hazardous waste violations cited in Ohio EPA's July 9, 2007 NOV letter:

OAC Rule 3745-66-92 Design and installation of new tank systems and component

OAC Rule 3745-66-93 Containment and detection of releases

OAC 3745-66-95 Tank Inspections

OAC 3745-52-34(A)(3) Labeling

OAC 3745-52-34(A)(2) Accumulation Date

OAC 3745-66-71 Conditions of containers

OAC 3745-65-35 Required aisle space

OAC 3745-66-73(A) Management of containers

OAC 3745-65-32(B) Required equipment

OAC 3745-65-33 Testing and maintenance of equipment

OAC 3745-66-74 Inspections

OAC 3745-273-13(D)(1) Universal waste lamp management

OAC 3745-273-14(E) Labeling/marketing of universal waste

OAC 3745-273-15(C) Accumulation time limits for universal waste

OAC 3745-273-16 Employee Training for Small Quantity handlers of universal waste

AMC remains in violation of the following hazardous waste violations until such time as the facility adequately demonstrates abatement of said violations:

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.

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.

By letter dated August 15, 2007 Ohio EPA received documentation demonstrating that AMC has shipped offsite as hazardous waste, at least thirty-five (35) of the forty-six (46) containers observed by Ohio EPA in the back, back room at the time of the inspection. Shipping documentation reveals that the containers of hazardous waste were shipped to Chemtron and Envirite on July 19, 2007.

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:

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.

By letter dated August 15, 2007 AMC submitted a statement indicating that the 4 steel containers observed on the southeast side of the parking lot had been sampled by Mike Favor from Envirite and that analytical data and the Chain of Custody (COC) was included with the submitted response. However, Ohio EPA has been unable to locate said documents in the response package with respect to the four steel containers observed at the time of the May 24, 2007 inspection. Please submit to this office information regarding the characterization and management of the contents of the 4 steel open-head containers referenced above.

4. **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.*

By letter dated October 19, 2007, Ohio EPA received an updated PPC plan for review. Ohio EPA will consider this violation abated upon completion of employee training in the PPC plan and submittal of said plan to all emergency authorities expected to respond to an emergency at the facility.

5. **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.

By letter dated October 19, 2007, Ohio EPA received an updated PPC plan for review. My review of the submitted plan reveals the following deficiencies:

- Page 2, Section A3, *Significant Materials Disposed* - this paragraph should be revised to discuss "Hazardous Wastes Accumulated" instead of materials disposed since the hazardous wastes discussed are shipped off site for disposal and not disposed at the AMC facility. The hazardous waste codes should also be added to the list of hazardous wastes generated at the facility (e.g., Spent Acid - D002, D007).
- The PPC plan must be revised to include the current **home addresses** of all persons listed to act as emergency coordinators.
- The list of emergency equipment must be revised to include the locations of emergency communication devices (telephones, alarms and intercoms) at the facility. This can be done by adding the internal intercom system to the list on Page 14 and the locations of the telephones and intercoms on Figure #3.

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.

6. **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. **This includes all individuals who are listed as emergency coordinators, sign manifests, or are responsible in anyway for the management of hazardous waste at the facility.**
- Job titles and descriptions for those positions involved in hazardous waste management, see OAC-3745-65-16(D) listed above..
- 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>

5. **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.

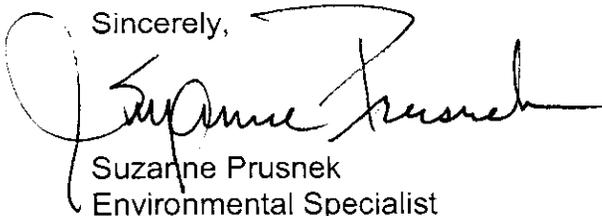
Ohio EPA will consider this violation abated once all violations and concerns referenced in this Notice of Violation (NOV) letter have been adequately addressed.

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.

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,



Suzanne Prusnek
Environmental Specialist
Division of Hazardous Waste Management

SP:ddw

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