



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Road
Twinsburg, OH 44087-1924

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Laura H. Powell, Acting Director

CERTIFIED MAIL

January 29, 2007

Norbert B. Boyk
Environmental Health & Safety Director
ESCO Turbine Technologies
34000 Lakeland Blvd.
Eastlake, OH 44095

RE: ESCO TURBINE TECHNOLOGIES, OHD098912934, LAKE COUNTY, PRTC

Dear Mr. Boyk:

On January 23, 2007, I received ESCO Turbine Technologies (ESCO's) response (dated January 19, 2007) to Ohio EPA's December 20, 2006 NOV/PRTC letter. The following is the status of the previously cited, unabated violations:

1. ORC §37434.02(E)&(F), Unlawful Storage of Hazardous Waste: As previously requested, ESCO must provide instruction to all affected employees on the proper evaluation, management and disposal of hazardous waste. **This instruction must be included as part of the facility's personnel training program required under OAC rule 3745-65-16 (see violation five).**

3. OAC rule 3745-52-41(A)(5), Annual Report: ESCO failed to include all hazardous waste that was generated and shipped off-site on previously submitted Annual Hazardous Waste Reports. **This violation will remain unabated until ESCO amends the previously submitted Annual Hazardous Waste Reports to include all hazardous waste that was generated and shipped off-site.** The amended reports must be submitted to Ohio EPA, DHWM in Columbus, Ohio. Additionally, please send a copy of the amended reports to my attention.

5. Personnel Training, OAC rule 3745-65-16(A)(1-3), (B), (C), & (D)(1-4): ESCO failed to meet the following requirements of this rule:
 - A. OAC rules 3745-65-16(A)(1-3),
 - B. OAC rule 3745-65-16(B),
 - C. OAC rule 3745-65-16(C), and
 - D. OAC rules 3745-65-16(D)(1-4).

These violations will remain unabated until ESCO provides personnel training to all required employees and submits the following documentation:

- **A copy or description of the training topics provided to each employee relevant to hazardous waste management and emergency preparedness activities,**
- **A copy of the sign-in sheets documenting the date(s) when training was provided to each employee, and**
- **The personnel training documents and records required by OAC rule 3745-65-16(D)(1-4).**

ESCO's January 19, 2007 response did not include the required information identified above. Please refer to Attachment A for a specific list of deficiencies. Additionally, I have included a copy of OAC rule 3745-65-16 for your information.

6. OAC rule 3745-65-32(C), Required Equipment: ESCO's January 19, 2007 response indicated that PPE was included in the spill control equipment cabinet located on the west side of the facility. **Based upon ESCO's response, this violation has been adequately abated. No further information is requested.**
7. OAC rule 3745-65-33, Testing and Maintenance of Emergency Equipment: ESCO's January 19, 2007 response included a completed inspection log for emergency equipment. **Based upon submitted documentation, ESCO has adequately abated this violation. No further information is requested.**
8. OAC rule 3745-65-52(D)&(E), Content of Contingency Plan:
 - A. OAC rule 3745-65-52(D): ESCO's January 19, 2007 response included a revised contingency plan that specified the addresses and phone numbers of all persons qualified to act as an emergency coordinator. **No further information is requested to abate OAC rule 3745-65-52(D).**
 - B. OAC rule 3745-65-52(E): ESCO's January 19, 2007 response included a revised contingency plan that did not specify the location of all emergency equipment (i.e., fire extinguishing equipment, communication systems, personal protective equipment, and spill control/decontamination equipment) maintained at the facility. ESCO may wish to consider identifying the location of the emergency equipment on a facility map. **This violation will remain unabated until ESCO submits a contingency plan that meets all of the requirements of OAC rule 3745-65-52.**

9. OAC rule 3745-65-53(B), Copies of Contingency Plan: **This violation will remain unabated until ESCO develops a contingency plan in compliance with OAC rule 3745-65-52 and submits documentation (e.g., copy of cover letter or certified mail receipt) that the plan was distributed to emergency authorities as required by OAC rule 3745-65-53(B).**

11. OAC rule 3745-270-07(A)(2)&(7), LDR Requirements:

A.1. OAC rule 3745-270-07(A)(2): Since the spent Hydrochloric acid was not adequately evaluated pursuant to OAC rule 3745-52-11, ESCO failed to identify all EPA hazardous waste numbers and underlying hazardous constituents (UHCs) on the corresponding land disposal restriction (LDR) notification form.

Previous analytical results dated May 9, 2003 and August 31, 2006 indicated the spent acid exceeded the characteristic regulatory levels found in OAC rule 3745-51-24 for cadmium (D006) and chromium (D007). Additionally, the results indicated that nickel was a UHC.

On December 1 and 18, 2006, ESCO submitted analytical results for the spent acid. Upon review of the December 18 submittal (laboratory analytical report dated December 15, 2006), the acid waste exceeded the characteristic regulatory levels for chromium (D007) and mercury (D009). Additionally, the results indicated that lead was a UHC.

ESCO's January 19, 2007 response indicated that a new waste profile was submitted to the facility's current disposal facility. However, no LDR was included in ESCO's response. **This violation will remain unabated until ESCO submits a copy of the LDR notification form for the spent Hydrochloric acid in compliance with this rule.**

12. OAC rule 3745-52-11, Waste Evaluation
13. OAC rule 3745-52-20, Manifest Requirements
14. OAC rule 3745-52-31 & OAC rule 3745-52-32, Labeling and Marking Requirements
15. OAC rule 3745-270-07, LDR Requirements

Violations 12 through 15 will remain unabated until ESCO provides instruction to all affected employees on the proper evaluation, management, and disposal of hazardous waste. This instruction must be included as part of the facility's personnel training program required under OAC rule 3745-65-16 (see violation five). ESCO must address the aforementioned violations and submit documentation concerning the training provided to all affected employees.

ESCO TURBINE TECHNOLOGIES
JANUARY 29, 2007
PAGE - 4 -

16. OAC rule 3745-52-20, Manifest Requirements
17. OAC rule 3745-270-07(A)(2), LDR Requirements

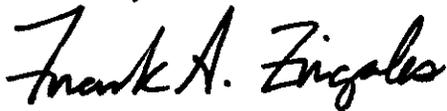
ESCO's January 19, 2007 response included a manifest and LDR for the November 11, 2006 shipment of spent parts washer solvent. **Based upon submitted documentation, ESCO has adequately abated violations 16 and 17. No further information is requested.**

ESCO's January 19, 2007 response included information to address Ohio EPA's concerns/comments numbers four, five and six. **No further information is requested.**

The above violations must be immediately addressed and all of the above requested documentation must be submitted to my attention at the Ohio EPA within 14 days of receipt of this letter.

Should you have any questions, please contact me at (330) 963-1108.

Sincerely,



Frank A. Zingales
Environmental Specialist
Division of Hazardous Waste Management

FAZ:ddw

cc: Natalie Oryshkewych, NEDO, DHWM
Todd Anderson, CO, Legal
Jim Kavalec, CO, DHWM

Attachment A
Personnel Training Program Deficiencies

Personnel training does not appear to have been provided to the following employees:

- ▶ Eric Lecy, Jess Fisher, Allen Reid, Ralph Baker, Tom Fudge, Charlotte Randall, L.C. Gray and Tim Kubasky. These individuals are specified as either Primary Emergency Coordinators or Alternate Emergency Coordinators in the facility's contingency plan.
- ▶ Employee(s) managing hazardous waste in the Acid-Etch Area.
- ▶ Employee(s) conducting inspections of hazardous waste containers and related emergency equipment.

Information required by OAC rule 3745-65-16(D)(1-3) was not provided for the following employees:

- ▶ Eric Lecy, Jess Fisher, Allen Reid, Scottie Lakes, Nobby Boyk, Ralph Baker, Tom Fudge, Charlotte Randall, L.C. Gray and Tim Kubasky. These individuals are specified as either Primary Emergency Coordinators or Alternate Emergency Coordinators in the facility's contingency plan.
- ▶ Brian Brown, Willie Calloway, Kenneth Cruz, Mike Dudash, John Karwoski, Elis Memic, Scottie Lakes, Walter Miller and Nobby Boyk. These individuals received hazardous waste training on January 12, 2007. No other information was provided.
- ▶ Employee(s) managing hazardous waste in the Acid-Etch Area.
- ▶ Employee(s) conducting inspections of hazardous waste containers and related emergency equipment.

The aforementioned comments are being provided to ESCO to assist in the development of the required personnel training program (OAC rule 3745-65-16). ESCO must review it's facility operations to identify all individuals involved in hazardous waste management and related emergency preparedness activities. These individuals must meet the personnel training requirements found in OAC rule 3745-65-16.

OAC rule 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 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 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 & 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 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.