



State of Ohio Environmental Protection Agency

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

March 9, 2009

Amy Lucia
Environmental, Health & Safety Manager
Erico International, Inc.
34600 Solon Road
Solon, Ohio 44139

RE: ERICO INTERNATIONAL, INC., OHD 066 049 172, CUYAHOGA COUNTY, RCRA/LQG COMPLIANCE EVALUATION INSPECTION, RETURN TO COMPLIANCE

Dear Ms. Lucia:

Thank you for your October 17, 2008 response to Ohio EPA's September 9, 2008 Notice of Violation (NOV) letter. You submitted information and documentation including:

- A copy of hazardous waste manifest #000369517FLE, signed by the designated facility on May 1, 2008, and corrected to include the appropriate DOT description and waste code on line #7.
- A copy of the Land Disposal Restriction (LDR) for manifest #000369517FLE for the D002 waste shipped to Clean Harbors.

By letter dated November 17, 2008, Ohio EPA received information and documentation including:

- A copy of the analytical results from Belmont lab/, dated May 12, 2008, for the 16 drums of CRP skim waste shipped as non-hazardous to Clean Harbors on April 24, 2008 and determined to be characteristically corrosive (D002).
- A narrative regarding the sampling and characterization of the 16 containers of CRP skim waste by Erico and Clean Harbors.
- A narrative regarding the sampling, splitting and analytical testing of samples of the CRP wash water and skim waste sent to four different laboratories.
- Analytical data packages from Precision Analytical, American Analytical, TestAmerica and Belmont laboratories regarding split samples of the CRP waste samples sent to each of the laboratories.
- Tier 1 data validation information for the analysis from each of the four laboratories.
- A summary of the analytical results, including a statement from Erico stating that the facility will continue to manage the CRP Skim and CRP spent wash water as characteristically hazardous unless and until sufficient testing demonstrates these waste streams are consistently non-hazardous.

My review of this documentation reveals that Erico has adequately demonstrated abatement of the following hazardous waste violations cited in Ohio EPA's September 8, 2008 NOV letter:

OAC Rule 3745-52-11 Hazardous waste determination

OAC Rule 3745-52-20(A) Manifest - general requirements

Ohio EPA has the following comments regarding the submitted data and information:

- Ohio EPA concurs that Erico should continue to manage the CRP Skim Waste and CRP spent wash water as characteristically hazardous unless and until sufficient testing demonstrates these waste streams are consistently non-hazardous. Data submitted by all four labs demonstrates a statistical probability that the CRP waste streams would be found to be characteristically hazardous for corrosivity and considered a hazardous waste (D002).
- The lab, which initially characterized the CRP skim waste to be non-hazardous, Precision Analytical (Precision), was consistently low in both analytical testing events regarding pH (April of 2008 and November 11, 2008). A review of the Tier 1 data validation report reveals that Precision did not calibrate the instrument using at least two buffers that bracket the expected pH of the sample. Precision also failed to flag any of the April data, but did flag the November data (as detailed in the case narrative), but failed to define the "J+" qualifier. Section 5.4.4 of the Tier 1 data validation checklist is very clear in this regard:
 - Page 35, Section 5.4.4 states: "Was the instrument calibrated correctly using at least two buffers that bracket the expected pH of the sample?"

Note: For corrosivity determinations, the calibration buffers must include a pH 2 buffer and a pH 12 buffer. Review the calibration log for information or request information from the laboratory.

*Action: If an insufficient number of buffers were used (i.e., one) or if incorrect buffers were used (buffers did not include a pH of 2 or 12 for corrosivity determinations), flag all results between a pH of 2.05 and 12.45 as estimated, "J." All results meeting the regulatory criteria for corrosivity will not be flagged. **If the pH of the waste is within 1.5 pH units of the regulatory criteria for corrosivity (3.0 or 11.0) and a pH 2 or 12 buffer was not used, the results may be questionable and additional analyses using the correct buffers standards may be necessary.***

- With respect to the use of ASTM Method E 150.1 by Belmont Labs, this method number (and Standard Methods in general) relates specifically to water samples (e.g., drinking water, waste water, surface water). However, this method is equivalent to SW-846 Method 9040C and differs in name only.

Ohio EPA's Laboratory Coordinator has contacted Belmont Labs, which conducted the analyses of the samples in question, spoke to the analyst who performed the E150.1 analyses, and determined that they were performed per the method. Thus, they were also performed per 9040C.

- Ohio EPA strongly recommends that Erico request all future data regarding the analysis of these waste streams undergo Tier 1 data validation to ensure that proper buffers and procedures are being used. This will aid the facility to determine if the data is useable, should be flagged or if additional analyses should be performed. Additional information on Tier 1 data validation can be found on Ohio EPA's website at:

<http://www.epa.state.oh.us/dhwm/tier i data validation manual.html>

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:

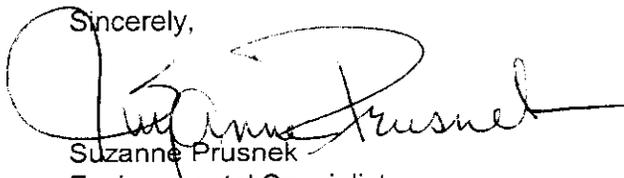
<http://www.epa.state.oh.us/opp/ocapp.html>

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 have not 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>

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