



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

September 9, 2008

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

**RE: ERICO INTERNATIONAL, INC., OHD 066 049 172, CUYAHOGA COUNTY,
RCRA/LQG COMPLIANCE EVALUATION INSPECTION, NOTICE OF VIOLATION**

Dear Ms Lucia:

On May 7, 2008 Ohio EPA received an Unmanifested Waste Report from Clean Harbors in Cincinnati, Ohio reporting the receipt of sixteen (16) containers of hazardous waste shipped as a non-hazardous waste. Analytical data submitted to this office by Clean Harbors, demonstrates that each of the containers analyzed for pH, was found to exhibit a pH of greater than 12.5, revealing the waste to be a characteristically corrosive hazardous waste (D002).

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

1. **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.*

Erico generates an oily skimming waste from the CRP wash line which the facility ships off-site as a non-hazardous waste. On April 24, 2008, Erico shipped sixteen containers of said waste as non-hazardous to Clean Harbors in Cincinnati, Ohio. Analytical testing on the containers of waste by Clean Harbors indicated the waste to be characteristically hazardous for corrosivity (D002). This determination was further confirmed by analytical testing by Belmont Laboratories.

Ohio EPA's investigation into this matter has revealed that Erico has failed to have an adequate waste characterization program for the CRP skimming waste to determine if said waste is a hazardous waste. Ohio EPA has supplied Erico, via e-mail, Tier 1 data validation guidance and a copy of the USEPA's SW 846 test method 9040C for the electrometric measurement of pH.

To demonstrate abatement of this violation, Erico must submit to this office a discussion regarding what steps the facility has taken to ensure that the CRP skimming waste is adequately sampled and characterized, including but not limited to;

- What steps the contracted lab has taken to prevent exceeding holding times, instrumental errors and to ensure representative sampling.
- What steps Erico has taken to confirm that **both** CRP waste streams (wash water and skimming waste) are adequately characterized to determine if the waste streams are hazardous.

2. ***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.*

On May 7, 2008 Ohio EPA received an Unmanifested Waste Report from Clean Harbors in Cincinnati, Ohio reporting the receipt of sixteen (16) containers of hazardous waste shipped as a non-hazardous waste.

To demonstrate abatement of this violation, Erico must submit to this office a copy of manifest #000369517 FLE corrected in Section 27 to correctly describe the waste on line 7 as a hazardous waste. Said corrections must be initialed and dated by the individual making the correction, and a copy sent to Clean Harbors for their records. Erico must also submit to this office, and to Clean Harbors, a copy of the corrected Land Disposal Restriction form for this waste stream.

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>

ERICO INTERNATIONAL, INC.
SEPTEMBER 9, 2008
PAGE – 3 –

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
Harry Sarvis, DHWM, CO, OEPA

cc: Elissa Miller, Legal, CO, OEPA
Tammy Heffelfinger, DHWM, CO, OEPA
Natalie Oryshkewych, DHWM, NEDO, OEPA