



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

September 30, 2008

Mr. Anthony Vitale
Maintenance Manager
American Spring Wire Corporation
26300 Miles Road
Bedford Heights, Ohio 44146

RE: AMERICAN SPRING WIRE CORPORATION, OHD 042 708 586, CUYAHOGA COUNTY, RCRA/LQG, COMPLIANCE EVALUATION INSPECTION PARTIAL RETURN TO COMPLIANCE

Dear Mr. Vitale:

Thank you for your August 29, 2008 response to Ohio EPA's July 30, 2008 Notice of Violation (NOV) letter. You submitted information and documentation including:

- Information and documentation in the form of a photograph demonstrating that a telephone has been installed in the finished goods warehouse to serve as an emergency communication device for hazardous waste accumulation area on the back pad.
 - Analytical data (TCLP) from Precision Analytical demonstrating that the open, unlabeled and unidentified container of waste observed on the rear pad has been characterized as a being characteristically hazardous for lead. ASW has also included a statement indicating that the contents of the container have been added to the lead containing hazardous waste roll-off box on site.
 - Information and documentation regarding the shipment of pea coal offsite for recycling at ARTNXT in Pennsylvania.
 - A copy of the updated facility hazardous waste contingency plan.
 - A discussion regarding the use and evaluation of the condition of the welding blankets used to cover the hoppers of hot pea coal.
1. **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".*

At the time of this inspection, Ohio EPA observed one roll-off box of lead contaminated brick (D008) which was not labeled with the words "Hazardous Waste".

Upon being informed of this violation, ASW immediately labeled the container with the words "Hazardous Waste". Ohio EPA therefore considers this violation abated and no further action is required.

2. **OAC Rule 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 roll-off box of lead contaminated brick (D008) which was not labeled with an accumulation date.

Upon being informed of this violation, ASW immediately labeled the container with an accumulation date. Ohio EPA therefore considers this violation abated and no further action is required.

- B. At the time of this inspection, Ohio EPA observed one roll-off box of pea coal (D008) was not labeled with an accumulation date.

Upon being informed of this violation, ASW immediately labeled the container with an accumulation date. Ohio EPA therefore considers this violation abated and no further action is required.

3. **OAC 3745-52-34(C)(1) Satellite Accumulation:** *A generator may accumulate as much as fifty-five gallons of hazardous waste or one quart of acutely hazardous waste listed in paragraph (E) of rule 3745-51-33 of the Administrative Code in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit and without complying with paragraph (A) of this rule provided he:*

(a) Complies with rules 3745-66-71, 3745-66-72, and paragraph (A) of rule 3745-66-73 of the Administrative Code; and

(b) Marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

At the time of this inspection, Ohio EPA observed one satellite accumulation container of paint waste which was not labeled with the words "Hazardous Waste" or words identifying the contents of the container.

Upon being informed of this violation, ASW immediately labeled the container with words describing the contents. Ohio EPA therefore considers this violation abated and no further action is required.

4. **OAC Rule 3745-65-34(A) Emergency communication device:** *All facilities shall be equipped with a device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or local or Ohio EPA emergency response teams.*

At the time of this inspection, Ohio EPA observed that there was no emergency communication device immediately available in the hazardous waste accumulation area in the rear of the finished goods warehouse where the roll-off boxes of D008 waste are being managed.

To demonstrate abatement of this violation, ASW must submit to this office documentation in the form of a photograph, demonstrating that an emergency communication device has been made available for the hazardous waste accumulation area located behind the finished goods warehouse. Ohio EPA wishes to remind ASW that the new emergency communication device must be added to the list of emergency equipment in the contingency plan and be added to the emergency equipment inspection checklist.

5. **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 this inspection, Ohio EPA observed an open blue steel fifty-five gallon container approximately three quarters full of a waste which appeared to have been combined with the facility's D008 waste stream. ASW could not identify the contents of the container and did not know the nature of the waste; hazardous or non-hazardous.

To demonstrate abatement of this violation, ASW must submit to this office documentation demonstrating that the container of waste in question has 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, this waste need only be tested for the eight RCRA metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver). ASW must submit to this office documentation including, but not limited to:

- A brief narrative regarding how the waste is generated and managed.
- 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).

In addition, if the container of waste is shipped off site for disposal, ASW must submit to this office documentation regarding said shipment including bills of lading, hazardous waste manifests and Land Disposal Restriction (LDR) forms.

6. **OAC Rule 3745-52-20(A) Manifest - general requirements:** *A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage, or disposal must prepare a uniform hazardous waste manifest, U.S. EPA form 8700-22, and if necessary, U.S. EPA form 8700-22A (the continuation sheet) before transporting the hazardous wastes off-site. Completion of items one through twenty and items twenty-one through thirty-five, respectively, on these forms must be accomplished by the generator, transporter, or owner/operator.*

At the time of this inspection, Ohio EPA observed that ASW has shipped at least one shipment of the waste pea coal to a recycling facility in Pennsylvania as a non-hazardous waste without filling out a uniform hazardous waste manifest. It has been the determination of Ohio EPA that the waste pea coal is a spent material and therefore subject to regulation while it is being generated, managed and offered for transportation in the state of Ohio. Therefore the waste pea coal must be managed and transported as a hazardous waste in the state of Ohio and is subject to LDR rules.

To demonstrate abatement of this violation, ASW must submit to this office documentation in the form of a letter to the recycling facility, informing the facility of ASW's intent to ship the waste pea coal on a hazardous waste manifest and comply with Land Disposal Restriction regulations. ASW must submit a copy of said letter to this office along with a discussion regarding future management of the pea coal waste while on site.

7. **OAC 3745-65-52(D)(E) Content of contingency plan:** *The plan shall list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and this list shall be kept up to date. Where more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they will assume responsibility as alternates.*

The contingency plan shall include a list of all emergency equipment at the facility, including, but not limited to, fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment, where this equipment is required. This list shall be kept up to date. In addition, the contingency plan shall 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, ASW had not updated its contingency plan to include an updated list of names, addresses and telephone numbers of all emergency coordinators. Mike Ahrens is no longer an employee of ASW and must be removed from the facility contingency plan. In addition, the contingency plan must be updated to include a current list of emergency equipment descriptions locations and capabilities, including the new emergency communication device to be installed in the finished goods warehouse.

ASW will update its contingency plan to remove Mike Ahrens from the contingency plan and include an updated list of emergency coordinators and emergency equipment locations and descriptions and submit a copy of the plan to this office. Once updated, ASW will need to send copies of the updated plan to all emergency authorities that may be requested to provide emergency services as required by OAC 3745-65-53(B).

8. **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.*

ASW has not updated the facility contingency plan to reflect changes in emergency coordinators.

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

Ohio EPA has the following concern which must be addressed:

1. ASW generates a waste pea coal which is removed from the tempering furnaces at temperatures in excess of 800° F. This waste stream is allowed to cool in metal hoppers covered with welding blankets prior to placing in the hazardous waste roll-off box. At the time of this inspection, Ohio EPA observed that some of the welding blankets being used to cover these hoppers of hazardous waste were in very poor condition and in some instances were tattered and torn, bearing very little resemblance to a welding blanket.

ASW stated that it is the employee's responsibility to ensure that the blankets are replaced when torn or worn out. Please submit to this office a discussion as to what criteria the employees use to determine whether or not a blanket is in need of replacement.

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.

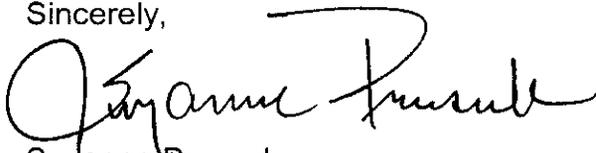
The Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (*i.e.* source reduction). For those wastes and pollutants that are generated, the second 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.

Failure to list specific deficiencies in this communication does not relieve ASW from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve ASW 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

Enclosures

cc: Natalie Oryshkewych, DHWM, NEDO, OEPA
ec: Frank Popotnik, DHWM, NEDO, OEPA
Harry Sarvis, DHWM, CO, OEPA