



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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

October 3, 2007

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

**RE: ERICO PRODUCTS, INC., OHD037288875, CUYAHOGA COUNTY, RCRA/CESQG
COMPLIANCE EVALUATION INSPECTION, PARTIAL RETURN TO COMPLIANCE**

Dear Ms. Lucia:

Thank you for your June 15, 2007 response to Ohio EPA's April 30, 2007 Notice of Violation (NOV) letter. Erico Products, Inc. (Erico Products) submitted information and documentation including:

- Analytical data and Chain of Custody (COC) for the quench oil decant sludge waste.
- A narrative from the facility, describing the generation and management of the quench oil decant sludge waste.
- A narrative from the facility describing the sampling of the quench oil decant sludge waste by American Testing Company.
- Analytical data and Chain of Custody (COC) for the Tool Room Dust Collector waste.
- A narrative from the facility, describing the generation and management of the Tool Room Dust Collector waste.
- Three (3) photographs of Universal Waste (UW) being accumulated at the facility demonstrating that the UW is being managed in closed, labeled and dated containers.
- A copy of shipping documentation demonstrating that Erico Products shipped two boxes of UW lamps off site for recycling to Emerald Environmental Services on April 16, 2007.
- A statement from the facility indicating that training for employees who manage UW will be trained in July and documentation regarding the training will be submitted to this office.

- Three (3) photographs documenting the management of the containers of used oil and demonstrating that the containers have been labeled with the words "Used Oil".
- Documentation and information regarding American Ultra Specialties, the company that currently recycles the spent quench oil, demonstrating that the transporter has a US EPA ID number.
- A discussion regarding Erico Products WWTU upgrade and the ongoing efforts to amend the current PTI.

My review of this documentation reveals that Erico Products has adequately demonstrated abatement of the following hazardous waste violations cited in Ohio EPA's April 30, 2007 NOV letter:

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

OAC Rule 3745-52-11 Hazardous waste determination

OAC 3745-273-13(D)(1) Universal waste lamp management

OAC 3745-273-14(E) Labeling/markings of universal waste

OAC 3745-273-15(C) Accumulation time limits for universal waste

OAC 3745-273-15(A) Accumulation time limits for universal waste

Erico Products remains in violation of the following hazardous waste regulations until the facility submits documentation adequately demonstrating abatement.

1. **OAC 3745-273-16 Employee Training for Small Quantity handlers of universal waste:** *A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste. The information shall describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.*

At the time of the March 22, 2007 inspection, Ohio EPA observed that Erico Products employees responsible for the management of universal waste lamps had not received training in proper universal waste management.

Erico Products must develop a written protocol for the proper management of UW managed at the facility. Employees who manage UW must be trained in this protocol. After receiving said training, employees must sign the written protocol acknowledging the receipt of training on this topic and a copy must be submitted to this office. Guidance regarding proper universal waste management can be found on-line at:
http://www.epa.state.oh.us/dhwm/pdf/New_Universal_Waste_Guidance.pdf

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By letter dated June 15, 2007 Erico Products stated that the facility anticipated having the UW training completed in July and the documentation regarding said training would be submitted to this office. To date, Ohio EPA has not received the training documentation for employees involved in UW management at the Erico Products facility.

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.

Failure to list specific deficiencies in this communication does not relieve Erico Products from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve Erico Products 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: Natalie Oryshkewych, DHWM, NEDO, OEPA