



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**

March 21, 2008

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, PARTIAL RETURN TO  
COMPLIANCE**

Dear Ms. Lucia:

Thank you for your October 12, 2007 Response to Ohio EPA's September 14, 2007 Notice of Violation (NOV) letter. Erico International, Inc. (Erico) submitted information and documentation including:

- Documentation in the form of sign in sheets and signed protocol receipt forms, demonstrating that employees were trained in the facility's Universal Waste Protocol on July 26, 2007.
- A copy of the facility hazardous waste contingency plan dated October 16, 2007.
- A list of employees which fill positions that manage hazardous waste at the Erico facility.
- A copy of job titles and descriptions for all positions that involved in hazardous waste management at the Erico facility.
- Documentation in the form of sign in sheets and a copy of the hazardous waste training presentation demonstrating that employees which fill positions involved in hazardous waste management have been trained in hazardous waste management.
- Documentation demonstrating that Erico has submitted to central office an annual hazardous waste report for 2006.
- Information and documentation regarding the LP washwater/sludge, and coolant waste generation and management; including a statement from Erico that information regarding shipments of the D008 wastes to Vexor will be submitted to this office as that information becomes available.

- Generator closure information and documentation regarding the closure of the underground hazardous waste tanks used for the accumulation of the CRP wash water.
- Two color photographs of the new hazardous waste accumulation area demonstrating that appropriate aisle space is being maintained and that containers of hazardous waste are labeled and dated.

My review of this documentation reveals that Erico has adequately demonstrated abatement of the following violations cited in Ohio EPA's April 18, 2007 NOV letter:

**OAC Rule 3745-273-16 Employee training for small quantity handlers of universal waste**

**OAC Rule 3745-52-41 Annual Reports**

**OAC 3745-65-35 Required aisle space**

**OAC Rule 3745-65-52 Content of contingency plan:**

Erico remains in violation of the following state hazardous waste regulations cited in Ohio EPA's April 18, 2007 NOV letter until such time as the facility adequately demonstrates abatement of said violations:

1. **Ohio Revised Code (ORC) § 3734.02(F) Causing a hazardous waste to be transported to an unpermitted facility:**

By letter dated October 12, 2007, Erico submitted a statement in response to this violation claiming that the CRP wash water was not a hazardous waste at the time of the March 3, 2006 shipment to Vexor.

Ohio EPA disagrees with this statement and has clearly stated the basis for citing this violation in its original NOV letter dated April 18, 2007.

2. **Ohio Revised Code (ORC) § 3734.02(E) and (F) Storage of hazardous waste without a facility installation and operation permit:**

By letter dated October 12, 2007, Erico submitted a statement in response to this violation claiming that Erico is not subject to OAC 3745-54 and 3745-55 and the Corrective Action process.

Ohio EPA disagrees with this statement and has clearly stated the basis for citing this violation in its original NOV letter dated April 18, 2007.

Since Erico violated ORC §3734.02(E) and (F), Erico is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have Erico begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

3. **OAC Rule 3745-65-52 Copies of contingency plan:** *A copy of the contingency plan and all revisions to the plan shall be:*

- (A) Maintained at the facility; and*
- (B) Submitted to all local police departments, fire departments, hospitals, and Ohio EPA and local emergency response teams that may be requested to provide emergency services.*

Ohio EPA has reviewed the facility contingency plan and finds it meets the requirements of OAC Rule 3745-65-52. Erico must train all employees in positions which manage hazardous waste in the new contingency plan and send a copy of the plan, to all local police departments, fire departments, hospitals, and local emergency response teams that may be requested to provide emergency services. Erico must document that this has been done and submit said documentation to this office.

4. **OAC Rule 3745-65-16 Personnel training:**

At the time of the March 20, 2007 inspection, Erico did not have a hazardous waste contingency plan or personnel training program for hazardous waste management as required by Ohio hazardous waste regulations.

By letter dated October 12, 2007, Erico submitted a list of employees which fill positions that manage hazardous waste at the Erico facility. However, when cross referencing this list against the training sign in sheets for hazardous waste training, Ohio EPA could not locate training documentation for the following employees:

Tom Soltez HazWaste Associate

Sally Taylor HazWaste Associate

Furthermore, a copy of the job title and description for the position of Forklift Operator fails to list annual hazardous waste training as part of the training required.

To demonstrate abatement of this violation, please submit, to this office, copies of the documentation regarding the missing training documentation and an amended job title and description for the position of Forklift Operator which includes the required hazardous waste training.

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.

- A. Erico generates an LP wash water and sludge waste stream from a metal parts washing operation. At the time of the March 20, 2007 inspection, Erico was managing this waste stream as non-hazardous and shipping it off-site to Vexor Technologies (Vexor). Analytical data submitted by Erico with the June 4, 2007 response to Ohio EPA's April 18, 2007 NOV letter reveals this waste stream is characteristically hazardous for lead (D008). Therefore, Ohio EPA has determined that Erico failed to properly characterize the LP wash water and sludge waste to determine if it was a hazardous waste.

To demonstrate abatement of this violation, please see below.

- B. Erico generates a water soluble coolant waste from their metal machining operations. At the time of the March 20, 2007 inspection, Erico was managing this waste stream as non-hazardous and shipping it off-site in to Vexor Technologies (Vexor). Analytical data submitted by Erico in response to Ohio EPA's NOV letter reveals this waste to be characteristically hazardous for lead (D008). Therefore, Ohio EPA has determined that Erico failed to properly characterize the coolant waste to determine if it was a hazardous waste.

By letter dated October 12, 2007, Erico submitted information and documentation regarding the LP washwater/sludge, and coolant waste generation and management. However, Ohio EPA is not clear on how the coolant waste is managed. At the time of the March 2007 inspection, Erico was handling the coolant waste in separate containers. Waste characterization information (waste profile #CH254418) supplied by Clean Harbors and submitted to this office describes the waste as LP washwater/Sludge and Coolant. Yet, the process generating the waste is described as "parts washer to remove oil from parts using a water soluble cleaner". It is unclear how the coolant is generated or if it is managed as a separate waste stream.

To demonstrate abatement of this violation, please submit information regarding the generation and shipping offsite of the coolant and if it is managed in separate containers or bulked together with the LP washwater/sludge waste.

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.

ERICO INTERNATIONAL, INC.  
MARCH 21, 2008  
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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,

A handwritten signature in black ink, appearing to read "Suzanne Prusnek". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

Suzanne Prusnek  
Environmental Specialist  
Division of Hazardous Waste Management

SP:ddw

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