



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

May 23, 2008

RE: **BEKAERT CORPORATION
FKA CONTOURS, LTD.
OHD 987 043 783
WAYNE COUNTY
RCRA/LQG
NOTICE OF VIOLATION**

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Diana Morris
Environmental and Safety Coordinator
Contours LTD
510 Collins Blvd.
Orrville, Ohio 44667

Dear Ms. Morris,

On January 28, 2008, Contours, LTD (Contours), a division of Bekaert Corporation, located at 510 Collins Blvd., in Orrville, Ohio shipped off site 12 drums of lead ash (D008) to US Zinc and Gulf Reduction located in Houston, Texas (TXD987982394). Contours is a steel wire drawing and rolling facility and qualifies as a Large Quantity Generator (LQG) of hazardous waste. The lead ash generated by Contours has been determined to be a hazardous waste by Ohio EPA. By letter dated November 5, 2003, Contours acknowledged this regulatory determination and stated that the Contours facility would manage and manifest the lead ash as a hazardous waste.

On March 18, 2008, you contacted Ohio EPA to report that Contours had shipped the lead ash off-site to U.S. Zinc on a bill of lading instead of manifesting it as a hazardous waste. By letter dated March 26, 2008, Contours reported this violation and submitted documentation demonstrating that arrangements had been made to ship the lead ash to Michigan Disposal, a permitted TSD facility (MID000724831).

Based on this information, Ohio EPA has determined that Contours has violated the following state hazardous waste regulations:

ORC § 3734.02 (F) Causing A Hazardous Waste To Be Transported To An Unpermitted Facility and associated violations of OAC rules:

Contours caused twelve (12) drums containing D008 hazardous waste to be transported to U.S. Zinc and Gulf Reduction (U.S. Zinc) in Houston, Texas on January 28, 2008. In doing so, Contours violated ORC § 3734.02 (F) which states in part that no person shall dispose of or cause to be transported, hazardous waste, except at or to, a permitted hazardous waste treatment, storage, and/or disposal (TSD) facility. U.S. Zinc is not a permitted TSD facility. Additionally, Contours violated OAC rule 3745-52-20 through OAC rule 3745-52-23 (Manifest Use); and OAC rule 3745-270-07 (Land Disposal Restriction Requirements) since these regulations were not complied with when the waste was initially shipped on January 28, 2008.

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By e-mail dated May 1, 2008 Contours submitted a signed copy of hazardous waste manifest # 004130751JJK, demonstrating that the shipment of lead ash was received by Michigan Disposal on April 18, 2008. Contours has also provided Ohio EPA with a copy of the Land Disposal Restriction form for this hazardous waste shipment.

In the March 26, 2008 letter reporting this violation, Contours determined that the aforementioned circumstance was the result of poor departmental coordination and communication and that the shipping personnel have been retrained with respect to properly managing and shipping the lead ash hazardous waste stream.

Ohio EPA therefore considers this violation abated and no further action is needed at this time.

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 Contours from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve Contours 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:cl

cc: Natalie Oryshkewych, DHWM, NEDO, OEPA
Harry Sarvis, DHWM, CO, OEPA

ec Frank Popotnik, DHWM, NEDO, OEPA