



State of Ohio Environmental Protection Agency

Northeast District Office

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

August 25, 2008

Eric Manuel
Elyria Plating Corporation
118 Olive Street
Elyria, Ohio 44035

**RE: ELYRIA PLATING CORPORATION, LORAIN COUNTY, OHD004210035,
RCRA/LQG, COMPLIANCE EVALUATION INSPECTION, PARTIAL RETURN TO
COMPLIANCE**

Dear Mr. Manuel:

Thank you for your July 08, 2008 Response to Ohio EPA's May 14, 2008 Notice of Violation (NOV) letter. Elyria Plating Corporation (EPC) submitted information and documentation including:

- A statement indicating that the containers (totes) of hazardous waste observed during Ohio EPA's April 24, 2008 inspection have been characterized as hazardous waste and that a total of 2500 gallons of caustic cleaner and 1800 gallons of spent acid were treated through EPC's on-site Waste Water Treatment Unit (WWTU).
- Six (6) color photographs demonstrating that containers used to manage the plating line wastes have been provided with hazardous waste labels, a label area for a description and accumulation date, are being kept closed and that appropriate aisle space is being maintained.
- One (1) color photograph demonstrating that spill and emergency equipment have been provided in the hazardous waste accumulation areas.
- Two (2) color photographs demonstrating that emergency communication devices (hazardous spill alarms) have been installed in each of the hazardous waste accumulation areas.
- Copies of inspection logs sheets covering three consecutive weeks for each of the accumulation areas.

My review of this documentation reveals that EPC has adequately demonstrated abatement of the following violations cited in Ohio EPA's May 14, 2008 NOV letter:

OAC Rule 3745-52-11 Hazardous waste determination:

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

OAC 3745-65-35 Required aisle space

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

OAC 3745-65-32(B) Required equipment

OAC 3745-65-34(A) Emergency communication device

OAC 3745-52-34(C)(1) Satellite Accumulation

OAC 3745-65-33 Testing and maintenance of equipment

OAC 3745-66-74 Inspections

OAC Rule 279-22(C)(1) Used oil requirements for generators

OAC 3745-65-54 Amendment of contingency plan

OAC 3745-65-52(C)(D)(E) Content of contingency plan

1. **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.*

By letter received at this office on July 8, 2008, EPC submitted photographs showing containers have been labeled with the words "Hazardous Waste" and that a label has been created for a description and accumulation date. However, photographs submitted with the facility's response do not show any accumulation date on containers that are labeled as hazardous waste and appear to contain waste.

Please submit to this office documentation in the form of photographs demonstrating that the containers of hazardous waste being accumulated at the facility are labeled with an accumulation date.

2. **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 gear oil by the cadmium rack line. Ohio EPA advised the facility to clean-up the used oil and characterize it to determine if it is a hazardous waste.

To demonstrate abatement of this violation EPC must submit documentation to this office demonstrating that the source of the release has been repaired, the area has been cleaned up, the used oil has been characterized to determine if it is a hazardous waste and managed appropriately.

3. **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 3745-256 of the Administrative Code. The owner or operator 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, EPC 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, EPC 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 EPC 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. EPC will train its employees in this program and the updated 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, EPC 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 must 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>

Ohio EPA has the following concern which must be addressed:

1. EPC has been managing the sludge generated from the WWTU as an F019 listed waste and shipping it off-site under the waste codes F019/D006. Upon reviewing the facility processes and waste generation, it is the position of Ohio EPA DHWM that the sludge does not meet the listing for F019, but is instead an F006 waste. The D006 waste code is redundant since cadmium (D006) is one of the metals cited in the basis for the F006 listing.

EPC must ensure that future shipments of the WWTU sludge are shipped off-site as F006 and not F019/D006. EPC must contact Envirite and correct the Land Disposal Restriction (LDR) form for this waste to list F006 as the waste code and ensure that a corrected copy is maintained in your records. EPC must submit to this office documentation from the next shipment of WWTU sludge to Envirite (hazardous waste manifest and LDR), demonstrating that the waste is being properly shipped off-site under the F006 waste code.

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

ec: Frank Popotnik, DHWM, NEDO, OEPA
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